SENATE—*Wednesday, March 7, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

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

Gracious Father, we need You. It is not for some specific blessing we ask but for the greatest of all blessings, the one from which all others flow. We dare to ask You for a renewal of the wonderful friendship that makes the conversation we call prayer a natural give-and-take, a divine dialog. In this sacred moment, we open ourselves to receive this gift of divine companionship with You. Why is it that we are so amazed that You know us better than we know ourselves? Show us what we need to ask of You so that You can demonstrate Your generosity once again.

Open our minds so that we may see ourselves, our relationships, our work, the Senate, and our Nation from Your perspective. Reveal to us Your priorities, Your plan. We spread out before You our problems and perplexities. Help us to listen attentively to the answers that You will give. We ask You to be our unseen but undeniable Friend. Place Your hand on our shoulders at our desks, in meetings, and especially here in this historic Chamber. May our communion with You go deeper as the day unfolds. This is the day You have made; we will rejoice and be glad in it.—Psalm 118:24. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 7, 2001.

To the Senate:

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

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

SCHEDULE

Mr. NICKLES. Mr. President, today the Senate will be in a period for morning business until 11:30 a.m. Following morning business, the Senate will resume consideration of the Bankruptcy Reform Act. Amendments to the bill will be offered during today's session. Those Members with amendments should work with the bill managers in an effort to finish the bill in a timely manner. Senators will be notified as votes are scheduled. I thank my colleagues for their cooperation.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I want to direct a question to the assistant majority leader. There is an important mission this week to Colombia. There are a number of Senators and a number of Members from the House traveling to Colombia. I ask that the majority leader give us some indication as to how he can work with us regarding tomorrow afternoon. They want to leave sometime tomorrow afternoon, if possible. We may have the ability, because of all the many amendments being talked about to be offered, to debate a number of these tomorrow, maybe even Friday. If that is not possible, the Senators want to know so they can rearrange their travel plans.

Mr. NICKLES. I appreciate the comments of my colleague and friend. We want to be cooperative with Members on both sides. We also want to finish the bankruptcy bill. I will work with the Senator from Nevada to see if we can coordinate schedules and amendments and bring the bill to a close in the not too distant future and also facilitate the trip to Colombia which is an important trip as well.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Before the Chair recognizes the Senator from New York, the Chair will state what the order of events will be this morning.

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 extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes.

Under the previous order, the Senator from New York, Mrs. CLINTON, is recognized to speak for up to 15 minutes.

Mrs. CLINTON. I thank the Chair.

(The remarks of Mrs. CLINTON pertaining to the introduction of S. 476 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BIDEN. I ask unanimous consent to proceed in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Delaware, Mr. BIDEN, is recognized to speak up to 15 minutes.

NORTH KOREA

Mr. BIDEN. Mr. President, I rise today to talk about the situation in North Korea. Today President Kim Dae-jung of South Korea is meeting with President Bush as part of his official state visit. His visit occurs against a hopeful backdrop of the third round of family reunions on the divided Korean peninsula. Fathers are greeting their grownup sons; sisters are hugging their sisters they haven't seen for a generation. Grandmothers are meeting their grandchildren who they have never met.

Tomorrow the distinguished chairman of the Senate Foreign Affairs Committee and I will host the President of South Korea for coffee here on Capitol Hill. Kim's visit will give us a chance to renew the close bonds forged in blood in the common struggle against the forces of oppression which unite our people in the United States and South Korea.

I rise today to talk a little bit about the Korean peninsula and the important role the United States can play in concert with our South Korean allies and other friends to help build lasting peace on that peninsula.

Yesterday the New York Times published an article by veteran defense correspondent Michael Gordon which suggests that a missile deal with North Korea may have been within reach last year. As fascinating as this rendition of events was and as fascinating as the policies were, we now have a new President. The failure or the judgment to not proceed with negotiations into the month of January of this year on the part of the new President is in fact at this moment irrelevant. We have a new President and a new administration. The question squarely now is not whether President Clinton should have gone to North Korea; the question is whether this administration, the Bush administration, is going to build on the progress made over the past 5 years since we narrowly averted a nuclear showdown on the Korean peninsula.

I was pleased to see Secretary of State Powell quoted in a Washington Post article today, suggesting this administration was going to pursue the possibilities of a better relationship with North Korea and was going to leave nothing on the table. I was slightly dismayed to read of an informed source in the administration who chose not to be identified, demonstrating a great deal more of what seemed to me in the article to be not only skepticism, which I share about the intentions of North Korea, but unwillingness to pursue vigorously the possibilities of further negotiations. Hopefully, I am misreading that unidentified highly placed administration official.

In my view, there is only one correct answer and that is the one Secretary Powell has indicated today. For it would be irresponsible not to explore to discover whether North Korea is prepared to abandon its pursuit of long-range missiles in response to a serious proposal from the United States, our friends, and our allies.

North Korea confronts the United States with a number of security challenges. North Korea maintains a huge army of more than 1 million men and women in uniform, about 5 percent of its entire population. Many of that army are poised on the South Korean border. The threat that North Korea opposes extends well beyond the Korean peninsula. Its Nodong missile can not only strike all of South Korea but can also threaten our ally, Japan. North Korea sells those same missiles to anyone who has the cash to buy them. North Korean missile exports to Iran and Pakistan have guaranteed, unfortunately, that any future war in the Middle East or South Asia will be even more dangerous and more destructive than past conflicts in that region.

North Korean missiles and the very real concern that North Korea might even build longer range missiles capable of striking the United States are a driving force behind our plans to build a national missile defense system.

If we can remove that threat, that is, the threat from North Korea long-range missile possibility, the impact will be huge, not only on the security of Northeast Asia but also on our own defense strategy as we debate how best to deal with our vulnerability to weapons of mass destruction.

For most of the past 50 years, U.S. soldiers of the 2d Infantry Division have looked north from their positions along the DMV at North Korean adversaries that appeared unchanging—a hermit kingdom, locked in a Stalinist time warp. Indeed, 2 or 3 years ago if I had spoken to the American people about landmines, the 38th parallel, and the armies of North and South Korea, it would have been to discuss the latest northern incursion along what remains the most heavily armed border in the world. The troops of the 2d Infantry Division are still standing shoulder to shoulder with our South Korean allies. The landmines are still there. And much of the tension along the DMZ remains unabated, at least for now.

But maybe, just maybe, things are beginning to change.

The United States should end our ''prevent defense'' and go on the offensive to advance our vital interests—particularly the dismantlement of North Korea's long-range missile program. Now is not the time for lengthy policy reviews or foot-dragging on existing commitments. Now is the time to forge ahead and test North Korea's commitment to peace.

A few weeks ago what had been unthinkable—the opening of direct rail transport across the DMZ—became a near term achievable objective. The militaries of North and South Korea will soon begin to reconstruct the rail links connecting Seoul not only to Pyongyang, but also to China, Russia, and Western Europe.

I remember vividly the moment when the people of East and West Berlin decided to tear down the Berlin Wall.

The Berlin Wall had become a true anachronism: a graffiti-strewn relic of a morally, politically, and economically bankrupt Soviet regime. Once the East German people had torn down the ideological walls in their own minds, tearing down the concrete was a piece of cake.

The people of North and South Korea are not there yet. But the walls are under siege. The establishment of direct rail links will represent a major breach in the walls of fear, insecurity, and isolation which have built up over the past 50 years.

Last October, I spoke to this body about testing North Korea's willingness to abandon its pursuit of weapons of mass destruction. At that time, I pointed to some of the hopeful signs that North Korea was interested in improving its relations with its neighbors—a missile launch moratorium now more than 2 years old, summit meetings with South Korea, Russia, and China, and the first tentative steps toward economic reform.

I attributed these North Korean actions to the ''Sunshine Policy'' crafted by South Korean President Kim Dae-jung, and to the hard-headed engagement strategy implemented by former Secretary of Defense William Perry on behalf of the Clinton administration.

Since last fall, evidence has mounted steadily that North Korea's leader Kim Jong-il has indeed decided that nothing short of a major overhaul of his economic system and diplomatic relations is likely to pull his country back from the brink of starvation and economic collapse.

In addition to the progress on rail links, here are some of the other recent developments:

North Korea has expanded cooperation to search for the remains of Americans missing in action from the Korean war. Uniformed U.S. military personnel are working along side their North Korean counterparts, searching the rice paddies, often in remote areas, in an effort to solve 50-year-old mysteries.

The North has continued modest steps to allow family reunions across the DMZ, exposing people from the North to the quality of life enjoyed by their brothers and sisters in the South. More than 300 families have enjoyed reunion visits, and more are scheduled.

The North has toned down its customary harsh rhetoric about the U.S. and South Korea, substituting a steady diet of editorials outlining the North's plans to make economic revitalization its top priority.

North Korea for the first time last November opened its food distribution system to South Korean inspection and also provided a detailed accounting of food aid distribution.

North and South Korea have held defense talks at both the ministerial level and subsequently at the working level, and have agreed, at the urging of South Korea, to improve military to military communications. This is the first step toward confidence building measures that can reduce the likelihood that a relatively minor incident along the DMZ might escalate into war.

North and South have established an economic cooperation panel and launched a joint study of North Korea's energy needs.

North and South Korean flood control experts met last month in Pyongyang for talks on cooperation in efforts along the Imjin River, which crosses the border between the two countries.

The North Koreans have dispatched a team of financial experts to Washington to examine what it would take for North Korea to earn support from international financial institutions once it has taken the steps necessary to satisfy U.S. anti-terrorism laws.

And, as I mentioned above, the North has not test-fired a missile for more than 2½ years, and has pledged not to do so while negotiations with the United States on the North's missile program continue.

Five years ago when people spoke of ''North Korean offensives,'' they were referring to the threat of a North Korean assault across the DMZ.

Today, Kim Jong-il is mounting an offensive, but it is a diplomatic and economic offensive, not a military one. Over the past 12 months, North Korea has established diplomatic relations with almost all of the nations of Western Europe. Planning is underway for an unprecedented trip by Kim Jong-il to Seoul to meet with President Kim Dae-jung later this year.

Finally, Kim Jong-il has publicly embraced China's model of economic reform. His celebrated January visit to Shanghai and his open praise of Chinese economic reforms indicates that Kim is driving North Korea toward a future in which it would be more closely integrated economically and politically to the rest of East Asia and the world.

What are we to make of all of this? How should we respond?

I want to be clear about why I find these developments so promising. I am not a fan of Kim Jong-il. No one should think that his motives are noble or humanitarian.

Over the years, Kim Jong-il has shown himself willing to go to any length—including state-sponsored terrorism—to preserve his regime.

I have no reason to believe he has abandoned his love of dictatorship in favor of constitutional democracy. Far from it.

Kim Jong-il is betting that he can emerge from a process of change at the head of a North Korean society that is more prosperous, stable, and militarily capable than it is today, but still a dictatorship.

But frankly, the reasons why Kim Jong-il is pursuing economic reform and diplomatic opening are not as important as the steps he will have to take along the way.

If North Korea's opening is to succeed, the North will have to address many of the fundamentals which make it so threatening—especially the gross distortion of its domestic spending priorities in favor of the military. The North cannot revitalize its economy while spending 25 percent of its gross domestic product on weaponry.

The North cannot obtain meaningful, sustained foreign investment without addressing the lack of transparency in its economy as well as the absence of laws and institutions to protect investors and facilitate international trade.

North Korea's pursuit of economic reform and diplomatic opening presents the United States with a golden opportunity, if we are wise enough to seize it.

We should welcome the emergence of North Korea from its shell not because North Korea's motives are benign, but because we have a chance, in concert with our allies, to shape its transformation into a less threatening country.

If we play our cards right, North Korea's opening can lead to a less authoritarian regime that is more respectful of international norms—all without any shots being fired in anger.

I point out, a number of old Communist dictators had thought they could move in an easy transition from the Communist regime that has clearly failed to a market economy, or integration with the rest of the world, and still maintain their power.

None, none—none has succeeded thus far. I believe it is an oxymoron to suggest that North Korea can emerge and become an engaged partner in world trade without having to fundamentally change itself and in the process, I believe, end up a country very different from what we have now.

I am delighted that Secretary Powell has expressed his support for this hard-headed brand of engagement with North Korea. As he testified before the Senate Foreign Relations Committee last month:

> We are open to a continued process of engagement with the North so long as it addresses political, economic, and security concerns, is reciprocal, and does not come at the expense of our alliance relationships.

This is precisely the kind of engagement I have in mind. I think we should get on with it.

North Korea knows that under our nonproliferation laws it cannot gain unfettered access to trade, investment, and technology without first halting its development and export of long-range ballistic missile technology and submitting its nuclear program to full-scope safeguards under the auspices of the International Atomic Energy Agency.

North Korea knows it won't get World Bank loans as long as it remains on our list of nations that condone international terrorism or provide sanctuary for terrorists. In order to get off that list, North Korea must end all support for terrorist organizations and must cooperate fully with the Japanese government to resolve the question of Japanese citizens abducted from Japan—some more than 20 years ago.

In other words, Mr. President, if North Korea is to turn around its moribund economy and fully normalize relations with its neighbors, it will have to take steps which are demonstrably in our national interest and in the national interests of our allies.

We should do everything in our power to ensure that North Korea does not diverge from the path it is now on.

Specifically, we should continue to provide generous humanitarian relief to starving North Korean children. Nothing about the situation on the peninsula will be improved by the suffering of North Korean children racked by hunger and disease.

We should continue to abide by the terms of the Agreed Framework, so long as North Korea does the same. We should not unilaterally start moving the goal posts. The Agreed Framework has effectively capped the North's ability to produce fissile material with which to construct nuclear weapons. Under the terms of Agreed Framework, North Korea placed its nuclear program under International Atomic Energy Agency safeguards and halted work on two unfinished heavy water nuclear reactors in exchange for the promise of proliferation-resistant light water nuclear reactors and heavy fuel oil deliveries for electric power generation. Without the Agreed Framework, North Korea might already have sufficient fissile material with which to construct dozens of nuclear bombs.

MISSILE AGREEMENT POSSIBLE—PATIENCE REQUIRED

Finally, Mr. President, we should engage North Korea in a serious diplomatic effort aimed at an iron-clad agreement to end forever the North's pursuit of long range missiles.

In discussions with U.S., Russian, and Chinese officials, North Korea has signaled its willingness to give up the export, and possibly the development, of long-range missiles, in response to the right package of incentives. Such an agreement would remove a direct North Korean threat to the region and improve prospects for North-South reconciliation. It would also remove a major source of missiles and missile technology for countries such as Iran.

Getting an agreement will not be easy, but it helps a lot that we are not the only country which would benefit from the dismantlement of North Korea's missile program. Our allies South Korea and Japan, our European allies who already provide financial support for the Agreed Framework, the Chinese, the Russians, all share a desire to see North Korea devote its meager resources to food, not rockets. The only countries which want to see North Korea building missiles are its disreputable customers.

A tough, verifiable agreement to eliminate the North's long-range missile threat might be possible in exchange for reasonable U.S. assistance that would help North Korea feed itself and help convert missile plants to peaceful manufacturing.

Some people are impatient for change in North Korea. They want to adopt a more confrontational approach, including rushing ahead to deploy an unproven, hugely expensive, and potentially destabilizing national missile defense system.

I understand their frustration and share their desire for action against the threat of North Korean ballistic missiles.

But foreclosing diplomatic options by rushing to deploy NMD is not the right antidote. Sure, a limited ground-based national missile defense might someday be capable of shooting down a handful of North Korean missiles aimed at Los Angeles, but it will do nothing to defend our Asian allies from a North Korean missile attack.

Nor will it defend us from a nuclear bomb smuggled into the country aboard a fishing trawler or a biological toxin released into our water supply. NMD will not defend U.S. forces on Okinawa or elsewhere in the Pacific theater. It will do nothing to prevent North Korea from wielding weapons of mass destruction against Seoul, much of which is actually within artillery range of North Korea.

Moreover, a rush to deploy an unproven national missile defense, particularly absent a meaningful strategic dialog with China, could jeopardize the cooperative role China has played in recent years on the Korean Peninsula. Given our common interest in preventing North Korea from becoming a nuclear weapons power, the United States and China should work in concert, not at cross purposes.

OPENING NORTH KOREAN EYES

North Korea's opening has given the North Korean people a fresh look at the outside world—like a gopher coming out of its hole—with consequences which could be profound over the long haul. Hundreds of foreigners are in North Korea today, compared with a handful just a few years ago.

Foreigners increasingly are free to travel widely in the country and talk to average North Koreans without government interference. North Korea has even begun to issue tourist visas. The presence of foreigners in North Korea is gradually changing North Korean attitudes about South Korea and the West.

One American with a long history of working in North Korea illustrated the change underway by describing an impromptu encounter he had recently.

While he was out on an unescorted morning walk, a North Korean woman approached him and said, ''You're not a Russian, are you? You're a Miguk Nom aren't you?''

Her expression translates roughly into ''You're an American imperialist bastard, eh?''

The American replied good-naturedly, ''Yes, I am an American imperialist bastard.''

To which the woman replied quite sincerely, ''Thanks very much for the food aid!''

Another American, a State Department official accompanying a World Food Program inspection team, noted that hundreds of people along the road waved and smiled, and in the case of soldiers, saluted, as the convoy passed.

He also reports that many of 80 million woven nylon bags used to distribute grain and emblazoned with the letters ''U.S.A.'' are being recycled by North Koreans for use as everything from back-packs to rain coats. These North Koreans become walking billboards of American aid and generosity of spirit.

North Korea is just one critical challenge in a region of enormous importance to us. We cannot separate our policy there from our overall approach in East Asia.

We cannot hope that decisions we make about national missile defense, Taiwan policy, or support for democracy and rule of law in China will be of no consequence to developments on the Korean Peninsula. To the contrary, we need to think holistically and comprehensively about East Asia policy.

Our interests are vast. Roughly one-third of the world's population resides in East Asia. In my lifetime, East Asia has gone from less than 3 percent of the world GDP in 1950 to roughly 25 percent today.

Four of our 10 largest trading partners—Japan, China, Taiwan, and South Korea, are in East Asia.

Each of those trading partners is also one of the world's top ten economies as measured by gross domestic product. China, Japan, and South Korea together hold more than $700 billion in hard currency reserves—half of the world's total.

East Asia is a region of economic dynamism. Last year Singapore, Hong Kong, and South Korea grew by more than 10 percent, shaking off the East Asian financial crisis and resuming their characteristic vitality. U.S. exports to the region have grown dramatically in recent years. U.S. exports to Southeast Asia, for instance, surpass our exports to Germany and are double our exports to France. U.S. direct investment in East Asia now tops $150 billion, and has tripled over the past decade.

And of course these are just a few of the raw economic realities which underscore East Asia's importance. The United States has important humanitarian, environmental, energy, and security interests throughout the region.

We have an obligation, it seems to me, not to drop the ball. We have a vital interest in maintaining peace and stability in East Asia. We have good friends and allies—like President Kim Dae Jung of South Korea—who stand ready to work with us toward that goal. It is vital that we not drop the ball; miss an opportunity to end North Korea's deadly and destabilizing pursuit of long range missiles. I don't know that an agreement can be reached. In the end North Korea may prove too intransigent, too truculent, for us to reach an accord.

But I hope the Bush administration will listen closely to President Kim today, and work with him to test North Korea's commitment to peace. We should stay the course on an engagement policy that has brought the peninsula to the brink, not of war, but of the dawning of a brave new day for all the Korean people.

I yield the floor.

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

THE ISRAELI ELECTION AND ITS AFTERMATH

Mrs. FEINSTEIN. Mr. President, today a new government has been formed in Israel under the leadership of Prime Minister Ariel Sharon, with Shimon Peres as Foreign Minister and the broad-based participation of many across Israel's political spectrum.

I would like to take a few minutes today to share my assessment of the present situation, where things stand, and what this may mean for U.S. policy in the region. I rise today as one who has supported the peace process, believed that a peace agreement was possible, and who has worked in the Senate, along with many of my colleagues, to see that the United States played an active role in helping Israel and the Palestinians seek peace.

Prime Minister Ehud Barak was elected two years ago to make peace and to bring about an ''end of the conflict'' with both Syria and the Palestinians. He was elected with a mandate to complete the Oslo process, a goal at the time supported by the majority of the people of Israel.

Over the past two years Prime Minister Barak tried, heroically and energetically, to achieve a comprehensive peace with both parties.

Indeed, it has been said I believe, that Prime Minister Barak went further than any other Israeli Prime Minister in an attempt to reach a comprehensive agreement with the Palestinians which includes:

The creation of a Palestinian state;

Palestinian control of all of Gaza;

Palestinian control of approximately 94 to 95 percent of the West Bank, and territorial compensation for most of the other five percent;

A division of Jerusalem, with Palestinian control over the Arab neighborhoods in East Jerusalem and the possibility of a Palestinian capital in Jerusalem; and

Shared sovereignty arrangements for the Temple Mount.

The issue of Palestinian refugees, was addressed with tens of thousands of Palestinians to be allowed into Israel as part of a family reunification program, and compensation in the tens of billions of dollars provided to other Palestinian refugees as well.

Not only was the Palestinian response to these unprecedented offers ''no,'' but, even as Prime Minister Barak attempted to engage Chairman Yasser Arafat at the negotiation table,

the Palestinians took to a campaign of violence in the streets, and threatened to unilaterally declare an independent Palestinian state:

When the violence began, the Fatah's militia, the Tanzim, fired upon Israelis with submachine guns. The Fatah and the Tanzim have been active in the violence—even encouraging its escalation—to this day;

Chairman Arafat freed a number of Hamas terrorists who instantly turned around and vowed violence against Israel;

The Palestinian media, under the control of the Palestinian Authority, has been used to disseminate inciting material, providing encouragement to damage holy Jewish sites, to kill Israelis, and carry out acts of terror; and,

Palestinian schools were closed down by the Palestinian Authority allowing Palestinian children to participate in the riots and violence.

And in reaction, all too often, Israel, too, has resorted to violence in an effort to protect its security and safeguard the lives of its people.

This new Intifadah has been characterized by a level of hate and violence that, frankly, I did not believe possible in view of the extensive concessions Israel had offered.

And it is clear, I believe, that much of this campaign of violence, this new Intifadah which continues to this day, has been coordinated and planned.

Because I was at the World Economic Forum meeting in Davos two months ago which was also attended by Shimon Peres and Yasser Arafat, I read with great interest Tom Friedman's op-ed in The New York Times 3 weeks ago.

As Mr. Friedman's column reports, when Mr. Peres extended the olive branch to Mr. Arafat at Davos, ''Mr. Arafat torched it.''

I urge all of my colleagues to read Thomas Friedman's op-ed article: ''Sharon, Arafat and Mao,'' which I ask unanimous consent to have printed in the RECORD.

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

[From the New York Times, Feb. 8, 2001]

SHARON, ARAFAT AND MAO

(By Thomas L. Friedman)

So I'm at the Davos World Economic Forum two weeks ago, and Shimon Peres walks by. One of the reporters with him asks me if I'm going to hear Mr. Peres and Yasir Arafat address the 1,000 global investors and ministers attending Davos. No, I tell him, I have a strict rule, I'm only interested in what Mr. Arafat says to his own people in Arabic. Too bad, says the reporter, because the fix is in. Mr. Peres is going to extend an olive branch to Mr. Arafat, Mr. Arafat is going to do the same back and the whole love fest will get beamed back to Israel to boost the peace process and Ehud Barak's re-election. Good, I'll catch it on TV, I said.

Well, Mr Peres did extend the olive branch, as planned, but Mr. Arafat torched it. Reading in Arabic from a prepared text, Mr. Arafat denounced Israel for its ''fascist military aggression'' and ''colonialist armed expansionism,'' and its policies of ''murder, persecution, assassination, destruction and devastation.''

Mr. Arafat's performance at Davos was a seminal event, and is critical for understanding Ariel Sharon's landslide election. What was Mr. Arafat saying by this speech, with Mr. Peres sitting by his side? First, he was saying that there is no difference between Mr. Barak and Mr. Sharon. Because giving such a speech on the eve of the Israeli election, in the wake of an 11th-hour Barak bid to conclude a final deal with the Palestinians in Taba, made Mr. Barak's far-reaching offer to Mr. Arafat look silly. Moreover, Mr. Arafat was saying that there is no difference between Mr. Peres and Mr. Sharon, because giving such a speech just after the warm words of Mr. Peres made Mr. Peres look like a dupe, as all the Israeli papers reported. Finally, at a time when Palestinians are starving for work, Mr. Arafat's subliminal message to the global investors was: Stay away.

That's why the press is asking exactly the wrong question about the Sharon election. They're asking, who is Ariel Sharon? The real question is, who is Yasir Arafat? The press keeps asking: Will Mr. Sharon become another Charles de Gaulle, the hard-line general who pulled the French Army out of Algeria? Or will he be Richard Nixon, the anti-Communist who made peace with Communist China? Such questions totally miss the point.

Why? Because Israel just had its de Gaulle. His name was Ehud Barak. Mr. Barak was Israel's most decorated soldier. He abstained in the cabinet vote over the Oslo II peace accords. But once in office he changed 180 degrees. He offered Mr. Arafat 94 percent of the West Bank for a Palestinian state, plus territorial compensation for most of the other 6 percent, plus half of Jerusalem, plus restitution and resettlement in Palestine for Palestinian refugees. And Mr. Arafat not only said no to all this, but described Israel as ''fascist'' as Mr. Barak struggled for re-election. It would be as though de Gaulle had offered to withdraw from Algeria and the Algerians said: ''Thank you. You're a fascist. Of course we'll take all of Algeria, but we won't stop this conflict until we get Bordeaux, Marseilles and Nice as well.''

If the Palestinians don't care who Ariel Sharon is, why should we? If Mr. Arafat wanted an Israeli leader who would not force him to make big decisions, which he is incapable of making, why should we ask whether Mr. Sharon is going to be de Gaulle and make him a big offer? What good is it for Israel to have a Nixon if the Palestinians have no Mao?

The Olso peace process was about a test. It was about testing whether Israel had a Palestinian partner for a secure and final peace. It was a test that Israel could afford, it was a test that the vast majority of Israelis wanted and it was a test Mr. Barak courageously took to the limits of the Israeli political consensus—and beyond. Mr. Arafat squandered that opportunity. Eventually, Palestinians will ask for a makeup exam. And eventually Israelis may want to give it to them, if they again see a chance to get this conflict over with. But who knows what violence and pain will be inflicted in the meantime?

All we know is that for now, the Oslo test is over. That is what a vast majority of Israelis said in this election. So stop asking whether Mr. Sharon will become de Gaulle. That is not why Israelis elected him. They elected him to be Patton. They elected Mr. Sharon because they know exactly who he is, and because seven years of Oslo have taught them exactly who Yasir Arafat is.

Mrs. FEINSTEIN. Mr. President, Mr. Friedman makes a simple but profound point. He writes that many ''are asking exactly the wrong question about the Sharon election. They're asking, who is Ariel Sharon? The real question is, who is Yasser Arafat?''

He continues, ''the press keeps asking: Will Mr. Sharon become another Charles de Gaulle . . . or will he be Richard Nixon, the anti-Communist who made peace with Communist China?''

So we naturally ask the question, will Ariel Sharon reach out to the Palestinians? As Tom Friedman points out, this is exactly the wrong way to look at Ariel Sharon or the recent election.

Why? Because Israel just had its de Gaulle. His name was Ehud Barak. Mr. Barak was Israel's most decorated soldier. He abstained in the cabinet vote over the Oslo II peace accords. But once in office he changed 180 degrees. He offered Mr. Arafat 94 percent of the West Bank for a Palestinian state . . . plus half of Jerusalem . . . and Mr. Arafat not only said no to all this, but described Israel as ''fascist'' as Mr. Barak struggled for re-election.

Mr. Friedman continues to state what has become clear: ''What good is it for Israel to have a Nixon if the Palestinians have no Mao?''

As someone who has been a supporter of the Oslo process from the start, I say this with a great deal of regret. And I wish this were not the case. But we have seen Israel make the offer, an historic offer, only to have it rebuffed. The consequences of this could, in fact, be devastating.

In his victory speech, Prime Minister Sharon called on the Palestinians ''to cast off the path of violence and to return to the path of dialogue'' while acknowledging that ''peace requires painful compromises on both sides.''

Mr. Sharon has said that he favors a long-term interim agreement with the Palestinians since a comprehensive agreement is not now possible because the Palestinians have shown they are not ready to conclude such an agreement.

He has stated that he accepts a demilitarized Palestinian state, is committed to improving the daily lives of the Palestinians, and has reportedly indicated that he does not plan to build new West Bank settlements.

Whatever happens, there can be little doubt that it will have a profound impact on United States strategic interests in the Middle East. And because of that, the United States must remain an interested party in the region.

I believe that it is critical that both parties need to make every effort to end the current cycle of provocation

and reaction, with a special responsibility that is incumbent upon the Palestinian Authority to seek an end to the riots, the terror, the bombings, and the shootings. There must be a ''time out'' on violence before the situation degenerates further into war.

We can all remember the images, from last fall, of the Palestinian child hiding behind his father, caught in the cross-fire, shot to death, and then the images, a few days later, the pictures of the Israeli soldier who was beaten while in custody and thrown out of a second floor window of the police station, to be beaten to death by the mob below.

It is easy to understand how passions can run high, and frustration and fear can drive violence.

But it is also easy to see how these feelings—even these feelings, that are based in legitimate aspiration—can get out of control and lead to ever deeper, and never-ending, cycles of violence.

The Palestinian leadership must make every effort to end this cycle, to quell the attitude of hate that has been fostered among the Palestinian people, and to act to curb the violence, and to convince Israel that they are indeed serious and sincere about pursuing peace.

But until there is evidence that the violence is ending, the United States cannot be productively engaged between the two parties.

If both Israel and the Palestinians can make progress in curbing or ending the violence, the United States can play an important role in helping to shape intermediate confidence-building measures between Israel and the Palestinians. The current environment makes a comprehensive agreement impossible, but proximity gives the Israelis and the Palestinians no choice but to learn to live together. The alternative is clearly war.

And the United States must continue to work together with Israel to strengthen the bilateral relationship, to ensure that Israel has the tools it needs to defend itself, and to enhance security in the region.

There are those who now believe that the Palestinians don't want peace; that, in fact, they want to continue the violence, and force Israel into the sea; to take back Jaffa; to take back Haifa.

There is a segment of the population that believes this is true. But I say, how realistic is this? Can there be any doubt that Israel has the ability to defend itself, and will? Or that should there be an effort to attack Israel, to end this democracy, that the United States would be fully involved? There is no doubt of that.

So the ball is now in the Palestinian court, to show that Palestinians are interested in ending violence and bloodshed. Israel, under Barak, has shown how far it will go to search for peace, much further than I ever thought possible. The concessions offered at Camp David, and after, are testament, I believe, to Israel's desire and commitment for peace. But to seek to force peace in light of hostility and hatred on the streets is neither realistic nor sustainable.

The Sharon election, I believe, can be seen as a referendum on Arafat's actions and policies, and the Palestinian violence, and it must be taken seriously by the Palestinians if the peace process is to ever get back on track.

Just last summer, the 7-year-old peace process seemed on the verge of success, but the chairman walked away from the deal at the last moment.

I hope that someday soon Chairman Arafat will realize the profound disservice that he has done his people, and the people of the world, that he will realize that the framework for peace was on the table, that he will realize that continued violence is not the way to achieve the legitimate aspirations of the Palestinian people, and that continued violence will not gain him or his people additional concessions at the negotiating table.

And I believe that if and when he does realize this, when he takes action to bring the current violence to an end, he will find that Israel remains a partner in the search for peace in the Middle East, with the United States as a facilitator.

Until then, however, the United States must be clear that we continue to stand with Israel, an historic ally and partner in the search for security and peace in the Middle East.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Arkansas.

AGRICULTURE DISASTER ASSISTANCE

Mrs. LINCOLN. Mr. President, I rise today to bring attention to an issue Washington, and the American public, too often take for granted—something that is near and dear to my heart, and a part of my heritage. I am talking about American agriculture. This country needs a wake-up call. Americans believe that their bacon, lettuce, and tomatoes are raised somewhere in the back of the local grocery store. As the daughter of a seventh generation Arkansas farm family, I know where our food supply is produced. It is grown in rural communities by families working from dusk until dawn to make ends meet. Unfortunately, too many in Washington continue to pay lip-service to our Nation's agricultural industry without actually providing them the tools and assistance they need to sustain their way of life.

I recognize the hurt that is evident in our agricultural communities. I know that commodity prices are at record lows and input costs, including fertilizer, energy, and fuel, are at record highs. No corporation in the world could make it today receiving the same prices it received during the Great Depression, yet, we are asking our farmers to do just that.

I am here to enlighten this body on the needs of our agricultural community. And it is my intention to come to the Senate floor often this year to highlight various issues affecting our Nation's farmers and ranchers.

In the interest of fairness, I will give credit where credit is due. In recent years, Congress has recognized that farmers are suffering, and we have delivered emergency assistance to our struggling agricultural community. Arkansas' farmers could not have survived without this help. Nearly 40 percent of net farm income came from direct Government payments during the 2000 crop year. The trouble with this type of ad hoc approach is that farmers and creditors across this country never really know how or when the Government is going to step in and help them.

Many of my farmers are scared to death that the assistance that has been available in the past will be absent this year because the tax cut and other spending programs have a higher priority.

I will highlight my frustration with our Nation's farm policy in the near future, but today I want to bring the Senate's attention to a matter that should have been handled long ago, yet still remains unaddressed. Our farmers need the disaster assistance that Congress provided last Fall. President Clinton signed the FY 2001 Agriculture Appropriations Act on October 28, 2000. Included in this legislation was an estimated $1.6 billion in disaster payments for 2000 crop losses due to weather-related damages. These payments are yet to arrive in the farmer's mailbox. My phone lines are lit up with calls from farmers and bankers asking me when these payments are going to arrive. In the South, our growing season begins earlier than many parts of the country, and our farmers could head to the field right now to begin work on the 2001 crop, if they just had their operating loan. The trouble is, many of them are unable to cash flow a loan for 2001 because they still await USDA assistance to pay off the banker for last year's disaster.

I reference the South's growing season because many of our farm State Senators are from the Midwest, and they may not be hearing the same desperation that I am hearing. Their farmers are in no better shape, but they are not yet trying to put the 2001 crop in the ground. Arkansas farmers have been wringing their hands all winter trying to determine if it is worth it to try one more year. They are literally on the brink of bankruptcy and are weighing whether it is worth exposing themselves to more potential financial loss. These are not bad businessmen. They have survived the agricultural

turmoil of the 1980s because they practice efficient production techniques and are sound managers. They have simply been dealt an unbelievably difficult hand and are trying to figure out how they can stay in the game. Some have already lost the battle. I have heard of more respected Arkansas farmers closing their shop doors and selling the family farm than ever before. Farm auction notifications fill the backs of agricultural publications.

Established, long time farmers are crying for help. A typical example, a farmer from Almyra, Arkansas recently wrote to me asking for help. He has been farming rice and soybeans in southeast Arkansas for almost 30 years. Like many others, he wanted Congress to know that government assistance is vitally needed. He and other farmers would prefer to get their income from the marketplace, but most of all, he just wants to stay in business.

The repercussions of losing people like this good farmer will have a drastic effect on our rural communities. To ignore agriculture's plight is to ignore rural America. Without farmers, the lifeblood of small towns like Almyra, Arkansas will be lost, and I fear never regained.

Around 800 to 1,100 farmers apply for Chapter 12 bankruptcy each year. The average age of the American farmer is getting older every year because young men and women simply do not see a future in agriculture production. I am reminded of a joke that my father used to tell me about the farmer who won the lottery. When a reporter asked him what he was going to do with all that money, he replied ''Farm 'til it's gone!'' Unfortunately, that joke is not too far from the truth these days.

We have a responsibility to provide a better agricultural policy for our nation's producers. As I stated earlier, I will address my specific frustrations with the current farm bill at a later date. Today, I am pleading that the disaster assistance we passed last Fall be delivered to the farmers as soon as possible.

I have written and urged President Bush to expedite this situation. I stressed the importance of quick action on this issue to Secretary Veneman in both private meetings and during her confirmation hearing. I contacted the Office of Management and Budget (OMB) urging them to act promptly on the rules that must be finalized to begin the payment process. For all the farmers listening out there, don't hold your local FSA offices accountable. Their hands are tied just like yours. They await the rules and procedures for disaster assistance distribution just like you do. The responsibility lies right here in Washington, DC. Specifically, OMB, is responsible for finalizing the rules. I'm sure they are working hard to get the ball rolling, but we need action today. Not tomorrow, not next week, but today!

I call upon the Administration to deliver the disaster assistance to the farmers. Congress did its part last fall. It is now imperative that the Administration take care of things on their end. Unfortunately, this situation is nothing new. The last Administration was less than quick about implementing disaster programs as well. But that is no excuse, farmers need the help now. Dotting the ''i's'' and crossing the ''t's'' in the required paper work should not take months to accomplish.

For countless farmers across the nation, I call on the President to please expedite this matter.

I look forward to many further discussions on the Senate floor about the plight of the American farmer.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business, notwithstanding the previous agreement. I thank the chairman of the Budget Committee for his courtesy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, with this agreement, what is the time arrangement after he finishes?

The PRESIDING OFFICER. The Senator from New Mexico was to be recognized at 10:30. He was to be recognized for 10 minutes. Under a unanimous consent request, Senator FEINSTEIN took an additional 5 minutes. If the Senator from New Mexico objects to it, then he will be recognized at 10:30. If he doesn't, the Senator from Wisconsin will be recognized for 10 minutes.

Mr. DOMENICI. I had only 10 minutes in any event, did I not?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. DOMENICI. I ask unanimous consent that I be permitted to object at this point, and I ask unanimous consent that I be permitted to speak for 15 minutes when my time comes.

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

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the distinguished chairman of the Budget Committee.

WEST AFRICA'S CRISIS

Mr. FEINGOLD. Mr. President, I rise today to draw my colleagues attention to the continuing crisis in West Africa, where a deeply disturbing trend has emerged in strong-man politics. In the model emerging in that region, violent regimes hold entire civilian populations hostage in order to win concessions, and even the guise of legitimacy, from the international community.

At the heart of this trend, is Liberian President Charles Taylor. While the Liberian Embassy here and the man himself are currently trying to persuade the world of their good intentions, no one who has followed Africa in recent years should be deceived. Taylor has absolutely no credibility. All reliable reports continue to indicate that he is manipulating the situation in West Africa for personal gain, at the expense of his own Liberian people, the people of Sierra Leone, and now the people of Guinea.

Some of the responsibility for the terrible abuses committed in the region must fall upon his shoulders. I believe that Liberian President Charles Taylor is a war criminal.

Having secured the presidency essentially by convincing the exhausted Liberian people that there would be no peace unless he was elected, he proceeded to provide support for the Revolutionary United Front, Sierra Leone's rebel force perhaps best known for hacking off the limbs of civilian men, women, and children to demonstrate their might, although their large-scale recruitment of child soldiers—a page borrowed from Taylor's book—is also notorious. By funneling diamonds that the rebels mined in Sierra Leone out through Liberia, and providing weapons in exchange, Taylor has profited from terrible bloodshed. And after the capture of RUF leader Foday Sankoh last year, many RUF statements suggested that Taylor was directly in control of the force. The U.N. has found ''overwhelming evidence that Liberia has been actively supporting the RUF at all levels.''

An international sanctions regime has been proposed, but regrettably postponed, at the United Nations. Sanctions are the correct course. And while many fear the impact on the long-suffering Liberian people, the unfortunate truth is that they are living in a state of total economic collapse even without the sanctions, largely because their head of state has no interest in the well being of his citizens.

Mr. President, I raise these issues today because I was in Sierra Leone just a few days ago. Previously, I had traveled in Nigeria, the regional giant in transition. Although I am more convinced than ever before, in the wake of my trip, that Nigeria's leadership must take bold steps to confront that country's difficult resource distribution issues and to hold those guilty of grand corruption accountable for their actions, I came away from my visit to Nigeria more optimistic than I had been when I arrived. From Port Harcourt to Kano, in Lagos and in Abuja, I met with dedicated, talented individuals in civil society and in government, who are absolutely committed to making the most of their historic opportunity to chart the course of a democratic Nigeria.

I also visited Senegal, which is truly an inspirational place. In a neighborhood plagued by horrific violence,

where even the most basic human security is in jeopardy, Senegal is moving in the opposite direction. Last year they experienced a historic and peaceful democratic transition. Senegal continues to be a global leader in AIDS prevention.

Both of these countries—one still consolidating its transition, another forging ahead in its quest for development and concern for the condition of its citizens—affected by the crisis in Sierra Leone, Liberia, and Guinea. The entire region is. Refugees flee from one country to the next, desperately seeking safety. States fear they will be the next target of the syndicate of thugs led by Charles Taylor and personified by the RUF, and for Guinea, this fear has become a reality. Many, most notably Nigeria but also including Senegal, are undertaking serious military initiatives to bolster the peacekeeping forces in Sierra Leone.

Some will ask, why does it matter? Why must we care about the difficult and messy situation of a far-away place. We must care because the destabilization of an entire region will make it all but impossible to pursue a number of U.S. interests, from trade and investment to fighting international crime and drug trade. We must care because, if we do not resist, the model presented by the likes of Charles Taylor will surely be emulated elsewhere in the world. We must care because atrocities like those committed in Sierra Leone are an affront to humanity as a whole. We are something less than what we aspire to be as Americans if we simply turn our heads away as children lose their limbs, families lose their homes, and so many West Africans lose their lives.

What is happening in West Africa is no less shocking and no less despicable than it would be if these atrocities were committed in Europe. The innocent men, women, and children who have borne the brunt of this crisis did nothing wrong, and we must avoid what might be called ignorant fatalism, wherein we throw up our hands and write off the people of Sierra Leone and Liberia and Guinea with some groundless assertion that this is just the way things are in Africa. Africa is not the problem. A series of deliberate acts carried out by forces with a plan that is, at its core, criminal—that is the problem. And these are forces that we can name, and we should. And Mr. President, the leadership of these forces should be held accountable for their actions.

That leads me to the next question—what can we do?

We can help the British, who are working to train the Sierra Leonean Army and whose very presence has done a great deal to stabilize Sierra Leone. Their commitment is admirable; their costs are great. When they need assistance, we should make every effort to provide it.

We can reinforce the democracies in the region, like the countries of Senegal, Ghana, and Mali, to help them pursue their positive, alternative vision for West Africa's future.

We can continue our efforts to bolster the peacekeeping forces in Sierra Leone through Operation Focus Relief, the U.S. program to train and equip seven West African battalions for service in Sierra Leone. And we can urge the UN force in Sierra Leone to develop their capacity to move into the rebel controlled areas, and then to use that capacity assertively.

We can work to avoid the pitfalls of the past. We must not forget that the welfare of the people of Sierra Leone is the responsibility of that beleaguered government. I met with President Kabbah, and with the Attorney General and Foreign Minister. I know that they want to do the right thing. But the point is not about which individuals are holding office. The point is that we must work to enhance the capacity and the integrity of Sierra Leone's government, and it must work on that project feverishly as well. The people of Sierra Leone need basic services, they need to have their security assured, they need opportunities. Ending the war is not enough.

In the same vein, we must not tolerate human rights abuses no matter who is responsible. When militia forces that support the government of Sierra Leone abuse civilians, they should be held accountable for their actions. And we must work to ensure that our involvement in the region is responsible, and collaborate with regional actors to ensure that we monitor the human rights performance of the troops we train and equip. West Africa must break the cycle of violence and impunity, and all forces have a role to play in that effort.

And that leads me to a crucial point, one that is particularly important for this new Administration and for this Congress. We must support the accountability mechanisms being established in the region. There has been consistent, bipartisan support for accountability in the region. The Administration should find the money needed to support the Special Court for Sierra Leone, and it should find it now. And this Congress should commit to contributing to that court in this year and the next.

The Special Court will try only those most responsible for terrible abuses—the very worst actors. Others who have been swept up in the violence will be referred to the Truth and Reconciliation Commission, another entity which deserves international support. The Court and the Commission are two elements of the same strategy to ensure accountability without leaving the rank-and-file no incentive to disarm and demobilize. They are vital to Sierra Leone's future, and they will serve as a crucial signal of a changing tide, and an end to impunity, throughout the region.

Finally, we must join together to isolate Charles Taylor and his cronies and to tell it like it is. There was a time when some believed that he could be part of the solution in West Africa. At this point, we should all know better. And we must speak the truth about the role played by the government of Burkina Faso, the government of Gambia, and the others involved in the arms trade in the region.

Mr. President, these issues do matter. I have looked into the faces of amputees, refugees, widows and widowers and orphans. I have seen the tragic consequences of the near total disruption of a society—the malnourishment, the disillusionment, the desperation. Some people are getting rich as a result of this misery. I have heard the people of neighboring countries speak of their fears for the region's future. I implore this body and this Administration to take the steps I have described. It is in our interest and it is right. And if we fail to do so, I fear that the terrible crisis will only get worse.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 472 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the distinguished Senator from Kansas, Mr. ROBERTS, has the floor.

Mr. ROBERTS. I thank the distinguished Presiding Officer.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 478 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

ENERGY

Mr. THOMAS. Mr. President, I am going to be joined shortly by my friend from Texas. In the meantime, I want to comment for a moment on the statement of the Senator from New Mexico on energy. We need to take a long look at where we are with respect to energy. The Vice President with his working group is putting together a national policy on energy, as are many groups. We have an oil and gas forum, which I cochair. We will be taking a look at

where we want to be on energy and energy production in this country over a period of time.

We have not had an energy policy in the United States, I am sorry to say, for the last 8 years. As a result, we did not look at what the demand was going to be, where the supply was going to be, and, indeed, have found ourselves depending almost 60 percent on imported oil, depending on foreign countries and OPEC to manage that. So we need to take a long look.

I was pleased with what the Senator from New Mexico had to say about diversity. We need not only to take a look at our need to increase domestic production in oil and gas, but we also need to look at diversity, to where we can continue to use coal. You may have noticed on his chart that coal now produces over 50 percent of our electric energy. We need to do some research with respect to air quality so coal becomes even more useful. We need also to look at coal and its enrichment, getting the Btu's out of low-sulfur coal so transportation costs will not be so high.

Nuclear, I am sure, has a role in our future as a very clean and very economical source of electric energy. However, before we do that, we are going to have to solve the question of the storage of nuclear waste, or begin to use it differently, as they do in some other countries, recycling the waste that is there.

We have great opportunities to do these things. We also need, along with this, of course, to take a look at conservation to make sure we are using all the conservation methods available to us. Certainly we are not now. We have to be careful about doing the kinds of things that were done in California, to seek to deregulate part of an industry—in this case electric energy—however keeping caps on the retail part. Obviously, you are going to have increased usage and reduced production, which is the case they have now.

It is really a test for us at this time. One of the issues is going to be the accessibility to public lands. Most of the States where gas and oil is produced in any volume are public land States, where 50 percent to 87 percent of the State belongs to the Federal Government. Much of those lands have been unavailable for exploration and production.

We need to get away from the idea that the multiple use of lands means you are going to ruin the environment or, on the other hand, that we need to do whatever we need to do and we do not care about the environment. Those are not the two choices. The choice we have is to have multiple use of our lands, to preserve the environment and to have access to those lands as well. We can do that, and we have proven that it can, indeed, be done.

That is one of the real challenges before us during this Congress, although, of course, Congress only has a portion of involvement—it is really the private sector that will do most of it.

One of the most encouraging things is Vice President CHENEY and his working group have brought in the other agencies. Too often we think about the Department of Energy being the sole source of involvement with respect to energy, and that is not the case. The Department of the Interior is certainly just as important, in many cases more important regarding where we go, as well as the EPA—all these are a real part of it.

One of the difficulties, of course, in addition to the supply, is the transportation. Whether we have an opportunity to have pipelines to move natural gas from Wyoming to California—a tough job, of course—whether we have a pipeline that economically can move gas from Alaska down to the continental United States, those are some of the things with which we are faced. In the case of California, people were not excited about having electric transmission lines and therefore it was very difficult and time consuming to get the rights-of-way to do these things.

We have to take a look at all of those issues to bring back domestic production and be able to support our economy with electric and other kinds of energy.

It is going to be one of the challenges. The Senator from Alaska, chairman of the Energy and Natural Resources Committee, has introduced a rather broad bill that deals with many parts of the energy problem. I am pleased to be a sponsor of that bill. Obviously, it will create a great deal of debate and discussion because it has all those items in it, but we need to move. We need to have a policy that will encourage production. But I say again, not only should we be looking at production but we should be looking at opportunities to, indeed, conserve and find efficient ways to use it.

THE BUDGET AND TAX RELIEF

Mr. THOMAS. We are going to debate lots of issues. We went on an issue yesterday which was passed. We are going to go to bankruptcy today. We will talk about a lot of issues. But the real issue we need to work towards and keep in mind, it seems to me, is the budget and the tax relief issue we have and that the President has promised and that we, I hope, will be able to support. We will be looking at spending, budgets, taxes, and the size of tax relief. It is going to be one of the most important things we do.

One important aspect of it is the American people are suffering under a record level of taxation, which is 20.6 percent of the gross national product. They deserve some relief. The individual tax burden has doubled from where it was. We really need to take a long look and encourage the private sector that has people who are paying excessive amounts of taxes to have those taxes returned and at the same time pay down the debt and be able to have a budget that pays for the increases we are looking for in education and national security with the military, as well as have some reserves. The President's plan does all of those things. It puts a limit on spending, which we very badly need.

It takes care of paying down the debt. That can be paid down between now and 2011. It has a reserve for the kinds of things that come up unexpectedly and at the same time returns $1.6 trillion in overpaid taxes to those people who in fact have paid the dollars.

We have a lot of important things to look forward to in this Congress. I am glad we are now beginning to get to where we are able to deal with these issues. I think yesterday was an example of that. I am certain we will move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

TAX RELIEF

Mrs. HUTCHISON. Mr. President, I thank my colleague from Wyoming for talking about taxes because I don't think we can talk about tax relief enough. There is no question but that we have the chance of a lifetime to bring tax relief to every working American and also give increased benefits to earned-income tax credit recipients. It is in everyone's best interest that we do this.

I thank my colleague from Wyoming for starting this debate and starting the process of educating everyone about the importance of this tax relief.

Let me say that when we talk about the tax relief package, we really are talking about good stewardship of our tax dollars. We have a projected $5.6 trillion surplus. We have a bright red line between the Social Security surplus and income tax withholding surplus. We are taking half of the $5.6 trillion—roughly $3 trillion—that is in Social Security surplus, and we are going to leave it intact in a lockbox so that Social Security will be totally within itself, solid and firm.

The other half of the $5.6 trillion—the $2.6 trillion or so—is the income tax withholding surplus. That is very different from people who are paying into Social Security and expect that money to go to Social Security. But people who are sending $2.6 trillion in income taxes above and beyond what government reasonably needs to operate should have some relief. That is money coming right out of the pocket of every American and going to Washington which we know it does not need for legitimate government expenditures.

It is our responsibility to be careful how we spend taxpayer dollars. With that $2.6 trillion surplus in income tax withholding, we have a proposal that takes $1.6 trillion and gives it back to the people so they don't even have to send it to Washington. We have $1 trillion remaining. That $1 trillion is going to be for the added expenditures that we know we need in priority areas to do the right thing.

So what are the priority areas?

We are going to spend more for public education because we know public education is the foundation of our freedom and our democracy. If we allow public education to fail, or not produce, then we are taking away the strength that has been the foundation of our Nation.

We are going to spend more on public education.

No. 2. We are going to spend more on national defense.

Our national security forces have been deteriorating. We do not have a solid plan to upgrade the quality of life for those serving in our military. These are people who are pledging their lives to protect our freedom. We owe them a quality of life that allows them to do their job. We are going to increase their housing quality and health care quality. We are going to increase salaries. We are going to increase education for military children, spouses, and military personnel. All of these will add to the quality of life.

We are going to invest in the technological advances that will keep us ahead of any adversary we might have and also make sure that our allies are strong.

We are going to increase spending in national defense.

No. 3. We must address the prescription drug issue in this country.

Ten years ago, you would have to go in the hospital and have surgery for an ailment that today can be treated with prescription drugs. Hospital stays are much shorter. Sometimes it is just an office visit because prescription drugs are so much more effective. They are also more expensive. We need to treat prescription drugs as one of the mainstays of quality health care, just as hospital stays and surgery used to be the avenue for treatment of a major problem.

We have to deal with this big expense and this big part of health care that has changed our quality of life in America, but which many people cannot afford or they have to make such tough choices that it just isn't right. People on fixed incomes cannot afford a $400-a-month prescription drug bill. Some people are making other kinds of choices. We are going to have to have more benefits and more options for prescription drug help for people who need it.

These are the areas where we want the ability to have added income, to make sure we can do the job we are expected to do. I certainly think $1 trillion should be plenty if we are running the Government efficiently and making sure taxpayer dollars are not being wasted or misused.

I think the tax relief plan is much more than tax relief. It is good stewardship of your taxpayer dollars and my taxpayer dollars. It is a balanced approach that pays down the debt, protects Social Security, and adds spending in the priority areas where we must add spending. And it lets people keep more of the money they earn in their own pocketbooks because we believe they can make better decisions for their families than someone in Washington, DC, can do.

What is in the marriage penalty relief? What is in the tax bracket lowering? What is in the inheritance tax relief?

The biggest part of the tax cut is an across-the-board lowering of each tax bracket, so if you pay in the 15-percent bracket today, you will either pay no taxes at all or you will go to a 10-percent level. The most benefit of this tax relief is at that level. And then you go to a 15-percent bracket, a 25-percent bracket, and a 33-percent bracket. So everyone gets a lowering of their bracket.

We believe no one should pay more than 33 percent of their income in Federal taxes. That is a fair tax. It could be lower, but at least that is a fair cap on taxes for any individual. That is the biggest part of the tax cut plan.

It will also increase the earned-income tax credit for people who are not paying taxes at all but get a refund because we want them to have the incentive to work rather than be on welfare. This is a good incentive, and it works.

In essence, the earned-income tax credit is a rebate of the payroll tax. For people who do not pay income taxes but they do pay payroll taxes, they are going to get a bigger rebate. So that is the big part.

The next part of this tax relief plan is relief from the marriage penalty tax. Why on Earth should two single people, earning the incomes they earn, who get married, be thrown into a higher bracket and pay more in taxes just because they got married—not because they got a pay raise but because they got married? That is wrong. It is a wrong incentive in this country, and it was never meant to be that way. This was a quirk in the Tax Code, and we must fix it.

You should not have to pay a marriage penalty. Today—and this is in my legislation I have introduced—if you take the standard deduction, you do not get the standard deduction if you get married. You do not get it doubled. In fact, the standard deduction is $4,550 for a single person. For a married couple, it is $7,600. Under my bill, the standard deduction for married couples will increase by $1,500 to $9,100, which is double the single standard deduction. So if you do not itemize and you take the standard deduction, we want you to have double the single rate when you get married.

Secondly, we want to widen every bracket so you will not have to pay more in income taxes because you go into a higher bracket just because you combined incomes. We want to widen the brackets so your combined income will be taxed at the same rate as if you were single making two incomes that added up to that. So we are going to try to widen the brackets.

And third, on the earned-income tax credit, we will increase the adjustment on the income levels and make the earned-income tax credit also come in at the same level as if they were two single people rather than penalizing people who get the earned-income tax credit when they get married.

It is very important that we relieve the pressure on 21 million American couples who pay the marriage penalty tax. This is not right, and we are going to change it. That is another major part of the tax relief bill that will be before us in the coming weeks.

The third area is doing away with the death tax. There is no reason for someone to have to sell a family farm, a ranch, or a small business in order to pay taxes to the Federal Government. We must take the lid off the death tax.

The people of America understand the death tax as being unfair. Even if they are not going to have to pay the death tax or their heirs will not have to pay the death tax, they still have a fundamental sense of fairness that it is wrong to tax money that has already been taxed when it was earned and when it was invested. There is a sense of fairness in the American people.

There is also a sense of hope. Every parent hopes that his or her child is going to do better than they have done. So they want their children to have that opportunity to be able to keep the family business and to do better. And they most certainly do not want a family business to be sold off to pay taxes because they know that not only affects their own families but the jobs of the people who work for a family-owned business.

Fifty percent of the family-owned businesses in this country do not make it to the second generation, largely because of the inheritance tax. Eighty percent do not make it into the third generation.

Do we want to be a country that does not have family-owned businesses? Do we want everything to be a big international conglomerate? I do not think so. I think we want the family farm to succeed in this country because we know that family farmers are contributing citizens to the community; they are contributing to the agricultural greatness of this country; and they are a stability for our country to make sure that we control our own resources.

I do not want a big international conglomerate to take the place of the family farm in this country. And that is what death taxes produce. It is in our interest that we have small family-owned hardware stores. It is in our interest that we have small family-owned service companies that contribute to a community.

I hope we will eliminate the death tax, or at least modify it greatly so that any reasonable description of a family-owned business would be covered, so that there will not have to be a sale of assets that would break up that business, that farm, or that ranch.

The fourth major area of our tax relief plan is to double the child tax credit. Whether you have child care or not, we believe you should have more than the $500-per-child tax credit because we know how much it costs to raise a family. So we would double that to $1,000 per child.

A $1,000-per-child tax credit isn't nearly enough to offset the costs of raising children. We know that. But we do not have children to get tax credits; we have children because we love them and we want them to be strong, to continue the great heritage that we have in this country. But we should give tax relief that is focused on helping families raise their children in as conducive an environment as we can possibly give them.

That is our tax relief plan. It is our stewardship of tax dollars to give more money back to the people who earn it, and to pay down the debt at the most rapid rate that we possibly can. Over 10 years we will have paid down the debt to the absolute minimum. And to help people with prescription drug benefits, to rebuild our national defenses, and to make bigger investments in public education, we are saving $1 trillion back from the surplus. And last, and most important, we are keeping Social Security totally intact. That is good stewardship of our tax dollars.

I am proud to support a tax relief plan that saves Social Security, and keeps it secure, that adds spending where we need it, and makes absolutely sure that we give back to the people who earn it more of the tax dollars they deserve to keep in their pocketbooks, rather than sending it to Washington for decisions to be made that they will probably never realize.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BANKRUPTCY REFORM ACT OF 2001—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 420, which the clerk will report.

The bill clerk read as follows:

A bill (S. 420) to amend title 11, United States Code, and for other purposes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am pleased to be here today to support S. 420, the Bankruptcy Reform Act of 2001. I know this bill has cleared the Senate on at least three different occasions, as I recall, and with large majorities. I know a number of people have amendments they would like to offer.

As a courtesy to the Members who had concerns about the legislation, Majority Leader LOTT allowed the bill to go to the Judiciary Committee. We had amendments and debate there for a good bit of time. It is now on the floor. It is appropriate for amendments that are to be offered to be offered now.

I urge my fellow Senators who have amendments they would like to offer to this legislation to bring them to the floor. This is the time that has been set aside and announced for that purpose. It certainly would not be courteous to the work of this body if people have amendments and don't take advantage of the chance to bring them forward.

I see the chairman of the Judiciary Committee, Senator HATCH, has arrived. Perhaps he will have some opening remarks at this time. If he does, I would be pleased to yield to Senator HATCH. Senator GRASSLEY had asked that I start this off. I believe we have a good piece of legislation that has been examined. Every jot and tittle of it has been looked at. Compromises and improvements have been undertaken time and again. I believe the act will withstand scrutiny. It will eliminate a number of the abuses that have been occurring under the new modern-style bankruptcy.

The time has come, and I am confident that as this debate goes forward, this bill will pass and become law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am happy to be here and finally get this bankruptcy bill underway. We have done it year after year after year. It certainly is time to pass this bill. I hope there won't be any frivolous amendments or amendments trying to kill the bill or amendments trying to make points rather than solve the problems we have regarding bankruptcy.

As I have indicated before, the bankruptcy reform legislation we are considering today, is the same legislative language that was contained in the conference report passed by the Senate in December by a vote of 70–28. In addition, the language was marked up in the Judiciary Committee, and has added several provisions sought by Democratic members of the committee.

I am asking that Members recognize and respect the compromises and agreements that have already been made with respect to this bill. While I do not believe that further amendments are necessary, I recognize that it is the right of any Member to offer amendments. It is my sincere hope that Members will exercise reasonableness in the offering of any amendments.

This being said, If Members do have amendments, I ask them to come down and offer them now, so that we can avoid any further undue delays and move forward.

While we are waiting for them, let me talk about the bankruptcy reform proconsumer provisions. This bill requires extensive new disclosures by creditors in the area of reaffirmations and more judicial oversight of reaffirmations to protect people from being pressured into agreements against their interests.

It includes a debtor's bill of rights with new consumer protections to prevent the bankruptcy mills from preying upon those who are uninformed of their legal rights and needlessly pushing them into bankruptcy.

It includes new consumer protections under the Truth in Lending Act, such as new required disclosures regarding minimum monthly payments and introductory rates for credit cards. It protects consumers from unscrupulous creditors with new penalties on creditors who refuse to negotiate reasonable payment schedules outside of bankruptcy.

It provides penalties on creditors who fail to properly credit plan payments in bankruptcy. It includes credit counseling programs to help people avoid—we go that far—the cycle of indebtedness. It provides for protection of educational savings accounts, and it gives equal protection for retirement savings in bankruptcy.

S. 420 contains improvements over current law for women and children. We have heard people complain that the bankruptcy laws do not take care of women and children. We have tried to do that in this bill, and we have accomplished it.

It gives child support first priority status, something that has not existed up until now. Domestic support obligations are moved from seventh in line to first priority status in bankruptcy, meaning they will be paid ahead of lawyers and other special interests. It includes a key provision that makes staying current on child support a condition of getting a discharge in bankruptcy. It makes debt discharge in bankruptcy conditional upon full payment of past due child support and alimony.

It makes domestic support obligations automatically nondischargeable without the costs of litigation. It prevents bankruptcy from holding up child custody, visitation, and domestic violence cases. It helps eliminate administrative roadblocks in the current

system so kids can get the support they need. These are all valuable additions and changes in the bankruptcy laws that this particular bill makes. It is in the best interests of women and children to pass this bill.

That is not all. Let me cite a few more improvements over current law for women and children. The bill makes the payment of child support arrears a condition of plan confirmation. It provides better notice and more information for easier child support collection. It provides help in tracking down deadbeats. It allows for claims against a deadbeat parent's property. It allows for payment of child support with interest by those with means. It facilitates wage withholding to collect child support from deadbeat parents.

All of that is critical. All of that amounts to needed changes in the bankruptcy laws that we have worked very hard to bring about.

As I have said before, the compromise bill we passed 70–28 was an effective compromise among Democrats and Republicans, among conservatives and liberals and independents. It was a bill that basically brought almost everybody into the picture. Even after having done that, having introduced that bill this year in the committee, we made some additional compromises to satisfy our colleagues on the other side. Those compromises were difficult to make, but we have made them. We have made every effort to try and bring as many people on to this bill as we possibly can and to try and resolve the various conflicts and difficulties that have existed in the past.

It is a very good bill. It is time we pass it. I hope people will come and bring their amendments to the floor so we can begin the amendment process and get this bill passed.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 13

(Purpose: To provide priority in bankruptcy to small business creditors)

Mr. LEAHY. Mr. President, the Senate last night voted for a resolution of disapproval of the new ergonomics regulations. Supporters of the resolution said the ergonomics rules would hurt small businesses and would cost millions in revenues each year. In fact, some claimed it would actually force them out of business.

I disagreed with that analysis of the ergonomics rule, but I do agree with the underlying principle that the Senate should be passing legislation to foster small businesses across the country. I am going to offer an amendment to protect small business creditors from losing out in the bankruptcy reform process. I assume all those who are speaking strongly in favor of small businesses would be supportive of this.

The bankruptcy bill today puts the multibillion-dollar credit card companies ahead of the hard-working small business people from Utah, Alabama, Nevada, Kentucky, or Vermont in collecting outstanding debt from those who file for bankruptcy. My amendment corrects that injustice by giving small business creditors a priority over larger businesses when it comes to distribution of the bankruptcy estate. The amendment provides a small business creditor has priority over the larger for-profit business creditor.

My amendment does not affect the bill's provision giving top priority in bankruptcy distribution to child support and alimony payments, but we should be helping small businesses navigate through the often complex and confusing bankruptcy process. Small businesses cannot afford the high-priced bankruptcy lawyers corporate giants can afford. Small business creditors need some kind of priority just to keep even with the big companies. Small businesses are the backbone of this Nation's economy.

Take a look at this chart. The total number of businesses nationwide is 5,541,918. Of those 5.5 million businesses, almost 5 million are small businesses, or 90 percent of all businesses in this country are small businesses.

Small business, for the purpose of this report, incidentally, is defined as a company with 25 or fewer full-time employees. That is the same definition of small business used in my amendment, which is very similar to the Leahy Press and Printing business in Montpelier, VT.

In full disclosure, my family sold that business when my parents retired. It is gone. This was a small printing business. We actually lived in the front of the store. Our house was in the front. The printing business was in the back, but it was typical of small businesses that are the backbone of my own State of Vermont.

In Vermont, we have 19,000 businesses. Almost 17,000 of them are small businesses, again following the national model.

In virtually every State, 90 percent of the businesses are small. The bill, as it is written, will help the huge multibillion-dollar credit card companies, and they have far more of a priority than these small mom-and-pop stores.

We can do right. It is not fair for us to ask these small businesses, again, to hand over everything they have to the lawyers and accountants of these huge megabusinesses when it comes to collecting outstanding debt. Large credit card corporations have thousands of employees. They rake in billions of dollars of profit every year. Small businesses struggle every day just to pay their bills and their employees' salaries.

Let us put these small businesses on an equal footing with big businesses by adopting the Leahy small business amendment.

In that regard, I appreciate what our distinguished majority leader, Senator LOTT, said on the floor last Wednesday. He spoke about the hardships his parents suffered when they tried to run a small business. His parents ran a furniture business, and most of the business was done on credit. One of the reasons they were forced to leave that business was that some people just would not pay their bills, according to the majority leader.

I mentioned earlier Leahy Press in Montpelier. My parents did an awful lot of business on credit. I know they faced some of the same problems the majority leader's parents did. I have always remembered that. It is not easy for a small business owner to make an honest living, whether during our parents' time or today, and it is not fair now to allow large corporate giants to grab their share first in this bankruptcy bill ahead of hard-working small businesspeople.

Many of the most controversial proposals in this bankruptcy bill are to benefit the credit card industry and then to use taxpayer money to help them support their debt collection of billions of dollars, but they also want tax dollars to help them in the collection of their debts.

Business Week recently reported that Dean Witter estimated this bill would boost the earnings of credit card companies by 5 percent a year. In other words, we as taxpayers would increase the credit card companies' business by 5 percent. One credit card company alone, MBNA, will make a net profit of $75 million a year more if we, on behalf of the taxpayers in this country, pass this bill as it is written.

Across the industry, credit card company after credit card company will reap millions of dollars in profits because of the changes this bill makes to the bankruptcy code.

I understand credit card companies are worried about collecting debts because their credit extended is typically unsecured, especially when they send credit cards, in some instances, to somebody's dog—I know of that happening—or send a credit card to someone's 4-year-old child with an unsecured credit line.

If one were cynical, one might say that some of this problem is of their own doing, but we should understand most small businesses face this peril. It is not fair to carve out a special exemption for the multibillion-dollar credit card companies but leave the small businesses of Provo, UT, or Middlesex, VT, to fend for themselves. That is why

I am offering this amendment to put small business owners at least on an equal footing with large credit card companies.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 13.

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

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

The amendment is as follows:

At the end of title IV, add the following:

SEC. 446. PRIORITY FOR SMALL BUSINESS CREDITORS.

(a) CHAPTER 7.—Section 726(b) of title II, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by striking ''paragraph, except that in a'' and inserting the following: ''paragraph, except that—

''(A) in a''; and

(3) by striking the period at the end and inserting the following: ''; and

''(B) with respect to each such paragraph, a claim of a small business has priority over a claim of a creditor that is a for-profit business but is not a small business.

''(2) In this subsection—

''(A) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

''(i) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

''(ii) is engaged in commercial or business activity; and

''(B) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

''(i) a parent corporation; and

''(ii) any other subsidiary corporation of the parent corporation.''.

(b) CHAPTER 12.—Section 1222 of title 11, United States Code, is amended—

(1) in subsection (a), as amended by section 213 of this Act, by adding at the end the following:

''(5) provide that no distribution shall be made on a nonpriority unsecured claim of a for-profit business that is not a small business until the claims of creditors that are small businesses have been paid in full.''; and

(2) by adding at the end the following:

''(e) For purposes of subsection (a)(5)—

''(1) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

''(A) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

''(B) is engaged in commercial or business activity; and

''(2) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

''(A) a parent corporation; and

''(B) any other subsidiary corporation of the parent corporation.''.

(c) CHAPTER 13.—Section 1322(a) is amended—

(1) in subsection (a), as amended by section 213 of this Act, by adding at the end the following:

''(5) provide that no distribution shall be made on a nonpriority unsecured claim of a for-profit business that is not a small business until the claims of creditors that are small businesses have been paid in full.''; and

(2) by adding at the end the following:

''(f) For purposes of subsection (a)(5)—

''(1) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

''(A) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

''(B) is engaged in commercial or business activity; and

''(2) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

''(A) a parent corporation; and

''(B) any other subsidiary corporation of the parent corporation.''.

On page 67, line 4, strike ''inserting '; and' '' and insert ''inserting a semicolon''.

On page 67, line 13, strike the period and insert ''; and''.

On page 69, line 13, strike ''inserting '; and' '' and insert ''inserting a semicolon''.

On page 69, line 22, strike the period and insert ''; and''.

Amend the table of contents accordingly.

Mr. LEAHY. Mr. President, we owe the millions of small business owners across America, who are the backbone of our economy, adequate protection from unforeseen bankruptcy losses. I urge my colleagues to support the Leahy small business amendment to provide small business creditors with a simple priority in bankruptcy proceedings. They deserve it.

Remember what this does: It gives small business creditors priority over larger for-profit business creditors in the order of distribution under chapters 11, 12, and 13 of the bankruptcy code. It defines small business as any business with 25 or fewer full-time employees. That same definition of small business is already used in the bill for small business creditors. It does not affect the bill's provisions giving top priority in bankruptcy distributions to child support and alimony payments.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, we have an amendment on which we are prepared to vote. I mention this only because I have heard constantly on the other side how anxious they are to move this bill forward. I brought this amendment up, proposed it, and am ready to go to vote all within 7 or 8 minutes. I don't want anyone to think we are trying to hold anything up. Frankly, I think this whole bill would have been finished this afternoon if we had not been interrupted for the ergonomics.

Mr. HATCH. Mr. President, we are looking at the amendment. It is the first time I have seen it. We will look at it and see if this is an amendment we can support. We would like to continue to call up amendments and stack them.

There is Habitat for Humanity and a funeral today, but we will stack the votes and this will be the first vote.

Mr. LEAHY. Mr. President, I was not aware of the funeral.

Perhaps this is a plea the Senator from Utah would join; that if other Senators from both sides have amendments that are available, we urge them to get down here. The Senator from Utah and I will work to the extent that people are here, probably go back and forth with amendments and start voting soon.

On our side of the aisle, I urge all Democrats who have amendments to get to the floor, show them to the Republican side and this side, and start moving on amendments.

Mr. HATCH. I agree with the Senator. We will stack the amendments until we can have a reasonable chance of getting Members here to vote. We would like to move ahead on amendments and vote on them later today.

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.

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

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

Mr. REID. Mr. President, we now have an amendment that is pending on which the yeas and nays have been ordered. I know there is some urgency in moving this bill along. The Senator from Utah and the Senator from Vermont have worked on this bill for years.

I know there are a couple of Senators who have gone to a funeral; the Governor of their State died. I think we have to start moving legislation. If going to a funeral is not an excuse for missing a vote, there isn't much we can do to make an excuse for missing it. I don't think we have to have everybody here to have a vote. If we are going to move this legislation along, my experience dictates the way to get it moving is you have to have something voted on. It seems to stimulate interest in legislation.

I hope the leadership will allow us to move forward and vote on this amendment. We can place in the RECORD that the Senators are not here, that they are attending a funeral. If that were ever used against them in an adversarial way in a campaign, that it was wrong to miss votes to go to a funeral, I would be happy to say that was wrong—and it would not be done anyway.

I hope we can move this legislation along by voting on this amendment. We have Senators who, I understand, are coming over to offer other amendments, but I repeat, my experience indicates the way to move legislation is to start voting on amendments. Probably by the time this is over we will

have 15 or 20 amendments offered and we will have to vote on them. The longer we wait, the more time we will take.

As I indicated when we opened business in the Senate this morning, we have a very important meeting where Senators and House Members are traveling together to Colombia where we appropriated lots of money. These are members of the Intelligence Committee. They have reasons for going that are within the confines of the Intelligence Committee—I don't know why they are going. But there are other things that will hold up this legislation.

I say to my friend from Utah, I hope we can get permission to go ahead and start voting on this legislation. The fact that there are two Senators who have a valid excuse—they are attending a funeral for one of their colleagues who died, the Governor of the State—this amendment, while an important piece of legislation, is not going to be determined by these two Senators who are not here today. I hope we do not have a requirement in the Senate that every Senator has to be here to be able to vote on amendments.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. If the Senator will yield, I do not disagree with my good friend and colleague from Nevada. I think we need to find out who is here. We know a lot of Senators are working in the Habitat for Humanity Senate home they are building, and I surely have to get some time for that. We also will try to be fair to our colleagues who had to be necessarily absent to go to a funeral.

On the other hand, we do have one amendment up. We are prepared to vote on that. I think we probably will before the afternoon is up. We should stack the other amendments. I am requesting that those who have amendments get here and let's argue the amendments and then stack them and we will vote at the earliest convenience, and hopefully we will be able to move this bill forward.

Mr. President, let's get over here and offer our amendments, debate them, and do the orderly legislative process. Then we will vote at our earliest possible convenience. We are working on just when those votes will start because of the inconveniences to a wide variety of Senators right now. We will try to start those votes as soon as we can, but we can stack them and debate them right now and not waste this time.

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

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

Mr. HATCH. Mr. President, I do request Senators get over here. As far as I know, there may be one or two amendments on this side. Most of the amendments are on the Democrat side. We can move this quickly if they will get here and offer their amendments.

I am requesting Republicans, if there are any Republican amendments—I am only aware of one on the Republican side. I am aware of probably 27 on the Democratic side. So I am requesting Republicans and Democrats, if they have amendments, to get over here and let's get it done. But I only know of one on this side.

Mr. REID. Will the Senator yield?

Mr. HATCH. I am happy to yield.

Mr. REID. The Senator is right; there are a number of amendments to be offered on this side. Senator WELLSTONE has five amendments, maybe more. He is trying to get here. He is in an Education markup. He told us this last night.

Mr. HATCH. I understand he is at a markup—here he is.

Mr. REID. I say the same thing the Senator from Utah says. We need to move this along. I see my friend from Minnesota has arrived. I will suggest the absence of a quorum——

Mr. HATCH. If the Senator will withhold, I appreciate the Senator's comments. I note the presence of the distinguished Senator from Minnesota. As he prepares to offer his amendments, I suggest the absence of a quorum to give him a little bit of time to do so.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I apologize to the chairman of the Judiciary Committee, my friend from Utah, Senator HATCH, for delaying my arrival. We have a markup in the Committee on Health, Education, Labor, and Pensions on the pension education bill. I have a number of amendments. That is the reason I did not come earlier. I am going to lay down an amendment in a moment.

Mr. HATCH. Mr. President, if the Senator will yield, we should lay the Leahy amendment aside so the Senator may call up his amendment.

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

Mr. WELLSTONE. Mr. President, I also know Senator DODD wants to speak on this amendment, and other colleagues may want to speak as well.

This amendment says if you file for bankruptcy because of medical bills, none of the provisions of this bill will affect you. This is a very simple and straightforward amendment.

AMENDMENT NO. 14

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 14.

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

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

The amendment (No. 14) is as follows:

(Purpose: To create an exemption for certain debtors)

On page 441, after line 2, add the following:

(c) EXEMPTIONS.—

(1) IN GENERAL.—This Act and the amendments made by this Act do not apply to any debtor that can demonstrate to the satisfaction of the court that the reason for the filing was a result of debts incurred through medical expenses, as defined in section 213(d) of the Internal Revenue Code of 1986, unless the debtor elects to make a provision of this Act or an amendment made by this Act applicable to that debtor.

(2) APPLICABILITY.—Title 11, United States Code, as in effect on the day before the effective date of this Act and the amendments made by this Act, shall apply to persons referred to in paragraph (1) on and after the date of enactment of this Act, unless the debtor elects otherwise in accordance with paragraph (1).

Mr. WELLSTONE. Mr. President, I have been working with my colleague, Senator DODD. I will not include him as an original cosponsor because I want to hear from him. But I believe he will be down here debating this amendment.

One of the reasons I started out with this amendment—I will need to give this amendment some context—is that the proponents of this bill made the argument that we need to have ''bankruptcy reform'' because you have all of these people gaming the system. I will cite a number of different independent studies, including the American Bankruptcy Institute, that say it is maybe 3 percent of the people.

This amendment says, wait a minute; we know that about 50 percent of the people who file for bankruptcy do so because of medical bills that put them under. They are not gaming the system, so some of the really onerous provisions of this legislation should not apply to these families.

It will take me some time to give this amendment some context. I think, if this amendment should pass, it would make this piece of legislation a much better piece of legislation and far less harsh and far less imbalanced.

Let my right away give this some context. I have, perhaps among Senators, been strong and vociferous in my opposition. I want to have an opportunity to lay out the reasons why. I

will talk about this bill, and then we will go to the amendment.

First of all, I think this piece of legislation is—I know it sounds strong. I hate to say it because I like my colleague from Utah so much. It has nothing to do with a dislike or a like. It has to do with policy issue. I think it will have a very harsh effect on a whole lot of people and a whole lot of families who are not able to file chapter 7, for whom the bankruptcy law has been a major safety net—not just low-income families but middle-income families as well.

I find it bitterly ironic that this legislation is coming on the heels of the vote for a resolution that overturned 10 years of work for an ergonomics rule to provide protection for working men and women, mainly women in the workplace, for what has become the most widespread disabling injury—repetitive stress injury.

Yesterday we did that. The Senate did it with no amendment, with limited debate; it overturned that rule.

Today we say if you are working—believe me, trust me. I will say it on the floor of the Senate, and if my colleagues prove me wrong I will be delighted to be proven wrong—there will not be a substantial rule or any substantial piece of legislation providing people with protection at the workplace for repetitive stress injury for a long time.

Basically what we are doing is saying OK, there won't be the protection. Now you are injured. Now you are disabled. Now you are not able to work. Now you have earned little income. Now you come to file chapter 7 because you find yourself in very difficult circumstances, and you are not going to be able to do so.

But your home could be foreclosed. Your car could be repossessed. And a lot of people are going to get ground into pieces, in my opinion.

It says a lot about the priorities of the majority party—that the first major piece of legislation we bring to the floor is an unjust, imbalanced bankruptcy bill which is great for the big banks and it is great for the credit card companies. I am sure Senator FEINGOLD will have more to say about this.

There was a piece in Business Week, which is not exactly a bastion of liberalism about, I guess, one of the largest credit card issuers, MBNA Corporation. By the way, I cannot make the assumption that because Senator HATCH or anyone else disagrees with me they are doing it because of campaign contributions. I refuse to make the one-to-one correlation. You can't do it. But you can say at the institutional level some people have certainly a lot more clout than other people, and it just so happens that the people who find themselves in terrible economic circumstances through no fault of their own—major medical bills, they have lost their jobs, or there has been a divorce—it is my view as a former political scientist and now a Senator for the State of Minnesota that those people do not have the same kind of clout that MBNA Corporation has, which, by the way, contributed $237,000 to President Bush, according to the Center for Responsible Politics; and on the soft money side, MBNA chipped in nearly $600,000, about two-thirds going to the GOP, and the other part going to the Democratic Party. There are a whole lot of heavy hitters and well-connected folks who are for this.

We have an unjust and imbalanced bankruptcy bill that is great for big banks, and great for credit card companies, with hardly a word about any accountability calling for these companies to stop their predatory lending practices.

I am going to have an amendment on payday loans. I hope we can adopt it. There is not a word about the ways in which they pump the credit on our kids in such an irresponsible way, but it is very harsh. When it comes to many working families—low- and moderate-income families—it says a lot about our priorities. It says that a special interest boondoggle, a bailout for big banks and credit card companies, is ahead of education, is ahead of raising the minimum wage, is ahead of providing affordable drug coverage, prescription drug coverage for seniors, and is ahead of expanding health care coverage for people.

Remember, 50 percent of the people who file for bankruptcy do it because of major medical bills. But this bankruptcy bill—perfect for big banks and credit card companies—comes ahead of all those priorities.

I believe what the majority party is trying to do is to sort of say: Look, here are the differences between President Clinton, who vetoed this bill, and President Bush, who said he will sign it.

I hope the bill does not get to President Bush's desk in its present form. I think the odds of my succeeding with some of my amendments, and other Democrats and other Republicans perhaps succeeding with their amendments, are not good. But we will try.

I say to my colleagues I welcome the contrast. I say what a difference an election makes. The civil rights community, the labor community, children, women, consumers, all have said this bill is too harsh and this bill is too one-sided. President Clinton stood up for them. He stood up for ordinary people. I give him all the credit in the world, as a Senator who has not always agreed with former President Clinton. Indeed, the differences do make a difference.

I have no doubt that President Bush will sign this bill. In many ways, the financial services industry, the credit card companies, are part of his constituency.

My question is, What about unemployed taconite workers in northeast Minnesota? My question is, What about struggling family farmers in greater Minnesota? My question is, What about a lot of low- and moderate- and middle-income people in Minnesota who, through no fault of their own—especially as the economy begins to take a turn downward—may find themselves in these difficult circumstances?

I am interested in representing them. That is why I am out here today. That is why I am fighting this legislation. That is why I have been fighting this legislation for 2½ years or more.

Let me talk a little bit about the history of this legislation. First of all, this bill was negotiated by only a small group of Members, out of the public eye. Second of all, up until this year, it had never been here in an amendable fashion. Third of all, until a hearing was held by the Judiciary Committee on February 8, there had been no hearings on this legislation. In fact, the Senate had not conducted its own hearing on bankruptcy since 1998. Finally, we had a hearing.

So I see a compelling reason for some lengthy and important statements and debate on this bill. The bill deserves scrutiny. It should be held up to the light of day so that citizens can see what an ill-made, misshapen attempt at reform this legislation is.

Colleagues in this body need to understand what bad legislation really is, how terrible an impact a piece of legislation such as this can have on America's most powerless families, and what a complete giveaway this piece of legislation is to banks, to credit card companies, and to other lenders.

Bankruptcy ''reform'' is not being taken up out of any kind of urgency. Indeed, while the supporters of this bill have cited the high number of bankruptcy filings in recent years as a reason to move forward with this so-called reform, there has been a dramatic drop in the last 2 years in the number of bankruptcies. Over the past 2 years, any pretense that this legislation is urgently needed has evaporated. The number of bankruptcies has fallen steadily over the past year. Charge-offs on credit card debt are significantly down, and delinquencies have fallen to the lowest level since 1995.

Proponents and opponents agree that nearly all debtors resort to bankruptcy not to game the system but, rather, as a desperate measure of economic survival, and that only a tiny minority of chapter 7 filers—as few as 3 percent—could afford any debt repayment. But through this legislation, we are going to make it well nigh impossible for families in our country to rebuild their economic lives.

But the true outrage is that now the bankruptcies are projected to increase

because of a slowing economy and high consumer debts that are overwhelming families. Proponents of this bill are using this as an excuse to curb access to bankruptcy relief. Because there will be more economic misery, because there will be more financial stress, because more American families will succumb to their debts, the proponents of this measure argue we should make it harder for them to get a fresh start. Let me make that clear. That is what this is about.

Now the economy is going to turn down. We know there is high consumer debt. We know there is going to be more people struggling. We know there is going to be more financial distress. We know there is going to be more economic misery. And the proponents of this bill are now arguing that we need this measure to make it harder for these families in Minnesota and this country to get a fresh start. I reject that proposition. We are trying to address yesterday's headlines.

But I have already stated that this really shouldn't be any wonder. The credit card industry wants this bill. They want to be able to protect the risky investments they have made, and so the Senate does their bidding. They want to be able to pump credit out there. They want to be able to engage in irresponsible lending practices. They are not held accountable at all. They want to make sure that people, in one way or another, are squeezed and squeezed and squeezed, so they can get as much money back as possible. This is a carte blanche blank check for the credit card industry.

I have been proud to fight this bill. I am proud of the fact that it has taken many years for this bill to get through, and still it is not through yet. I hope we will be able to stop it or make it significantly better.

Let me outline some of my reasons for opposing this bill, and then I will move to our first amendment.

First of all, this legislation rests on faulty premises. The bill addresses a crisis that does not exist. Increased filings are being used as an excuse to harshly restrict bankruptcy protection, but filings have actually fallen in the last 2 years.

In addition, the bill is based upon the myth that people feel no stigma; that they find it easy to declare bankruptcy, and there is widespread fraud and abuse. By the way, if you think there is widespread abuse, then you should be all for the amendment I am going to offer which says when people are going under because of medical bills, they should be exempt from the provisions of this legislation.

Two, abusive filers are a tiny minority. Bill proponents cite the need to curb ''abusive filings'' as a reason to harshly restrict bankruptcy protection. But the American Bankruptcy Institute found that only 3 percent—if my colleagues have other data, they can present it—only 3 percent of chapter 7 filers could have paid back more of their debts. Even bill supporters acknowledge that, at most, 10 to 13 percent of filers are abusive. Surely you would want to support this amendment that says when people have to declare bankruptcy because of major medical bills, they should be exempt because they could not be in any Senator's category of people who have been dishonest or have abused the system.

Three, the legislation falls heaviest on the most vulnerable. This troubles me. The harsh restrictions in this bill will make bankruptcy less protective, more complicated and expensive to file. This will make it much more difficult for low- and moderate-income people to be able to effectively file. Unfortunately, the means test and safe harbor will not be a shield from a majority of those provisions that have been written in such a way that they will capture many debtors who truly have no ability to pay off any significant debt. As a result of this legislation, they are going to be put under.

Four, the bankruptcy code is a critical safety net for America's middle class. Low- and moderate-income families, especially single parent families, are those who most need the fresh start that is provided by bankruptcy protection. This bill will make it much more difficult for people to get out from under the burden of crushing debt. That should matter to us. I know these folks don't have a lot of clout. I know they don't lobby every day. I know they are among the most vulnerable citizens. I know they don't have a lot of income, but they should matter.

Five—and this should bother all of my colleagues—the banking and credit card industry gets a free ride. Why is there not more balance in this bill? The bill, as drafted, gives a free ride to banks and credit card companies that deserve much of the blame for the high number of bankruptcy filings because of their loose credit card standards.

Any of us who have children know the kind of stuff that gets sent to them in the mail. Lenders should not be rewarded for reckless lending. That is what we are doing in this bill. We are just giving them a blank check.

Six, this legislation may cause increased bankruptcies and defaults. Several economists have suggested that restricting access to bankruptcy protection will actually increase the number of filings and defaults because banks will be more willing to lend money to marginal candidates. Indeed, it is no coincidence that the recent surge of bankruptcy filings began immediately after the last major ''procreditor reforms'' were passed by Congress in 1984.

I say to the Senator from California: I have sent an amendment to the desk which says we ought to go after people who are gaming the system, but if a family is filing for bankruptcy, chapter 7, because of a major medical bill, they should be exempt from the provisions of this legislation. I am now putting this in a broader context.

I welcome discussion by any other Senators on the floor, and I do not intend to monopolize. It will take me some time to go through the amendment.

Mrs. BOXER. Mr. President, will my friend yield?

Mr. WELLSTONE. I am pleased to yield.

Mrs. BOXER. Let me first assure my friend that I was not intending to take any time. I want to thank him for his work on this issue. We know in this country one of our biggest problems is lack of health care and the fact that the burden of disease sometimes falls on the family to an amazing extent. If they are hit by hard times, it could well be because of these medical bills. People are driven into bankruptcy because of that. Then to have the double horror of having that not be exempted from the eventual resolution would be a real disaster for people.

I thank the Senator not only for this amendment but for the many amendments that I will be supporting that he will be introducing to make this a bill that has at least a semblance of fairness.

Right now, it hurts people. I am really waiting with anticipation for a moment when we do something that helps people. So far I haven't seen one thing we have done to help people.

Yesterday, we repealed a measure that would have protected people in the workplace from repetitive motion illness.

Does the Senator know when we are finally going to get something done, such as an education bill, that helps people? I haven't seen anything to date that actually does.

Mr. WELLSTONE. Mr. President, I had said earlier that I find it bitterly ironic that on the heels of yesterday's action by the Senate, where in 10 hours we overturned 10 years of work to provide some protection to the workforce—men and women, mainly women—for the most serious disabling injury right now, repetitive stress injury, we now turn to the first major piece of legislation in this 107th Congress, a bankruptcy bill which is so imbalanced and so harsh in its effect, especially on middle income, low- and moderate-income people, many of whom, again, are women and children. It speaks volumes about our disordered priorities, which we will speak to.

I ask unanimous consent to go into a quorum call for 30 seconds, and then I will regain the floor and go forward with the amendment.

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

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I have much more to say about the bill, but I will get to the first amendment I want to introduce today, which I think goes to the heart of what is a fundamental problem with this legislation. This legislation purports to go after abuse in the bankruptcy system, but it casts a wide net that captures all debtors who file for bankruptcy, regardless of their circumstances. This is a simple amendment. This is what it says. If you file for bankruptcy because of medical bills, none of the provisions of this bill will affect you.

I know Senator DODD has been working on a very similar amendment, and he and Senator CHAFEE have been working on an amendment. I think as the debate goes forward, we will probably join forces.

The reason I introduce this amendment—and other Senators also are interested in the same kind of amendment—is, in the vast majority of cases, the people who file for bankruptcy do it because of desperate financial circumstances and do it because they are overburdened by debt. Specifically, we know that nearly half of all debtors report that high medical costs force them into bankruptcy. This is an especially serious problem for the elderly. Just think about prescription drug costs and the increased medical bills one has as they become older.

A medical crisis is a double whammy for a family. First, there are the high costs associated with the treatment of a serious health problem, costs that may not be covered by insurance. Certainly, for some 40 million people in the country who have no health insurance whatsoever, it can put them under. And please remember, anyone who has spent one second in any coffee shop back in their States knows that the health care crisis is not just people with no health insurance at all. It is also people who are underinsured. They have some coverage, but it is by no means comprehensive.

The other thing that happens is, if it is a serious accident or illness, then for a time, if you are the primary earner in the household, the income is not coming in. And even if it isn't the person who draws the income, a parent, if I am working and my child is very ill, you know what—many of us know this now—or if your parent is very ill, then you may need to be caring for that elderly parent. This means a loss of income. It means more debt and more of an inability to pay back the debt.

I am kind of surprised, frankly, that the proponents of this legislation did not at least have some sort of clear exemption and, if you will, some compassion for people who end up filing for bankruptcy because of a major medical illness that has put them under.

Are the people in our country—the families in Minnesota —who were overwhelmed with medical debt or sidelined with an illness and therefore they can't work, are they deadbeats? This bill assumes they are. For example, it would force them into credit counseling before they could file for bankruptcy, as if a serious illness or disability is something that can be counseled away. Colleagues, that is not what it is about.

Both of my parents had Parkinson's disease. My father had severe Parkinson's disease. I believe, ultimately, it is the reason my dad passed away. We helped take care of him, and I saw him struggle. I can assure you that the cost of the drugs to treat those diseases is not something that can be counseled away. It has nothing to do with these citizens and these families being bad managers of their budget. It is, ''There but for the grace of God go I.'' People, through no fault of their own, are stricken with illnesses and disabling injuries and, therefore, major medical bills can put them under. When these families need to file for bankruptcy, they should be exempt from the harsh and restrictive provisions of this bill.

A study published in May of 2000 by professors Melissa Jacoby, Teresa Sullivan, and Elizabeth Warren determined that:

> Hundreds of thousands of middle class families declare bankruptcy each year in the financial aftermath of an encounter with the American health care system.

The study goes on to note:

> The data reported here serve as a reminder that self-funding medical treatment and loss of income during a bout of illness or recovery from an accident make a substantial number of middle class families vulnerable to financial collapse. They also demonstrate that the American social safety net is composed of interwoven pieces, including government subsidies for medical care, private insurance and personal bankruptcy. For middle class people, there is little government help, so that when private insurance is inadequate, bankruptcy serves by default as a means for dealing with the financial consequences of a serious medical problem.

Let me translate that into ordinary language. There are many people in our country, families in our States, who are either not old enough for Medicare—and even if they are, it doesn't cover prescription drug costs, catastrophic expenses—or they are not poor enough for Medicaid and they are not fortunate enough to be working for an employer where they have any coverage, or for an employer that gives them comprehensive coverage that is affordable. Therefore, when the private insurance is inadequate and people are faced with a major medical catastrophe, bankruptcy serves by default as a safety net, a way in which these families can deal with these medical consequences. This piece of legislation takes that support away.

Again, this is the point I have been trying to make over and over again in this debate: Bankruptcy is a critical safety net for middle-class Americans. Yet we have a bill which rolls the safety net back.

A study conducted by Ian Domowitz and Robert Sartain found that the presence of medical debt had ''the greatest single impact of any household condition in raising the conditional probability of bankruptcy . . . households with high medical debt exhibit a filing probability greater than 28 times that of the baseline.''

Come on. A lot of people who file for chapter 7 bankruptcy do it because of major medical bills. This amendment says exempt them.

The figures I have cited so far speak to all bankruptcies. But the statistics become even more troubling if you look specifically at seniors or single women with children who file for bankruptcy. Single women with children are 50 percent more likely to file because of medical bills than single men. You know what. There is a reason for that. Unfortunately, in many families—maybe 50 percent now—there is a divorce, and quite often in the large percentage of the cases the single parent who has the most responsibility for taking care of the children is the woman. That is one of the reasons why so many of the women's organizations and children's organizations are adamantly opposed to this legislation.

There was another way we could have gone after this problem because for these folks the problem isn't the bankruptcy system; it is the health care system. I will concede that to my good friend from Alabama. It is a shame that this has to be the way in which people can get some support for major medical bills.

The United States of America is the only advanced economy in the world that does not have some form of universal health care coverage.

The United States paid a third more per capita for health care than any other nation, and we spend a greater percentage of our gross domestic product—14 percent—and we get far less for our money, according to the World Health Organization report.

There are about 44 million people in our country who have no health insurance whatsoever, and there are about the same number of people who are underinsured.

We could have gone after this problem in another way. I could be on the floor right now—I would love it—advocating for senior citizens and, for that matter, other working families, saying we ought to have affordable prescription drug coverage. But that is not our priority. We have to consider this bankruptcy bill. I could be out on the floor arguing for health security for all citizens, that we could, as a national community—in fact, maybe this will be

one of the amendments. Maybe I can have a vote on the following amendment, a sense of the Senate that the people we represent should have as good a health care coverage as we have. We could be out here talking about health security for every citizen. We could be talking about the ways in which we can agree nationally on a package of benefits as good as what we have and that there should be patient protection.

The Presiding Officer was one of the first people in the Senate to talk about patient protection. We could be talking about how we can make it affordable for families. We could be talking about how to get to universal coverage. We could talk about how we could decentralize health care so the different States can make a lot of decisions about cost containment and delivery of care. That would be a way of dealing with this problem. We could be talking about expanding the children's health care plan to include their parents. We could be talking about more support for community health care clinics.

But that is not what we are doing. You might ask, PAUL, why is this amendment even necessary given what the author of the bill, my friend, Senator GRASSLEY from Iowa, said just recently:

> So that I am crystal clear, people who do not have the ability to repay their debt can still use the bankruptcy system as they would have before.

On the one hand, PAUL, if you are telling me this bill is incredibly harsh and will punish working families who need a fresh start, but the proponents of the bill say this bill will not affect people who are gaming the system, how do you explain that?

If you listen carefully to their statements, you will hear that they only claim such debtors will not be affected by the bill's means test. Not only is that claim, I think, subject to much debate—the means test and the safe harbor have been written in a way that will capture working families who are filing for chapter 7 relief in good faith—but it ignores the vast majority of this legislation which will impose needless hurdles and punitive costs on all families who file for bankruptcy, regardless of their income. Nor does the safe harbor apply to any of these provisions.

Do not take my word for it. Here is how an article in the conservative Wall Street Journal on February 22 characterized this bill:

> In most cases, the bill, which is almost identical to the one that President Clinton vetoed, will make filing for bankruptcy more costly and more of a hassle. That's the point: It will increase lenders leverage to pressure consumers to pay bills instead of going to court to void them.

That is exactly right. The article concludes on this point:

> The bill is so full of hassle-creating provisions, some reasonable, some prone to abuse by aggressive creditors trying to get paid at the expense of others. In a thicket of compromises, Congress risks losing sight of the goal: making sure that most debtors pay their bills while offering a fresh start to those who honestly can't.

That is what this amendment does: to make sure we offer a fresh start for those people put under by medical bills who honestly cannot pay back.

Again, this is the Wall Street Journal, hardly a bastion of populist sentiment, but that is the net effect of the bill: to make it harder for families who have hit financial ruin, who have hit financial bottom to get a fresh start. That is what is wrong with this legislation.

The proponents of this bill have said that all these provisions are necessary to curb abuse. OK, let's take them at their word. If that is true, then I assume the proponents of this bill will support this amendment.

If the proponents mean what they say, that the whole point of this legislation is to curb abuse, then my colleagues will want to support this amendment because this amendment just exempts those families who are filing for bankruptcy because of major medical bills. They are not slackers. They are not cheaters. They have not gamed the system.

If the sponsors are serious about just taking on deadbeats, not ordinary Americans who file bankruptcy because they simply have no other choice to rebuild their lives, then they should be rushing to the floor to cosponsor this amendment.

I repeat that. If the sponsors are serious about going after the deadbeats but making sure ordinary people, hard-working people who file bankruptcy because they have no other choice, are going to be able to rebuild their lives, then they should be rushing to the floor to cosponsor this amendment.

I hope I will get support from my colleague from Utah. Surely no one will argue that families that are drowning in debt as a result of medical bills are gaming the system. These are the people who need the safety net the most. These are the people who need to make a fresh start.

Here are a number of examples of what I am talking about:

The prebankruptcy credit counseling requirements at the debtor's expense is a requirement that people have to go to prebankruptcy counseling. The debtor pays for it, as if, again, people who have been put under because of cancer, diabetes, or some kind of horrible injury, can counsel away these conditions. They are not in financial difficulty because they need credit counseling.

New limits on repeat filings, again, regardless of personal circumstances; revocation of automatic stay relief for failure to surrender collateral; changes to existing cram-down provisions in chapter 13, making it more difficult for debtors to keep their car; the new presumption of abuse of credit card if the debt is incurred within 3 months of the bankruptcy.

We have all of these new burdens, all of these hurdles. Why do we want to make it so horrible difficult for people who find themselves in horrible financial circumstances because of a major medical illness, a major medical bill, to file chapter 7 and rebuild their lives? They are not slackers. They are not gaming the system.

This amendment says let us have a good bill, and one of the ways to do it is to at least have an exemption for these families.

Again, some of these onerous hurdles, requirements, that I mentioned might be useful to get the deadbeats or go after the irresponsible people—I am all for that. The problem is that all of these changes also affect working families who file for bankruptcy through no fault of their own. Should a person who files because of medical bills be treated with the same presumption of abuse as wealthy slackers? That is what this bill does.

I repeat that. Should a person who files because of major medical bills be treated with the same presumption of abuse as wealthy slackers who are gaming the system? That is what this bill does.

I cite two specific examples of how this bill will hurt debtors who file for medical reasons, and I hope my colleagues on the other side of the issue will come to the floor—I know the distinguished Senator from Utah is here—to refute this, if they can. Both of these families were talked about in an excellent Time magazine story last year which was called ''Soaked by Congress.'' My colleagues may remember this.

Allen Smith is a resident of Delaware, which has no homestead exemption. In other words, he cannot shield his home from his creditors. Ironically, under this bill, wealthy scofflaws can shield multimillion-dollar mansions from their creditors with little planning, but not Mr. Smith. It is 2 years in advance. If you know you are facing trouble and you are a multimillionaire, you can hire your lawyers and then buy your real estate in Florida or wherever.

There is no such break for Mr. Smith. As a result, when the tragic medical problems described in the Time article befell his family, he could not file a chapter 7 case without losing his home. There was no homestead exemption. Instead, he filed a chapter 13 case which requires substantial payments in addition to his regular mortgage payments for him to save his home. Ultimately, after his wife passed away and he himself was hospitalized, he was unable to make all these payments and his chapter 13 plan failed.

Had Delaware had a reasonable homestead exemption and had Mr.

Smith been able to simply file a chapter 7 case to eliminate his other debts, he might have been able to save his home. He lost his home.

Mr. Smith's financial deterioration was caused by unavoidable medical problems. Before he thought about bankruptcy, he went to consumer credit counseling to try to deal with his debts. However, it appears he went to consumer credit counseling just over 180 days before the case was filed, and he did not receive a ''briefing.'' The new bill would have required him to go again. This would have been very difficult considering his medical problems. In fact, his attorney demonstrated a dedication to his client that sharply contrasts with the creditor propaganda picture of bankruptcy lawyers just out to make a buck. He made several home visits to Mr. Smith and his wife, who was a double amputee. The new bill would also have required a great deal of additional time and expense for Mr. Smith and his attorney, through new paperwork requirements and a requirement that he attend a credit education course. Such a course would have done nothing to prevent the enormous medical problems suffered by Mr. Smith and his wife.

He did not get into financial trouble through failure to manage his money. He is 73 years old and had never before had any debt problems. The bill makes no exceptions for people who cannot attend the course due to exigent circumstances. Mr. Smith might never have been able to get any relief in bankruptcy under the new bill.

Under the new bill, this bill, Mr. Smith would also have had to give up his television and VCR to Sears which claimed a security interest in the items. Under the bill, he would not be permitted to retain possession of these items in chapter 7 unless he reaffirms the debt or redeemed the items. Sears may demand reaffirmation of his entire $3,000 debt under the bill, and to redeem, Mr. Smith would have to pay the retail value. After his wife died and her income was gone, Mr. Smith did not have the money to pay the amounts to Sears. Since he is largely home bound, loss of these items would have been devastating.

Sadly, this is a real person, about real people. Mr. Smith's medical problems continue. Under current law, if he again amasses medical and other debts he cannot pay, he could seek refuge in chapter 13 where he would be required to pay all he could afford. Under the new bill, Mr. Smith cannot file a chapter 13 case for 5 years, when he is 78 years old.

The time for filing a new chapter 7 has also been increased from 6 to 8 years. What will happen to people such as him?

Charles and Linda Trapp were forced into bankruptcy by medical problems. Their daughter's medical treatment left them with medical debts well over $100,000, as well as a number of credit card debts. Because of her daughter's degenerative condition, Linda Trapp had to leave her job as a mail carrier about 2 months before the bankruptcy case was filed to manage her care. Before she left her job, the family's annual income was about $83,000 a year or $6,900 per month.

Under the bill, close to that amount, $6,200, the average monthly income from the previous 6 months is deemed their current monthly income, even though their gross monthly income at the time of filing was only $4,800. Based on the fictitious deemed income, the Trapps would have been presumed to be abusing the bankruptcy code since allowed expenses under the IRS guidelines amounted to $5,339. The difference of $850 per month would have been deemed available to pay unsecured debts and was over the $6,200 a month, triggering a presumption of abuse. The Trapps would have had to submit the detailed documentation to rebut this presumption, trying to show their income should be adjusted downward because of special circumstances and that there was no reasonable alternative to Linda Trapp leaving her job.

Because their current monthly income, although fictitious, was over the median income, the family would have been subject to motions for abuse, filed by creditors who might argue Linda Trapp should not have left her job and that the Trapps should have tried to pay debts in chapter 13. That is the same problem for taconite workers.

I will be proposing an amendment I hope will get 100 votes that will say LTV, the large company that laid off 1,400 workers, if they file for bankruptcy, chapter 7, should not be able to walk away from their health care obligation to retirees. The working men and women are out of work. You will do their average income over a 6-month period and then determine whether or not they are eligible for chapter 7. How are they able to rebuild their lives? They will not be able to do it. Their average income over the last 6 months might look pretty good. That doesn't do you much good if you were laid off 2 months ago. Where in the world does this test come from?

The Trapps wouldn't have been protected by a safe harbor. The Trapps would have paid their attorney to defend the motion, and if they could not have afforded the $1,000 or more it would have cost, the case would have been dismissed and they would not have received relief. If they prevailed, it is unlikely they would recover attorney fees from a creditor who brought the motion, since recovery of fees is permitted only if the creditor's motion was frivolous and could not arguably be supported by any reasonable interpretation of law.

That is a much weaker standard than the original Senate bill. In fact, we have had better bills. This bill has gotten worse and worse. We once had a bill that passed 99–1. I was the only Senator opposing it.

Because the means test is so vague and ambiguous, any creditor could argue it would simply make a good faith attempt to apply the means test which created a presumption of abuse.

Mrs. Trapp's medical problems continue and are only getting worse. Under current law, if the Trapps amass medical and other debts, they could seek refuge in chapter 13 where they would be required to pay all they could afford. Under the new bill, the Trapps could not file a chapter 13 case for 5 years. Even then the payments would be determined by the IRS expense account and they would have to stay in the plan for 5 years rather than 3 years required under current law. The timing for filing chapter 7 would be increased by the bill from 6 to 8 years.

What does this bill do to keep people who undergo these wrenching experiences out of bankruptcy? Nothing. Zero. Tough luck. Instead, this legislation just makes the fresh start of the bankruptcy harder to achieve. This doesn't change anyone's circumstances. This doesn't change the fact that these folks don't earn enough any longer to sustain their debt. There is not one thing in this bankruptcy ''reform'' bill that would promote health security in working families.

I conclude this way: I came to this issue almost by accident. I am not on the Judiciary Committee. I am not a lawyer. My colleague from Utah, Senator HATCH, is a very able lawyer. It is complicated. With all of the fine print and all of the detail, the more you go through it, the more you are able to realize this piece of legislation lacks some balance. This amendment gives this legislation badly needed balance. What this amendment says is, go ahead, let's not let anyone game the system. Whether it is the 3 percent the American Bankruptcy Institute or the 10 to 13 percent that others talk about, don't let people game it. Don't let people be slackers. Don't let people get away with murder. When people go under—50 percent of the bankruptcy cases are because of a major medical illness—give them an exemption from the onerous requirements, give them the opportunity to rebuild their lives. They didn't ask for the illness. They didn't ask for the major medical bill. They didn't ask for the disabling injury. They didn't ask to be put under.

The bitter irony is that just yesterday we passed a motion that emasculated 10 years of work to get a rule to provide protection for people, many of them women, against repetitive stress injury, disabling injuries, in the workplace.

Now we turn around today and say, and you know what, not only don't you

have the protection—and I said earlier, I made the prediction we will not see an ergonomics standard passed by this Congress for years now. If I am wrong, I will be pleased to be wrong. Now what we say is there is not the protection and now, if you have a disabling injury and now you do not have the income coming in and now you are in a desperate financial situation, we are going to make it impossible for you to file chapter 7 and rebuild your life.

It is not a good week for working people, not a good week for ordinary citizens. What we could have done—and I conceded this point earlier in the debate. I really apologize that chapter 7 in bankruptcy is one of the ways people can deal with major medical bills because, frankly, it is a pretty poor excuse for what we should be doing. We should not have 44 million people without any coverage. We should not have at least that number of people who are underinsured. We should be able to have comprehensive health care reform.

I think one of the amendments I should offer is to make sure all the people we represent have as good health coverage as we have. We should be doing that, but we are not. Instead, we are going to make it impossible for some good, honest people to rebuild their lives when they find themselves in desperate financial circumstances through no fault of their own.

I hope there will be support for this amendment that just says if you file for bankruptcy because of major medical bills, none of the provisions in this bill will affect you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, listening to my colleague, I wonder if he has read this bill because most of what he said is untrue. I have respect for him as a former professor of political science, but on the other hand, this bill has been around for a long time; we have worked on it with virtually everybody in the Congress, everybody in the Senate.

We provide for people right and left and provide the means of taking care of women and children. We have made it so that people who owe their debts and who can pay really ought to; the game is over.

Sometimes I get the impression some of our colleagues on the other side think the Federal Government is the last answer to everything and it is the only answer to everything. It is the last answer sometimes, but it is not the only answer. I have to tell you, this amendment of the distinguished Senator is unnecessary.

Let me just say one thing about ergonomics. I distinctly stayed away from the debate yesterday because we had plenty of good people on both sides arguing that debate. The distinguished Senator from Minnesota, his side lost. The reason they lost is that anybody who has any brains at all knows we do not need to create a Federal welfare system or Federal workers compensation system. Everybody who has any brains knows the minute you start doing that, there is going to be a plethora of people who will take advantage of it. It is just human nature.

We do need to come up with a really workable, nonbudget-busting, ergonomic-stress-related bill that I think will work. Certainly that regulation was way out of line and should not have been supported. I was amazed there were as many Democrats who supported it as did. It was a bipartisan rejection of those regulations.

If the Senate of the United States had any guts or any consideration for its own power at all, that is what had to be done. We just can't let bureaucrats go do whatever they want to regardless of what the law says, and that is why we came up with that particular act, to provide a means whereby we can get rid of regulations such as that, that really are improperly written, way excessive in their tone and their delivery and in their practicality. It is, frankly, very detrimental to the country in the long run. They would cause a lot of difficulty.

The thing I can remember that best reminds me of that kind of legislation was the catastrophic bill a few years ago—just take care of everybody's catastrophic illness. It was wonderful to hear that and find out the Federal Government was going to take care of everybody, until the people found out they had to pay for it. Then they were jumping on top of Danny Rostenkowski's car, the chairman of the Ways and Means Committee, because they weren't about to pay the kind of rates that would have been required of them to have the kind of catastrophic coverage we Members of Congress were going to give them because we know it all.

Let me say, this amendment is unnecessary, the amendment of the distinguished Senator from Minnesota. There is a means test in S. 420 that takes care of it and already accounts for 100 percent of a person's medical expenses. Thus, if their medical expenses prevent them from being able to repay their debts, they don't have to under the means test. It takes care of the truly poor. We have taken great pains to take care of the truly poor.

But there are some people in our society who are using the bankruptcy rules, the bankruptcy laws, the current laws, to get around debts for which they are very capable of paying. Or they run up huge bills and then expect society to pay for them. It is costing the average family $550 a year because of the inadequacies of our current bankruptcy laws which this bill cures.

The means test takes care of the poor. But if the Senator gets his way and this amendment is agreed to, let me tell you who will benefit from it. Donald Trump is going to benefit from it. Bill Gates will benefit from it. Anybody who is wealthy who goes into bankruptcy and has medical bills, they are going to be able to avoid those; they will not have to pay them.

The way I read this, if a wealthy person files for bankruptcy and the reason they filed was to extinguish their debts from medical expenses, then the means test will not apply to them even if they are fully capable of paying their medical expenses, paying their debts. What this provision of the distinguished Senator from Minnesota does is it puts hospital creditors at the head of the line. That is not what we want to do.

The amendment says the entire act and amendments do not apply if you file for bankruptcy because of medical expenses. This means the new protections in the bill for women and children don't apply—or don't apply to them. Credit counseling provisions don't apply that we have put in here. Homestead provisions don't apply.

I know the distinguished Senator is trying to do right here, and I know he is well intentioned. I respect that. But we thought of these problems, and I think we have solved them, cured them in this bill. This bill does an awful lot to cure the problems of our country in bankruptcy. It does an awful lot to stop the fraud that is going on in bankruptcy. It does an awful lot to reduce the annual cost of every family in America—now estimated at $550 a year. It does a lot to alleviate those problems and reduce those costs of every American citizen. It does an awful lot to help people be more responsible for their debts. It sends a message to everybody that you must be responsible, even if you are having trouble paying your debts. We provide all kinds of mechanisms so that they can pay their debts—maybe not in full but at least can get discharged in bankruptcy after having made a good-faith effort to live up to the terms of the law we would pass.

I sometimes get the impression that our colleagues on the other side believe that Government is the last answer to everything. I know not all of them do, but it just seems as though more and more that seems to be the argument, that only the Government can take care of health care, only the Government can take care of savings and investment, only the Government can take care of education—only the Federal Government, that is. We all know the Federal Government's share is only about 6 percent or 7 percent of the total cost of education in this society. Yet they can come up with this idea that only the Federal Government has the last answers and can solve all these problems.

The Federal Government isn't any brighter than the State governments. I

have to say the State and local governments are closer to the people and, as a general rule, do a better job than we do. But we can do a good job. This bill is a very good bill. Is it perfect? I have to say I have never—well, maybe not never but hardly ever—seen a bill around here that is perfect because we have to satisfy 535 people, and more; we have to satisfy the administration. We have to satisfy a lot of people out there. This bill takes care of a lot of problems in the current bankruptcy system that need taking care of. We can argue these matters until we are blue in the face, but it is time to vote on it.

Frankly, I respect anybody for their sincerely held opinions. I know the opinions of the distinguished Senator from Minnesota are sincerely held. He is a very bright man, and he raises some interesting issues from time to time. But on this one, he is just dead wrong.

Very frankly, the only people who are going to benefit from this amendment are the rich who can afford to pay for their medical expenses because we take care of those who are poor under the means test. This particular bill resolves that problem.

I wonder if we can go on to another amendment. I suggest we stack this amendment behind the Leahy amendment and go to the next amendment. I hope our colleagues are prepared.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I also want to explain to my colleague from Utah what I said earlier this morning is that we have a markup. My understanding from Senator LEAHY is that other Senators will come down with amendments. I have a markup also going on at the same time with amendments in committee. I will have to go back and forth.

First of all, when my colleague from Utah says there has been an adjustment in the means test for medical bills, I hope Senators' staffs will take a look. When my colleague says, Wait a minute, we have taken care of problems with major medical bills, we don't do an adjustment to the means test. This is the part of the bankruptcy bill that deals with that. Here is the whole bill.

There are lots of other very harsh provisions in this bill that go way beyond this. I am talking about the whole bill. There are prebankruptcy credit counseling requirements at the debtor's expense. Why in the world do you want people who have been put under because of a major medical bill to have to go to credit counseling? What kind of presumption do you make? Then they have to pay for their counseling. What is that doing in here? You think people can credit counsel their way out of having to deal with cancer and the bill they incur?

Again, my colleague from Utah talks about one little part of the bill.

The revocation of the automatic stay relief from failure to surrender collateral is another provision. Now at least when you file for bankruptcy, there is some time that goes by. This means that Sears can come and repossess. There is no time.

There are changes to existing cramdown provisions in chapter 13, making it more difficult for debtors. You end up paying for the full loan, not the value of the car.

How about this one? You can't file a new chapter 7 case for 8 years or a new chapter 13 case for 5 years—again, making it more difficult.

What happens if a family is put under with a major medical bill and then there is another illness? You say this period of time has to go by? You have to go 7 or 8 years from 6 years in chapter 7, and from 6 years under chapter 13 to 5 years. There is no limit under current law.

There are lots of provisions in this piece of legislation that are very harsh. I do not understand.

I think this is a very challenging vote for Senators. I say to the Senator from Iowa and other Senators who are on the floor right now that this amendment concedes the point that we certainly ought to have some legislation that deals with people who game the system—again, I think it is about 3 percent—people who really game the system, people who really do not need to file chapter 7. But surely with this bill there are many harsh provisions, and we would want to at least have an exemption for people who go under because of major medical bills.

Let's just concede the point that people in Minnesota, Iowa, Nebraska, and around the country who are having to file for chapter 7 because of a major medical bill that put them under ought to be exempt from all of these loopholes.

Talk about bureaucracy, and ways of discouraging people from filing, and making it difficult for people to get relief. Why wouldn't you at least have an exemption?

I have opposed this bill with all my might for several years. I find it interesting that there are articles in Business Week and the Wall Street Journal. There was a piece last night on ABC News; Time magazine, a long piece—all of which say—I don't think this is necessarily the tradition of blaming liberal media—that this bill is imbalanced and it is a dream come true for the credit card industry and for the financial services industry. There is no question about it. But it is too harsh for many ordinary citizens in the country.

I say to my colleagues again: We represent people, too many of whom don't have anywhere near the health care coverage we have. We represent people who, through no fault of their own, wind up with a major illness or injury that puts them under financially.

Maybe I feel strongly about it. I think it took my mother and father, as I remember, 20 years to pay off a medical bill in our family. I think it took them 20 years, as I remember. That still remains one of the great fears and sources of insecurity of the people we represent—that there is going to be a major medical bill that puts them under.

We do not come out here on the floor of the Senate and make prescription drugs more affordable. We don't come out here on the floor of the Senate and introduce and debate legislation that would provide more health security for the people we represent and that would make health care coverage more comprehensive and more affordable. We don't come out here in the Senate and dedicate ourselves to the proposition that the people we should represent should have as good a coverage as we have.

I think that would be a good amendment to vote on, on this bill. Then we take what is a safety net, given the fact that we haven't done any of that in public policy and given the fact, therefore, that over 50 percent of the people who file for bankruptcy do it because of major medical bills, and we tear the safety net apart.

I will tell you, I have some good friends on the other side of the aisle on this issue. One of them is about to speak. I have said publicly that whatever the Senator from Iowa says and whatever he advocates is what he honestly believes. Political truth can be elusive. One person's solution can be another person's horror. People in good faith can disagree.

So what I am about to say now is not directed personally. But again I finish this way at least for the moment. I will tell you, I don't like the feel of this at all. I don't like the feel of this bill at all. I think when you look at the lobbying coalition and the campaign contribution, because there is not one Senator—I need to say some of us aren't good at this if we aren't careful. We can't make a one-to-one correlation because a Senator received one contribution. That is not fair to do. But what you can say is that the families I talked about, the unemployed Taconite workers on the Range—I say to the Presiding Officer, the Senator from Nebraska, that farmers who are facing the price crisis and barely hanging on—and a whole lot of middle-class families who were doing well, they were doing well. My folks were doing well. I do not know if they were middle class—what definition you would use; they did not have a lot of money—but they were doing fine. But then there was a major medical illness.

I am saying, you should exempt those families who file for bankruptcy from

the provisions of this legislation. That way you get the cheaters and you get the slackers, but you do not make it impossible for a lot of people who are in a whole lot of physical pain and a whole lot of economic pain to rebuild their lives.

I cannot understand, for the life of me, why I am not getting colleagues on both sides of the aisle sponsoring this amendment.

I yield the floor.

I am sorry, I saw the Senator from Iowa. I thought he would want to speak.

Mr. GRASSLEY. Is the Senator from Minnesota done?

Mr. WELLSTONE. I am not finished with my final remarks on this amendment, but I always defer to the Senator from Iowa.

Mr. GRASSLEY. If the Senator yields the floor, then I will ask for the floor.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Iowa?

Mr. GRASSLEY. First of all, I think the Senator from Minnesota thinks that he has not made any impact on this legislation over the last 4 years. This bill is a statement of considerable impact that the Senator from Minnesota has made on it because of his hard work. His work goes beyond just improving the bill. He obviously does not want the improved bill to pass.

But the Senator from Minnesota is a legislator. He obviously believes in the legislative process. He knows how to use the legislative process to accomplish good from his point of view. And we have a bill that has changed considerably since the recommendations in the Commission on Bankruptcy report.

Senator DURBIN and I introduced that bill two Congresses ago. It went through the process of subcommittee, full committee, to the floor of the Senate, through the House of Representatives, through conference, through the House a second time but not having enough time to get it through the floor of the Senate that second time to get it to the President.

Then, in the last Congress, it went through the same process: subcommittee, full committee, the floor of the Senate, the House of Representatives subcommittee, full committee, the floor of the House of Representatives, to conference and out of conference, passing the House of Representatives by a veto-proof margin, and through the Senate, passing the Senate by a veto-proof margin, and going to President Clinton for his signature.

Obviously, with veto-proof margins in both Houses, the President knew if he vetoed it, we would be able to override it. The President waited until we adjourned last December, and at that point did what, under the Constitution, is called a pocket veto. We obviously were not in session and did not have an opportunity to override.

But I said: The Senator from Minnesota has had an opportunity to make considerable changes in this legislation. Maybe I do not like all those changes, but I would have to look at this piece of legislation that has my name on it as the principal sponsor, with Senator TORRICELLI of New Jersey, and say this bill has improved a lot in ways that we probably should have recognized when it was first introduced.

But you reach a point, in any legislative process, where you eventually come to the conclusion that perfection in the way we do business in the Government is never a possibility. And you get the best possible vehicle you can to get the job done—the best possible job.

I think the Senator from Minnesota would like to have me yield. I will yield for the purpose of a question.

Mr. WELLSTONE. I just want to thank my colleague. Sometimes a distinguished Senator can go on and on and on, and it is not sincere. I thank the Senator from Iowa for his graciousness. I have never doubted his commitment to this legislation. I have never doubted his conviction on it. And I want to apologize. I have a markup on an education bill, so I am going to leave now. The amendment will be laid aside. I will be back in a while. I did not want to appear to be impolite. I just have to go to the markup.

Mr. GRASSLEY. The Senator from Minnesota does not have to apologize. There are always demands upon our time. There are four or five places we could be at one time. I did not get a chance to hear all of the Senator's speech because I was chairing the Senate Finance Committee on the issue of giving tax relief to working American men and women, a bill that will probably pass here in the month of May.

Anyway, I plead with the Senator from Minnesota that he has had a tremendous impact upon this legislation, and it is a better bill in the sense that a lot of things that were brought to our attention are now changes in this bill. But you cannot have perfection.

I think the Senator from Minnesota would say he really does not want this bill to pass. So I think it is fair to say he, and other Members who do not want it to pass, will be offering amendments, maybe because they believe in them, but partly it is a process of slowing the legislation down so, again, it may never pass.

But I think, unlike 4 and 2 years ago—or maybe more accurately, 3 and 1 year ago—we are starting out with this bill on the floor of the Senate in the first year of a 2-year Congress, where one or two Members of this body are not going to frustrate the will of almost all 535 Members of Congress. And they do not have a President now that is going to veto the bill. So this legislation is going to become law. President Bush will sign this legislation.

So now, if I could—we do have an amendment before us from the Senator from Minnesota—I want to address that amendment very directly. It brings me to the means test.

By the way, I have a chart here speaking about how flexible this means test is, what it takes into consideration, so that it is not just a quantifiable formula with no humanity to it. There is plenty of humanity involved in this means test, whereby the means test determines whether somebody has the ability to repay some of their debt. And if they do, they then go into chapter 13, and they never get off scot-free.

So I see the amendment from the Senator from Minnesota as gutting the means test, ignoring the means test. That would be very bad. And we have had 70 Senators vote for this bill. By the way, 70 Senators represents a bipartisan vote.

If you believe this bill should be passed, and we should have strong improvements in bankruptcy law, then you will want to keep the means test; you will not want to gut the means test, as Senator WELLSTONE's amendment does.

It sounds very humanitarian to talk about taking medical expenses into consideration as to whether or not you ought to be granted access to having your debts discharged. I have stated before on this floor, that in calculating a debtor's income, under this means test, 100 percent of medical expenses are deducted.

I have also said to my colleagues, including the Senator from Minnesota, that if we offer you a bill where, in determining whether or not you should be in bankruptcy court—and 100 percent of your medical expenses can be taken into consideration in that determination—how much better than 100 percent can we do? If I gave you 101 percent or 102 percent would that be better? But with 100 percent deduction for some expense, I do not know how you can do much better than that.

That is what this means testing formula does. And Senator GRASSLEY does not say that, the General Accounting Office confirmed that. I have a page from the General Accounting Office report in relation to that part of this legislation. This is the title page, if people are interested in the entire book. But it lists what is deductible under the IRS standards, in determining the ability to repay if you go into bankruptcy.

Here, under ''other necessary expenses,'' the description of the IRS guidelines, as stated by the General Accounting Office, includes such expenses as charitable contributions, child care, dependent care, health care, payroll deductions, including taxes, union dues, life insurance. There it is, under ''other necessary expenses,'' health care, 100-percent deductible in

making that determination. If you can pay off some portion of your debt under the means test, then you should have to do so. The means test takes into account these reasonable expenses and others than what I listed, including 100 percent of medical expenses.

If one is concerned about whether or not 100 percent of medical expenses is clear enough as to what you can deduct, because the Senator from Minnesota used the term ''catastrophic'' medical expenses, the test also allows, under our legislation, for special circumstances to be taken into account when determining if a debtor can repay his or her debt.

That means that after you have taken the IRS guidelines, as I have stated, the General Accounting Office saying 100 percent of medical expenses—and that is not enough to satisfy the Senator from Minnesota so he talks about catastrophic medical expenses; whether they are catastrophic or minor, 100 percent of medical expenses is 100 percent of medical expenses—but just in case, then under the special circumstances provisions of our legislation, that debtor can go before the judge and plead a case beyond what the IRS regulations allow.

This bill preserves a fresh start for people who have been overwhelmed by medical debt or unforeseen emergencies. The bill thus allows full 100-percent deductibility of medical expenses before examining the ability to repay.

The amendment of the Senator from Minnesota says that if one files for bankruptcy because of medical expenses, then he or she does not have to go through this very flexible means test we are presenting in our legislation. His amendment doesn't take into account whether or not a person can repay or not. Making it possible to go into bankruptcy without some determination of the ability to repay or not is just not right. It means you have a gigantic loophole for somebody to game the system and to do what we are trying to prevent with this legislation—not hurting the principle of a fresh start, but if you have the ability to repay, you are not going to use the bankruptcy code for financial planning. You are not going to get off scot free.

What the Wellstone amendment does is create a loophole for those who can repay their debts. Our bill does it right. We allow all medical expenses, if they are catastrophic or not, to be taken into account. So the amendment offered by the Senator from Minnesota creates this huge loophole in the bill. That is why I have to urge my colleagues to oppose this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to proceed on the bankruptcy bill in reference to the amendment offered by the Senator from Minnesota, Mr. WELLSTONE.

I know Senator WELLSTONE opposes this bill for any number of reasons, but I think we ought to analyze carefully what he is saying to consider actually what the impact of the amendment he offered would be. I think when we do that, we find it would be a curious thing for him to offer and certainly would not be good public policy.

Basically, the Senator's amendment would say that if a person files bankruptcy because of health care expenses—I believe the words are ''as a result of medical losses or expenses''—he would then be exempted from the new bankruptcy law. I think that is an odd thing to say, and I think it focused more of his concern about people filing bankruptcy as a result of medical expenses than the remedy that he would effect by the amendment.

We know that a number of people do get in financial trouble as a result of medical expenses. But, first, I say without fear of contradiction, those medical expenses will not impact a person in a way that would require him to pay any of those back, unless he or she—the person filing bankruptcy—made below the median income. Probably 80 percent, I would guesstimate, of the people who file personal bankruptcy make below the median income. So they would not be impacted by the means test requirement that they pay back some of the medical expenses that they have incurred.

Also, I think we ought to ask ourselves what expenses is he or she not being required to pay back. Hospital expenses? Now, let's say a person makes $150,000 a year—and people such as that are filing bankruptcy today. They are quite capable of paying back a substantial portion of their debts—maybe all of them. But they can file chapter 7 and wipe out all of their debts, with very little fear of any alternative consequences occurring to them. It is done every day.

As I read this amendment, it basically says that hospitals are the big losers. You don't have to pay them back. If you owe hospitals a big debt, and you are making above the median income, and you could easily pay 25 percent of that back to the hospital, and a judge would require you to do so, Senator WELLSTONE says, no, you can't be made to pay your hospital back. But if you owe some disreputable person—say, your liquor distributor, or somebody who has done those kinds of things—under his amendment they would all be required to be paid back. Just not the hospitals.

I have visited 20 hospitals this year in Alabama. I have talked to administrators, nurses, and doctors. They are having a tough time with their budgets. I am concerned about them. They do not believe in having people try to pay debts. They write off debts every day that people can't pay. It is one of the things they share with me—that bankrupts and others are just not able to pay their debts and they write them off.

The Federal Government has some form to help to compensate for that. Probably not enough. At any rate, the question simply is, Why should a person, if he is capable of paying back some debts, not pay his community hospital? It was a hospital that served him, presumably, or his family, and took care of their health needs; it exists to serve other people in the community—a good, noble, valuable institution. Why should that be the institution that doesn't get paid, when you can pay certain debts?

I think the amendment is rather odd, and it makes it less likely that there would be good health care in the community. There is a concern about, well, if you got continuing medical expenses, and this is going to leave you in debt, well, the way we wrote the bill—and we thought about this very subject—what about a person who had substantial medical expenses on a recurring basis?

How should that factor into your median income or special circumstances? We created two situations that deal with that.

If a family of four has a median income of around $50,000, and if they had $2,000 of recurring medical expenses for some reason and had to pay it every month, under IRS standards, which we adopted in this bill, that $2,000 adds on to the median income. The median income would not be $50,000, it would be $2,000 a month—$24,000 more, $74,000. If the income then was $70,000, the family could wipe out all debts, hospital and otherwise, without any problem because the median income calculated under IRS standards would not prevent them from going straight into chapter 7 and wiping out the debt, rather than being put in chapter 13 where the judge will say you pay back some of the debt as you are able over a period of years.

We also have a provision referred to as ''special circumstances.'' A bankruptcy judge can find special medical hardship or circumstances and exempt it from the bankruptcy.

I do not think this is particularly good. The Senator says just because your bankruptcy filing was a result of medical expenses, you should be exempted from all the law. What does that do? That eliminates the great benefits we placed in this bill for women and children who, under current law,

rank down in the list of priority payments of limited debts from the bankruptcy estate. Under this new bill, they go to No. 1.

If the bankruptcy was the result of medical expenses and the bankrupt individual could pay his alimony and child support, it would not be the first priority on the estate like it is under present law. The women and children would lose that benefit.

We have had some discussion about the homestead provisions. There is a much stricter standard under this current law under homestead to stop the abuse of people putting their money into large homesteads in States that have unlimited homestead exemptions. Tightening of that provision would not apply here, leaving other people to lose more significantly.

This amendment is more out of the Senator's frustration over medical care in America. I know he wants the Government to take care of everything that it can in that regard and more. I am willing to debate that under a different circumstance. It does not apply here.

This bill makes provisions for people who have high medical expenses. Indeed, historically the bankruptcy law does not question why someone is in debt. One can be in debt because one made a risky investment. One can be in debt because one messed up on some contract and then was sued. They were wrong, badly wrong, perhaps. One can be in debt because of health care. One can be in debt because of gambling or alcohol. Maybe just a lack of personal discipline drives people into bankruptcy.

We have never, and should not in my view, turn the bankruptcy court into some sort of social institution that starts to evaluate everybody's personal conscience to see whether or not they were justified or unjustified into going into debt.

Remember, what we are crafting today is simply a procedure in a Federal court, a bankruptcy court, by which people who are unable to pay their debts can wipe those debts out all or in part. Basically, the law says that if you are below median income, then you do not have to pay any of them back. If you make above median income and you are able to pay some of those debts back, you should do so.

That is a reasonable approach. The Senator's amendment, whereas it might be well-intentioned, is curious and I do not believe is helpful to this bill. I oppose it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I rise today in opposition to the current bankruptcy reform bill, S. 420, as written and reported out of the Judiciary Committee last week. Let me say from the outset that I support many aspects of bankruptcy reform. I support the right of financial service companies to have reasonable protection from spurious claims of bankruptcy, from outlandish loopholes that leave some assets untouchable. I support the right of consumers to have better protection from aggressive credit card solicitations and other offers of easy credit that can easily trap people into massive debt. I support reforms that strike the proper balance—and that is the key word, balance—between the needs of business in America and the needs of consumers. That is why I oppose this bankruptcy bill in its current form. I sincerely hope the Members of the Senate will be open to some of the amendments offered in a good faith effort to make this a better bill.

A little over 4 years ago, I served on the Judiciary subcommittee and was ranking Democrat when my chairman, Senator CHUCK GRASSLEY of Iowa, joined with me in preparing a bipartisan bill which passed on the floor of the Senate with an overwhelming vote. If my memory serves me, over 97 Members voted in support of that bankruptcy reform. I was proud to join in that vote because I believed that the bill was balanced, was honest, would reform the system, and do it in a sensible fashion.

Sadly, the conference committee that was called between the House and the Senate after passage of that bill literally did not allow participation by every Senator. Figuratively, there was a sign outside the door that said, ''Democrats not allowed.'' Then the bill came back from the conference committee with no input from the Democratic side of the aisle, was brought to the floor, President Clinton threatened a veto, and the bill basically languished in the Senate.

Two years later, another effort was made. This time, I was not part of the committee process. Senator TORRICELLI of New Jersey played that role. He and Senator GRASSLEY also worked on a bill with amendments added that I believed could be supported again. It received a substantial vote on the floor of the Senate, went into the meat grinder of the conference committee, and came out loaded with provisions which, frankly, were unfair to consumers across America. President Clinton threatened a veto of that bill, and it basically sat on the calendar until it was far too late for any action to be taken.

That is an indication of the history of an effort to modify and reform the bankruptcy system but to do it in a bad way. I believe my colleague, Senator GRASSLEY, who is on the floor at this moment, and other Senators have come to this process in good faith. I think we have a chance with this bill, and some good amendments to it, to bring forth a piece of legislation that may not please everyone in the credit industry—it certainly won't please everyone who is fighting for the rights of consumers across America—but tries to strike a balance, a fair balance so both sides give something and ultimately justice is served.

This constant theme has guided me through the years in the bankruptcy debate—balanced reform. I do not believe you could have meaningful bankruptcy reform without addressing both sides of the problem: Irresponsible debtors and irresponsible creditors.

I agree that many people who go into bankruptcy court file to abuse the system, to game the system, to avoid their responsibility to pay their just debts. I believe that is the case, and this is certainly an area in need of responsible reform.

Particularly urgent is the need to address abuses by those who have considerable assets and are using bankruptcy with impunity as a financial shield. I am thinking here of those infamous cases where wealthy homeowners sink their assets into properties that are protected from discharge during bankruptcy, or criminals who declare bankruptcy to escape financial penalties they brought on themselves by their crimes.

But there are abuses and imbalances on the other side of the ledger as well. Financial abuses are certainly not limited just to those who owe money. Those who make it their business to extend credit can step over the line as well: Financial service companies extending credit well beyond a debtor's ability to pay and then expecting Congress to bail them out from their unsound lending practices; special interests who seek protection for their specific piece of the assets pie without considering issues of basic fairness or the need to leave some debtors with enough assets for critical family obligations such as paying child support. I think we are all aware of this situation. I don't believe we should ration credit in America.

I believe that we have a moral and legal obligation to inform consumers of their responsibilities and let them make sensible, well-informed decisions about their credit limits.

Those of us who go home regularly and open mail to find another credit card solicitation understand that this industry literally showers America with billions of solicitations for new credit card debt virtually every year. Many people who are being offered credit cards, frankly, shouldn't take another credit card. They are in over their heads. Many of these companies

that are trying to lure them into their credit operation don't think twice about it. They, frankly, don't care how many credit cards you have. They would like to see you take another two credit cards and pile them on their own credit card, even if you had a turn of bad events—lost your job, went through a divorce, or maybe incurred some medical bills you never expected.

Financial predators preying on the most vulnerable members of society using deceit to lure them into usurious transactions should not be rewarded in this law.

Central to the debate on this issue must be the question, What are we really trying to solve? If the problem is the increase in filing of personal bankruptcies, then we ought to take a look at the numbers. Perhaps this problem is starting to resolve itself.

When we began the bankruptcy debate several years ago, bankruptcy filings were not only up but they had reached record-setting levels.

When the credit industry first came to me with their issue, they said: We just can't understand why we are having 25 or 30-percent increases of bankruptcy filings every year. In a situation where the prosperity of this country is well documented, why are so many people going to bankruptcy court? Many of them should not. There were 1.44 million bankruptcy filings in calendar year 1998, of which 1.39 million, or 96.3 percent, were consumer bankruptcies.

Let me see if I can find the chart to show that.

This shows the national bankruptcy data by chapters of those filing. You can see by this number that the filings in 1997 under chapter 7 were 989,372, reaching a higher level of over 1 million in 1998, coming down in 1999, and down further still in the year 2000. The same trend can be found in the same filings for chapter 11 and chapter 13 as well.

What we see then is that over time, this problem, without the passage of Federal legislation, has started to resolve itself. I can't predict what the year 2018 will show. If this slowdown in the economy results in more filings, it is fairly predictable. If we were worried about people who were taking advantage of the bankruptcy system in good times who really didn't need to—we can see that there has been a decline in the number of filings even before we consider the current legislation—no one can say what the future is going to bring in terms of filings. We all recognize that the economic climate is uncertain.

Nevertheless, the data on hand suggests that the so-called explosion of personal bankruptcies has come to an end even without this legislation.

As I said a moment ago, there are areas of bankruptcy law that are still in need of reform. Three years ago, I worked to develop a bipartisan, balanced bankruptcy bill that addressed irresponsible debtors and irresponsible creditors. Ninety-eight Senators voted for it. They agreed that that legislation eliminated abuses on both sides of the ledger while making available information that permitted consumers to make an informed financial decision. That bill was decimated in conference, as I mentioned.

Our bill in the 105th Congress included debtor-specific information that would enable credit card holders to examine their current credit card debt in tangible, real, and understandable terms driving home the seriousness of their financial situation.

My idea was very basic and simple. Every credit card statement ought to say that if you make the minimum monthly payment required by this company, it will take you x number of months to pay off the balance. When you pay it off, this is how much you will have paid in interest and how much you will have paid in principal.

When I made this suggestion, the credit card industry said that it was impossible for them to calculate their information; and if they had to do this on every monthly statement, it was well beyond their means.

I find this incredible, in the day and age of technology and computers, when calculations are being made instantaneously, that they could not put on each monthly statement how many months it would take to pay off the balance if only the minimum monthly payment was made. I don't believe it; never have. I think they are ducking their responsibility. They don't want consumers to know if they make that minimum monthly payment, they are never going to pay off the balance. It might take 8 years. They end up paying a lot more interest than principal.

Why is this important for consumers? Frankly, so they will be informed. They may think twice about making the minimum monthly payment if they cannot afford it. They may think twice about adding more credit to their card. They will be informed consumers making judicious decisions instead of people making decisions without the information available.

I don't think the credit card industry is showing good faith. This is an amendment which they should accept. It would be a good-faith indication to me that they are prepared to go that extra step not to issue credit but to inform creditors. They have been refusing to do it.

This bill also fails to close the homestead loophole. The homestead loophole is a State-by-State creation. In each State, the decision is made as to what they can really accept from bankruptcy; in other words, what can be protected for you personally if you file for bankruptcy.

One of the areas is the so-called homestead exemption for your home; your residence. Each State has a different standard. Some States are very strict and some are wide open.

Under this bill, someone renting or someone with less wealth will get to keep nothing. But a home owner who has equity in a home that has existed prior to the 2-year cutoff can keep all of his equity. Failing to put a real hard cap on this provision only benefits the rich.

My colleague, Senator KOHL of Wisconsin, has said on many occasions that we ought to get rid of this exemption because fat cats go out and buy magnificent homes, ranches, and farms and call it their home and plow everything they have into them and say to the creditor that they have nothing to put on the table. It is a mistake. Simply to say if they owned it 2 years they are off the hook, I don't believe that is enough.

There is another provision in this bill relative to a system known as cram-down. The cram-down provision we have in the current bill as written is not final. Not only does it go too far, but it actually goes beyond the well-targeted provision originally proposed by the credit card industry. This is a very complex area of bankruptcy.

I note the two people in the rear of the Chamber. One is Natacha Blaine, an attorney on my staff, and Victoria Bassetti on my staff, who have spent several years trying to make sure I understood this provision. It is complicated. But it is very important.

There is an area where we shouldn't let complexity mask the unbalanced nature of the cram-down provision currently in the bill.

Take a look at current law. Under the bankruptcy code, a secured creditor is given favored treatment for the value of the collateral that secures the claim. Further, many nonpurchase money security interests—where credit was not extended to purchase a specific item—can be eliminated.

Or claims of abuse. When we first began the bankruptcy debate, the credit card industry came to us with claims that debtors were intentionally taking on secured debt for items such as automobiles, which experience a rapid decrease in value once they are driven off the lot, and immediately declaring bankruptcy.

In order to address this issue, the industry initially proposed that secured creditors would be protected for the amount of the loan if the bankruptcy was declared within 6 months of such purchase. Thus, as an automobile loses value when being driven off the lot, to the extent such abuse was taking place, the 6-month period would fully protect the creditor.

Congress listened to the credit card industry concerns with respect to cram-down, and adopted the original proposal incorporated in earlier versions of the bill. Although I opposed

the amendment in the provision in the committee markup, the language was unfortunately unchanged.

What does the current bankruptcy bill do? The cram-down provision as written in the current bill would prohibit the use of cram-down chapter 13 for any debt incurred within 5 years before bankruptcy for purchase of a motor vehicle, and for any debt incurred within 12 months of bankruptcy for which there is any other collateral. This provision is unjustly tipped in favor of the credit industry, providing little or no protection for debtors.

Let me try to put all of this legal language into simple terms.

You buy a car. You don't have much money, but you need a car to go to work. As soon as you drive the car off the lot—whether it is new or used—it starts depreciating in value. You reach a time later on where your debts have mounted to the point where you can't make your car payment or a lot of other payments. You are not going to file in chapter 7 to try to be absolved of all your debts; you go to chapter 13. You say: I am going to try to pay back what I can pay back. One of the things I want to keep in this bankruptcy is my car because I can't go to work without my car, and I can make money to pay back other creditors under chapter 13.

The court takes a look at the car and says: You might have paid $10,000 for it, but that was several years ago. Now that car is only worth $8,000. So if the company you bought it from took repossession of the car, the most they could get out of it is $8,000. So we will give that company a secured interest, preference in bankruptcy, for the $8,000 value, and the fact that you still owe $2,000 on it will be in the unsecured claims—a little harder to collect on. You end up with your car. You end up paying the credit card company back the value of the car as you have it, and you go to work. I think it makes sense.

You are a person in chapter 13 who said: I am going to try to pay back my debts. But now the credit industry has come in and said: Not good enough. If you bought that car within 5 years of filing for bankruptcy, then you have to pay the entire balance on your secured claim. We are not going to look at the real value of the car; we are going to look at the paper value of your debt.

So a person who wants to keep their car and go to work ends up being a loser.

A 5-year period is totally unreasonable. That is why I think this provision does not really recognize creditors who are stuck and trying to get themselves out of a bad situation.

Keep in mind, the average person filing for bankruptcy has an annual income of around $22,000, $23,000 a year. These are not wealthy people throwing money around, by and large. They are people who have gotten into circumstances they cannot control because of medical bills or a divorce and a lost job. If they go to chapter 13, they are doing their level best to pay off the debts. This bill, as presented to us today, penalizes those people. I think that is wrong. I am going to offer a provision to change that.

Let me tell you of another area——

Mr. LEAHY. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield for a question.

Mr. LEAHY. I heard the Senator earlier speaking about the problem the credit card companies say they have in declaring that if you pay the minimum amount what ultimately you are going to owe. I recall the Senator from Illinois made the same point in the Judiciary Committee markup. It struck me that the Senator from Illinois was correct in saying this will be a good thing to put on the credit card.

So I asked a couple people who do programming in computers. I said: The Senator from Illinois has been told they can't extrapolate this; they can't put it on the bill. They said: Bull feathers. That's not the case at all. They said: This is the easiest thing to do. They have teenage interns in their company who would be glad, if you just gave them a couple access codes in the credit card companies, to show them how to program that.

If you can program what the minimum payment is—and the minimum payment might come out to something like $118.39, because it is a certain percentage of the overall, which might be $1,229.81—you are dealing in such strange numbers; every credit card bill is different, every minimum payment is different, but they said with the same program that set that up, you can basically put in a couple more lines of code and it can be figured out.

I mention this because I think that is the same experience the Senator from Illinois has had. I mention it because he is so absolutely right on this. This is not going to add any burden to the credit card companies. It is not going to be an additional cost to them because they already have the computers making the basic computations that are necessary.

Frankly, my question is this: Is it not the studied position of my friend from Illinois that if the credit card companies want to let you know how much you are on the hook with them for, they can easily do it?

Mr. DURBIN. That is exactly right. The Senator from Vermont understands, as I do, that occasionally people find themselves in a difficult position where they can only make the minimum monthly payment in a given month. They have bad circumstances and they are having a tough time of it. I understand that. I think that is something that may happen to any family. But you ought to do it with your eyes wide open, so you realize if you do this repeatedly, making the minimum monthly payment month after month, you will never get out of the hole; the hole may be there for 7 or 8 years.

Now, why is the credit card industry so reluctant to tell consumers the truth? There was a law passed several decades ago called Truth in Lending. This credit card provision that I am supporting is ''truth in credit cards,'' so they will at least give consumers the information so they can decide what is best for them and their families. They may decide they had better pay off all the balance. Maybe they do not need an extra credit card. They can make a responsible decision.

This whole debate about bankruptcy got started when the credit industry came to my office and said they thought bankruptcy had lost the moral stigma it once had: Too many people are flooding the bankruptcy courts, and they are not very embarrassed by it.

I can tell you, the attorneys and the trustees and the judges to whom I have spoken dispute that. They find people showing up in these courts very sad about the circumstances that surround them. They have done their level best with small businesses and their families, and they are in over their heads and have nowhere to turn. They have a family tragedy they didn't anticipate—usually a medical bill they can't pay—and they wish they never had to be in bankruptcy court.

I also turned to the credit card industry and said: If we are talking about a moral stigma, what is your moral responsibility when it comes to flooding America with credit card applications? When it comes to young people in America, who do not have any source of income, receiving solicitation after solicitation for credit cards, don't you have some responsibility to make sure you are not extending credit beyond a person's ability to pay? They will not accept that responsibility.

Why is it that they focus on college students, for example? They believe in brand loyalty. They think if you are in college and you decide to take a Visa card, or a MasterCard, or a Discover card, or an American Express card, that is going to be your favorite brand of credit. They want to get you early. And some sad things have resulted.

Senator FEINSTEIN of California and I are going to offer an amendment a little later. The amendment is going to set a cap on the total amount of credit available to young people through their credit cards. It is a sensible measure that protects college students and other young adults who are at an age when many are getting their first taste of personal and financial independence. It protects the companies issuing the credit cards from having their customers assume far more debt than they are able to handle.

I do not need to tell you there is an epidemic of credit card default among young people today, especially on college campuses. I can go to a University of Illinois football game in Champaign. I go into the stadium, go up the ramp, and at the top of the ramp someone is waving a T-shirt at me that says ''University of Illinois.'' And I can say: What is this all about? They say: If you will sign up for a University of Illinois credit card, we will give you a free T-shirt. They are doing everything they can to lure students to these credit cards.

Then you go to places such as the University of Indiana, and the dean of students says more students drop out due to credit card debt than to academic failure.

What are the statistics on young people filing bankruptcy in America? In the early 1990s, only 1 percent of all personal bankruptcies were filed by people under the age of 25. By 1996—just a few years later—that figure increased to 8.7 percent—more than an eightfold increase in the proportion of young, college-age people filing for bankruptcy.

Remember, my friends, student loans are not dischargeable in bankruptcy. So if you go into a bankruptcy court because you are in over your head with a credit card, you still have your student loan hanging after you have left the court. That, to me, says we have a scandalous situation on our hands that the credit card industry is exploiting. The amendment Senator FEINSTEIN will offer a little later addresses it.

Let me give you one illustration. Sean Moyer got his first credit card at age 18, when he was a student at the University of Texas. Sean committed suicide at age 22, after he ran up more than $14,000 in debt on his credit cards. His mother told CBS News the following:

> It just did not occur to me that you . . . would give a credit card to an 18-year-old, who was . . . making minimum wage [at a job]. I never thought that he would end up with, I think it was two Visas, a Discover, a MasterCard. When [Sean] died, he had 12 credit cards.

Sean was a smart kid, a National Merit Scholar winner. He was on his way to law school. But in many ways he was a young boy who succumbed to the temptation of easy credit.

As his mother went on to say:

> Anybody that has 18-year-olds knows they are not adults [many times]. I don't care what the law says. They are 18 one minute. They are 13 the [next]. Here they are in college, their first time away from home. They're learning to [try to] manage their money.

We ought to keep people such as Sean Moyer and these young men and women in our mind as we talk about bankruptcy reform. That is why Senator FEINSTEIN's amendment makes so much sense. It sets a reasonable credit cap for all credit cards. We are not saying a young person can't have a credit card. We are talking about unlimited credit, that we get a young person with literally no job with debt of $14,000 or more. This is a reasonable extension of credit for these young credit card holders. It is indexed to the consumer price index to adjust to inflation.

As a further protection, we have in the amendment the statement that if you happen to have the cosignature of your parent or guardian, you might have more credit offered to you.

These simple measures would protect our young people from getting in over their heads with multiple credit cards. It is no surprise that the credit industry hates this like the Devil hates holy water. The idea that they can't go out and lure and hook in all of these young people at a vulnerable point in their lives is something of which they are frightened. They are going to oppose the Feinstein amendment.

Let me talk for a moment about moral stigma, the moral stigma of people with an average income of $22,000 a year going to bankruptcy court, heartbroken over medical bills or divorce or loss of job. How about the moral stigma of these credit card companies, wallpapering college campuses with credit cards the kids just can't keep up with. I know Senator FEINSTEIN plans to reoffer her amendment on the floor. Senator JEFFORDS and I are cosponsors of this sensible, bipartisan amendment. I urge my colleagues to support it.

Balance is certainly the order of the day in this debate. We are a new Congress with a balanced 50/50 Senate. We have a new President, faced with the challenge of uniting an evenly divided electorate. We have a new and real opportunity to work together to pass genuine bankruptcy reform, reform that is balanced, meaningful, and fair.

In a few moments I will send to the desk an amendment to the bankruptcy bill aimed at another area of abuse which should be resolved. It is directed particularly to what is known as predatory lending practices. Much of our discussion concerning reform of the Nation's bankruptcy laws is focused on the perceived abuses of the bankruptcy system by consumers and debtors. Much less discussion has occurred with regard to abuses by creditors who help usher the Nation's consumers into bankruptcy.

I believe there are abuses on both sides and that bankruptcy reform is incomplete if it does not address both sides. Studies have identified a host of predatory financial practices directed at the Nation's financially vulnerable. These studies suggest that many low-income Americans participate in a virtual fringe economy. They may lack access to mainstream banks and financial institutions. They may lack the collateral or the credit rating needed to secure loans for a home, to buy a car, pay for home repairs, or other essential needs. This vulnerable segment of our economy is at the mercy of a variety of credit practices by a variety of offerors that can lead to financial ruin.

High-pressure consumer finance companies have bilked unsophisticated consumers out of substantial sums by aggressively marketing expensive loan insurance products, charging usurious interest rates, urging repeated refinancing, and loading their products with hidden fees and costs. High cost mortgage lenders have defrauded millions of older Americans with modest income but substantial home equity of their lifelong home ownership investments. Senator GRASSLEY of Iowa, who has been the chairman of the Senate Special Committee on Aging, has held hearings, heartbreaking stories of elderly people, usually women living alone, who are preyed upon by these companies that come in and lure them into signing documents they barely understand for repair of their homes with terms and conditions that are unfair by any standard.

Some auto lenders in the used car industry have gouged consumers with interest rates as high as 50 percent, with assessments for credit insurance, repair warranties, and hidden fees, adding thousands of dollars to the cost of an otherwise inexpensive used car. Pawnshops in some States have charged annual rates of 240 percent or more to customers who have nowhere else to turn for small short-term loans. Abusive credit practices of every stripe harm millions of older and low-income Americans every single year.

During the committee debate on S. 1301, I offered an amendment designed to address and curtail just one bad practice among many predatory high-cost mortgage loans targeted at the low-income elderly and the financially unsophisticated. This amendment was adopted unanimously on a previous bill and was stripped out in conference. The credit industry did not want us to even go after the bottom feeders in their business, the people who prey on the elderly and uninformed.

I will reoffer this language today as an amendment to this bankruptcy bill. This is the exact same language that was in the 1998 bankruptcy bill that passed the Senate 97–1. It is also the same language that many of my colleagues, including Senator GRASSLEY and Senator SPECTER, voted for in the 106th Congress. It is my hope that they will join me in supporting this amendment again.

In recent years there has been an explosion on the market for this type of home mortgage, generally for second mortgages that are not used to fund the purchase or construction of a home. The market is known as the subprime mortgage industry. The subprime mortgage industry offers home mortgage loans to high-risk borrowers, loans carrying far greater interest rates and fees than conventional

loans and carrying extremely high profit margins for the lenders.

According to the Mortgage Market Statistical Annual for the year 2000, subprime loan originations increased from $35 billion in 1994 to $160 billion in 1999.

As a percentage of all mortgage originations, the subprime market share increased from less than 5 percent in 1994 to almost 13 percent in 1999. This is not an isolated incident. This is a trend, a trend where people are preying on vulnerable consumers across America, usually widows, usually elderly women, ultimately trying to take away their homes in bankruptcy court.

We are considering a bankruptcy reform bill where we are supposed to be eliminating abuses? For goodness' sake, should we not eliminate the use of the predatory lending which we see is growing by leaps and bounds in this country?

By 1999, outstanding subprime mortgages amounted to $370 billion. Home Mortgage Disclosure Act data shows a substantial growth in subprime lending. The number of home purchase and refinance loans reported under HMDA by lenders specializing in subprime lending increased almost tenfold between 1993 and 1998, from 104,000 to 997,000. I will relate a few stories in a moment that will illustrate the kinds of loans, the kinds of, what I consider, extremely corrupt practices by the credit industry that are rewarded in bankruptcy court.

You will see when this amendment comes up for a vote if the credit industry itself, which prides itself on being a major financial institution in America, is willing to step forward and point out the wrongdoers within its own ranks. Sadly we have seen over the last several years they were not.

The growth of the subprime lending industry is of concern to us for two reasons: First, because of their reprehensible practices called predatory lending practices, which some of these companies use to conduct their business; second, because of the vulnerable people involved, senior citizens, low-income people, the financially unwary to whom they often target their loans.

According to 1998 Home Mortgage Disclosure Act data, low-income borrowers accounted for 41 percent of subprime refinance mortgages. African-American borrowers accounted for 19 percent of all subprime refinance loans. In 1998, when Senator GRASSLEY held the hearing I referred to earlier with the Special Committee on Aging, several people came forward to tell their stories.

William Brennan, director of the Home Defense Program of the Atlanta, GA, Legal Aid Society, put a human face on this issue and this amendment. He told us of the story of Genie McNab, a 70-year-old woman living in Decatur, GA.

Mrs. McNab is retired. She lives alone on Social Security and retirement. In November of 1996, a mortgage broker contacted her and, through this mortgage broker, she obtained a 15-year mortgage loan for $54,000 from a large national finance company. Her annual percentage rate was 12.85 percent. Listen to the terms of the mortgage. She will pay $596.49 a month until the year 2011, when she will be expected, and required, to make a final payment of $47,599.14—a balloon payment for an elderly lady living on Social Security. By the time she is finished with this mortgage that this fellow convinced her to sign for, her $54,200 loan will have cost her $154,967, and she faces a balloon payment of almost $48,000 at the end.

When Ms. McNab turns 83 years old, she will be saddled with this balloon payment that she will never be able to make. She will face foreclosure of probably the only real asset in her life—something she has worked for her entire life—and she will be forced to consider bankruptcy. She will face the loss of her home and her financial security, not to mention her dignity and sense of well-being. Ironically, she had to pay this mortgage broker a $700 fee to find her this ''wonderful'' loan—a mortgage broker who also collected a $1,100 fee from the mortgage lender.

Unfortunately, Ms. McNab is a typical target of the high-cost mortgage lender—an elderly person, living alone, on a fixed income. She is just the kind of person who may suddenly have encountered the death of a spouse and the loss of income, a large medical bill, an expensive home repair, or mounting credit card debt. All of these things could push her over the edge, just making regular monthly payments, not to mention a $48,000 balloon payment, at the age of 83.

These are all real-life circumstances which make her an irresistible target for some of the most unscrupulous members of the mortgage industry in America.

According to a former career employee of this industry who testified anonymously at a hearing before Senator GRASSLEY's committee, ''My perfect customer would be an uneducated woman who is living on a fixed income—hopefully from her deceased husband's pension and social security—who has her house paid off, is living off credit cards but having a difficult time keeping up with her payments, and who must make a car payment in addition to her credit card payments.''

This industry professional candidly acknowledged that unscrupulous lenders specifically market their loans to elderly widowed women, people who haven't gone to school, who are on fixed incomes, have a limited command of the English language, and people who have significant equity in their homes.

They targeted another such person right here in Washington, DC, by the name of Helen Ferguson. She also testified before Senator GRASSLEY's committee. She was 76 years old at the time. This is what she told us: As a result of predatory lending practices, she was about to lose her home. In 1991, she had a total monthly income of $504 from Social Security. With the help of her family, she made a $229 monthly mortgage payment on her home. However, on a fixed income she didn't have enough money for repairs. She started listening to radio and TV ads about low-interest home improvement loans. She called one of the numbers. She thought she had signed up for a $25,000 loan. In reality, the lender collected over $5,000 in fees and settlement charges for a $15,000 loan.

Again, describing the predatory cases, Ms. Ferguson decided she needed to take out a loan. She thought she was borrowing $25,000. After the fees, she was borrowing $15,000. She was living on $500 a month in Social Security. The interest rate the lender charged her was 17 percent. Her mortgage payments went up to $400 a month—almost twice her original payment. Over the next few years, this lender repeatedly tried to lure Ms. Ferguson into more debt. He called her at home, called her sister at home and at work, and he sent her letters, and, God bless him, he even sent a Christmas card. In March of 1993, she gave in to this lender, borrowing money to make home repairs.

By March of 1994, she could not keep up with her mortgage payments. She signed for a loan with another lender, unaware that it had a variable interest rate and terms that caused her payments to rise to $600 a month and eventually to $723 a month. Remember, $500 a month was her Social Security income. She is now up to $723 a month in mortgage payments. For this loan, she paid $5,000 in broker fees and more than 14 percent in total fees and settlement charges. The first lender also continued to solicit her. She eventually signed up for even more loans. Each time, the lender persuaded her that refinancing was the best way out of her predicament.

Ms. Ferguson was the target of a predatory loan practice known as loan flipping.

Why is this an important discussion in the middle of a bankruptcy bill? Because, frankly, these bottom feeders make terrible loans to vulnerable people who ultimately end up in bankruptcy court, taking away the homes of people such as Ms. Ferguson.

I have tried to convince my colleagues on the committee that if we are going to reform the bankruptcy code, for goodness' sake, why would we reward people who are making these terrible arrangements with elderly, low-income people, with limited education, and taking away the only thing they have on Earth—their homes?

When I say this to the financial industry and the credit card industry, they say, ''You just don't understand the free market.'' The free market? This isn't a free market. This is some of the worst corruption, worst credit practices in America. We are about to protect them with this bill.

Let me tell you what Senator GRASSLEY said about it when he held this hearing back in 1998. My colleague from Iowa has a lot of Midwestern wisdom to share here:

> What exactly are we talking about when we say that equity predators target folks who are equity rich and cash poor? These folks are our mothers, our fathers, our aunts and uncles, and all people who live on fixed incomes. These are people who often times exist from check to check and dollar to dollar, and who have put their blood, sweat, and tears into buying a piece of the American dream and that is their own home.

He goes on to say:

> Before we begin this hearing, I want to quote a victim—a quote that sums up what we are talking about here today. She said the following: ''They did what a man with a gun in a dark alley could not do: they stole my house.''

That is Senator GRASSLEY talking about predatory lenders, who are protected by this bankruptcy bill. That is why I am offering this amendment. They don't deserve this protection. Ms. Ferguson was eventually obligated to make more than $800 monthly payments, although her income was $500—and the lenders knew it from the start. In 5 years, the debt on her home—this elderly lady living on Social Security—increased from $20,000 to over $85,000.

She felt helpless and overwhelmed. It was only after contacting AARP that she realized these lenders were violating the Federal law.

Lump-sum balloon payments on short-term loans, loan flipping, the extension of credit with a complete disregard for the borrower's ability to repay—these aren't the only abusive mortgage practices. Lenders on these secondary mortgages sometimes include harsh repayment penalties in the loan terms, or rollover fees and charges into the loan, or negatively amortize the loan payment so the principal actually increases over time—all of which is prohibited by law, although ordinary homeowners are unlikely to even know that. Some of these homeowners will make it to a lawyer and get help before it is too late. Many of them will be forced into bankruptcy court. They will walk into that court, and this slimy individual and his company, which has given them this terrible loan that violates the law, will stand up proudly, through his lawyer, and take it all away.

This bill will not even address that issue unless the Durbin amendment is adopted.

On March 5, US News & World Report featured a telling article in their business & technology section entitled: ''Sometimes a deal is too good to be true: Big-bank lending and inner-city evictions.'' In the article Jeff Glasser describes two cases that originate from my home state of Illinois that I want to share with you.

The first involves Goldie Johnson. The lender was EquiCredit, a subsidiary of Bank of America:

Goldie Johnson is a 71-year-old homeowner who lives on the Westside of Chicago with her daughter and 4 grandchildren. Her income is $1,270 a month from Social Security and pension. Between June 1996 and March 1999, Ms. Johnson entered into at least three refinancing agreements with various subprime lenders and brokers.

In March, Ms. Johnson was contacted through a phone solicitation by a mortgage broker, who promised Ms. Johnson that she could get a new loan that would refinance her two existing mortgages, provide her with $5,000 in extra cash and lower her monthly mortgage payments. Ms. Johnson was in desperate need of cash to repair her kitchen. She agreed to meet with the broker.

She met with the broker twice. On the second visit she was presented with a myriad of papers to sign.

Ms. Johnson, who suffers from glaucoma was not able to read the documents carefully. In fact, after looking over only a few of the papers she stopped because her eyes became too tired to continue.

Nonetheless, based on the broker's promises and representations that the loan would provide her with cash to repair her kitchen and lower her mortgage payments, Ms. Johnson signed the loan documents. She was not provided with copies of any of the documents.

The mortgage documents created a loan transaction between Ms. Johnson and Mercantile for the principal amount of $90,000 with an annual percentage rate of 14.8 percent.

The transaction created a 15-year loan with monthly mortgage payments of $994.57, excluding taxes and insurance, with a balloon payment on the 180th month of $79,722.61.

The monthly mortgage payment was 80 percent of this retired lady's income.

The final balloon payment—the amount of principal owed after Ms. Johnson pays the lender approximately $1,000 a month over 15 years—was greater than the secured debt on her home before she entered into this agreement.

Ms. Johnson received no proceeds from the transactions. The broker and lender received at least $9,760 in points and fee from the loan. Equicredit is now attempting to foreclose on Ms. Johnson's home.

Then the case of James and Clarice Mason, the lender was Fieldstone, then Household.

James Mason, age 62, with his wife Clarice who died on June 8, 1999, owned and lived in his home on the west side of Chicago since 1971.

In 1991, the Masons successfully paid off the original mortgage on their home.

In 1993, Mrs. Mason became disabled due to diabetes and arthritis.

In 1995, Mr. Mason became disabled due to a stroke. The stroke has left Mr. Mason with brain damage that has impaired his memory and thinking.

In November 1998, Mr. and Mrs. Mason's home was free and clear of all liens.

On or about the end of November 1998, they were repeatedly solicited for home repair work. Mrs. Mason eventually agreed to meet with a home repair company and later a mortgage broker. They promised the necessary repairs would cost $15,000 and that the broker would help them find financing.

On December 6, 1998, about a week after completing the loan application, Mrs. Mason was hospitalized for complications arising from her diabetes.

On December 7, 1998, Mrs. Mason was visited at the hospital by a broker who explained that he had come to visit Mrs. Mason and to help her complete her loan transaction. What a wonderful person. He then presented Mrs. Mason with numerous documents and told Mrs. Mason to sign them. The agent of the company provided Mrs. Mason with no opportunity to review the documents, but assured her that this was the loan she had ''discussed'' with New Look that would allow her home to be repaired.

Mrs. Mason, although unclear about what she was signing, signed all the documents provided by the agent because she trusted him. She believed he was trying to help.

At the time she signed the loan documents, Mrs. Mason was in a disoriented state due to her severe illness. At the time she signed the loan documents, Mrs. Mason's vision was impaired because of a cataract on one of her eyes. At no time was Mr. Mason, co-owner of the home, asked to sign any of the loan documents. Nonetheless, Mr. Mason's forged signature appears on the mortgage agreement. The documents that were ''signed'' created a 30-year loan agreement, with a principal of $70,000.

Under the terms of the loan, Mr. and Mrs. Mason's monthly mortgage payment was to start at $601.41 and adjust upward to $697.

Remember, this is an elderly couple retired with their home all paid for, and to get $15,000 worth of repairs on their home, they signed on to a mortgage that cost them about $700 a month.

Under the terms of the loan, Mr. and Mrs. Mason were charged at least $7,343 in prepaid finance charges.

The home contractor received $35,000.

The Masons received no money.

Work was barely started and never completed.

A suit was filed against the home repair company, broker, and two lenders.

After the suit, the home was severely damaged by a suspicious fire.

Mr. President, I ask unanimous consent that this US News & World Report article be printed in the RECORD.

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

[From U.S. News & World Report, March 5, 2001]

SOMETIMES A DEAL IS TOO GOOD TO BE TRUE

(By Jeff Glasser)

CHICAGO.—One day in March 1999, mortgage broker Mark Diamond arrived on Goldie Johnson's west-side doorstep, his portable photocopier in tow. Here's the 72-year-old retiree's version—from court papers and interviews—of how Diamond's promise to save her thousands of dollars may end up costing Johnson her home: He told her that if she refinanced her mortgage, he could cut her debts and get her up to $8,000 in cash. With the money, she could fix her rotting kitchen floors and replace the rickety basement beams. But to get the cash, she had to act fast. (She believed him. He said he was ''in the business of helping senior citizens.'') He handed her a thick stack of loan papers. Johnson, who suffers from glaucoma, says she could barely read them. ''Don't worry about it,'' he said. So she signed, 13 times.

Johnson says she never saw any cash. The loan she signed saddled her with monthly payments of $994.57—about $200 more than she had been paying—and consumed about 80 percent of her fixed income. A balloon payment of $80,000 would be due the year Johnson turns 86. Meanwhile, Diamond's company fee for selling the loan came to $9,010. ''I've heard of sticking people up with guns, not with pens,'' says Johnson, who cannot pay the mortgage and is fighting to save her home from foreclosure in court. Diamond disputed her account and denied wrongdoing through his lawyer.

What's unusual about the case of Goldie Johnson is that she wasn't simply the alleged victim of a fast-talking predator. Her loan was sold to a company called EquiCredit, a subsidiary of the Bank of America, a prestigious institution not often linked to inner-city evictions. But Bank of America is one of a number of the nation's top commercial banks, including Citigroup and J. P. Morgan Chase, that have recently inked deals with subprime lenders—companies that offer loans to people with less than perfect credit. Subprime loans promise profit margins far greater than do low-interest conventional mortgages.

This foray by the big banks coincides with a surge in the number of subprime loan defaults. Certainly not all subprime loans are predatory. But foreclosures in the Chicago area by subprimes have risen from 131 in 1993 to 4,958 in 1999, according to the National Training and Information Center, a watchdog group. Consumers in other areas are also complaining about lending abuses, causing more than 30 states and dozens of cities to consider curbs on predatory lending.

The upswing in defaults poses a double challenge for the big banks: They must fend off hundreds of lawsuits brought against their subsidiaries. As they do so, they will be asked to bring better practices to an industry derided as ''legalized loan sharking'' by detractors.

The tactics are all too familiar. Critics call one the ''bait'' scam: In Philadelphia, where the 3,226 foreclosures last year were almost double the number in 1997, a poor veteran named Leroy Howard says in bankruptcy papers that he was lured into refinancing his mortgage with an offer of $4,000 in cash and debt relief. When he accepted, his mortgage doubled in size to $40,000, including $9,040 in new fees and charges. Howard's attorney charges the lender made the loan even though it was aware Howard could not repay it; a notation in his file says he would use the cash for food. Citigroup, which acquired the loan's servicing rights, settled the case.

There's the hard sell: In Chicago, it is alleged in court that a home improvement contractor, along with a mortgage broker, went to a local hospital and persuaded a woman admitted there to refinance on unfavorable terms. ''You couldn't tell him no that day,'' says Valerie Mason, daughter of the woman, who has died.

The banks don't condone these tactics. ''Small, unscrupulous lenders don't have to follow the rules,'' says Howard Glaser, chief lobbyist for the Mortgage Bankers Association. The responsible lenders ''get tainted by what the bad actors do.'' The major lenders—including Citigroup and Bank of America—argue that subprime lending doesn't bilk the innocent or gut neighborhoods. Far from it, they say: The vast majority of the loans help people with bad credit to repair their homes and settle their debts. A decade ago, homeowners with imperfect credit would have paid 5 to 10 percentage points more for loans, they say, if they could get a loan at all. The banks also claim that the number of predatory lending cases is minuscule, though consumer advocates disagree. (There are no national data to resolve that dispute.)

Flipping and packing. The taint of predatory lending hasn't deterred major banks from entering the growing subprime market. There were 856,000 subprime loans issued in 1999, six times as many as in 1994. Those loans often produce margins eight times those of conventional mortgages, although there's a greater risk of default and higher servicing costs. Banks can make more money by packaging subprime loans as mortgage-backed securities and selling them to mutual funds.

But can the major banks help curb bad practices? Citigroup will be the largest test case. In November, the company completed a $27 billion acquisition of Associates First Capital, which was spending $19 million to fight more than 700 lending lawsuits. The suits spotlight more questionable tactics. For example, Associates established quotas for refinancing loans over and over, or ''flipping'' them, with no benefit to the consumer, former company employees testified. (Its motto, according to the court papers: ''A loan a day or no pay.'')

Another common practice, employees said, was the ''packing'' of costly insurance products into the price of a loan. Consider the testimony of Rick McFadden, a branch manager in Tacoma, Wash. When he failed to tack on the insurance, the boss would crumple a piece of paper into the phone. ''You hear that?'' the boss would say. ''That's your loan. It doesn't have any insurance on it. . . .'' And into the trash it would go. A Citigroup spokesman declined to comment on the testimony but said the issues ''have been addressed in the pledges we've made.'' Citi settled a Georgia class-action ''packing'' lawsuit in January for $9 million and, U.S. News has learned, a similar suit in Pennsylvania. In reforms announced last fall (including caps on fees and improved training), the company condemned the practices of ''packing'' and ''flipping.''

Still, victims seeking restitution are having a hard time figuring out who is to blame. In Goldie Johnson's case, her loan was solicited by Diamond but ended up in EquiCredit's portfolio. The Bank of America subsidiary then tried to foreclose on Johnson. The company claimed in court, however, that it was not responsible for tactics used to sell the original mortgage. (Since the lawsuit was filed, the loan has been sold again.) The insulation of the banks rankles legal-aid lawyers. ''At some point, the ostrich defense doesn't work,'' says Johnson's attorney, Ira Rheingold.

While lawyers and lenders duke it out, once stable neighborhoods in places like Maywood, Ill., a working-class Chicago suburb, are filled with boarded-up houses resulting from foreclosures. Resident Delores Rolle, 51, says gang members from the Latin Kings took over an abandoned house, put up drapes, and used it for drug dealing. ''This has been a nightmare,'' says Rolle. ''It's Beirut around here.''

Mr. DURBIN. As demonstrated in these cases, the people soliciting these loans have won their trust and confidence, and the homeowners are reluctant to believe that they have been so ruthlessly taken in.

Just this morning the Washington Post reported that the Federal Trade Commission sued the Associates, a lending unit of Citigroup, for its predatory lending practices.

This is not just an occasional storefront operation. The growth of these predatory loans tells us we are dealing with a national phenomenon. This is what they said at the FTC about this group from Citigroup called Associates:

''They hid essential information from consumers, misrepresented loan terms, flipped loans [repeatedly offering to consolidate debt into home loans] and packed optional fees to raise the costs of the loans,'' said Jodie Bernstein, director of the FTC's Bureau of Consumer Protection. The practices, she said, ''primarily victimized . . . the most vulnerable—hardworking homeowners who had to borrow to meet emergency needs and often had no other access to capital.''

Mr. President, I ask unanimous consent that this article from today's Washington Post be printed in the RECORD.

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

[From The Washington Post, March 7, 2001]

FTC SUES LENDING UNIT OF CITIGROUP

ASSOCIATES ACCUSED OF ''ABUSIVE'' ACTS

(By Sandra Fleishman)

The Federal Trade Commission yesterday sued a recently acquired arm of financial giant Citigroup Inc., accusing it of deceiving often cash-strapped home-equity borrowers through ''systematic and widespread abusive lending practices.''

The case is the largest ever brought for abusive or predatory lending by the FTC, the government's chief consumer-protection agency. If the case is proven, the FTC estimates that it could result in hundreds of millions of dollars in refunds to tens or hundreds of thousands of borrowers.

The suit filed in U.S. District Court in Atlanta names New York-based Citigroup, CitiFinancial Credit Co. and the acquired

companies, Associates First Capital Corp. and Associates Corp. of North America, collectively known as Associates.

Associates, which specialized in loans to higher-risk borrowers, was one of the nation's largest home-equity lenders when Citigroup bought it in November for $31 billion. It was then wrapped into the bank's CitiFinancial unit.

Yesterday's action was sought by consumer activists, who for years labeled Associates as the worst predatory lender in the country.

The FTC has been investigating Associates since at least 1998, when the company was a subsidiary of Ford Motor Co. Ford eventually spun it off.

In a statement issued yesterday, Citigroup said, ''We regret that we have been unable to resolve the FTC claims regarding past practices of the Associates without litigation.''

The statement also said: ''From the time we announced our intent to acquire Associates, we indicated our full commitment to resolve concerns that had been raised about their business. To date, we have reached out to nearly a half-million customers including every Associates home loan customer, and we will continue these outreach efforts.''

According to the FTC suit, Associates' aggressive marketing ''induced consumers to refinance existing debts into home loans with high interest rates, costs and fees and to purchase high-cost credit insurance.''

''They hid essential information from consumers, misrepresented loan terms, flipped loans [repeatedly offering to consolidate debt into home loans] and packed optional fees to raise the costs of the loans,'' said Jodie Bernstein, director of the FTC's Bureau of Consumer Protection. The practices, she said, ''primarily victimized . . . the most vulnerable—hardworking homeowners who had to borrow to meet emergency needs and often had no other access to capital.''

The suit seeks financial redress but doesn't specify an amount, ''If all of the charges are proven [the amount] could be much more than $500 million,'' Bernstein said. That number is drawn from the Associates financial reports, which show earnings of more than $500 million from 1995 to 1999 in single-premium credit life insurance premiums alone.

Single-premium credit life insurance, which enrages consumer groups, is paid upfront through a home loan, rather than monthly.

Because such insurance was factored into the loans, it added ''hundreds or thousands of dollars to consumers' loan costs,'' and in many instances ran out years before the home loan did, the FTC said. Credit life insurance is a way to cover the borrower's loan payments in the case of death, illness or loss or employment. But the FTC said Associates employees did not always mention or explain products and discouraged consumers from refusing them.

Federal and state regulators cleared the way for the Citigroup-Associates merger last year despite consumer groups' pleas that Citigroup first be required to agree to specific steps to protect consumers.

Yesterday, consumer groups welcomed the FTC suit but sought further action.

''The FTC case backs up what we've been saying, that Associates has been ripping off homeowners across the country,'' said Maude Hurd, president of the Association of Community Organizations for Reform Now.

Citigroup's stock closed yesterday at $48.63, up 38 cents, on the New York Stock Exchange. John Wimsatt, who tracks Citigroup for Friedman, Billings, Ramsey Group Inc., said strong investor confidence in the company reflects ''consensus estimates that it will earn about $15.8 billion'' in 2001 and the belief that the company, aware of the FTC investigation, either put money into reserves to cover the litigation ''or factored it into the purchase price.''

Most of the other 14 predatory lending cases the FTC has brought since 1998 have been settled. One case still in litigation involves Washington-based Capital City Mortgage Corp.

Mr. DURBIN. The problem of predatory financial practices in the high-cost mortgage industry is relevant to bankruptcy because it is driving vulnerable people into bankruptcy. These people are not entering bankruptcy in order to abuse the system. They are filing bankruptcy because the reprehensible tactics of unscrupulous lenders have driven them into insolvency and threatens their homes, cars, and other necessities; frankly, everything they own on Earth.

My amendment prohibits a high-cost mortgage lender that extended credit in violation of the provisions of the Truth-In-Lending Act from collecting its claim in bankruptcy.

I repeat this because the credit industry which opposes this amendment, opposes the following: A suggestion by me that if you have made a high-cost mortgage loan and in doing so violated the provisions of the Truth in Lending Act, you cannot go into bankruptcy court and be protected by the laws of the United States. If you violated the law to create this mortgage, then the bankruptcy court law will not protect you. It is that simple. You wonder why these major credit companies and financial institutions oppose this amendment. They say: If you get your nose under the tent, DURBIN, we don't know where you are going next.

I suggest to them that they ought to look outside their tent for a moment at some of the scummy practices of people who say they are also their brothers and sisters in the mortgage credit industry. They should not make excuses for them and expect the American people to trust the mortgage credit industry when they tell us they have the best interest of consumers in America in their hearts.

The result of my amendment will be that when individuals like Genie McNab, Helen Ferguson, Goldie Johnson, or the Masons, goes to the bankruptcy court—seeking last-resort help for the financial distress an unscrupulous lender has caused her—the claim of the predatory home lender will not be allowed.

If the lender has failed to comply with the requirements of the Truth in Lending Act—a law created by Congress and signed by the President—for high-cost second mortgages, the lender will have absolutely no claim against the bankruptcy estate.

My amendment is not aimed at all subprime lenders or all second mortgages. Indeed, it is only aimed at the worst, most predatory scum-sucking bottom feeders in this industry. My provision is aimed only at practices that are already illegal under the law. It does not deal with technical or immaterial violations of the Truth in Lending Act. Disallowing the claims of predatory lenders in bankruptcy cases will not end these predatory practices always. But for goodness sake', why should we come to this floor and pass a law to protect these people? It is one step we can take to curb credit abuse in a situation where the lender bears primary responsibility for the deterioration of a consumer's financial situation.

AMENDMENT NO. 17

Mr. President I send my amendment to the desk.

The PRESIDING OFFICER. Is the Senator seeking consent to set aside the pending amendment?

Mr. DURBIN. Yes, I ask unanimous consent.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN], proposes an amendment numbered 17.

Mr. DURBIN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed.

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

The amendment is as follows:

(Purpose: To make an amendment with respect to predatory lending practices, and for other purposes)

At the end of subtitle A of title II, add the following:

SEC. 204. DISCOURAGING PREDATORY LENDING PRACTICES.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) the claim is based on a secured debt, if the creditor has failed to comply with any applicable requirement under subsection (a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 129 of the Truth in Lending Act (15 U.S.C. 1639).''.

Mr. DURBIN. Mr. President, I represent to Members of the Senate that my description of this amendment is very simple. Senator GRASSLEY is on the floor, and I can say his hearings before the Select Committee on Aging regarding predatory lending have inspired us to offer this amendment. Some of the statements he made during the course of those hearings about the abuses of predatory lending and the victims across America have led us to offer an amendment on the floor of the Senate to the bankruptcy bill to say these people who are taking advantage of otherwise good citizens should not be allowed the protection of the bankruptcy court. If they violate the law in

creating this debt, they shouldn't be able to hide behind the bankruptcy law when they go to court.

I hope even my friends in this Chamber who feel very strongly about the credit and financial industry, during the course of the consideration of this debate on this amendment, will at least find some sympathy and understanding for people such as those I have described—good, hard-working Americans living in retirement who have been victimized by people engaged in illegal practices. I hope we can adopt this amendment as part of the reform of our bankruptcy system to keep in mind some of the victims of the credit system from some of the worst perpetrators.

I yield the floor.

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate resume consideration of the pending Leahy amendment No. 13 at 5:30 pm and there be up to 20 minutes equally divided in the usual form.

I further ask consent that at the conclusion of this debate, the amendment once again be laid aside and the Senate resume consideration of the Wellstone amendment No. 14 and there be up to 60 minutes equally divided in the usual form.

I further ask consent that at the conclusion of the debate on the Wellstone amendment, the Senate proceed to vote in a stacked sequence on or in relation to the Wellstone amendment, to be followed by a vote on or in relation to the Leahy amendment, and that no amendments be in order to either amendment.

Further, I ask that there be 2 minutes equally divided for closing remarks prior to the second vote in the series.

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

Mr. HATCH. As a result of this agreement, at least two back-to-back votes will occur at 6:50 this evening. So I put all colleagues on notice that we will have at least two back-to-back votes.

AMENDMENT NO. 17

Mr. President, as I understand it, the amendment of the distinguished Senator from Illinois, the predatory lending amendment, takes away the lender's right to satisfy a claim to get paid on the debtor's bankruptcy if there was any ''material'' Home Ownership Equity Protection Act violation. The Home Ownership Equity Protection Act is not a predatory lending law. Any attempt to characterize it as such is misleading and inflammatory.

Many legitimate lenders—banks, community banks, and finance companies—make home equity loans which fall under this act, codified section 129 in the Truth in Lending Act. Section 129 recognizes a legitimate sector of the home lending market, certainly one that is not ''predatory'' and already provides ample protection for consumers, both in the form of disclosures and substantive prohibitions and remedies for violations of this act.

First, this is a banking amendment. This is outside the jurisdiction of this committee. Second, and more importantly, this amendment is problematic in its effect in a number of ways. For instance, it will adversely affect the availability of credit to certain consumers, many of whom may be low income and minorities whom this amendment purports to protect. Moreover, the secondary markup for such mortgages will also be affected, thereby placing upward pressure on the pricing of such loans.

A number of the horror stories given are already covered by current law, and we should be enforcing those laws.

It appears this amendment, though seemingly well meaning, might create more problems than it might remotely solve. Already there are numerous protections and built-in super-remedies afforded the borrowers under the Homeownership and Equity Protection Act. For example, a consumer can rescind any loan that violates the provision. This alone takes care of any conceivable problem in bankruptcy. Furthermore, all material violations result in civil liability under the Home Ownership Equity Protection Act and enhance civil remedies such as ''an amount equal to the sum of all finance charges and fees paid by the consumer, unless the creditor demonstrates that the failure to comply is not material,'' in addition to actual damages, statutory damages, attorney's fees, and costs.

Furthermore, to justify the harsh punishment it creates, in addition to those penalties already available in the Home Ownership Equity Protection Act, this amendment does not even require any finding that such a violation was the cause of the debtor going into bankruptcy.

That is not good law. That is not the way we should be making law. Nor does it require that a violation of the Home Ownership Equity Protection Act had to have been found for this draconian remedy to take place.

The result, I am afraid, will be litigation within a bankruptcy proceeding and a bankruptcy judge passing judgment on Federal lending laws. Furthermore, I don't know why every debtor will not allege a violation of the Home Ownership Equity Protection Act in the hopes of winning this lottery of getting your home mortgage wiped out for even minor violations which did not contribute in any way to the bankruptcy of the debtor.

This is just plain bad policy. We can't permit this type of an amendment on this bill. It is one thing to use rhetoric about predatory lenders, but I believe the current law takes care of that, and, frankly, I don't think we should try to disturb it with an amendment that doesn't do the job and, in fact, can do an awful lot of harm.

We have to oppose the sincere amendment of the distinguished Senator. I hope our colleagues will vote it down. It would cause tremendous problems.

Last, but not least, I know my colleague is not trying to do this—or at least I believe he is not trying to do this—but this would lead to all kinds of unnecessary litigation, unnecessary failures, to be able to resolve problems as they arise and, frankly, fly in the face of good bankruptcy legislation.

I think the bill and current law in the bill, combined, do take care of some of the problems about which the distinguished Senator is concerned. But his amendment would cause an awful lot of problems. In the end I think all it would do is lend a lot of solace to a lot of lawyers who want to make a lot of money off what clearly are not reasons for the bankruptcy.

We have to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I briefly respond to say to my friend from Utah, keep in mind the people you are protecting by opposing this amendment. Keep in mind the institutions which you are trying to protect by opposing this amendment.

These are people who are preying on our parents and grandparents, living in their retirement, subjected to loan terms and conditions that are outrageous by any moral standard.

What we are saying is, after they have perpetrated these frauds to the public, after they have literally threatened to take away a home from a retired person with a loan that is unconscionable and violates the law, we want them to have free rein in bankruptcy court to pursue their claim.

I don't think that is right. Why in the world is this Senate spending its good time and the money of taxpayers on hearings involving predatory lending, coming up with all of these wonderful speeches about how terrible these people are, and when we have a chance in the bankruptcy law to finally do something to stop these awful predatory lending practices, we refuse? We refuse.

All of the moral indignation we were able to muster in these committee hearings about the outrageous examples of what is happening to senior citizens and low-income people, we forget as soon as we come to the floor and start talking about a bankruptcy law.

I don't care about committee jurisdiction. That may be an issue to some; it is not to me. I am more concerned about the people who expect bankruptcy code reform to be sensitive to borrowers as well as lenders. I hope my colleagues in the Senate will support my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. HATCH. Will the Senator from Florida yield for one last comment?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, when we had this amendment in the committee, it had to be a substantive violation. The current amendment, as we view it, would provide for triggering with even a technical violation. That would be catastrophic in bankruptcy law. We just cannot support this amendment.

I know the distinguished Senator is trying to do something worthwhile, and I do not believe there should be predatory lending any more than he does, but I do think we take care of it in this bill. But under this current amendment, it is even worse than the amendment he was prepared to offer in committee because even a technical violation would trigger what he wants to do. So I just need to make that point for the record, and I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent to proceed as in morning business.

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

Mr. GRAHAM. Mr. President, I ask, immediately upon the completion of my remarks, my colleague, Senator CORZINE, be recognized.

Mr. HATCH. Reserving the right to object, I ask Senators how much time they intend to take?

Mr. GRAHAM. We will take approximately 15 minutes apiece.

Mr. HATCH. I have no objection.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM and Mr. CORZINE pertaining to the introduction of S. 481 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HATCH. 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. 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.

AMENDMENT NO. 17, AS MODIFIED

Mr. LEAHY. Mr. President, I send to the desk a modification of the amendment by the Senator from Illinois, Senator DURBIN. I am advised that this modification has been cleared with Senator HATCH and his side.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, reads as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. DISCOURAGING PREDATORY LENDING PRACTICES.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) the claim is based on a secured debt, if the creditor has materially failed to comply with any applicable requirement under subsection (a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 129 of the Truth in Lending Act (15 U.S.C. 1639).''.

Mr. LEAHY. Mr. President, I know we are waiting for other Members to come to the floor. It is interesting. I have listened to the outpouring of grief following the tragic events in Southern California, the shooting in the high school. As a parent, I obviously look at that and can only begin to imagine the terror that was in the hearts of the parents of all the children there—not knowing from the initial reports whether their child was alive or injured. And then, of course, it had to be the worst grief any parent could feel to find out their children had been killed.

I could not help but think of my own son, who teaches high school in that area. But one has to think of anybody, whether they know them, are related to them or not, in such a case because the whole country is involved. It is almost a John Donne reference in this case, and I think of this body having intense debate a couple of years ago after the tragedy at Columbine. It was actually one of our better debates. We discussed—both Republicans and Democrats—the fact that there are a number of different causes—no one magic thing, no one cause that sends a young person out to do such a terrible, almost inexplicable deed; and in each of these instances when they have happened, and in those instances where the police have caught somebody prior to it happening, there is not a common denominator.

If there was some matrix that you could apply to each one of these, it would be, I suppose, easy enough to stop them. But there isn't. It is not just a question of stricter laws, not just a question of more teachers, not just a question of more security; it is not just a question of gun laws. But there are parts of each of those. What was so good about the debate on the juvenile justice bill, which became the Hatch-Leahy juvenile justice bill, is that we referred to each aspect and we debated and voted on everything from counseling for juveniles to stricter laws on juveniles, closing the gun show loophole, providing tools for teachers and communities. We passed the bill by overwhelming margin. It got 73 votes. I think we can all feel that we had done something for the country.

But the bill never came back. It was never voted on again. It went into a conference committee and never came out. There was never a vote there. Yet I wonder, if you are a parent, and you see a child killed, and you think that at least some things could be done to stop this from happening somewhere else, if you would not think that would be a top priority. We obviously thought it was at a time when this Senate was probably embroiled in the most partisan divisions that I have seen in 25 years. You would think that it would because we had 73 votes. This was a case where Democrats, Republicans, liberals, and conservatives, came together and we passed this bill.

But then a decision was made somewhere, and it never came back. It was never voted on again and was never signed into law because the Congress decided never to act on it again. It was a hollow promise to the parents and the teachers and the children of America. We lost any sense of urgency on this bill that got 73 votes.

But we passed the bankruptcy law—a flawed bankruptcy law, in my view—last year. That got 70 votes, less votes than juvenile justice and, by God, we have to bring it right back up here again—not because the owners of the credit card companies are being shot at or their children are being shot at, not because they are all going out of business. In fact, they have record profits and will have greater ones under this bill because the commercial interests have been heard rather than the interests of parents, children, and teachers.

I mention this in passing. I know there are others on the floor seeking recognition, and I will yield in a moment.

If the Senate is to be the conscience of this Nation, don't we have to sometimes ask ourselves what are our priorities? How can any parent, how can any Senator, how can any American, with the carnage in our schools or on our streets, look at some of the terrible things happening with our youth and ask, Why are we in such a hurry to pass a piece of commercial special interest legislation and we cannot bring ourselves to take the final step across the finish line on the juvenile justice bill?

I cannot accept that, and, frankly, it is not that sense of priority that brought me from my State of Vermont to serve in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, today we are debating an extremely complicated and extremely important piece of legislation, the bankruptcy reform bill. With the exception of a small number of amendments adopted by the Judiciary Committee last week, S. 420, the bill before us, is the same bill that President Clinton vetoed last year. The passing of a few months, and the change of Presidents has not made this bill any better, or more fair, or more balanced, or more worthy of this Congress than was the one we passed last year. It is still a bad bill and I urge my colleagues to oppose it.

Supporters of the bill have put enormous pressure on the Congress to act

quickly and pass the bill again because President Bush has indicated he will sign it. The majority wanted to bring the bill directly to the floor without going through committee, notwithstanding the fact that we have a very different Senate after the last election. We had to fight for every moment of committee consideration. We did succeed in convincing the majority that the Judiciary Committee should consider the bill in committee. We had a quick hearing, and a markup, and I think the bill was improved in the process. Then, the same day that we voted the bill out of committee, the majority leader sought consent to bring the bill up on the floor. I am sorry this rush to judgment is happening. I believe this bill is bad policy, and I believe we will come to regret passing it.

I respectfully suggest that having a new President who is inclined to sign the bill ought to put more pressure on the Senate to do its job in a thoughtful and balanced way, not less. In the past two Congresses, it has been my impression that the Republican majority has made decisions on the substance of this bill in order to stake out a negotiating position vis-a-vis the White House. Twice it has ignored the work done by the Senate on the floor and come up with a conference vehicle that was designed to provoke a veto. In 1998, for example, we passed a bill through the Senate by a vote of 97–1. That is the way bankruptcy reform should be done and has been done in the past. But the majority ignored that bill and brought what was essentially the House bill back from conference, and it failed to become law. Again last year, on issue after issue, including two crucial points—Senator KOHL's homestead amendment and Senator SCHUMER's clinic violence amendment, where the Senate had spoken by clear bipartisan majorities—the bill that came back from the shadow conference was tilted more to the House bill, and the bill was vetoed.

This time there is no administration to push back in negotiations. This time, the bill will not be a product of compromise with the administration. This time the majority will bear responsibility for what it produces and passes. This time for sure we should listen to the experts who have been telling us to slow down and be careful.

Amending the bankruptcy code used to be a nonpartisan exercise, where the Congress listened to experts—practitioners and law professors and judges and trustees, and made careful considered judgments about how the law should work. Now it seems as if we ignore the experts and instead do what the credit industry wants us to do. We use parliamentary tactics to avoid reasoned consideration. Those tactics harm the bill, and discredit the Senate.

Let me now turn to the substance of this legislation. I believe S. 420 will do terrible damage to the bankruptcy system in this country, and even more importantly, to many hard-working American families who will bear the brunt of the unfair so-called ''reforms'' that are included in this bill. This is a harsh and unfair measure pushed by the most powerful and wealthy lobbying forces in this country, and it will harm the most vulnerable of our citizens.

First, let me talk about what is not in this bill, which is directly related to the fact that powerful special interests have shaped it. As I have said a number of times, this bill is not a balanced piece of legislation. The interests that are the strongest supporters of this bill, the credit card companies and the big banks, succeeded in limiting the provisions that will have any effect on the way they do business. These interests gave us and our political parties millions of dollars of campaign contributions and they like the results they achieved in this bill.

If we are going to pass a credit card industry bailout bill, the least we can do is to help save the industry from itself by taking some steps to make sure that consumers are made more aware of the consequences of taking on ever increasing amounts of debt. We have the chance in this bill to require credit card companies to be more open with consumers about the consequences of running a balance on a card, but so far we have not done it. We need more prevalent and more detailed disclosures on credit card statements and solicitations. There are limited disclosure requirements in this bill, but they don't go nearly far enough in my opinion. I am afraid the main reason they do not is the power of the credit card companies.

I will speak about this topic again because I am sure there will be amendments offered to improve the disclosure provisions in the bill. And at that time, I will also call the bankroll on this bill, because the political contributions made by the industry supporters of this bill are truly extraordinary.

There is another thing missing in this bill. Remember, this bill is supposedly designed to end abuses of the bankruptcy system by people who really can afford to pay off more of their debts. But the biggest abuses, and all the experts agree on this, come when wealthy people in certain states file for bankruptcy by taking advantage of very large or even unlimited homestead exemptions that are available in their States. Some people with large debts even move to a State like Florida or Texas where there is an unlimited homestead exemption, specifically for the purpose of filing for bankruptcy.

The National Bankruptcy Review Commission and virtually all leading academics believe that homestead exemptions are being abused and a national standard is needed. And by a vote of 76–22, the Senate adopted in the last Congress an amendment from my colleague the senior Senator from Wisconsin to close the loophole. That amendment would have put a $100,000 cap on the amount of money that a debtor can shield from creditors through the homestead exemption.

That amendment was stripped out of the bill during last year's secret conference and replaced by a weak substitute. The bill limits the homestead exemption to $100,000, but only for property purchased within two years of filing for bankruptcy. That means that wealthy debtors can plan for bankruptcy by moving to an unlimited homestead exemption state, buying a palatial estate, and then just put off their creditors for two years before filing bankruptcy. If they do that, they can continue to shield millions of dollars in assets and throw off their debts with a bankruptcy discharge. The bill will have no effect on this abuse of the bankruptcy system. This bill does not close the homestead exemption loophole that people like Burt Reynolds and Bowie Kuhn have famously used in the past.

Once again, supporters of this bill chose to ignore reforms that would give this bill some balance. Somehow the interests of wealthy debtors who use the homestead exemption to abuse the bankruptcy system are more important than the interests of hard-working Americans who through no fault of their own—whether from a medical catastrophe, or the loss of a job, or a divorce, are forced to seek the financial fresh start that bankruptcy has made possible since the beginning of our Republic. I will, of course, support Senator KOHL when he offers his original and stronger amendment on the homestead exemption. Any bankruptcy bill that does not deal with homestead exemption abuse is simply not worthy of being called bankruptcy reform.

It is interesting and very revealing to contrast the treatment by this bill of wealthy homeowners who abuse the bankruptcy system with how the bill that was introduced treats poor tenants who need the protection of the bankruptcy system to keep from being thrown out on the street while they try to get their affairs in order. As I mentioned, the provision dealing with the homestead exemption is virtually meaningless. At the same time, the bill President Clinton vetoed includes a draconian provision that denies the bankruptcy stay to tenants trying to hold off eviction proceedings, even if they are able to pay their rent while the bankruptcy is pending. I think this provision is purely punitive. It will have no impact at all on getting debtors to pay past due rent. It will result in the eviction of people who are not abusing the bankruptcy system, but

who are trying to use it for exactly the purpose for which it was intended—to get a fresh start and become once again productive members of our society.

When the bankruptcy bill was before the Senate in the last Congress, I tried very hard to pass an amendment that would have made the bill less harsh on tenants while at the same time denying the protection of the automatic stay to repeat filers who are abusing the system. I modified the amendment to take account of some reasonable hypothetical situations that the Senator from Alabama came up with. But the realtors strongly opposed my amendment. And the Senate rejected it by a nearly party line vote. That was unfortunate. It confirmed my view that this bill is not balanced. It is not rational. It's about punishing people, not just stopping the abuses that we all agree should be stopped.

So I offered my amendment again in Committee this year, and with the help of Senator FEINSTEIN, we actually succeeded in committee in eliminating the unfair and harsh provision of the bill section of the bill and replacing it with a provision that is fair to both landlords and tenants. Mr. President, I sincerely hope that my colleagues will oppose any attempt to eliminate the Feingold-Feinstein amendment that the Judiciary Committee adopted.

Now let me turn to what proponents view as the central feature of this bill, the means test. After much work, I believe this feature of the bill is still flawed and unfair. The means test is the mechanism that the bill's proponents believe will force people who can really manage to pay some portion of their debts into Chapter 13 repayment plans instead of Chapter 7 discharges. The means test requires every debtor to file detailed information on their expenses and income which is then analyzed according to a formula. Those who pass the means test can file a Chapter 7 case; those who fail would have to file under Chapter 13.

The bill includes an important ''safe harbor'' for debtors who are below the median income. The means test does not apply to them. That is a good thing, since studies show that only 2 or 3 percent of debtors would be required to move from Chapter 7 to Chapter 13 under the means test. But even with that ''safe harbor,'' the bill has significant problems. First, the bill specifies that for purposes of determining the safe harbor, the median income for each individual state should be used, rather than the higher of the state or national median income. This will unfairly disadvantage people who live in high cost areas of low median income states. Furthermore, in the Senate bill in the last Congress, we included a safe harbor from creditor motions that applied to people with income less than either the national or the median income. The people who drafted the final bill that President Clinton vetoed and that has been reintroduced ignored that standard. I doubt they really believe it will mean that more abusers of the system will be caught by the means test. But they did it anyway, giving further evidence of the arbitrary nature of this bill.

In addition, the means test still employs standards of reasonable living expenses developed by the Internal Revenue code for a wholly different purpose. These standards are too inflexible to be fair in determining what families can live on as they go through a bankruptcy. They are arbitrary. And they are also ambiguous with respect to things like car payments because they were not designed to be used in this context. We have pointed this out repeatedly over the past few years, but the sponsors of the legislation have insisted on using these inflexible IRS standards.

The safe harbor from the means test also inexplicably counts a separated spouse's income as income available to a mother with children who has filed for bankruptcy, even if the spouse is not paying any child support. This can't be fair. Mothers filing for bankruptcy because their spouses have left them are treated for purposes of the safe harbor as if the spouse's income is still available to them. That is what this bill does. It makes no sense. It's arbitrary and punitive. And while I have heard that there may be some interest in fixing this problem, I understand that the credit industry objected when they tried to do that in the House. So we will see just how strong the industry is here in the Senate when an effort is made to correct this terrible injustice in the bill.

Perhaps the thing that is most curious about the means test is that while we now have a safe harbor for lower income people, they still have to fill out all the same paperwork, doing all of means test calculations using the IRS expense standards. Why is that? If the intent is to exempt lower income debtors from the means test, why have them go through the means test anyway? The burden of the means test for these people is not the result—a tiny percentage would ever be sent to Chapter 13 because of it. No, it's the burdensome paperwork that is the problem. In our hearing, Bankruptcy Judge Randall Newsome made this point very powerfully. He said:

> If S. 220 must contain the means test as presently drafted, then debtors whose incomes are below the applicable median should be entirely insulated not only from its application, but from its paperwork requirements as well.

Here is an example of the problem of making people go through the means test even though they are exempt from it. This bill would deny the protection of bankruptcy to a single mother with income well below the state median income if she doesn't present copies of income tax returns for the last three years, even if those returns are in the possession of her ex-husband. I can see no justification for this result whatsoever.

So for those supporters of the bill who trumpet the safe harbor, I ask you: Why doesn't the bill apply the same safe harbor to creditor motions as the Senate bill did, and why doesn't it exempt people who fall within the safe harbor from the paperwork requirements? I have yet to hear reasonable answers to those questions, which leads me to believe that there are no reasonable answers. This bill is arbitrary, and it is punitive.

This bill also includes a number of ''presumptions of nondischargeability'' provisions, which basically say, ''these debts can't be discharged in bankruptcy because we think they look like people are running up bills in contemplation of bankruptcy.'' In other words, they are abusing the system. They are accumulating debt with no intention of paying it off.

The problem is that these presumptions are unfair. So instead of being a deterrent to abuse of the system, they are simply a gift to the credit industry, and a harsh punishment to hard working people trying to do the best they can to meet their obligations to their families. One such provision creates a presumption of nondischargeability if a debtor takes $750 of cash advances within 70 days of bankruptcy. And $750 in a little more than two months is not much. I think all of us can imagine a single mother with children who loses her job or has unexpected medical bills for her kids and has to use cash advances to buy food for her family or pay her rent. But if that woman files for bankruptcy, the debt to the credit card company is presumed to be fraudulent. That means that the debt from those cash advances will not be discharged by bankruptcy. It will still hang over her head as she tries to get back on her feet and support her family after the bankruptcy proceeding is over. That is not balanced reform. Once again, this bill gives special treatment to credit card companies at the expense of the most vulnerable members of our society. It is arbitrary and punitive.

This example shows how empty the proponent's arguments are when they claim that the bill gives first priority to alimony and child support. Over 100 law professors wrote the Senate last year to contest that claim. Let me quote from their letter:

> Granting ''first priority'' to alimony and support claims is not the magic solution the consumer credit industry claims because ''priority'' is relevant only for distributions made to creditors in the bankruptcy case itself. Such distributions are made in only a negligible percentage of cases. More than 95 percent of bankruptcy cases make no distributions to any creditors because there are no assets to distribute. Granting women and

children a first priority for bankruptcy distributions permits them to stand first in line to collect nothing.

The law professors continued:

Women's hard-fought battle is over reaching the ex-husband's income after bankruptcy. Under current law, child support and alimony share a protected post-bankruptcy position with only two other recurrent collectors of debt—taxes and student loans. The credit industry asks that credit card debt and other consumer credit share that position, thereby elbowing aside the women trying to collect on their own behalf. . . . . As a matter of public policy, this country should not elevate credit card debt to the preferred position of taxes and child support.

What the law professors point out so convincingly is that the key issue is not how the limited assets of a debtor are distributed in bankruptcy but what debts survive bankruptcy and will compete for the debtors income when the bankruptcy is over. In a variety of ways, this bill will encourage reaffirmation agreements, and increase nondischargeability claims, which will lead to more debtors having more debt that continues after bankruptcy.

That is what hurts women and children, not the priority of child support claims in the bankruptcy itself. The priority of claims in the bankruptcy itself is almost meaningless since in the vast majority of bankruptcy cases there are no assets to distribute. People are broke and they don't have anything to sell to satisfy their creditors. That is why they file for bankruptcy. You can't squeeze blood from a stone.

One of the interesting things about this bill is the almost Orwellian names of some its provisions. There are a number of them. For example, there is a title of this bill with the name: ''Enhanced Consumer Protection.'' But many of the provisions in this title actually offer little if any protection at all. The weak credit card disclosure provisions are one example. Yes, those may be ''enhanced'' consumer protections, enhanced from nothing, but they aren't considered sufficient by any organization whose primary concern is consumer protection.

There is another section within the so-called ''Enhanced Consumer Protection title called ''Protection of Retirement Savings in Bankruptcy.'' Sounds pretty good. But what the provision does is put a cap on the amount of retirement savings that are put out of reach of creditors in a bankruptcy proceeding. You see, before this bill, there was no limit at all on the amount of retirement savings that can be protected. So this bill is not an enhanced consumer protection at all. It is a step backward for consumers and hard-working Americans who have tried to put aside some money for their golden years.

Incidentally, this provision was nowhere to be found in either the bankruptcy bill that passed the Senate last year or the bill that passed the House in 1999. This is one of those provisions that appeared out of nowhere. In fact, before a firestorm of criticism forced him to reconsider, the Senator who proposed this provision wanted to let consumers waive the existing protection of retirement savings in boilerplate consumer credit agreements. So the $1 million cap is an improvement over what the sponsors of this bill tried to do, but it is hardly a ''protection.'' I understand that Senator KENNEDY may offer an amendment to eliminate this cap, and I will support it.

Here is another Orwellian title. Section 306 is called ''Giving Secured Creditors Fair Treatment Under Chapter 13.'' It ought to be called ''Giving Certain Secured Creditors Preferred Treatment Under Chapter 13,'' because it favors those who make car loans over other secured creditors and over unsecured creditors.

Here is how it works: There is a concept in bankruptcy law currently called ''cramdown'' or ''stripdown.'' It recognizes the fact that the collateral for some kinds of loans can lose value over time, so that it may be worth significantly less than the debt owed. Remember that in a bankruptcy proceeding, secured creditors get paid first. But the cramdown concept says to those creditors, you only get paid first up to the amount of the value of the collateral for the loan. After that, if you are still owed money, you get in line with other unsecured creditors.

To give a more tangible example, if someone owes $10,000 on a car loan, but the car which is collateral for that loan is worth only $5,000, then only $5,000 of that loan is considered secured in a bankruptcy. That makes perfect sense, since the maker of that loan has the right to repossess the car, but if it does that it can only get $5,000 when it sells the car.

What the bill does is to eliminate the cramdown for any car that is purchased within 5 years of bankruptcy. That means that even though the vehicle that secures the loan has lost much of its value, the entire amount of the debt must be repaid in a Chapter 13 plan. This gives special treatment to the lender, but more importantly, it will make it much more difficult for a Chapter 13 plan to work. And that will hurt people who want to pay off their debts in an organized fashion under Chapter 13.

In answer to my written question, Bankruptcy Judge Randall Newsome supplied a detailed example that shows how the elimination of the cramdown option will hurt both debtors and creditors. In his example, a debtor with a seven year old car who files under Chapter 13 under current law will be able to pay off his car loan up to the value of the car with interest and make a meaningful payment of his unsecured debts over the 3 year duration of his Chapter 13 plan. But with the elimination of the cramdown in the bill, he would, he would have no choice but to file in Chapter 7 and allow the car lender to repossess his vehicle. And his unsecured creditors would get nothing. I ask that Judge Newsome's letter to me providing the details of this example be printed in the RECORD.

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

UNITED STATES BANKRUPTCY COURT,
NORTHERN DISTRICT OF CALIFORNIA,
Oakland, CA, February 22, 2001.

Senator RUSS FEINGOLD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINGOLD: This letter will serve as my response to the written questions you submitted to me on February 20, 2001. Your first question asks whether S. 220 ''will essentially destroy Chapter 13 as an option for debtors who wish to keep their cars. . . .'' As I stated in both my written and oral testimony, I believe that the ''anti-cramdown'' provision in §306(b) of the bill will destroy the incentive for many debtors to file a chapter 13 case. When §306(b) is combined with §314(b), which eliminates the enhanced discharge presently afforded by chapter 13, only those debtors seeking to save a home from foreclosure will find chapter 13 a reasonable option.

A hypothetical will illustrate why §306(b) will hurt both debtors and creditors. Suppose in 1998 Mr. Jones, who is single and lives in an apartment, purchased a 1994 Dodge for $15,000 on credit. At the time he bought the car, its fair market value was only $12,000, but because of his poor credit rating, he was forced to pay substantially over market. Because he can't afford the payments on the Dodge along with his other monthly payments, he files a chapter 13 case in 2001. At the time he files, he still owes $10,000 on the car, and he has other unsecured debts totaling $4,000. Without counting payments on his debts, his monthly income exceeds his monthly expenses by $240 per month. The real fair market value of the car at the time of filing is $5,000. Under present law Mr. Jones could write down the value of Dodge to $5,000 in his chapter 13 plan. Assuming he proposes a plan to pay $240 a month over 36 months, he would be able to pay $5,000 plus interest to the secured creditor, and repay a meaningful portion of his unsecured debt over the life of the plan. But under §306(b) of S. 220, Mr. Jones would be forced to pay all $10,000 of the remaining contract price on the car, because he bought it within five years of filing his chapter 13 case. This is true even though the car is now 7 years old, and the creditor would get substantially less than its present value of $5,000 if the car were repossessed and sold. Depending on the interest rate on the Dodge debt and the chapter 13 trustee's commission, Mr. Jones might not even be able to propose a plan that would pay off the car, pay nothing to his unsecured creditors, and be completed within the 60-month time limit for chapter 13 plans. He would be much better off allowing the secured creditor to repossess the Dodge, file a chapter 7 case, and attempt to buy a newer car, even though the interest rate undoubtedly would be exorbitant. Thus, neither the secured nor the unsecured creditors are paid what they're owed, and the debtor is back in a debt trap. No one benefits.

Your second question concerns the problem of repeat filers. I view this as one of the most

serious abuses of the bankruptcy system. It has been most severe in the Central District of California. Nonetheless, I would urge caution in attempting to correct it. No one would seriously argue against amending the bankruptcy code to target those who file repeatedly just to stop a foreclosure or an eviction. But many repeat filers are forced to file a second petition because their first case was dismissed for reasons beyond their control, such as the incompetence of a bankruptcy petition preparer. I have read your proposed amendment to S. 220, and believe it strikes the appropriate balance. It protects the rights of innocent tenants, while preserving the right of a landlord to rid themselves of a bad tenant without the legal expense of seeking relief from the automatic stay in bankruptcy court.

Please don't hesitate to contact me if I can be of further assistance.

Very truly yours,

RANDALL J. NEWSOME.

Mr. FEINGOLD. Most people file Chapter 13 cases because they want to keep their cars. The cramdown allows them to reduce their car payments to a reasonable amount, leaving enough money to pay off other secured creditors and make a repayment plan work. According the Chapter 13 trustees, who know what they are talking about since they deal with these cases day in and day out, this single provision of the bill will increase the number of unsuccessful Chapter 13 plans by 20 percent. And Judge Newsome states that if this bill becomes law, Chapter 13 will essentially be eliminated as an option for people who wish to hold on to their cars. He writes: ''When § 306(b) is combined with §314(b), which eliminates the enhanced discharge presently afforded by chapter 13, only those debtors seeking to save a home from foreclosure will find chapter 13 a reasonable option.''

Making it more difficult for debtors to get Chapter 13 plans confirmed will lead to more repossessions of cars, and ultimately to more Chapter 7 filings. And even where a Chapter 13 plan can be confirmed and is successful, the anti-cramdown provision will reduce the amount that a debtor can pay to unsecured creditors or for child support or alimony. In essence, under this bill, car payments, on a car worth far less than the debt owed, are given priority over child support. Another example of how this bill is arbitrary and punitive and how the claims of the bill proponents that the bill will help women and children are empty indeed.

The anti-cramdown provision undermines the efficacy of Chapter 13. All the experts tell us that. And I have to point out the irony here. The avowed purpose of proponents of this bill is to move people from Chapter 7 discharges to Chapter 13 repayment plans, yet the bill undermines Chapter 13. I will support an amendment to eliminate this particular provision that is really a gift to the auto industry at the expense of other secured creditors.

There is another provision in this bill that undercuts Chapter 13. The small group of Senators who shaped this bill in a shadow conference accepted a provision from the House bill that says that for those debtors with income above their state's median income, Chapter 13 plans must extend over 5 years, rather than three. That's a 66 percent increase in payments required to complete the plan. In view of the fact that the majority of three year plans fail, the requirement that the debtor go two more years without an income interruption or unexpected expenses will inevitably lead to an even higher rate of Chapter 13 plan failures and discourage even more debtors from filing voluntarily under Chapter 13. I will support the amendment that Senator LEAHY may offer to correct this problem.

I will also support another amendment that may be offered by Senator LEAHY to deal with the damage this bill does to Chapter 13. The bill makes people who voluntarily file under Chapter 13 go through what amounts to a means test using the same wooden and arbitrary IRS standards to determine how much disposable income they have available to pay off their secured creditors. Anyone who has more than the median income will have to limit their monthly expenses to those permitted under the IRS standards. That is going to discourage Chapter 13 filings. If we want to encourage debtors to use Chapter 13 rather than Chapter 7, we have to get rid of that provision.

As I have said before, this bill is at war with itself. Bankruptcy experts from around the country say it will not work. This bill will destroy Chapter 13 as an option for many debtors. If we pass it, I'm convinced that we will be back here trying to fix it once it starts to take its toll on the American people. In the meantime, how many lives will we make harder, how much more heartache are we going to inflict on hard-working Americans?

Mr. President, I will offer an amendment to address another provision of the bill that is bound to inflict heartache on families and children. Section 313 of the bill includes a definition of ''household goods.'' The effect of this definition is to limit the ability of debtors to avoid non-purchase money liens on personal property. I consider the practice engaged in by many finance companies of taking a security interest in personal property that was not purchased with the loan to be highly questionable. The FTC in the early '80s prohibited taking these nonpurchase money security interests in certain household property. But because the list of what constitutes household goods in the FTC regulation is outdated and limited, many finance companies put a lien on every other type of personal property that they can identify. Those liens give them leverage to try to collect on their loans, even if the property is of minimal value. And they have a leg up on getting reaffirmation in bankruptcy if the liens can be enforced.

The Bankruptcy Code of 1978 allows debtors to avoid these liens as long as the property is exempt from foreclosure under the applicable state or federal personal property exemption. But the section 313 definition of household goods would limit the liens that can be avoided to a narrow list of certain goods. The list is based on the FTC regulation from the early 1980s. So essentially, if this provision becomes law, the liens that can be avoided in bankruptcy are mostly the ones that the FTC has already said should be. But anything else that's not on the list can be foreclosed on things like garden equipment, and family heirlooms or paintings of a debtor's parents.

Now remember, the liens we are talking about here are non-purchase money liens, they aren't loans taken out to buy a particular item. There is no evidence that the power to avoid these non-purchase money liens is being abused. It can't be abused, because personal property exemptions are quite limited. No one can shield thousands of dollars of fancy stereo equipment in a bankruptcy. So the definition of household goods in the bill is just a gift to the finance companies who prey on people living at the edge. This bill facilitates these kinds of borderline unethical lending practices. I will have an amendment to substitute for the limited and counterproductive definition in the bill, a broad definition of household goods that many courts are already employing.

I have spoken for quite awhile here about the problems with this bill. In fact, I have probably only scratched the surface. This is an immensely complicated bill about a very technical area of the law. There are provisions in this bill that I would venture to guess that no one in the Senate really understands. We are hearing every day about new problems with this bill, particularly in the business bankruptcy provisions that few people have paid much attention to.

Before I close, I have to mention one provision that was slipped into this bill in the shadow ''conference'' and remains in it today section 1310 barring enforcement of certain foreign judgments. This provision is an example of lawmaking at its worst. It has nothing to do with bankruptcy law whatsoever. It is a provision designed to assist about 200 to 300 investors in Lloyds of London who lost money in the 1980s. These individuals tried to avoid their responsibilities in the British courts and failed, and they have repeatedly failed to have the judgments against them thrown out by American courts. In fact, eight circuit courts have ruled that these investors' disputes with Lloyds should be settled in British courts. So they have been seeking special treatment from the Congress, and

if President Clinton didn't veto the bill last year they would have got it.

This provision is opposed by the State Department that rightfully worries about the impact of a law on international economic transactions that gives the back of the hand to respected foreign courts. It also will make it harder to enforce U.S. court orders in foreign courts. The Organization for International Investment, the National Association of Insurance Commissioners, and the Council of Insurance Agents and Brokers oppose the provision because of their concern over its impact on the international insurance market.

Worst of all, this provision smacks of the kind of special interest giveaway that pervades this bill. But this one is worse because we have had no hearings on this provision, it did not come out of this committee, it did not come out of the Senate or the House, it was just slipped into the bill at the last minute. There is a lot of legislation that I would like to slip into this bill since it does appear that it is on the way to the President's desk. I would like to do something about mandatory arbitration of employment disputes. I would like to require that DNA testing be made available to all inmates on death row. I would like to end racial profiling or pass campaign finance reform. But the interests that support me on these issues don't have an in with the people who are writing this bill. They can't get their pet legislation inserted in this bill in a conference committee. But these investors in Lloyd's did, so they stand to get their way. That's not right. So I may offer an amendment to strike section 1310 and I certainly look forward to seeing it removed from the bill.

It is important to note that if we do our job here and pass some amendments to improve the bill, the fight is not over. Because there is a long record of the conference committees simply ignoring the Senate's work and sending back to us a much worse bill. So I have to say to my colleagues, if you support the bill after the Senate completes its work you must fight to demand that the conference respect the changes that the Senate made. The House has done virtually nothing on this bill. It basically rubber-stamped the conference report from last year. And our rights as Senators to offer and pass amendments are worthless if the conference committee simply returns the bill to the form in which it was introduced.

To conclude, this is the kind of bill where we need to rely on the experts to guide us. And we just haven't done that here. Once again, we have a letter from over 100 law professors, from all across the country. They aren't debtors lawyers, they aren't all Democrats, they don't have an ideological agenda, they just understand the law and care about how it operates. And they plead with us, let me quote from their letter again: ''Please don't pass a bill that will hurt vulnerable Americans, including women and children.''

This is extraordinary. The experts beg us to listen to them. They don't have a financial interest here. They don't represent debtors. None of them is in danger of declaring bankruptcy. They just hate to see this Congress make such a big mistake in writing the laws. They don't want us to ruin the bankruptcy system, which dates back to the earliest days of our country, by passing a bill that is so unbalanced, so arbitrary and so punitive.

I assure my colleagues that I am not opposed to reform of the bankruptcy laws. I know there are abuses that need to be stopped. I voted for a bill in 1998 that passed this Senate with only a handful of votes in opposition. There are things we can do to improve the bankruptcy system. There are loopholes we can close and abuses we can address. We can do it in a bipartisan way. We can write a balanced bill that the Senate and the country can be proud of. We can rely on the advice of experts as we always have in the past. We didn't do that here. We relied on the credit card industry, which has showered Senators and the political parties with campaign contributions, and it shows.

Before we barrel forward on a fast track to pass this bill just because it is where the process ended last year, we have one more chance to listen to the experts. One last chance to step back from the brink of passing a very bad law, a law that I believe we will come to regret. It is a matter of simple fairness and simple justice.

S. 420 is an unfair bill, Mr. President. The Senate can do better. The Senate must do better, for the sake of hard-working people who need our help.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I listened with great interest to my friend from Wisconsin when he talked about showering money by special interests. Yesterday, he and I voted on a bill on ergonomics where the outfit that most wanted that bill not stripped away was the labor community which, if we take his definition broadly, showered money on everyone here. I don't even accept PAC money. Yet I did not hear anybody stand up yesterday and say the reason we voted for ergonomics was that labor showered money upon this body. I find it somewhat unusual that there is such selective judgment about how money is showered on this body.

I wish the Senator was still here. I am also interested in what he constantly refers to as the arbitrary nature of this bill. It seems to me the definition of arbitrary is whatever the Senator from Wisconsin doesn't like, because such an arbitrary bill as this passed with 70 votes last year, and it has been improved even further than last year. It passed with 306 votes just a couple of days ago over in the House of Representatives. It must mean that two-thirds of the Senate last year—and I realize it has changed by several votes on this side now—and 306 of 435 Members over there are obviously very arbitrary. This bill is supposedly so partisan that it has had broad bipartisan support in both the House and the Senate.

I also point out that, having been involved with President Clinton relative to his veto of the bill last year, the single most important thing the President wanted done through the help of Senator SCHUMER—and, through the leadership of Senator SCHUMER, it was done in this bill—was that he was very concerned about a provision that possibly would allow someone who had violated the so-called FACE—that is, bomb an abortion clinic or do physical damage to the building or to persons working in there—to then come along and declare bankruptcy on the grounds that they should not have to pay the civil judgments against them. That meant a great deal to President Clinton, to me, and to a lot of other people.

That was the primary reason President Clinton vetoed this bill last year. That provision is no longer exempted from this bill. It is part of the bill. One of the nondischargeable debts under bankruptcy in this legislation is for someone who has a judgment against them for violating the rule. That is called the FACE law, relating to intimidating or doing damage to abortion clinics or persons who work in them.

I also find interesting one thing the Senator said. I think he is correct. He pointed out that mothers filing bankruptcy even though their husbands are gone must still count their husbands' income.

That is not what was intended in the bill. I will give you an example. On the section from which the Senator from Wisconsin read, there was a drafting error here in all the provisions save one that I am aware of. It says:

> . . . if the current monthly income of the debtor, or in a joint case the debtor and the debtor's spouse. . . .''

That means that if the debtor is all by herself and has not filed for bankruptcy jointly, then you do not count the husband's income. That was not intended. But there is a section where it is written differently and could be read differently. That is in section (7), on page 17 of the bill.

Section 7, in subsection (2) says:

> . . . if the current monthly income of the debtor and the debtor's spouse combined, as of the date of the order for relief when multiplied by 12, is equal less than. . . .

It should read: if the current monthly income of the debtor, or in the case

of a joint filing by the debtor and their spouse. . . .

It is my intention, as one of the people who supports this bill, to see that it is changed in the managers' amendment, so it reads as it was intended.

But after that, what I heard added up to an awful lot of—how can I say this—well, I will not characterize it. I do not think it was particularly accurate. So since this is the first time I have spoken to this bill on the floor, let me go into a little more detail. But I am going to go into a great deal of detail on each of these amendments that are about to be offered.

First, the idea of a fresh start is absolutely fundamental to the American way of life. Bankruptcy must remain available for those who really need it. And it does. Let's put in perspective what we are talking about. If you listened to the critics of the bill on the floor, it would sound as if we are eliminating bankruptcy. The only issue at stake here is whether or not someone files bankruptcy in chapter 7 or chapter 13. Right now, I might point out to you, bankruptcy judges are supposed to lay out in chapter 7—chapter 7 is one of those places where you eliminate all your debt. Chapter 13 is where you say: I want to eliminate most of my debt, but I can pay back some of it. I can pay back some small percentage of it. And they set out a schedule to pay back some small percentage of it.

What we are talking about is a situation where someone who files in chapter 7, who is able to pay some of their debt, and should be filing in chapter 13 right now—a bankruptcy judge or a master must, in fact, look at that circumstance and say: This is an abusive filing. He really should be filing in chapter 13. But guess what. There is no uniform standard nationwide. It is left up to every bankruptcy judge to determine what is abusive and what is not abusive.

So what are do we doing here? The essence of what we are doing is laying out the standard at which a bankruptcy judge must look to determine whether or not the filer is abusing the system going into chapter 7 as opposed to chapter 13.

Why are we doing that? We are doing that because a lot of the very people I represent, and that my friend from Wisconsin and others talk about all the time—working-class folks—are getting hurt by the way bankruptcy is abused now. Because what simply happens is, all those debts that they incur—and they never filed bankruptcy before—cost them more money. It costs them more money at Boscov's when they go buy a $100 item because people have declared bankruptcy who could be paying back something. It costs them more money.

The average person in America, the person who really is in a crunch, is hurt the most because interest rates go up, the cost of financing, buying the new bed or refrigerator goes up.

You don't have to just listen to me about this. Unnecessary and abusive bankruptcy costs everyone. The Clinton administration's own Justice Department concluded that our current system costs the economy $3 billion a year. And they made the pursuit and prosecution of bankruptcy abuse a high priority.

This is not an imaginary problem. It is not going away. This week we are taking up a bill that is identical to the conference report that enjoyed strong bipartisan support in the House and the Senate—70 in the Senate and 308 in the House. During the debate, we have already heard from some of my colleagues who claim that they support the general idea of eliminating abuse in bankruptcy, but they oppose the particulars.

Now, again, this costs every single solitary consumer. If you are making $300,000 a year, you don't have to buy your sofa bed on time. If you are making $300,000 a year, you don't have to buy your refrigerator on time. Where I come from—my family—you buy them on time. And it costs them money. It costs them money—a lot more money—because these folks do not write off this debt and say: I didn't get paid. I didn't get paid back for all that was owed me here, so forget it. I will just take it out of my bottom profit line. They say: No. I have to make it up.

So what do they do? They charge my mother and father more money to buy the refrigerator because they can't buy it other than buying it on time.

So I am having it about up to here with how this is hurting so many poor people. I will get to that in just a minute.

During this debate, we have had raised many charges against the legislation. I think it is fair to say that the concerns I have heard so far—and over the last 4 years that we have been dealing with this legislation—I find it fascinating my friend from Wisconsin and others have said that we were going to bring this bill right to the floor. The reason it did not get brought to the floor is yours truly, me. I made it clear they would get none of my support, no one would get my support on this bill if, in fact, it did not go back through the committee system, if it did not go back to the Judiciary Committee, if it did not go through the normal procedure.

As I said, this is the same bill, by and large, with a couple improvements, that passed with 70 votes last year. The biggest charge you hear is this is antiwoman and antichildren who depend on child support, and that it is unfair to low-income families which need the full protection of chapter 7 or straight bankruptcy. I want to briefly address both of these concerns. And I will go into more detail when my colleagues want to come and debate this issue.

First, I want to point out a significant achievement reached in the Judiciary Committee on the question of those who have tried to hide in bankruptcy from the penalties imposed on them for violating the Fair Access to Clinic Entrances Act. Senator SCHUMER, as I mentioned earlier, first brought this issue to our attention. We finally reached an agreement in the committee with this major step forward. The compromise that we put forward is part of the bill that no one—no one—who violates the FACE Act, the Fair Access to Clinic Entrances Act, can, in fact, avoid their responsibility in bankruptcy.

Now as to those specific charges of unfairness. First, there is the claim that the bill will leave women and children who depend on child support worse off than they are today. This is perhaps the easiest charge to refute because the legislation before us today has the endorsement of the National Child Support Enforcement Association. The National Child Support Enforcement Association—they are all the folks in all of our States who sit there behind counters, working for the State, who are trying to collect support payments and child support from deadbeat husbands. These are people on the side of the women and children who need their support payments made to them. They support this bill.

The National District Attorneys Association—and specifically because of the important new protection for women and children who depend on family support payments—and other professionals whose job it is to enforce family support payments every day, from the California Family Support Council to the Corporation Counsel for the City of New York, have endorsed these new protections as well. That is because there are new specific protections for family support payments in this bill.

Let's go through how it currently works. One thing the Senator said is correct: Bankruptcy is a complicated issue. Hopefully, the vast majority of Americans will never have to become acquainted with it.

Under current law, we tell creditors they can't collect debts owed them starting right away, as soon as someone files bankruptcy. Put another way, I go in and file bankruptcy. I owe child support and support payments. I file for bankruptcy. In the vast majority of States, immediately all creditors have to back off, including mom and the kids. That means a woman owed alimony or child support can't collect either.

I am one of the authors of the deadbeat dad legislation to put more pressure on States to go after deadbeat dads. All of a sudden, once somebody files bankruptcy, in most States in

America now, mom is out, the kids are out. Bankruptcy stays the proceeding.

All those hard-working folks in the family court in Delaware trying to see to it that Johnny and Mary and Alice get something to eat and mom gets a support payment, they can do nothing. They have to stand back, instead of bringing that deadbeat dad in and arresting him and garnishing his wages. That is why the national child support agencies support this bill. That is why they want it. It improves the plight of women and children who, by the way, can't wait 1 week, 2 weeks, 3 weeks, 10 weeks, 5 months while the bankruptcy is proceeding, as they have to now.

This bill gives child support and alimony the first and highest priority among any claim able to be made in bankruptcy. Do you know where they are under present law, the law my friend seems to love so much? They rank No. 7, S-E-V-E-N. This bill says you have to be fully paid up on child support and alimony before you can be released from bankruptcy. You have to be fully paid up or you don't get out of anything via bankruptcy. A woman collecting child support or alimony must, under section 219 of this bill, be notified of the full array of family support enforcement rights and available options to her under Federal law, including the kind of wage attachments that will trump every other claim in and out of bankruptcy.

So there is an affirmative requirement under this bill. If a woman did not know she had additional rights, she is required, under this law, if we pass it—and I am confident we will—to be notified by the bankruptcy court: By the way, you have these additional rights, and we will help you attach this deadbeat's wages.

All other parties to bankruptcy, from her spouse's creditors to the court that monitors the bankruptcy plan, are notified that the full force of the Federal support enforcement law is part of the bankruptcy proceeding, which it is not now. Under this bill, the fact that other creditors with perhaps deeper pockets might be looking for repayment from her spouse is an asset, not a liability. Those other creditors must provide her and the support enforcement officials this bill recruits, by the way, to assist her with the last known address of her spouse who owes her the support and payments.

I used to be a family court lawyer. Do you know how it works now? The court can't find where Charlie Smith is. The woman is going into court day after day. Charlie Smith has a job. Everybody knows Charlie Smith has a job, but they can't find him. So Charlie Smith files bankruptcy in another State, another place, another time. What happens now? Nothing. What happens under this bill? The creditors who go in saying, I want to repossess Charlie's car, I am going to take Charlie's house, I am going after Charlie's bank account because he owes me money, have to notify the spouse.

Give me a break. No protections? It doesn't exist in present law.

These are concrete, positive steps from start to finish, and even beyond bankruptcy, to assure that payments are made to those who need them. These are real, tangible improvements over the current bankruptcy and child support laws. My friends who talk so much about child support ought to go practice it as I did. They ought to go back home and check, go sit in that family court and find out how it works right now.

Against them we will hear the vague assertion that those payments will compete with ''more powerful creditors.'' The fact is, in actual practice now, and more certainly under this bill, those payments will be accomplished by wage attachments and could not be reached by any other creditor during or after bankruptcy, no matter how powerful or how devious the creditor is.

I heard a little flip on this. I may hear from my friend from Wisconsin and others: Even though that is true, even though in this bankruptcy proceeding you can go out and attach the wages of this deadbeat father, what is going to happen is the devious creditor will still win. Do you know why? Because the deadbeat father will quit his job to spite payment. Then the creditor that repossesses the automobile or goes after whatever debt he has will be ahead of the mother because bankruptcy is over. Come on. If a father is going to do that, he ''ain't'' paying anybody anything. Those payments come out of the deadbeat dad's paycheck before he even sees it. He cannot be forced to choose between child support and other debts. He doesn't have the choice. Those payments are made automatically, straight from the employer to the woman and children who need them. Those who claim otherwise are simply ignorant of the way Federal family support law currently operates. Some of them simply misrepresent the way this legislation protects family support payments in bankruptcy.

Next, we have the assertion that this legislation unfairly locks the door of chapter 7—liquidation or so-called straight bankruptcy—for those low-income families that need it the most. Let's get a few things straight about how the current code operates.

Today, bankruptcy judges are required as a matter of Federal law to dismiss petitions for chapter 7—that is straight bankruptcy—for substantial abuse, particularly if the debtor really has the ability to pay his bills. This reform legislation will provide those judges with specific criteria for determining if the debtor can, in fact, pay some of the bills he or she is asking to be forgiven. If the debtor can pay some of those bills, at least $10,000 or 25 percent of those debts—that is the threshold—then asking for chapter 7 is presumed to be an abuse of the system and you get bumped into chapter 13.

I will bet that most Americans would be very surprised that there is no systematic way for asking the basic question about the ability to pay, no actual means test that exists now under the current code, and it is up to every different bankruptcy judge to decide how he or she wants to make that judgment. That is how our sentencing laws used to be until I wrote and we passed the Sentencing Reform Act. Every judge could have a different sentence.

What did we find out there? We found out that black folks who committed the same crime that white folks committed went to jail longer because there was no standard.

We have national sentencing guidelines and other standards that guide the decisions of judges. This bill simply tells judges how they should go about making the decision that current law requires them to make.

But won't that means test disadvantage those of limited means who truly need and deserve to fully get a chapter 7 liquidation?

Look at the facts. First, this bill will affect, at most, 10 percent of the people who currently file under chapter 7, and only those who have a demonstrable ability to pay.

One of the main reasons for that small number—10 percent—is the means test in this bill would not even apply to anyone who earns less than the median income in his or her State, and for those with less than 150 percent of the median income, there is only a cursory calculation on the ability to pay.

Let's go through what that means. Mr. President, in my State of Delaware, a family with a $46,000 income would not even be subject to the means test—you got that?—not even subject to the means test. They are out. They can immediately go to chapter 7, no questions asked, nothing—even if they had the ability to pay.

That is exactly as it is today. In California, a family with a $43,000 income will have the exact same access. In Massachusetts, a family with $44,000 in income will have no change in access to chapter 7; Illinois, $46,000; in Wisconsin, $45,000, no change. That is because this legislation, I might add, at my insistence and that of Senator TORRICELLI, contains a safe harbor for those people. Only if you have more than 1½ times the median income in your State will you be subject to a serious examination about your ability to pay. And even then, if you face what the bill calls ''special circumstances,'' that reduces your income or increases your regular expenses. You will still enjoy the full protection of chapter 7. Specifically—I don't know how many

times I have heard this on the floor—if you have ongoing medical expenses, that means you don't have any money left over to pay creditors, you can go straight to chapter 7.

One of the most basic misunderstandings about this bill is that folks with medical bills will have their circumstances ignored, as my friends are saying on the floor here. That is just flat wrong. The standard this bill uses for calculating someone's ability to pay under the means test specifically includes not just medical bills but health insurance, and it even includes union dues.

AMENDMENT NO. 13

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, there will now be 20 minutes of debate on the Leahy amendment No. 13.

Who yields time?

Mr. BIDEN. Mr. President, nobody is here to yield time. I will be happy to begin the debate on the Leahy amendment. Obviously, I can't yield time from Senator GRASSLEY or Senator LEAHY's time on this point.

Mr. President, parliamentary inquiry: Since nobody is here to debate the Leahy amendment, is it appropriate to be able to proceed on the bill for another few minutes?

The PRESIDING OFFICER. The Senator may ask unanimous consent to do that.

Mr. BIDEN. Mr. President, I have just been told by the majority and minority staff that I can yield myself some time off of Senator HATCH's time on this amendment. I will cease and desist the moment either Senator LEAHY or Senator HATCH comes forward to debate the amendment.

Back to medical expenses.

One of the most basic misunderstandings is that people with medical bills will have that circumstance ignored. Not only are those expenses explicitly allowed but any other expenses that make sense are allowed. That is under the IRS standards. On top of that, the bill allows additional expenses, including medical expenses for everybody from your nondependent children to your grandparents and your grandchildren.

There are no reasonable medical expenses, from contact lenses to cancer therapy, from yours to your wife's to your grandchild's, that would not be counted as a necessary expense in calculating someone's ability to pay.

So much for this idea that these poor people who have these exceedingly high medical expenses—and they really do—will not be able to declare bankruptcy and do straight bankruptcy in chapter 7.

Again, if you are under the median income in your State, you are not even subject to the calculations anyway. So much for the charges that this legislation is unfair to women and children and to those of limited means. It improves protections for those who depend on alimony and child support, and those below the median income are explicitly excluded from the means test. The means test for those who are above the median income permits all forms of medical and other expenses to be considered in calculating the ability to pay.

Next, often cited is the ''failure'' of this legislation to deal with what is supposedly a major abuse of the current system, the unlimited homestead exemption now permitted in a handful of States.

Let me make this clear. I agree with my friend from Wisconsin that we should have an absolute cap on the homesteading expense. We should not have it like Texas, Florida, and other States that allow the abuse of someone going out and buying a $6 million or $8 million home and then declaring bankruptcy and the home being out of reach of the creditors. That is unfair. I think it should be capped in the $100,000 to $150,000 range nationwide. We tried that. It didn't work. What we did do is this.

Everyone should be outraged at those who thumb their nose and move to Florida or Texas and buy multimillion-dollar homes. As outrageous as these cases might be, this is quite rare. I am afraid those who made the treatment of the homestead exemption the grounds for their rejection of this bill have based their votes on a pretty weak foundation. Here is a GAO report from 1999 in which they found, first, that only 52 percent of bankruptcy cases from a sample in Texas involved a homestead in any way.

Second, only 1.2 percent of those cases involved homesteads—that is homes—of more than $100,000—not a lot of multimillion-dollar homesteaders there, Mr. President. A similar sample from Florida, the other supposedly big offender on this issue, found that .8 percent—less than 1 percent—of the cases with any kind of homestead involved a homestead of more than $100,000—not a lot of multimillion-dollar bankruptcy bungalows there.

Again, Mr. President, as far as I am concerned, a single abuse of the homestead exemption by a filer is one too many. But let's not pretend this bill has turned a blind eye to a major problem. There is not a major problem, but the bill, in fact, does make a major advance over current law.

If I had my choice, it would be a $100,000 cap. If you buy a house within 2 years of filing for bankruptcy, the cap is $100,000, which we have in this bill before us. No change in current law? Well, I will take this bill over current law. Let me explain in more detail what I mean.

Right now, if in fact you go out and buy yourself an $8 million home 2 years before you file bankruptcy, that home is liable to be possessed. Now, if they buy it 2 days before it is exempt—I am talking about .8 percent of all the filers who claimed the homestead exemption in Florida. For example, I know I am going to file for bankruptcy in 2 years, so now I am going to go out and buy an $8 million home. Let me be clear. I think there should be a flat prohibition of hiding assets in homes above 100,000 bucks. Very few have ever done it. It should be changed, but very few have done it, and we have made a significant change among those who may have done it or who are intending to do it.

Finally, I want to say something about a number of other amendments I expect we are going to see in the course of this debate.

The truth in lending legislation is not a bankruptcy law. There is no evidence presented by anyone here that anyone has gone bankrupt or declared bankruptcy because they have been falsely or not honestly lent money. There is no evidence of that. These amendments are not about bankruptcy law; they are about banking law.

I support more disclosure, and they are clearly within the jurisdiction of the Banking Committee, as I am sure Senator GRAMM will tell us, but I know a number of my colleagues have felt it is essential to require, as they say, some balance in bankruptcy reform legislation by demanding more on the part of lenders as we demand more of debtors.

Fair enough. I support the idea. Last session, I offered, along with Senator TORRICELLI and Senator GRASSLEY, an important amendment that required additional disclosure by lenders. That amendment was added on the floor last Congress.

These new disclosures include a strong notice, a warning that making minimum payments will stretch out the time it will take to pay off the loan and that a 1–800 number must be put on there for you to call to find out how long it would take you to pay.

Those disclosures include more information on so-called teaser rates on the envelope that come in the mail every week.

This bill before us contains some improvements, but that is not related to bankruptcy. That is related to banking and truth in lending, which I support more of.

Additionally, there is the assumption that lenders, not borrowers, are responsible for bankruptcy. The key assumption here is that a rational businessman, a lender, especially credit card lenders, seek out those who have no hope of repayment and foist unbearable debt upon them just so they can fight with them in bankruptcy.

I do not follow the argument, but we can see if there is anything to it. Fortunately, the Congressional Research Service, a nonpartisan organization in the U.S. Congress, for the last few

years has looked into the issue at my request.

I direct my colleagues' attention to the CRS report on March 19, 1988, entitled ''Bankruptcy and Credit Card Debt: Is There a Causal Relationship?'' It is not every day we have such a direct response available to a question that is constantly put forward on this floor. This is not industry propaganda. This is not interest group rhetoric. This has nothing to do with campaign contributions, as alleged by my friend from Wisconsin. This is the Congressional Research Service on which we have all come to rely for expert nonpartisan analysis.

The answer to the question is no, credit card debt cannot be shown to be the cause of bankruptcy.

Here is the conclusion of the report:

> The available aggregate data do not show that credit card debt has caused a major shift in U.S. household financial conditions.

Addressing that underlying assumption I spoke of, the report says:

> Is credit card borrowing a trap for the unwary, bringing disorder into the financial houses of an unspecifiable number of atypical families and individuals? Perhaps, but so are medical expenses, divorce, job loss, casino gambling, narcotics, investment scams, and so on. Anecdotal evidence abounds, statistical evidence is scarce.

That was 1998. What has happened since? Last month, I asked the CRS to update its analysis.

Here is the unchanged conclusion—as of February 20—based on the latest data:

> While credit card debt has been the fastest-growing component of household debt, the size of the debt outstanding does not appear to be so great (especially when rising incomes are considered) that it can be held primarily responsible for the steep rise in consumer bankruptcy filings since 1980. At the same time, the claim that credit card companies are creating financial distress by mass-marketing an expensive form of credit to low-income or financially unsophisticated households finds little support . . . .

I know that for some of my colleagues, blaming lenders for bankruptcies is a matter of faith. Unfortunately, it is not a matter of fact.

That is why I will vote against amendments that are properly the jurisdiction of the Banking Committee.

It is not because I think all lenders act responsibly, or that nobody ever got suckered by a credit card company. It is because the best evidence I have to work with tells me that these amendments are not germane to bankruptcy reform.

In closing, I look at the years of debate, hearings, and floor time we have expended on this issue, and I look at the strong, bipartisan majorities that have consistently supported bankruptcy reform throughout this process, and finally, I look at the 70 votes that this very bill—without the Schumer-Hatch language on clinic violence—received in the Senate last year.

Like every bill that has undergone this much debate and consideration, it is the product of compromise. It is not a root-and-branch overhaul of the current bankruptcy code; it makes incremental but important changes in the operation of the current system.

It will affect perhaps 10 percent of those who currently file under chapter 7, and only those who have the demonstrated ability to pay. It adds important new protections for the women and children who depend on child support. It restores, at the margins, some personal responsibility to a system that in recent years has been the subject of abuse.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are considering the Leahy amendment. The Senator from Vermont has 10 minutes.

Mr. LEAHY. I thank the Chair. Mr. President, I hope when the time comes to vote this evening on the Leahy small business amendment that all Senators will vote for it. I have not heard the author of this bill, the chairman of the Judiciary Committee, the majority leader, or anybody else speak in opposition to it. Obviously, they can vote any way they want, but I have yet to hear anybody talk in opposition to it. The time used on the other side was not used in opposition to it.

I hope this is an indication that we will look first and foremost at small businesses, those businesses with under 25 people, to give them parity with the multibillion-dollar corporations.

When we voted last night, many said we were helping small businesses by throwing out the ergonomics rule. While I disagree on that particular rule, I do agree that small businesses should be helped. I grew up in the front of a small business store in Montpelier, VT. We lived in the front of the store. My parents had a small business in the back.

Ninety percent of the businesses in Vermont are small but then many of the businesses nationwide are small businesses. If you define them as 25 employees or less, with 5,541,000 businesses in America, nearly 5 million of them are small businesses.

What I want to do is make sure we protect small business creditors from losing out in the bankruptcy reform process. They ought to be protected.

The way the bill is written now—and I hope this was not intentional—but the way it is written puts large multibillion-dollar credit card companies ahead of hard-working small business people—farmers, ranchers, Main Street mom-and-pop stores. It puts these huge companies ahead of them in collecting outstanding debt from those who file for bankruptcy.

I do not think any one of us intended that. I do not think any one of us actually want to go back home and tell all the farmers, ranchers, and small business people in our States that we put the credit card companies ahead of them.

My amendment gives small business creditors a priority over larger businesses when it comes to distributions of the bankruptcy estate. It provides a small business creditor priority over larger for-profit business creditors.

It does not affect the bill's provisions which give top priority in bankruptcy distributions to child support and alimony payments. We already set certain priorities. We do it for alimony payments. We do it for child support. We ought to do it for our Main Street businesses and our farmers and ranchers. We ought to give them the same kind of leg up over a deep-pocket, multibillion-dollar corporation.

If a large credit card company has John Jones or Mary Smith go into bankruptcy, and they owe them, say, $3,000, and they owe the local feed store $3,000, obviously this $3,000 shows up differently on the bottom line of MasterCard than it does on the bottom line of the Jones Feed and Grain Store. It is a much bigger bite for that small store, and they ought to be given priority.

That is all I am asking for in this. I cannot imagine any small business organization that would not be supportive of this. We should actually be helping small businesses navigate the often complex and confusing bankruptcy process because they are not going to be able to afford a galaxy of lawyers and accountants. The huge companies have these people on retainer because they handle bankruptcy matters all over the place. For the small store, this may be their bottom line for the year. It may be the one bankruptcy they are trying to collect for the year, and they could be out of business as a result. They need priority just to keep pace with big business.

Small business is the backbone of our economy. In fact, I use the same definition of a small business creditor that is already in section 102 of the bill.

All I am saying is same rules, but if you are going to give priority, give the priority not to the multibillion-dollar corporation for whom this $3,000, $4,000, or $5,000 claim is nothing. Give the priority to that small store, that small company on Main Street that may have to really do something. I don't want them to have to get in line behind the huge credit card companies. For them, it may mean the difference between going out of business or not, not the difference between whether it means one one-hundred-thousandth of 1 percent.

Mr. BIDEN. Will the Senator yield?

Would this include an automobile dealer with 20 people that grosses $70 million a year?

Mr. LEAHY. Do we have that many?

Mr. BIDEN. We sure do. Check home. Any automobile dealer that has 20 or more people.

Mr. LEAHY. If we talk about grosses, that would be one that is matching a 20-person unit of a credit card company that would gross several billion dollars.

Mr. BIDEN. I am just asking a question. I hope it does include them. I want to know what you are including. That is all. Would that be included?

Mr. LEAHY. I have used the small business definition that the Senator from Delaware has used in the bill he cosponsored.

Mr. BIDEN. That does mean it would include somebody grossing $100 million, $50 million.

Mr. LEAHY. If you had a car dealer that grossed that amount of money, considering the fact they often make only $100 or $200 on a car, although the cars sell at $30,000 or $40,000. By the same token, the collection unit might be 20 people and they get several billions of dollars.

The bottom line: The percentage of what is going to be the net profits is considerably different.

What this is going to affect—which is why I use the Senator from Delaware and his definition of a small business in the bill—these are the same people, in most likelihood, the mom-and-pop store for whom $3,000 or $4,000 may mean making the mortgage payment.

Mr. BIDEN. Would the Senator set an income level to protect them?

Mr. LEAHY. Are we going to change the definition of small business in the bill that the Senator from Delaware cosponsored?

Mr. BIDEN. To accommodate the Senator, I would be happy to do whatever he would like.

Mr. LEAHY. This is the bill that is presently before the Senate.

Mr. BIDEN. Without an exemption.

Mr. LEAHY. Cosponsored by the Senator from Delaware. I am using his definition.

Mr. BIDEN. But you are using it out of context.

Mr. LEAHY. I think not.

Let me talk about what this does: 5 percent to the small feed and grain store could be the difference for them for the year and whether they make it or don't make it.

Dean Witter said this bill gives just one credit card company alone, MBNA, an increase in net profits of 5 percent. That is $75 million. With most of these small businesses we are talking about, 5 percent is not 5 percent of MBNA.

What we want to do—we carve out a special exemption for credit card companies but leave small business owners fending for themselves—is put the small business owners on at least an equal footing.

The credit card companies say they need an exemption because their debts are typically unsecured. Most of these small businesses are exactly the same.

I yield the floor.

AMENDMENT NO. 14

The PRESIDING OFFICER. Under the previous order, all time having expired, the Leahy amendment is laid aside and there is now 60 minutes of debate evenly divided on the Wellstone amendment No. 14.

Mr. WELLSTONE. Mr. President, I had a chance this afternoon to speak about this amendment at great length and may not need all of my time. I respond to some of the arguments made while I was off the floor. They were not made because I was off the floor; I had to go to markup on an education bill, and another Senator spoke.

Let me take some of the arguments and respond as colleagues sort this out and decide how to vote.

First of all, this amendment provides that no provision of the bankruptcy bill will affect a debtor who files for bankruptcy if the court determines that the debtor filed as a result of overwhelming medical bills, unless the debtor elects to have a particular provision apply.

We are really saying if the goal of this bill is to go after those that have gamed the system—again, I cite the American Bankruptcy Institute's report that, at best, that is 3 percent of the people; there are others who say 10 or 13 percent. Surely in those cases where the court determines that the debtor who files for bankruptcy has filed for bankruptcy because of a major medical bill, we would want to exempt them from the provisions of this legislation. This is somebody who is now going under because of cancer or because of a disabling injury. There, but for the grace of God, go I. These are not people gaming the system.

I also pointed out earlier today—and I think it is important to give this amendment some context—it is unfortunate we are not spending more of our time trying to figure out how to legislate so we can cover the 43 or 44 million people with no insurance, or people who are underinsured, people who go under because of catastrophic expenses.

Sad but true, being able to file for chapter 7 is one of the ways people can rebuild their lives. It is one of the ways people can get back on their feet when they have been knocked down by a major medical bill.

Why is it necessary? The bankruptcy bill purports to target abuses of the bankruptcy code by wealthy scofflaws and deadbeats who, as I said, according to the American Bankruptcy Institute, make up about 3 percent. Yet hundreds of thousands of Americans file bankruptcy every year. They don't file bankruptcy to game the system. They file bankruptcy because of medical bills. That can happen to any of us.

Unfortunately—and I went through these this afternoon—there are at least 15 provisions in S. 420 that make it harder to get a fresh start, regardless of whether the debtor is a scofflaw or a person who must file because they have been made insolvent by medical debt. In the case of those families made insolvent by medical debt, they ought to be exempt from some of the onerous provisions in this bill.

Some of the provisions in the bill include but go beyond the means test. I said this to my colleague from Iowa this afternoon. An analysis in the Wall Street Journal last week said: The bill is full of hassle-creating provisions. Some reasonable, some prone to abuse by aggressive creditors trying to get paid at the expense of others. In a thicket of compromises, Congress risks losing sight of the goal, making sure that most debtors pay their bills, while offering a fresh start to those who honestly can't.

My amendment makes sure we do not deny a fresh start to people who really won't be able to do that with the bill the way it is written. This amendment preserves the fresh start for those debtors who honestly can't because they are drowning in medical debt. That is what this amendment is about.

Let me go through some of the arguments that were made. Is the Wellstone amendment made redundant by the means test in the bill? Absolutely not. Neither the means test nor the safe harbor in the bill applies to the vast majority of new burdens placed on debtors.

I held up the whole bill. The bill is more than just the means test. The bill is this size and the means test is this size.

Under S. 420, debtors will face those hurdles to filing, regardless of the circumstances. Let me give some examples of some of these hurdles. One is the prebankruptcy counseling requirements at the debtor's expense, as if medical debts can be counseled away. Why would you want to say to a family that is being put under by a medical bill, that is going through a living hell, that they have to go through credit counseling and they have to pay for it?

No. 1, they wouldn't be filing for bankruptcy if they weren't at the end of their wits; they wouldn't be filing for bankruptcy if they had a lot of extra change, a lot of extra money. This presumption that they are trying to abuse the system or have been bad managers and need to go through prebankruptcy counseling requirements makes no sense at all. It makes no sense at all when families are being put under because of medical bills.

There are no limits on repeat filers, regardless of personal circumstances. There are changes to existing cramdown provisions in chapter 13 making it more difficult for debtors to keep their car and new tax return filing obligations and new administrative burdens that are expected to raise the cost of filing, even in a simple case, by hundreds of dollars.

The point is, if you are going to try to deal with those people who you think are deadbeats or are gaming the system, for God's sake don't do it for families who are going under because of medical bills and for whom chapter 7 gives them a chance to rebuild their lives.

No. 2, does the Wellstone amendment carve out a serious loophole in the means test? No. The debtor can only get an exemption from this bill if the court finds that the debtor was forced to file because of medical debt. A debtor who has carried some medical debt but filed because he ran up a bunch of credit card bills is not going to meet

the standard and he is not going to be protected by this amendment.

I need to make that point again. The debtor can only get the exemption from this bill if the court finds that this family was forced to file for bankruptcy because of medical debt.

Where is the burden of proof? On which side do we want to err? Don't we want to err on the side of making sure, when people have been put under because of medical circumstances, they are able to get a carve-out and go forward and file for chapter 7?

No debtor can get an exemption from this bill unless the court finds that the debtor was forced to file because of medical debt. It is not enough to say, ''I had a medical bill,'' and then you see somebody who has run up all kinds of credit card bills.

Mr. BIDEN. Will the Senator yield? Is he talking about his amendment or the bill?

Mr. WELLSTONE. I am talking about my amendment.

Mr. BIDEN. I thank the Senator.

Mr. WELLSTONE. No. 3, does the Wellstone amendment leave hospitals or medical centers at a disadvantage? No. The amendment doesn't make medical debt a lower priority than other debt. The point is, this doesn't change current law. With this bill, you have auto lenders, you have credit card companies, you have all sorts of people who have a claim. But this particular piece of legislation does not affect the dischargeability or nondischargeability of medical debt at all. This is the same protections that people have right now. We are not changing any current law in terms of whether hospitals are able or not able to get reimbursement.

Can I give a real-world example of how the nonmeans test portion of the bill affects medical debt filing? My colleague from Delaware may want to respond to this Time magazine example about Allen Smith, a resident of Delaware, a State which has no homestead exemption. In other words, he can't shield his home from his creditors.

Ironically, under this bill, wealthy scofflaws can shield multimillion-dollar mansions from their creditors with a little planning. All you have to do is, a couple of years in advance, know you are going to be in trouble. A lot of people with high incomes know that. You hire a lawyer and you are fine.

But Mr. Smith doesn't get that break. As a result, when the tragic medical problems described in the Time magazine article befell his family, he could not file a chapter 7 case without losing his home. Instead, he filed a chapter 13 case, which required substantial payments in addition to his regular mortgage payments for him to save his home. Ultimately, after his wife passed away and he himself was hospitalized, he was unable to make all those payments and his chapter 13 plan failed.

Had Delaware had a reasonable homestead exemption and Mr. Smith been able to simply file a chapter 7 case to eliminate his debts, he might have been able to save his home. Mr. Smith's financial deterioration was caused not by his being a spendthrift, not because he was a bad manager of his budget, not because he did anything wrong. His financial deterioration was caused by unavoidable medical problems.

Before he thought about bankruptcy, he went to consumer credit card counseling to try to deal with his debt. However, it appears that he went to consumer credit card counseling just over 180 days before the case was filed and he did not receive a briefing, so the new bill would require him to go again. This would have been very difficult, considering his medical problems. In fact, his attorney made several visits to Mr. Smith and his wife, who was a double amputee.

The new bill would also have required a great deal of additional time and expense for Mr. Smith and his attorney through new paperwork requirements and a requirement that he attend a credit education course. Such a course would not have done anything to help prevent the medical problems suffered by Mr. Smith and his wife. He did not get into financial trouble through his failure to manage his money. He is 73 years old and he never had any debt problems.

The bill makes no exemptions for people who cannot attend the course that they are supposed to take, this counseling, due to circumstances beyond their control. So Mr. Smith might never have been able to get any relief in bankruptcy under this new bill.

Do we really want to do this to people? Under the new bill, Mr. Smith also would have had to give up his television and VCR to Sears, which claimed a security interest in the items. Under the bill, he would not be permitted to retain possession of these items in chapter 7 unless he affirms the debt or retrieved the item. Sears may demand reaffirmation of the entirely $3,000 debt under the bill, and to redeem, Mr. Smith would have to pay the retail value.

After his wife died and the income was gone, Mr. Smith did not have the money to pay these amounts to Sears. Since he is largely homebound, loss of the items would have been devastating.

The point is, Mr. Smith's medical problems continued. Under the current law, if he again amasses medical and other debts he can't pay, he could seek refuge in chapter 13 where he would be required to pay all that he could afford. Under the new bill, Mr. Smith cannot file a chapter 13 case for 5 years. The time for filing chapter 7 has also been increased.

There have been a bunch of reports about this bill. I know the proponents think they have been unfair. We all have our own definition of right and wrong here. ABC had a tough piece last night. Time magazine had a tough piece. The Wall Street Journal was tough. Business Week had a tough piece.

Personally, as I said about 50 times today, every time I talk about money and the credit card industry, I have to be careful because you cannot make the assumption that because you have an industry, a powerful industry that has poured the money into doing the lobbying, it is a one-to-one correlation to people's positions. You can't do that. I refuse to do it. People can do that to anybody here on any issue.

But that is not the point. Institutionally, I have to say this is, unfortunately, a classic example of an industry with a tremendous amount of financial wherewithal, with an all-out lobbying effort, which I think is probably well satisfied with this piece of legislation because, frankly, there is very little in this legislation that calls for any accountability on the part of this industry.

You will have an amendment tomorrow that deals with some of the predator practices and the ways in which they push credit cards on children.

But there is a whole lot in this legislation going way beyond a means test—too many provisions, too many hurdles which are too harsh—which make it really too difficult for a whole lot of ordinary people who haven't abused anybody or any system to be able to file for chapter 7.

That is what I think this debate is about. Of course, the people most hurt are the people with the least amount of clout.

I think if this amendment passes, it makes this a much better bill because I don't disagree with the premise. I think the legislation is way too broad. Unfortunately, I think the legislation has some very far-reaching and far-ranging serious implications in terms of how it affects people's lives.

If we want to go after people gaming the system, let's do it. Why not just say when you have a family filing for bankruptcy because of medical bills that we exempt them from all of these different tests and provisions and hurdles that will make it impossible for them to rebuild their lives? That is what this amendment is about.

I yield the floor.

Mr. GRASSLEY. Mr. President, I yield 10 minutes to the Senator from Delaware.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Delaware.

Mr. BIDEN. Mr. President, I appreciate what the Senator is trying to do. It is confusing me a little bit, though—not his intention but the way he phrases it.

He talks about the fact that if someone has a serious medical bill that

causes them to move into bankruptcy, which I might add is a real problem, and it is the reason why most people move into bankruptcy, it is not credit cards—you can't have it both ways and stand up on the floor and say the reason people go into bankruptcy is credit card debt. There is no evidence of that. The GAO report doesn't say that. The Congressional Research Service doesn't say that—and then point out, which is accurate, that medical bills cause people to go into bankruptcy in considerable numbers. I do not know the exact number. I don't know whether it is 20 percent, 50 percent, or 70 percent. But it is a lot. I understand what he is saying.

By the way, there is one generic point to which I am sympathetic—that people in fact have real serious medical problems and are forced to liquidate everything they have to pay the medical bills. It is an absolute tragedy. I agree with my friend. That is why I support the national health insurance plan and the need to cover all of those folks.

I also appreciate the fact that he is not engaging in and he never has the idea that because a particular group or group of people support a position, and they have power, that anybody who votes with them is because of the power.

My friend and I voted against the position of the Chamber of Commerce yesterday notwithstanding the fact that labor poured tens of thousands of dollars into the campaigns of Members on this side. And I suspect that labor PACs gave my friend from Wisconsin hundreds of thousands of dollars. They did not give a cent to the Senator from Delaware because I don't take PAC money, and I haven't taken PAC money.

I appreciate the honesty that he is exhibiting, but it confuses me on a couple of points. One, I am from Scranton, PA. That is an area of the country that has been on hard times for a long time. My grandfather Finnigan used to have an expression. He would say: When the fellow in Throop—that was a community south of Scranton—loses his job, it means there is an economic slowdown. When your brother-in-law loses a job, it means there is a recession. When you lose your job, it means there is a depression.

I wonder why we don't include people who lose their jobs and have to declare bankruptcy and can't find employment.

I have a little bit of a problem in terms of singling out one type of that debt that is exempt, but not because it has anything to do with any other industry. I don't know any other industry that cares a whole lot about that. My point is, that is a conceptual problem I am having difficulty getting over.

But the second point I wish to make is that his amendment wouldn't affect what this bill is about. It would affect bankruptcy law tremendously, present bankruptcy law, future bankruptcy law, future bankruptcy changes, and present. It would have a profound impact.

But the reason for this bill is to set a standard on the basis of someone moving from chapter 7 to chapter 13. I remind anybody who is listening to this at home that chapter 7 means if you file in that chapter, all your debts are discharged, and you start brand new. You don't owe anybody anything. You don't try to pay anything off. It is done. Chapter 13 means that the vast majority of your debts are discharged, but you work out a payment plan because you can think you can pay some of it. Most people who chose chapter 13 in the old days chose it to avoid the embarrassment of chapter 7 so they could pay something off in good faith. They had something to pay, but they couldn't pay everybody. They wanted the court to help them figure out how to divvy out what they could pay.

That is what it is about. There is no standard now that a judge uses. There is a generic standard saying substantial abuse. Right now, a bankruptcy court judge or master has to move someone from 7 to 13 if that judge says, look, you are able to pay something so you should be in 13.

My dad always said: Keep your eye on the ball. The ball here is what this is about. This bill is about whether or not there is a standard we are now going to set beyond the broad standard of substantial abuse that says when you must move from chapter 7 into chapter 13 to pay some of your bills.

By the way, you only get moved into that if you have at least $10,000 to distribute after all of your necessities are taken care of, or you are able to pay 25 percent of your debt over 5 years. If you can't meet that standard, you are not in 13 either. You don't get into chapter 13.

Again, keep your eye on the ball. This bill is about whether or not you can pay some of your bills.

Along comes my friend who says—which may be good public policy. I am not disagreeing with the possibility that anybody who declares bankruptcy because of medical bills can discharge those debts outright, period. They are just in chapter 7. They can, in fact, go there.

I point out to my friend about the case in Delaware. The individual filed in chapter 7. He chose to file in chapter 7. He discharged all of his debts. Unfortunately, my State has what I thought the Senator from Minnesota had been saying. You shouldn't have a homestead exemption. My State doesn't. Had he filed 13, he could have kept his home theoretically. He was not required. He filed in chapter 7.

Mr. WELLSTONE. Thirteen.

Mr. BIDEN. Then he would have been able to keep his home in chapter 13. If I am wrong about that, I will correct the record. But in Delaware, under chapter 7, we don't have this way to hide assets in a house. I think you should be able to keep up to $100,000 of the value of your house. But in 13, you get to keep your house as long as you keep your mortgage payments, and you are allowed to have that portion taken out to keep your house just as you can have that portion taken out to pay your medical bills, or pay ongoing expenses that you have—gas for your car to go back and forth to work, et cetera.

That is the case that would not be affected by this legislation. It would not be made better or not be made worse by this will. What would happen is arguably he wouldn't have to go to 13 if he didn't want to because under this bill, the means test in S. 420 establishes a standard. It establishes a standard. And it goes on to point out that in terms of this whole argument about medical bills, which I went into a little while earlier, unless your means test—in my State, by the way, the means test for a family would be $46,000, and you would have to make more than that to even be considered in the means test, but once you are in the means test, then what happens is special circumstances can be counted, whether or not you can still stay in chapter 7 or get bumped to chapter 13. And the special circumstances relate to medical expenses. The medical expenses are your special circumstances.

If you are in a situation where not only do you have medical expenses that you have to meet but you have the medical expenses and other necessary expenses that are not limited to your own medical expenses—for example, the medical expenses you are paying for your mom, the medical expenses you are paying for your adopted child, the medical expenses you are paying for your sister, the medical expenses you are paying for a family member—those get included so you do not get knocked out of chapter 7 under this law. You can count those medical expenses.

So a judge says: OK, look, under the means test, you have this amount of money. You do not make more than $46,000 in Delaware, so you can stay in chapter 7. We are not even going to consider looking at whether or not you have a right to file in chapter 7. And then, by the way, if you are 150 percent above that income, which gets you up to, what, $60,000, or something like that, whatever the exact number is, then you can say: Hey, wait a minute. I have all these medical expenses so I get to stay in chapter 7 anyway.

My confusion is how this amendment relates to this bill. It relates to bankruptcy generally; I acknowledge that. It is a new standard that we are considering, but it does not go to the assertions made by others that people, because of their medical bills, are getting killed with this legislation.

The very example my friend gave already was an example that occurred in Delaware that had nothing to do with this legislation. His medical bills were so high, the poor devil, and his income was so limited, he lost everything. That is tragic. That is why we need national health insurance. But the passage of this bill would not alleviate that problem. So it is kind of a non sequitur. They are not related.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I am trying to respond to some of what my good friend from Delaware has said. It is true that in the example I gave of Allen Smith, he is not affected by the means test. That is my point. There are 200 pages to this bill. I say to my colleague, I went over some of these provisions this afternoon that affect everyone, regardless of income, regardless of whether or not they file for chapter 13 or chapter 7.

Mr. BIDEN. Will the Senator yield?

Mr. WELLSTONE. I will make a couple points, and then I will yield to get the Senator's response.

My point is, why would you want to have these kinds of rules and these kinds of provisions when you have a family being put under because of medical bills?

I am trying to get all my notes together, one by one.

My colleague said, conceptually why not somebody who has lost their job? That could very well be an amendment that I will have on this bill. It is pretty horrible when people lose their jobs. By the way, the next thing they worry about, when they lose their job, is losing their health care coverage. You sort of assume, if somebody loses their job, they can find another job. But what if somebody has been put under because of a medical bill and they themselves are struggling with a disease or a disabling injury? It seems to me this would be the first, if you will, order of exemption.

My colleague says there are sweeping changes to this amendment. That is true. This bill is also cause for sweeping changes. It depends on whether you think the changes are good, whether you think they are the right thing to do or not. That is where we disagree.

Now, it is true—and this is a key point to make—that what I am doing is saying there ought to be some discretion in the system. My colleague talked about the standards. I do not mind having rigorous or even rigid standards, as long as you do not capture the wrong people. But you are capturing the wrong people. The people who pay the price, as I have tried to argue, are people who, again, as determined by the court are filing for bankruptcy because of medical expenses. I think that is about 50 percent of the cases, at least on the basis of what I have seen.

Although, interestingly enough—and I do not want to have a side debate with my colleague on this—although, interestingly enough, in consumer surveys actually people cite credit card companies as the reason they file for bankruptcy before they do for medical expenses.

Mr. BIDEN. Kind of funny. It is wrong, though; isn't it?

Mr. WELLSTONE. To my mind——

Mr. BIDEN. You can't have it both ways.

Mr. WELLSTONE. You can't have it both ways, but it can be interactive. Frankly, there are a number of variables that come into play. I think my colleague from Delaware is right when he talked about job loss. But, I say to the Senator from Delaware—I do not know if he heard my first response, which was that I absolutely understand conceptually what he was saying when he said: Why not job loss? And I said that could very well be another amendment—as awful as that is, the place to start is the medical expenses.

In relation to job loss, we have this going on right now with 1,300 taconite workers. You go up there and talk to people. The next thing they are frightened of is that in 6 months they will lose their health insurance. If they worked there a little longer, they lose it after a year. And do you know what else. And I am going to try—and this one I am hoping to get support on from a lot of Senators—the other thing I am worried about, I say to Senator BIDEN from Delaware, is that the retirees are terrified—and ''terrified'' is the right word; and too many of them, I would argue, are dealing with cancer—that LTV, the company, is going to file for bankruptcy and they are going to walk away from their health care obligations. That is a huge concern.

Mr. BIDEN. Right. I agree.

Mr. WELLSTONE. But my argument would be that with the medical, it is not just the bills. I am imagining people who have been stricken with illnesses or disabling injuries. So I thought: Look, if there is any group of people—there, but for the grace of God, go I—it applies to them.

Again, I am not arguing that there isn't discretion. Deliberately, we have discretion put in here. I think the rules are too rigid in this bill. I am not arguing that the means test is the issue. In fact, I said this afternoon—and I say tonight—there are a whole bunch of other provisions—I outlined 12, or 13, or 14 provisions—that I think make it difficult for people to rebuild their lives.

That is the point I am making. I do not see why we can't have an exemption. I think it would make the bill a much better bill, and it would accomplish the goal you are trying to accomplish, which is to not let folks game it. But for the families I am talking about, they are not gaming it.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, I yield some of my time. I yield 5 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. That is very generous of the Senator.

I would like to make three points, and I will try to make them quickly.

One, the point of the Senator's amendment is—and I agree with the thrust of it because there should be no discretion—no discretion—if, in fact, you are bankrupt because of medical bills, then you automatically are out, period. It is done. You do not owe anybody anything; finished, over, done, period. I understand that. And I sympathize with that.

I do not want anybody to mix apples and oranges unintentionally or in listening to this debate. What would be implied from this debate or assumed from this debate is somehow, by the passage of this bill, people with medical bills will be put at a greater disadvantage than they are under the present system. That is not true.

In the broader question of whether or not bankruptcy law—period—should be for people who have no ability to pay their bills because they have medical bills, or have no ability to pay their bills because of the loss of their job, or have no ability to pay their bills because they are deemed to be incompetent, even though they have an estate that exists out there—they are all different things that have nothing to do with the question of whether or not this legislation should pass or should fail. Based on the argument my friend from Wisconsin is making, we should eliminate the bankruptcy law that exists now. We should have no bankruptcy law because this does not exist in the present bankruptcy law.

It doesn't exist in present bankruptcy law. Let's not get confused. If the Senator wishes to make the argument that this is an important exemption that should be written into bankruptcy law as it exists or as it is amended, I understand that; I empathize with it. But if it is to make the case that people with severe medical bills are more disadvantaged under the changes we are proposing than the law that exists now, I don't buy that argument.

I will conclude by saying the only reason I spoke to the question of and agreed with the Senator that I think at least 50 percent of all bankruptcies are filed because of medical bills—at least 50 percent—if that is true, then my friend from Illinois and my other friend from Wisconsin and my friend from

Massachusetts are dead wrong when they say the majority of bankruptcies are filed because of credit cards. That means that that can't be true.

Let's just look. I ''ain't'' slow; I did pretty well in math. It is really simple. With fifty percent of 100 percent based upon the fact that you have too many medical bills and you are required to go bankrupt, that means that all other bankruptcies, for whatever reason, amount to 50 percent, which means that credit card bankruptcies must be less than 49 percent—at least less than 49 percent.

According to the study we have gotten, there is no evidence that they have contributed at all to the increase in bankruptcy.

I might add, I am anxious to debate the predatory practice of sending the kids the credit card and all that stuff. With the limits they put on the credit card, those limits that you get when you get that credit card at the front end, these people that can't pay that back are so few that they are not even in the game of declaring bankruptcy. They are not even in the game. The college student who gets a credit card and blows it up and spends $1,000 on the credit card, they don't declare bankruptcy because of a $1,000 debt they don't pay. That is malarkey.

They declare bankruptcy because they run up tens of thousands of dollars in loans to go to college. That is why you should support the Schumer-Biden amendment to make sure that people can deduct the cost of college from their taxes. That is why we should provide for health care for all Americans so we don't have them declaring bankruptcy because of this.

Bankruptcies increase in direct proportion to people losing their health insurance—in direct proportion. Senator KENNEDY stands on the floor—and no one knows more about it than he—and points out that fewer and fewer people have health care coverage since we started this debate on health care because my friends on the other side of the aisle are reluctant to provide for health care for people.

I just want a little truth in advertising here; that is all. It is OK, beat up on the credit card companies, don't like them. Beat up on the big companies, don't like them. This is an ironic position for me to be in after 28 years in the Senate. No one has ever accused me of being a friend of the banking industry. I have been around for a long time. Let's get it straight; you can't have it all ways here.

My friend comes to talk about the predatory practices. There are predatory practices, I acknowledge that. But are they the reason bankruptcies are increasing? Maybe. I see no evidence of it. No one has shown any evidence of that. The only report that was done indicates the opposite. If 50 percent related to health care, then obviously it isn't because of any particular industry.

I thank my colleague for his generosity.

I ask my friend from Iowa—he was not on the floor—I am defending his position. The Senator from Minnesota yielded me 5 minutes of his time. If he needs time, I hope the Senator will lend him the 5 minutes he would have lent me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 13

Mr. GRASSLEY. Mr. President, I believe we can accommodate the Senator from Delaware and the Senator from Minnesota. We have 20 minutes remaining. I will yield myself 5 minutes. Then it is my understanding that Senator HATCH needs some time to respond to the Senator from Minnesota. I will take my time to address an amendment that we are going to be voting on when we vote on two amendments in just a few minutes. That amendment is the amendment by the Senator from Vermont, Mr. LEAHY.

The amendment would allow small businesses to be given special treatment as compared to other businesses. When the words ''small business'' are used around the U.S. Congress, everybody looks up because we know that small business is the engine of advancement in America, creating the new jobs.

I have to say that albeit his amendment may be well intended because we want small businesses to succeed—and I would be the first one to say that—Senator LEAHY's amendment would be detrimental to this bill and also to many small businesses as well as those he says he is trying to help.

I will explain to the Senate now why I believe his amendment is intended to help small businesses of some very small size and help other businesses that are just a little larger but still very much a small business.

He would do this by creating three categories of unsecured creditors in chapter 7, chapter 12, and chapter 13 proceedings under our bankruptcy code. Priority creditors would be paid first, then small business creditors, and then general business creditors that are not small business creditors are the last in line. I will repeat that. It would give priority creditors the option of being paid first, then small business creditors, and then general business creditors that are not small business creditors are the last in line.

This idea is different from the way bankruptcy has been treated historically where we have only given special treatment to creditors with extraordinary circumstances. What I mean to say is that we have created a priority status for those who have compelling reasons to go first, such as child support, which has dominated this debate on bankruptcy reform for 3 years now. After child support, people who might be killed by drunk drivers is an example, or the importance of high priority for back pay and wages. If you don't have a compelling reason such as these categories I have just listed, then creditors otherwise are given equal treatment.

I have to conclude that this is an antibusiness amendment. It would, for instance, require a law firm or a payday loan shark of five members to be paid before an auto repair shop with 30 employees. Also, the amendment could have an unintended result, such as larger businesses being deterred from offering credit to people who may really need it. Further, this issue has not been examined at all. We don't know for sure what the implications are.

I hope my colleagues will oppose this amendment. Do not be sucked into voting for it because it has a title of small business, because it has small business of a certain category but it hurts small businesses generally.

I yield the floor and yield whatever time Senator HATCH might consume.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 14

Mr. HATCH. Mr. President, I thank my colleague. I appreciate all the work he has done on this bill through the years and here today as well. He and I have walked arm in arm on this bill for a long time.

We have tried to accommodate our friends on the other side in innumerable ways. We have accommodated them. It seems as if we can never quite satisfy some on the other side. I am not finding fault with them; they are very sincere on these amendments, but there is no way we could go with some of the amendments that have been offered.

I am going to talk about the amendment of the distinguished Senator from Minnesota, excepting those with high medical expenses from all provisions of this reform legislation.

The effect of that amendment: If a debtor can demonstrate ''the reason for filing was a result of debts incurred through medical expenses,'' the debtor is exempt from every provision of S. 420, except those they might elect to have covered.

I can imagine that is not going to be much of an election. The amendment would create a major loophole, if we were to accept or vote up the Wellstone amendment. S. 420 already allows all medical expenses to be deducted in determining the ability to pay.

If for some reason a debtor could not deduct them under the IRS guidelines, the debtor can demonstrate that there are ''special'' circumstances. So the only people this amendment would help are well-off people who have the ability to pay but also suffered medical problems.

The amendment unwisely creates two classes of debtors. One class must use the bankruptcy bill as S. 420 would amend it, and another class can use bankruptcy law as it exists today or pick and choose what provisions of this new law apply to it.

To allow some group of citizens, no matter how unfortunate, to pick and choose what parts of the law will apply to them is absolutely unprecedented. But that is what the amendment of the Senator from Minnesota would do. It would allow debtors to evade the child support, alimony, and marital property settlement provisions of this bill that help women and children. The debtor who owed child support could evade his basic responsibilities to pay child support by fitting under the loophole created by this Wellstone amendment.

I have worked long and hard to solve these problems. I have to tell you, I think we have them solved, to a large degree, in this bill. I think people on both sides of the aisle are appreciative we have worked so hard for women and children.

The Wellstone amendment would allow debtors to evade the homestead exemption caps imposed by this bill. His amendment is unworkable. Creditors would not know if they had to make the truth in lending disclosures this bill imposes on them until after the debtor filed for bankruptcy. Yet the disclosures must be given in credit card solicitations and on monthly statements.

The amendment would have the strange effect of apparently exempting creditors from complying with consumer protections in this bill, such as the reaffirmation reforms that we have here, such as the restrictions on creditors who fail to credit plan payments properly, such as the privacy protections, and so forth.

So I hope my colleagues will recognize this amendment for what it is. It is an amendment that will not work. It is not fair. It would benefit only those who could afford to pay their medical bills, and it would not do anything for others. It would allow a loophole so people could pick and choose in legislation that we ought to all be subjected to or have to comply with, or that we ought to all benefit from, depending upon the use of the particular bill because all of those factors are part of it.

I hope our colleagues will vote against this amendment. It is an unwise amendment. It would devastate this bill in many respects, and it would not accomplish what the distinguished Senator would want to accomplish because I know his goal is to help those who are unfortunate. That is our goal, too. That is why we have special circumstances in this bill, to help those who are unfortunate, who should not have to comply with some of the aspects of the bill. His amendment basically helps those who should not be helped, who ought to be able to pay for their own expenses, and who can pay for them.

With that, 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. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. Mr. President, I wonder whether my colleague—I think I have 2 minutes—will grant me 2 minutes. I won't need more than 4 minutes.

Mr. GRASSLEY. Yes.

Mr. WELLSTONE. Mr. President, I tried to respond to what colleagues have said. I want to respond to one point my friend from Utah made. The question is whether the amendment carves out a serious loophole in the means test. The answer is no.

The debtor can only get an exemption from this bill if the court finds that the debtor was forced to file because of medical debt. Again, I say to my colleague, I don't have any problem with rigorous standards, or even rigid standards, as long as you don't capture the wrong people. This legislation captures the wrong people. There ought to be some discretion in the system that says, yes, go after those people who are gaming the system—although I think we have very different views about what percentage they are. But for God's sake, when it is a family being put under, through no fault of their own, because of a major medical illness or injury and, therefore, medical bills, and the court finds that indeed the debtor was forced to file because of a major medical bill, that is where I would argue we ought to have an exemption for these families from any number of the different provisions in this bill that are meant to deal with people involved in gaming the system, which will make it so difficult.

I have listed a lot of these provisions all day. Why would we not, if the purported purpose of this legislation, I say to two good Senators, is to go after people who are gaming the system, to go after some of the abuses, why would we not want to have this very simple exception for people who are filing for bankruptcy because of major medical expenses? That is all this does, as determined by the court.

I yield the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I listened to our distinguished colleague from Minnesota. I have to say this bill takes care of people who cannot afford to pay their medical expenses. His amendment would allow those who can afford to pay for them a loophole to get out of paying for them.

The poor really are taken care of in this bill because of the means test we have provided. But the wealthy, even though they have a tremendous capacity to earn money in the future, would be able to get out of all of the provisions of this bill under his amendment if they have medical expenses they can't afford to pay for at that particular time, but they clearly have the ability to pay for it in the future.

This bill is to try to stop that kind of abuse. That is why I cannot support the amendment of the Senator. I know he is trying to do what is right. As a practicality, under bankruptcy law, it would be one of the worst things you could put in this bill. So this is a harmful and unnecessary amendment that would undermine the important reforms in the bankruptcy bill.

Under this amendment, all the debtor who is fully able to repay his debts would have to do to get out of repaying them is to show he filed for bankruptcy because of medical expenses—somebody fully capable of paying his or her bills. S. 420 already allows for unlimited medical expenses to be deducted in determining the ability to pay, and its means test only applies to those who have income above the national median income and have the ability to pay at least 25 percent of their debts over 5 years.

So the amendment of the distinguished Senator is ill-advised. It would be a travesty as part of this particular bill, where we are trying to solve problems and trying to get those who can pay to live up to the responsibilities and not use the bankruptcy laws as a methodology of getting out from under debts they are capable of paying.

I hope our colleagues will vote against this amendment.

Mr. GRASSLEY. How much time remains, Mr. President?

The PRESIDING OFFICER. Five minutes. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senator from Minnesota has been building a Potemkin village against this bill over a period of 3 years. We have dealt with many of the houses and buildings that have been put up. First, it was child support. That has quieted down. Then it was the unemployed. That has quieted down. Then it was those who were in a divorce with special problems. That has quieted down.

We have destroyed almost every one of these homes in your village except this one of medical expenses, and it keeps coming up. It started last spring when the Time magazine story came out about how this bill was so unfair to certain families in America.

I assure the Senator that every one of those families mentioned in that story would have been able to take bankruptcy even if our bill were law. Most of those are people who had medical expenses.

This paper house of medical expenses comes up again. I have said so many times in this debate, not just this year but last year, that we allow under this bill 100 percent of the medical expenses to be deducted in determining whether somebody can file under chapter 7 and have the ability to pay. If 100 percent of expenses are not enough, will 101 percent or 102 percent or 110 percent satisfy the Senator? I would almost be willing to give it to the Senator.

I know the Senator says he has to have his amendment or we go through a certain procedure. What does the Senator from Minnesota think the whole process of bankruptcy is about? If we did not have that process, everybody would be gaming the system. We have people gaming the system now.

I just read a story put out by the credit union people about somebody from the Senator's State who had made it very clear why he was going into bankruptcy, and he spent the next 3 months traveling through the South after he retired.

What we are trying to do is bit by bit destroy these faults, these structures built against this bill, and I think we have destroyed them all. I hope this vote on the amendment of the Senator from Minnesota will put this issue of medical expenses to rest once and for all.

The very same people the Senator wants to make sure get a fresh start, I want to make sure get a fresh start, and they are going to be able to do it under our bill. They do not need the amendment of the Senator from Minnesota to do it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, do we have the yeas and nays on both amendments?

The PRESIDING OFFICER. The yeas and nays have only been ordered on the Leahy amendment.

Mr. HATCH. I ask for the yeas and nays on the Wellstone amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 14. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

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

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—34

Akaka	Feingold	Mikulski
Baucus	Graham	Murray
Bayh	Harkin	Nelson (FL)
Boxer	Hollings	Reed
Cantwell	Inouye	Rockefeller
Clinton	Kennedy	Sarbanes
Corzine	Kerry	Schumer
Daschle	Landrieu	Stabenow
Dayton	Leahy	Wellstone
Dodd	Levin	Wyden
Dorgan	Lieberman	
Durbin	Lincoln	

NAYS—65

Allard	Domenici	McConnell
Allen	Edwards	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Nelson (NE)
Bingaman	Feinstein	Nickles
Bond	Frist	Reid
Breaux	Gramm	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Byrd	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Carnahan	Hutchinson	Snowe
Carper	Hutchison	Specter
Chafee	Inhofe	Stevens
Cleland	Jeffords	Thomas
Cochran	Johnson	Thompson
Collins	Kohl	Thurmond
Conrad	Kyl	Torricelli
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeWine	McCain	

ANSWERED ''PRESENT''—1

Fitzgerald

The amendment (No. 14) was rejected.

Mr. HATCH. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 13

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on the Leahy amendment.

Who yields time?

Mr. LEAHY. Mr. President, last week the distinguished majority leader said we needed to pass this bill to help small business creditors in bankruptcy. I agree with him. Tonight we can take a bipartisan step to do just that.

This amendment provides small business creditors with the priority distribution from the bankruptcy estate. They make up 90 percent of the businesses in our country. These are the mom-and-pop stores across the country—the feedstores, the small ranchers, and the small farmers. They are the backbone of our economy.

We are already giving different preferences in this bill. All I am saying is that if you have to have the first preference to a multibillion-dollar credit card company, or the stores on your main street of your hometown, when you list those preferences, give the stores the first preferences. It doesn't let any debtors off their debt, but it helps the small businesses of America.

Mr. HATCH. Mr. President, this amendment would discriminate against any business with more than 25 employees with regard to their ability to collect debts in bankruptcy. Instead of allowing the bankruptcy process to proceed fairly, this amendment would prevent businesses with more than 25 employees from being paid a single penny until smaller businesses were paid in full. It is an improper way to proceed in bankruptcy. We should not discriminate against anybody and let the process takes its course.

I hope our colleagues will vote against this amendment.

I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

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

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—58

Allard	Enzi	Murkowski
Allen	Frist	Nelson (NE)
Bayh	Gramm	Nickles
Bennett	Grassley	Roberts
Biden	Gregg	Santorum
Bingaman	Hagel	Sessions
Bond	Hatch	Shelby
Brownback	Helms	Smith (NH)
Bunning	Hutchinson	Smith (OR)
Burns	Hutchison	Snowe
Campbell	Inhofe	Specter
Carper	Jeffords	Stevens
Chafee	Johnson	Thomas
Cochran	Kyl	Thompson
Collins	Lieberman	Thurmond
Craig	Lott	Torricelli
Crapo	Lugar	Voinovich
DeWine	McCain	Warner
Domenici	McConnell	
Ensign	Miller	

NAYS—41

Akaka	Dorgan	Levin
Baucus	Durbin	Lincoln
Boxer	Edwards	Mikulski
Breaux	Feingold	Murray
Byrd	Feinstein	Nelson (FL)
Cantwell	Graham	Reed
Carnahan	Harkin	Reid
Cleland	Hollings	Rockefeller
Clinton	Inouye	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kerry	Stabenow
Daschle	Kohl	Wellstone
Dayton	Landrieu	Wyden
Dodd	Leahy	

ANSWERED ''PRESENT''—1

Fitzgerald

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Kansas.

MORNING BUSINESS

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

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

RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that there be printed in the RECORD the rules of the Committee on Energy and Natural Resources.

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate, as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee meeting or hearing, other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) All hearings and business meetings of the Committee and its Subcommittees shall be open to the public unless the Committee or Subcommittee involved, by majority vote of all the Members of the Committee or such Subcommittee, orders the hearing or meeting to be closed in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of all the Members of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of all the Members of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice. Any document or report that is the subject of a hearing shall be provided to every Member of the committee or Subcommittee involved at least 72 hours before the hearing unless the Chairman and Ranking Member determine otherwise.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and Ranking Minority Member of the Committee or Subcommittee of the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the Ranking Majority and Minority Members present may agree. No staff member may question a witness in the absence of a quorum for the taking of testimony.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure, nomination, or other matter shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include a legislative measure, nomination, or other matter on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of all the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), eight Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless twelve Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request on any Member. Any member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have this position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the Ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

NOMINATIONS

Rule 9. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made available to the public on a form approved by the Committee unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule.

INVESTIGATIONS

Rule 10. (a) Neither the Committee nor any of its Subcommittees may undertake an investigation unless specifically authorized by a majority of all the Members of the Committee.

(b) A witness called to testify in an investigation shall be informed of the matter or matters under investigation, given a copy of these rules, given the opportunity to make a brief and relevant oral statement before or after questioning, and be permitted to have counsel of his or her choosing present during his or her testimony at any public or closed hearing, or at any unsworn interview, to advise the witness of his or her legal rights.

(c) For purposes of this rule, the term ''investigation'' shall not include a review or study undertaken pursuant to paragraph 8 of Rule XXVI of the Standing Rules of the Senate or an initial review of any allegation of

wrongdoing intended to determine whether there is substantial credible evidence that would warrant a preliminary inquiry or an investigation.

SWORN TESTIMONY

Rule 11. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or Ranking Minority Member of the Committee or Subcommittee deems such to be necessary. If one or more witnesses at a hearing are required to testify under oath, all witnesses at that hearing shall be required to testify under oath.

SUBPOENAS

Rule 12. No subpoena for the attendance of a witness or for the production of any document, memorandum, record, or other material may be issued unless authorized by a majority of all the Members of the Committee, except that a resolution adopted pursuant to Rule 10(a) may authorize the Chairman, with the concurrence of the Ranking Minority Member, to issue subpoenas within the scope of the authorized investigation.

CONFIDENTIAL TESTIMONY

Rule 13. No confidential testimony taken by or any report of the proceedings of a closed Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of all the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 14. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 15. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 16. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

RULES OF THE SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY. Mr. President, paragraph 2 of Senate Rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each committee shall be published in the RECORD.

In compliance with this provision, I ask unanimous consent that the rules of the Select Committee on Intelligence be printed in the RECORD.

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

SELECT COMMITTEE ON INTELLIGENCE—RULES OF PROCEDURE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one-third of the Committee Members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by rollcall vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, and writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records

or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and my be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2d Session and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. Notice.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3. Interrogation.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. Counsel for the Witness.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5. Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6. Objections and Rulings.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the Chair.

8.7. Inspection and Correction.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8. Requests to Testify.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed by majority vote of the Committee, to forward such recommendation to the Senate.

8.10. Release of Name of Witness.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2. Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4. Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committee may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need to know such information for an official governmental purpose related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need to know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf. Failure to abide by this provision shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400.

9.7. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.8. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons who appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules. Committee staff includes employees of the Committee, consultants to the Committee, or

any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of Senate Resolution 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, and shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, 2nd Session, and to abide by the Committee's code of conduct.

10.7. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his or her testimony, either during his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, and illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. In accordance with title III of the Civil Rights Act of 1991 (P.L. 102–166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status: and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A

94TH, CONGRESS, 2D SESSION

S. RES. 400

[Report No. 94–675]

[Report No. 94–770]

IN THE SENATE OF THE UNITED STATES

MARCH 1, 1976

Mr. Mansfield (for Mr. Ribicoff) (for himself, Mr. Church, Mr. Percy, Mr. Baker, Mr. Brock, Mr. Chiles, Mr. Glenn, Mr. Huddleston, Mr. Jackson, Mr. Javits, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Morgan, Mr. Muskie, Mr. Nunn, Mr. Roth, Mr. Schweiker, and Mr. Weicker) submitted the following resolution; which was referred to the Committee on Government Operations.

MAY 19, 1976—CONSIDERED, AMENDED, AND AGREED TO

Resolution to establish a Standing Committee of the Senate on Intelligence, and for other purposes

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the ''select committee''). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report, from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purpose of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed to in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any

such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) the select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered to be disclosed.

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the information of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which the committee or which Members of the Senate received such information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[1] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided,* That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) it is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of the United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term ''intelligence activities'' includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policy-making function.

(b) As used in this resolution, the term ''department or agency'' includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

APPENDIX B

94TH CONGRESS, 1ST SESSION

S. RES. 9

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 1975

Mr. Chiles (for himself, Mr. Roth, Mr. Biden, Mr. Brock, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Hatfield, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Johnston, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Packwood, Mr. Percy, Mr. Proxmire, Mr. Stafford, Mr. Stevenson, Mr. Taft, Mr. Weicker, Mr. Bumpers, Mr. Stone, Mr. Culver, Mr. Ford, Mr. Hart of Colorado, Mr. Laxalt, Mr. Nelson, and Mr. Haskell) introduced the following resolution; which was read twice and referred to the Committee on Rules and Administration

Resolution amending the rules of the Senate relating to open committee meetings

Resolved, That paragraph 7(b) of rule XXV of the Standing Rules of the Senate is amended to read as follows:

''(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions—

''(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

''(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

''(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

''(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

''(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

''(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

''(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is ruired to be kept secret in order to prevent undue injury to the competitive position of such person.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.''.

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102 (d) and (e) of the Congressional Budget Act of 1974 are repealed.

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On March 7, 2001, the Committee on Indian Affairs held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with standing rule XXVI, today I ask unanimous consent to print in the RECORD the rules of the Senate Committee on Indian Affairs.

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

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946,

as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall file with the Committee, at least 72 hours in advance of the hearing, an original and 75 printed copies of his or her written testimony. In addition, each witness shall provide an electronic copy of the testimony on a computer disk formatted and suitable for use by the Committee.

(c). Each member shall be limited to five (5) minutes in questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). the Chairman and Vice Chairman or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subject on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

QUORUM

Rule 6(a). Except as provided in subsections (b) and (c), eight (8) Members shall constitute a quorum for the conduct of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). A measure may be ordered reported from the Committee unless an objection is made by a Member, in which case a recorded vote of the Members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A Recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness, shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee; Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

ADDITIONAL STATEMENTS

TRIBUTE TO ISRAEL BROOKS

• Mr. HOLLINGS. Mr. President, for the past 33 years, Israel Brooks has done all citizens of South Carolina a great favor by working in law enforcement. That is why it is with a degree of sadness that I note his departure from the post of U.S. Marshal for South Carolina after seven years of service. Israel Brooks' career is a testament to the caliber of leadership that his colleagues have learned to expect from him. A native of Newberry, SC, he served for four years in the U.S. Marine Corps where he rose to the rank of sergeant and platoon leader. Then, in 1967, he became South Carolina's first African-American highway patrolman. After a five-year stint as an instructor at the South Carolina Criminal Justice Academy, he continued to climb the ranks of the highway patrol, serving as Major for four years until taking the marshal's post in 1994.

Recently, Marshal Brooks was honored here in Washington for his lifelong commitment to fostering equal opportunities in the workplace as a recipient of the Equal Employment Opportunity Award. He is most deserving of this and the many other accolades that he has received throughout his distinguished career. I am confident that Israel Brooks is one of the finest law enforcement officers in the modern history of South Carolina and my staff and I will miss working with him.•

MESSAGE FROM THE HOUSE

At 2:54 p.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 724. An act to authorize appropriations to carry out part B of title I of the Energy Policy and Conservation Act, relating to the Strategic Petroleum Reserve.

H.R. 727. An act to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), the Minority Leader appoints the following individuals to the China Security Commission: George Becker of Pittsburgh, Pennsylvania; Kenneth Lewis of Portland, Oregon; and Michael Wessel of Falls Church, Virginia.

The message further announced that pursuant to section 202(b)(3) of the Goals 2000: Educate America Act (20 U.S.C. 5822), the Minority Leader appoints the following Member of the House of Representatives to the National Education Goals Panel: Mr. GEORGE MILLER of California.

The message also announced that pursuant to 10 U.S.C. 9355(a), the Speaker appoint the following Members of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. YOUNG of Florida and Mr. HEFLEY.

The message further announced that pursuant to 14 U.S.C. 194(a), the Speaker appoint the following Member of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. SIMMONS.

The message also announced that pursuant to 10 U.S.C. 6968(a), the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. SKEEN and Mr. GILCHREST.

The message further announced that pursuant to 10 U.S.C. 4335(a), the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Naval Academy: Mr. TAYLOR of the North Carolina and Mrs. KELLY.

The message also announced that pursuant to 46 U.S.C. 1295(h), the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Merchant Marine Academy: Mr. KING.

The message further announced that pursuant to 320(b)(2) of Public Law 106–291, the Speaker appoints the following Members on the part of the House of Representatives to the Advisory Committee on Forest Counties Payment: Mr. ROBERT E. DOUGLAS of California and Mr. MARK EVANS of Texas.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 724. An act to authorize appropriations to carry out part B of title I of the Energy Policy and Conservation Act, relating to the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

H.R. 727. An act to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act; 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–914. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Disclosure to Shareholders'' (RIN3052–AB94) received on March 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–915. A communication from the Acting Administrator of the Agricultural Marketing Service, Research and Promotion Branch, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Watermelon Research and Promotion Plan'' (Docket No. FV–703–FR) received on March 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–916. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tomatoes Grown in Florida; Change in Size Designation'' (Docket No. FV00–966–1FIR) received on March 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–917. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Revision of Administrative Rules and Regulations'' (Docket No. FV00–956–1FIR) received on March 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–918. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Increased Assessment Rate'' (Docket No. FV01–932–1IFR) received on March 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–919. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 2000—2001 Marketing Year'' (Docket No. FV01–982–1IFR) received on March 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–920. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report relating to programmatic, managerial, and financial activities for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–921. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–603, ''Title 25, D.C. Code Enactment and Related Amendments Act of 2001''; to the Committee on Governmental Affairs.

EC–922. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC–923. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, a report concerning the termination of the identity of Serbia as a violator of religious freedom; to the Committee on Foreign Relations.

EC–924. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC–925. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the international narcotics control strategy for Fiscal Year 2001; to the Committee on Foreign Relations.

EC–926. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report related to the adherence to and compliance with arms control agreements for the year 1999; to the Committee on Foreign Relations.

EC–927. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, the annual report concerning medicare payment policy for the year 2001; to the Committee on Finance.

EC–928. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''January–March 2001 Bond Factor Amounts'' (Rev. Rul. 2001–10) received on March 5, 2001; to the Committee on Finance.

EC–929. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: IRC 807 Basis Adjustment—Change in Basis v. Correction of Error'' (UIL807.05–01) received on March 6, 2001; to the Committee on Finance.

EC–930. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: Qualified Retirement Plan Hybrid Arrangement'' (UIL125.05–00) received on March 6, 2001; to the Committee on Finance.

EC–931. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report concerning the Drinking Water Infrastructure Needs Survey; to the Committee on Environment and Public Works.

EC–932. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of rule entitled ''List of Approved Spent Fuel Storage Casks: VSC–24 Revision, Amendment 3'' (RIN3150–AG70) received on March 6, 2001; to the Committee on Environment and Public Works.

EC–933. A communication from the Associate Division Chief, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of

a rule entitled ''Implementation of the Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, Order'' (Docket No. 94–129) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–934. A communication from the Associate Division Chief of the Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, Third Report and Order and Second Order on Reconsideration'' (Docket No. 94–129) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–935. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 7.3202(b), Table of Allotments, FM Broadcast Stations (Aspen, Colorado)'' (Docket No. 00–215) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–936. A communication from the Special Assistant to the 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 (Herver, Snowflake, Overgaard, Taylor, Arizona)'' (Docket No. 00–189, 00–190, 00–91, 00–192) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–937. A communication from the Special Assistant to the 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 Allotment, FM Broadcast Stations. (Burke, South Dakota; Marietta, Mississippi; Lake City, Colorado, Glenville, West Virginia; Pigeon Forge, Tennessee; and Licolnton, Georgia)'' (Docket No. 00–16, 00–146, 00–147; 00–212, 00–213, 00–214) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–938. A communication from the Special Assistant to the 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 (Window Rock, Arizona)'' (Docket No. 00–237) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–939. A communication from the Special Assistant to the 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 (Wells and Woodville, Texas)'' (Docket No. 00–171) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–940. A communication from the Special Assistant to the 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 (Rapid City, South Dakota)'' (Docket No. 00–177) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–941. A communication from the Special Assistant to the 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 (Sioux Falls, South Dakota)'' (Docket No. 00–200) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on Indian Affairs, without amendment:

S. Res. 46: An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

From the Select Committee on Intelligence, without amendment:

S. Res. 47: An original resolution authorizing expenditures by the Select Committee on Intelligence.

From the Committee on Energy and Natural Resources, without amendment:

S. Res. 49: An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

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. DOMENICI (for himself, Mrs. LINCOLN, Mr. MURKOWSKI, Ms. LANDRIEU, Mr. CRAIG, Mr. KYL, Mr. CRAPO, Mr. GRAHAM, Mr. THOMPSON, Mr. VOINOVICH, Mr. HAGEL, and Mr. INHOFE):

S. 472. A bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States; to the Committee on Energy and Natural Resources.

By Mr. CRAPO:

S. 473. A bill to amend the Elementary and Secondary Education Act of 1965 to improve training for teachers in the use of technology; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 474. A bill to amend the Elementary and Secondary Education Act of 1965 to improve provisions relating to initial teaching experiences and alternative routes to certification; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 475. A bill to provide for rural education assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mrs. MURRAY, Mr. LEAHY, Ms. MIKULSKI, Mr. REED, Mr. SCHUMER, and Mr. CORZINE):

S. 476. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for a National Teacher Corps and principal recruitment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 477. A bill to amend the Internal Revenue Code of 1986 to exclude national service educational awards from the recipient's gross income; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mr. KENNEDY, and Mr. BINGAMAN):

S. 478. A bill to establish and expand programs relating to engineering, science, technology and mathematics education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CLELAND:

S. 479. A bill to establish a grant program administered by the Federal Election Commission for the purpose of assisting States to upgrade voting systems to use more advanced and accurate voting devices and to enhance participation by military personnel in national elections; to the Committee on Rules and Administration.

By Mr. DEWINE (for himself, Mr. HUTCHINSON, Mr. HATCH, Mr. VOINOVICH, Mr. BROWNBACK, Mr. ENSIGN, Mr. ENZI, Mr. HAGEL, Mr. HELMS, Mr. INHOFE, Mr. NICKLES, and Mr. SANTORUM):

S. 480. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. CORZINE):

S. 481. A bill to amend the Internal Revenue Code of 1986 to provide for a 10-percent income tax rate bracket, and for other purposes; to the Committee on Finance.

By Mr. FRIST:

S. 482. A bill to amend the Appalachian Regional Development Act of 1965 to add Hickman, Lawrence, Lewis, Perry, and Wayne Counties, Tennessee, to the Appalachian region; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 483. A bill to amend title 49, United States Code, to improve the disclosure of information to airline passengers and the enforceability of airline passengers and the enforceability of airline passengers' rights under airline customer service agreements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. DEWINE, Mr. DODD, Ms. COLLINS, Mrs. LINCOLN, and Mr. BREAUX):

S. 484. A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. MCCAIN):

S. 485. A bill to amend Federal law regarding the tolling of the Interstate Highway System; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. SMITH of Oregon, Ms. COLLINS, Mr. LEVIN, Mr. FEINGOLD, Mr. JEFFORDS , Mr. KENNEDY, Mr. CHAFEE, Mr. AKAKA, Ms. MIKULSKI, Mr. DODD, Mr. LIEBERMAN, Mr. TORRICELLI, Mr. WELLSTONE, Mrs. BOXER, and Mr. CORZINE):

S. 486. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 487. A bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of a single copy of such performances or displays is not an infringement, and for other

purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself, Mr. BAYH, Mr. CHAFEE, Ms. LANDRIEU, Ms. COLLINS, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Mr. SPECTER, Mr. CARPER, and Ms. STABENOW):

S. Con. Res. 21. A concurrent resolution to express the sense of Congress regarding the use of a legislative ''trigger'' or ''safety'' mechanism to link long-term Federal budget surplus reductions with actual budgetary outcomes; to the Committee on Governmental Affairs and the Committee on the Budget, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. WARNER (for himself, Mr. ALLEN, Mr. GRAHAM, and Mr. NELSON of Florida):

S. Con. Res. 22. A concurrent resolution honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001, in south-central Georgia; to the Committee on Armed Services.

By Mr. BOND (for himself and Mr. LEAHY):

S. Res. 45. A resolution honoring the men and women who serve this country in the National Guard and expressing condolences of the United States Senate to family and friends of the 21 National Guardsmen who perished in the crash on March 3, 2001; to the Committee on Armed Services.

By Mr. CAMPBELL:

S. Res. 46. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. SHELBY:

S. Res. 47. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. DAYTON (for himself and Mr. WELLSTONE):

S. Res. 48. A resolution honoring the life of former Governor of Minnesota Harold E. Stassen, and expressing deepest condolences of the Senate to his family on his death; considered and agreed to.

By Mr. MURKOWSKI:

S. Res. 49. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the name of the Senator from New York (Mrs. CLINTON) 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. 41

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 70

At the request of Mr. INOUYE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 198

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 198, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 205

At the request of Mrs. HUTCHISON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 205, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 234

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 234, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 297

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 297, a bill to put teachers first by providing grants for master teacher programs.

S. 300

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 300, a bill to amend the Higher Education Act of 1965 to provide for an increase in the amount of student loans that are eligible for forgiveness in exchange for the service of the individual as a teacher.

S. 312

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 323

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of 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.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 381

At the request of Mr. ALLARD, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 381, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes.

S. 388

At the request of Mr. MURKOWSKI, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 388, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 389

At the request of Mr. MURKOWSKI, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 389, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 393

At the request of Mr. FRIST, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 393, a bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research.

S. 435

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 435, a bill to provide that the annual drug certification procedures under the Foreign Assistance Act of 1961 not apply to certain countries with which the United States has bilateral agreements and other plans relating to counterdrug activities, and for other purposes.

S. 465

At the request of Mr. ALLARD, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 465, a bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property.

S. RES. 25

At the request of Mr. CRAIG, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Virginia (Mr. ALLEN), the Senator from Illinois (Mr. FITZGERALD), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. Res. 25, a resolution designating the week beginning March 18, 2001 as ''National Safe Place Week.''

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mrs. LINCOLN, Mr. MURKOWSKI, Ms. LANDRIEU, Mr. CRAIG, Mr. KYL, Mr. CRAPO, Mr. GRAHAM, Mr. THOMPSON, Mr. VOINOVICH, Mr. HAGEL, and Mr. INHOFE):

S. 472. A bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I joined with Senator MURKOWSKI last week when he introduced the National Energy Strategy Act. His Bill addresses the broad range of issues that must underpin a credible approach to our nation's energy needs. It had key provisions for each major source of energy, including nuclear energy.

I rise today to introduce the Nuclear Energy Electricity Assurance Act of 2001, which expands and builds on the National Energy Strategy in the specific area of nuclear energy. It provides a comprehensive framework for insuring that nuclear energy remains a strong option to meet our future needs. It accomplishes for nuclear energy what Senator BYRD's National Electricity and Environmental Technology Act does for clean coal technologies, which I also support.

There is no single ''silver bullet'' that will address our nation's thirst for clean, reliable, reasonably priced, energy sources. That's why the National Energy Strategy Act carefully reinforced the importance of many energy options. Energy is far too important to our economic and military strength to rely on any small subset of the available options.

Both nuclear energy and coal are now major producers of our electricity. In fact, between them they provide over 70 percent. In both cases, their continued use presents significant risks They illustrate a fundamental point, that absolutely every source of energy presents both benefits and risks. It's our responsibility to ensure that citizens are presented with accurate information on benefits and risks, information that is free from any political biases. And where risk areas are noted, it's our responsibility to devise programs that mitigate or avoid the risks. Senator BYRD's bill does this for coal technology, my bill does this for nuclear energy.

Nuclear energy now provides about 22 percent of our electricity from 103 nuclear reactors. The operating costs of nuclear energy are among the lowest of any source. The Utility Data Institute recently reported production costs for nuclear at 1.83 cents per kw-hr, with coal at 2.08 cents per kw-hr.

Through careful optimization of operating efficiencies, the output of nuclear plants has risen dramatically since the 1980's; nuclear plants operated with an amazing 87 percent capacity factor in 2000. Since 1990, with no new nuclear plants, the output of our plants has still increased by over 20 percent. That's equivalent to gaining the output of about 20 new nuclear plants without building any.

Safety has been a vital focus, as evidenced by a constant decrease in the number of emergency shutdowns, or ''scrams,'' in our domestic plants. In 1985, there were 2.4 scrams per reactor, last year there were just 0.03. While some use the Three Mile Island accident to highlight their concerns the fact remains that our safety systems worked at Three Mile Island and no members of the public were harmed.

Another example of the exemplary safety of nuclear reactors, when properly designed and managed, lies with our nuclear navy. They now operate about 90 nuclear powered ships, and over the years, they've operated about 250 reactors in all. In that time, they've accumulated 5,400 reactor-years of operation, over twice the number of reactor-years in our civilian sector. In all that time, they have never had a significant incident with their reactors. They are welcomed into over 150 major foreign ports in over 50 countries.

Interest in our nuclear plants is increasing along with dramatically increased confidence in their ability to contribute to our energy needs. Interest in re-licensing plants, to extend their lifetime beyond the originally planned 40 years, has greatly expanded. The NRC has now approved re-licensing for 5 reactors, and over 30 other reactors have begun the renewal process. Industry experts now expect virtually all operating plants to apply for license extension.

Nuclear energy is essentially emission free. We avoided the emission of 167 million tons of carbon last year or more than 2 billion tons since the 1970's. In 1999, nuclear power plants provided about half of the total carbon reductions achieved by U.S. industry under the federal voluntary reporting program. The inescapable fact is that nuclear energy is making an immense contribution to the environmental health of our nation.

But unfortunately, when it comes to nuclear energy, we're living on our past global leadership. Most of the technologies that drive the world's nuclear energy systems originated here. Much of our early leadership derived from our requirements for a nuclear navy; that work enabled many of the civilian aspects of nuclear power.

Our reactor designs are found around the world. The reprocessing technology used in some countries originated here. The fuel designs in use around the world largely were developed here. This nation provided the global leadership to start the age of nuclear energy.

Now, our leadership is seriously at risk. No nuclear plant has been ordered in the United States in over 20 years. To some extent, this was driven by decreases in energy demand following the early oil price shocks and from public fears about Three Mile Island and Chernobyl. But we also have allowed complex environmental reviews and regulatory stalemates to extend approval and construction times and to seriously undercut prospects for any additional plants.

As a nation, we cannot afford to lose the nuclear energy option until we are ready to specify with confidence how we are going to replace 22 percent of our electricity with some other source offering comparable safety, reliability, low cost, and environmental attributes. We risk our nation's future prosperity if we lose the nuclear option through inaction. Instead, we need concrete action to secure the nuclear option for future generations. We must not subject the nation to the risk of inadequate energy supplies.

My bill is squarely aimed at avoiding this risk. I appreciate that my co-sponsors: Senators LINCOLN, MURKOWSKI, LANDRIEU, CRAIG, GRAHAM, KYL, CRAPO, THOMPSON, VOINOVICH and HAGEL share these concerns and support this bill to address them.

There are five broad aspects of this bill. First, it initiates programs to ensure that the operations of our current

nuclear plants remain adequately supported. It authorizes expanded research and educational programs to ensure that we have a qualified workforce supporting nuclear issues. It sets up incentives for companies to increase the efficiency of existing plants. And it assures that the industries supporting our domestic nuclear fuel supplies remain viable.

Second, it encourages construction of new plants, especially Generation IV plants. Technology to build these plants is close at hand. This bill not only supports research and development on these plants, it also supports development of the regulatory framework within the NRC that must be in place before they can be licensed.

Generation IV plants would

> be cost competitive with natural gas, have significantly improved safety features with the goal of passive safety systems that would be immune to human errors, have reduced generation of spent fuel and nuclear waste, and have improved resistance to any possible proliferation.

In the U.S., Exelon Corporation has invested in design of a plant in South Africa that has many of these attributes.

Third, this bill has provisions to secure a level playing field for evaluation of nuclear energy relative to other energy sources. It seeks to avoid any scientifically inaccurate stigmas that have been placed on nuclear energy.

Fourth, this bill seeks to create improved solutions for managing nuclear waste. Our current national policy simply requires that we find a permanent repository for spent fuel. But spent fuel has immense residual energy. Our present plan simply assumes that future generations will be so energy-rich that they would have no interest in this major energy source.

I'm not at all sure that view serves our nation and those future generations very well. I've favored study of alternative strategies for spent fuel. As a minimum we should be doing research now to enable future generations to decide if spent fuel should still be treated as waste, or if it should be treated as a precious energy resource.

Advanced technologies for recycling spent fuel and regaining some of its energy value would also allow us to consider approaches to render the final waste form far less toxic then spent fuel. These approaches require transmutation of the long-lived radioactive species into either short-lived or stable species. This bill includes funding for a research project, based on modern accelerators, to study the economics and engineering aspects of transmutation. There is substantial interest in other countries in joining us in collaborative study of this option.

This accelerator project, almost as an added bonus, can also provide a backup source of the tritium required to maintain our nuclear stockpile. The bill provides for this application. The accelerator program, called Advanced Accelerator Applications or AAA, would also produce radioisotopes for medical purposes and would provide a great test bed for study of many nuclear engineering questions.

Before leaving the part of the bill dealing with spent fuel, let me emphasize how very compact these wastes are already and how much more compact they could be. For example, all the spent fuel rods from the last 40 years of our nation's nuclear energy production would only fill one football field to a depth of around 4 yards.

If we had encouraged reprocessing of spent fuel in this country, we would have dramatically less high level waste. In France, they reprocess spent fuel, both to reuse some of the residual energy and to extract some of the more inert components. Through their efforts, a container, smaller than two rolls of film, represents the final high level waste for a French family of four for twenty years.

And finally, the fifth and last part of this bill provides streamlining for a number of Nuclear Regulatory Commission procedures and outdated statutory restrictions.

For example, in a global energy market it makes sense to allow foreign ownership of power and research reactors located in the United States. At the same time, this amendment to the 1954 Atomic Energy Act retains U.S. security precautions in the original law.

Another amendment eliminates time-consuming and unnecessary antitrust review requirements. This section of the bill would also simplify the hearing requirements in a proceeding involving an amendment to an existing operating license or the transfer of an existing license. Further, another provision gives the NRC the authority to establish requirements to ensure that non-licensees fully comply with their obligations to fund nuclear plant decommissioning.

These and other changes to the 1954 Act will assist the NRC in its pursuit of more effective and responsive regulation of our domestic nuclear plants. These changes to the Atomic Energy Act have the support of the leadership of the NRC Chairman.

Mr. President, this bill enables nuclear energy to continue to be treated as a viable option for our nation's electricity needs. It would help ensure that future generations continue to enjoy clean, safe, reliable electricity and the many benefits that this energy source will provide.

Mr. President, I am privileged to take a little bit of the Senate's time to talk about something I think is very important. I have been working on this for a long time, but it just wasn't opportune to bring it up and give serious consideration to this issue. With the energy crisis in the United States, people are going to be able to understand that we truly have a shortage in the capacity to produce electricity, which takes care of our homes, feeds our industry, and provides a substantial portion of America's economic prosperity and growth.

So today I am going to talk about a bill I am introducing, with bipartisan support, which essentially tries to bring back to a level playing field for consideration nuclear energy and new nuclear powerplants.

This bill I am introducing is on my behalf and also for Senators LINCOLN, GRAHAM, THOMPSON, VOINOVICH, HAGEL, MURKOWSKI, LANDRIEU, CRAIG, KYL, and CRAPO, I believe I will have another 10 to 12 cosponsors soon, all of whom see the importance of the United States of America making sure we are taking care of all energy, looking out for and moving in the direction of every energy source we have that is safe and at the right level of risk, and that we proceed to develop those for America's future.

One of those that can't be left out, in my opinion, is the entire field of nuclear energy and what is needed to bring America back to a leading role in the world in terms of nuclear power and future generations of nuclear powerplants.

As a precursor to a few remarks, I want to indicate to the Senate, and those interested, that every American ought to be concerned about the fact that America doesn't have enough energy being produced to keep ourselves going at our current rate, much less at the natural growth rate that everybody expects.

My first little exhibit here is a very interesting evaluation and analysis of America's current sources of electricity at the end of 1999. (We don't have a more current one, but it hasn't changed much.) Everybody should know that in the United States coal-burning powerplants produce 51.4 percent of our electricity. Somehow or another, even though coal provides 51 percent, we aren't building very many coal powerplants because we have not moved fast enough with new technology, and there are many who don't want to build any more coal-burning plants, even if we can get their pollution down to a safe and nonrisky rate.

Then if we look at the next big source of electricity, it is nuclear energy, 19.8 percent. Might I say that while this power crisis has come about, the nuclear powerplants in the United States have been producing at a higher rate. They have produced far more electricity without adding any new plants because the regulatory schemes have become reasonable instead of unreasonable and generating capacity has risen. Capacity used to be 70 percent; it is now up to 90. Incidentally, if we had time, we would show you that even during that period of time, the safety

record has become better rather than worse. We have a very interesting chart that would show that.

Let's move on. Natural gas, which we are now rapidly building, everywhere I turn and look, people are building a new powerplant with natural gas. A little bit of electricity comes from oil, 3.1 percent. And then hydroelectricity is 8.3 percent. Others sources are in yellow on the chart—and I am telling it like it is. That yellow represents 2.3 percent, solar, wind, biomass, geothermal, and others. Of that yellow, I believe solar and wind are about a half a percent of the 2.3 percent. So there are those who say we can solve our energy problem with those items that are in yellow here. I say, good luck. Let's proceed as rapidly as we can. But I have a hunch that to increase those latter sources to a larger ratio within our energy sources, we will have a long way to go.

We would have to produce these wind fields with windmills on them beyond anything Americans expect. They expect this should not be the case if we have another way.

Understand that hydroelectricity is a small amount, but it is pretty important. Even in the last administration, they were talking about knocking down some dams so we would have less of this. Actually, that is pretty risky for America's future.

For those who are wondering where we are in terms of cost, I want to show them something. This is the electricity production costs. My good friend occupying the Chair is from Oklahoma. He produces gas and oil in his State. The best we could do is get information for the end of 1999. The distinguished Senator and those in attendance know that the natural gas price has gone up substantially since 1999. I could not bring more recent cost data because we do not have anything more current.

Since the only thing we want to use is natural gas, we have put an enormous demand on natural gas while those who supply it are struggling to keep pace. So the price of natural gas has gone up in a rather extraordinary manner. I think everybody in this Senate would agree with that. That is because the market is taking hold of a very small portion that is free to be traded and those who own it are saying: What will you pay for it?

That is going up, but even in 1999, here is what it cost Americans. The green line is nuclear power. We see that it is the lowest. In 1999, it is beginning to get even lower than coal-burning powerplants. This next line is oil. One can see it is below natural gas. These are the numbers: Nuclear, 1.83; coal, 2.07; oil, 3.18; and gas, 3.52 cents per kilowatt-hour.

Of course, just because energy is more expensive, it does not mean we should not use it, but I believe the American people over the next 10 to 25 years ought to have a mix so there is a market balance and there is some competition for these various sources of energy. I believe that is why so many Senators have joined in this bill.

I want to quickly tell you what it does. It supports nuclear energy, and it does that in many ways. The Nuclear Energy Research Initiative, called NERI, which is being funded—we are going to authorize it to make sure it continues.

Nuclear energy plant optimization is a few million dollars. This helps certification of these plants for an extended licensure period.

Incidentally, that is happening. We are relicensing them. Those who are doing that are sure they are safe. I wish I had time. I would show you relicensing versus closing them down, which some people would like. This will add an enormous amount of energy over the next 20 to 30 years. I have a chart showing that, but I will not use your time on that.

We also have nuclear energy education support. America used to be not only the leading producer of nuclear power, but we were the leader in all of the science and technology. We moved from the atom bomb to peaceful uses. The great scientists converted it and made nuclear powerplants. These plants are getting more and more modern in the world, yet America is letting our technology and our science sit still. We want to move that ahead in our universities where more people who want to choose engineering and science are given an opportunity to get into the nuclear field because it is important to America's future.

We encourage new plant construction. That will not come overnight, but it is interesting that while the United States debates an issue of what we do with the waste that comes out of the nuclear powerplants—and I am sure the occupant of the chair and most Senators if they study it carefully will clearly come down on the side that this is not a difficult problem—people who do not want nuclear power at all make it a problem. But technically, scientifically, and safetywise, it is not a problem. It is now a problem because the State of Nevada does not want it, so they are using every political means. That is their prerogative. But somehow, somewhere, America will be moving in the direction of getting that problem solved. We are working on a long-term solution.

Incidentally, in this bill we suggest and create waste solutions. We create an Office for Spent Nuclear Fuel in the Department. If you have a Department of Energy for the greatest nation on Earth, you surely ought to have within it, on its domestic side of achievements and activities, an office for research on spent nuclear fuel. Which great country would not have that except us? But we went through 15 years when we threw almost everything nuclear out of the Department of Energy, as if it were not an energy source, as if it would go away.

The spirit and energy of coming back and doing something significant is prompted because the world in the future wants to be free and wants to have production of wealth. People want to be part of a world in which the poor countries should get richer over the next 10, 20, 30 years, not poorer, and America wants to be part of that. We all have to worry about energy supplies.

In South Africa, they are moving ahead with the next generation of a nuclear powerplant that is going to be completely different from the powerplants we have today. We are sending a few people there to help with licensure and regulation, but America should be leading the way. We should be there with the scientists, engineers, and American companies moving to the next generation.

There is a next generation. It is not cooled necessarily by water. There are other ways to cool it. Incidentally, it will have passive safety features so it cannot melt down. That is the one issue everybody puts up when they say do not touch nuclear power because they want to scare us to death—it might have a meltdown. But this new powerplant cannot do that, as a matter of fundamental design parameters.

In this bill, we are going to create waste solutions. We are looking at an advanced accelerator, called AAA. We are also looking at advanced fuel recycling. Ultimately we may have a whole new way to change the quality of high-level waste through a process called transmutation. The end product will mostly no longer be high-level waste; they will be able to dispose of the products from transmutation in a very easy way.

I was talking about waste. I was going to show the Senate a container we received as a demonstration. This holds the waste from a family of four in France for 20 years—a family of four, year round for 20 years. That is the total waste they generate because they have 80 percent nuclear power. But here we are making nuclear waste the most enormous problem in the world, and letting it stop our pursuit of the cleanest, most environmentally friendly source of energy around. If we are looking at balancing environmental needs with energy, nothing beats nuclear.

We also encourage new plant construction in this bill. That means evaluation of options to complete some unfinished powerplants and Generation IV Reactors. These are the next generation. We are funding them to try to catch up.

We are also going to assure a level playing field for nuclear power. By that I mean it has not been entitled to some

of the luxuries of credits in terms of clean air and the like that other forms of energy have. That is going to change.

Last, we are going to improve the NRC regulations.

I close by saying the United States has 103 nuclear powerplants producing 20 percent of our energy.

Let me state how safe nuclear power is. First, we have about 90 ships at sea that have as part of their structure one or two nuclear powerplants. I want to make sure those who are interested know about these ships sailing the seas with nuclear powerplants. I am talking about nuclear powerplants that are just like the nuclear powerplants that exist in America on this chart. They might be smaller, but they are the same and produce the same kind of power.

In 1954, we put the first one in the ocean. Today, we have them sailing everywhere with that reactor and nuclear fuel on board. Yet they are permitted to dock all around the world except New Zealand. Does anybody believe they could dock all over the world if they were unsafe? There would be an outcry to put them 80 miles out, but they are right in the docks. They are welcome because they are absolutely safe. There has never been a nuclear accident since 1954 in the entire nuclear Navy history.

In the end, one of the issues will be what risks we take. Overall, we take fewer risks by using nuclear power than by almost any other source because we produce dramatic environmental consequences on the plus side with nuclear power.

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. 472

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 ''Nuclear Energy Electricity Supply Assurance Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—SUPPORT FOR CONTINUED USE OF NUCLEAR ENERGY

Subtitle A—Price-Anderson Amendments

Sec. 101. Short title.
Sec. 102. Indemnification authority.
Sec. 103. Maximum assessment.
Sec. 104. Department of Energy liability limit.
Sec. 105. Incidents outside the United States.
Sec. 106. Reports.
Sec. 107. Inflation adjustment.
Sec. 108. Civil penalties.
Sec. 109. Applicability.

Subtitle B—Leadership of the Office of Nuclear Energy, Science, and Technology and the Office of Science

Sec. 111. Assistant Secretaries.

Subtitle C—Funding of Certain Department of Energy Programs

Sec. 121. Establishment of programs.
Sec. 122. Nuclear energy research initiative.
Sec. 123. Nuclear energy plant optimization program.
Sec. 124. Uprating of nuclear plant operations.
Sec. 125. University programs.
Sec. 126. Prohibition of commercial sales of uranium and conversion held by the Department of Energy until 2006.
Sec. 127. Cooperative research and development and special demonstration projects for the uranium mining industry.
Sec. 128. Maintenance of a viable domestic uranium conversion industry.
Sec. 129. Portsmouth gaseous diffusion plant.
Sec. 130. Nuclear generation report.

TITLE II—CONSTRUCTION OF NUCLEAR PLANTS

Sec. 201. Establishment of programs.
Sec. 202. Nuclear plant completion initiative.
Sec. 203. Early site permit demonstration program.
Sec. 204. Nuclear energy technology study for Generation IV Reactors.
Sec. 205. Research supporting regulatory processes for new reactor technologies and designs.

TITLE III—EVALUATIONS OF NUCLEAR ENERGY

Sec. 301. Environmentally preferable purchasing.
Sec. 302. Emission-free control measures under a State implementation plan.
Sec. 303. Prohibition of discrimination against emission-free electricity projects in international development programs.

TITLE IV—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

Sec. 401. Findings.
Sec. 402. Office of spent nuclear fuel research.
Sec. 403. Advanced fuel recycling technology development program.

TITLE V—NATIONAL ACCELERATOR SITE

Sec. 501. Findings.
Sec. 502. Definitions.
Sec. 503. Advanced Accelerator Applications Program.

TITLE VI—NUCLEAR REGULATORY COMMISSION REFORM

Sec. 601. Definitions.
Sec. 602. Office location.
Sec. 603. License period.
Sec. 604. Elimination of foreign ownership restrictions.
Sec. 605. Elimination of duplicative antitrust review.
Sec. 606. Gift acceptance authority.
Sec. 607. Authority over former licensees for decommissioning funding.
Sec. 608. Carrying of firearms by licensee employees.
Sec. 609. Cost recovery from Government agencies.
Sec. 610. Hearing procedures.
Sec. 611. Unauthorized introduction of dangerous weapons.
Sec. 612. Sabotage of nuclear facilities or fuel.
Sec. 613. Nuclear decommissioning obligations of nonlicensees.
Sec. 614. Effective date.

SEC. 2. FINDINGS.

Congress finds that—

(1) the standard of living for citizens of the United States is linked to the availability of reliable, low-cost, energy supplies;

(2) personal use patterns, manufacturing processes, and advanced cyber information all fuel increases in the demand for electricity;

(3) demand-side management, while important, is not likely to halt the increase in energy demand;

(4)(A) nuclear power is the largest producer of essentially emission-free electricity;

(B) nuclear energy is one of the few energy sources that controls all pollutants;

(C) nuclear plants are demonstrating excellent reliability as the plants produce power at low cost with a superb safety record; and

(D) the generation costs of nuclear power are not subject to price fluctuations of fossil fuels because nuclear fuels can be mined domestically or purchased from reliable trading partners;

(5) requirements for new highly reliable baseload generation capacity coupled with increasing environmental concerns and limited long-term availability of fossil fuels require that the United States preserve the nuclear energy option into the future;

(6) to ensure the reliability of electricity supply and delivery, the United States needs programs to encourage the extended or more efficient operation of currently existing nuclear plants and the construction of new nuclear plants;

(7) a qualified workforce is a prerequisite to continued safe operation of—

(A) nuclear plants;

(B) the nuclear navy;

(C) programs dealing with high-level or low-level waste from civilian or defense facilities; and

(D) research and medical uses of nuclear technologies;

(8) uncertainty surrounding the costs associated with regulatory approval for siting, constructing, and operating nuclear plants confuses the economics for new plant investments;

(9) to ensure the long-term reliability of supplies of nuclear fuel, the United States must ensure that the domestic uranium mining, conversion, and enrichment service industries remain viable;

(10)(A) technology developed in the United States and worldwide, broadly labeled as the Generation IV Reactor, is demonstrating that new designs of nuclear reactors are feasible;

(B) plants using the new designs would have improved safety, minimized proliferation risks, reduced spent fuel, and much lower costs; and

(C)(i) the nuclear facility infrastructure needed to conduct nuclear energy research and development in the United States has been allowed to erode over the past decade; and

(ii) that infrastructure must be restored to support development of Generation IV nuclear energy systems;

(11)(A) to ensure the long-term viability of nuclear power, the public must be confident that final waste forms resulting from spent fuel are controlled so as to have negligible impact on the environment; and

(B) continued research on repositories, and on approaches to mitigate the toxicity of materials entering any future repository, would serve that public interest; and

(12)(A) the Nuclear Regulatory Commission must continue its stewardship of the safety of our nuclear industry;

(B) at the same time, the Commission must streamline processes wherever possible to provide timely responses to a wide range of safety, upgrade, and licensing issues;

(C) the Commission should conduct research on new reactor technologies to support future regulatory decisions; and

(D) a revision of certain Commission procedures would assist in more timely processing of license applications and other requests for regulatory action.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(2) EARLY SITE PERMIT.—The term ''Early Site Permit'' means a permit for a site to be a future location for a nuclear plant under subpart A of part 52 of title 10, Code of Federal Regulations.

(3) NUCLEAR PLANT.—The term ''nuclear plant'' means a nuclear energy facility that generates electricity.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

TITLE I—SUPPORT FOR CONTINUED USE OF NUCLEAR ENERGY

Subtitle A—Price-Anderson Amendments

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Price-Anderson Amendments Act of 2001''.

SEC. 102. INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking ''LICENSES'' and inserting ''LICENSEES''; and

(2) by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2012''.

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking '', until August 1, 2002,''.

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2012''.

SEC. 103. MAXIMUM ASSESSMENT.

Section 170b.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(1)) is amended in the second proviso of the third sentence by striking ''$10,000,000'' and inserting ''$20,000,000''.

SEC. 104. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) AGGREGATE LIABILITY LIMIT.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

''(2) LIABILITY LIMIT.—In an agreement of indemnification entered into under paragraph (1), the Secretary—

''(A) may require the contractor to provide and maintain the financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

''(B) shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.''.

(b) CONTRACT AMENDMENTS.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (3) and inserting the following:

''(3) CONTRACT AMENDMENTS.—All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person, shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2001, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection on that date.''.

SEC. 105. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking ''$100,000,000'' and inserting ''$500,000,000''.

(b) LIABILITY LIMIT.—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking ''$100,000,000'' and inserting ''$500,000,000''.

SEC. 106. REPORTS.

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking ''August 1, 1998'' and inserting ''August 1, 2008''.

SEC. 107. INFLATION ADJUSTMENT.

Section 170t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by designating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

''(2) ADJUSTMENT.—The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following the date of enactment of the Price-Anderson Amendments Act of 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—

''(A) that date of enactment, in the case of the first adjustment under this subsection; or

''(B) the previous adjustment under this subsection.''.

SEC. 108. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234Ab.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.—Section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is amended by striking subsection d. and inserting the following:

''d. Notwithstanding subsection a., no contractor, subcontractor, or supplier of the Department of Energy that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Code shall be subject to a civil penalty under this section in any fiscal year in excess of the amount of any performance fee paid by the Secretary during that fiscal year to the contractor, subcontractor, or supplier under the contract under which a violation occurs.''.

SEC. 109. APPLICABILITY.

(a) INDEMNIFICATION PROVISIONS.—The amendments made by sections 103, 104, and 105 do not apply to a nuclear incident that occurs before the date of enactment of this Act.

(b) CIVIL PENALTY PROVISIONS.—The amendments made by section 108(b) do not apply to a violation that occurs under a contract entered into before the date of enactment of this Act.

Subtitle B—Leadership of the Office of Nuclear Energy, Science, and Technology and the Office of Science

SEC. 111. ASSISTANT SECRETARIES.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the matter preceding paragraph (1) by striking ''eight'' and inserting ''ten''.

(b) FUNCTIONS.—On appointment of the 2 additional Assistant Secretaries of Energy under the amendment made by subsection (a), the Secretary shall assign—

(1) to one of the Assistant Secretaries, the functions performed by the Director of the Office of Science as of the date of enactment of this Act; and

(2) to the other, the functions performed by the Director of the Office of Nuclear Energy, Science, and Technology as of that date.

Subtitle C—Funding of Certain Department of Energy Programs

SEC. 121. ESTABLISHMENT OF PROGRAMS.

The Secretary shall establish or continue programs administered by the Office of Nuclear Energy, Science, and Technology to—

(1) support the Nuclear Energy Research Initiative, the Nuclear Energy Plant Optimization Program, and the Nuclear Energy Technology Program;

(2) encourage investments to increase the electricity capacity at commercial nuclear plants in existence on the date of enactment of this Act;

(3) ensure continued viability of a domestic capability for uranium mining, conversion, and enrichment industries; and

(4) support university nuclear engineering education research and infrastructure programs, including closely related specialties such as health physics, actinide chemistry, and material sciences.

SEC. 122. NUCLEAR ENERGY RESEARCH INITIATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for a Nuclear Energy Research Initiative to be managed by the Director of the Office of Nuclear Energy, Science, and Technology for grants to be competitively awarded and subject to peer review for research relating to nuclear energy—

(1) $60,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

(b) REPORTS.—The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the Nuclear Energy Research Initiative.

SEC. 123. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for a Nuclear Energy Plant Optimization Program to be managed by the Director of the Office of Nuclear Energy, Science, and Technology for a joint program with industry cost-shared by at least 50 percent and subject to annual review by the Secretary of Energy's Nuclear Energy Research Advisory Committee—

(1) $15,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

(b) REPORTS.—The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of

Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the Nuclear Energy Plant Optimization Program.

SEC. 124. UPRATING OF NUCLEAR PLANT OPERATIONS.

(a) IN GENERAL.—The Secretary, to the extent funds are available, shall reimburse costs incurred by a licensee of a nuclear plant as provided in this section.

(b) PAYMENT OF COMMISSION USER FEES.—In carrying out subsection (a), the Secretary shall reimburse all user fees incurred by a licensee of a nuclear plant for obtaining the approval of the Commission to achieve a permanent increase in the rated electricity capacity of the licensee's nuclear plant if the licensee achieves the increased capacity before December 31, 2004.

(c) PREFERENCE.—Preference shall be given by the Secretary to projects in which a single uprating operation can benefit multiple domestic nuclear power reactors.

(d) INCENTIVE PAYMENTS.—

(1) IN GENERAL.—In addition to payments made under subsection (a), the Secretary shall offer an incentive payment equal to 10 percent of the capital improvement cost resulting in a permanent increase of at least 5 percent in the rated electricity capacity of the licensee's nuclear plant if the licensee achieves the increased capacity rating before December 31, 2004.

(2) LIMITATION.—No incentive payment under paragraph (1) associated with any single nuclear unit shall exceed $1,000,000.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2002 and 2003.

SEC. 125. UNIVERSITY PROGRAMS.

(a) IN GENERAL.—The Secretary may, as provided in this section, provide grants and other forms of payment to further the national goal of producing well-educated graduates in nuclear engineering and closely related specialties that support nuclear energy programs such as health physics, actinide chemistry, and material sciences.

(b) SUPPORT FOR UNIVERSITY RESEARCH REACTORS.—The Secretary may provide grants and other forms of payments for plant upgrading to universities in the United States that operate and maintain nuclear research reactors.

(c) SUPPORT FOR UNIVERSITY RESEARCH AND DEVELOPMENT.—The Secretary may provide grants and other forms of payment for research and development work by faculty, staff, and students associated with nuclear engineering programs and closely related specialties at universities in the United States.

(d) SUPPORT FOR NUCLEAR ENGINEERING STUDENTS AND FACULTY.—The Secretary may provide fellowships, scholarships, and other support to students and to departments of nuclear engineering and closely related specialties at universities in the United States.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $34,200,000 for fiscal year 2002, of which—

(A) $13,000,000 shall be available to carry out subsection (b);

(B) $10,200,000 shall be available to carry out subsection (c) of which not less than $2,000,000 shall be available to support health physics programs; and

(C) $11,000,000 shall be available to carry out subsection (d) of which not less than $2,000,000 shall be available to support health physics programs; and

(2) such sums as are necessary for subsequent fiscal years.

SEC. 126. PROHIBITION OF COMMERCIAL SALES OF URANIUM AND CONVERSION HELD BY THE DEPARTMENT OF ENERGY UNTIL 2006.

Section 3112(b) of the USEC Privatization Act (42 U.S.C. 2297h–10(b)) is amended by striking paragraph (2) and inserting the following:

''(2) SALE OF URANIUM HEXAFLUORIDE.—

''(A) IN GENERAL.—The Secretary shall—

''(i) sell and receive payment for the uranium hexafluoride transferred to the Secretary under paragraph (1); and

''(ii) refrain from sales of its surplus natural uranium and conversion services through 2006 (except sales or transfers to the Tennessee Valley Authority in relation to the Department's HEU or Tritium programs, minor quantities associated with site cleanup projects, or the Department of Energy research reactor sales program).

''(B) REQUIREMENTS.—Under subparagraph (A)(i), uranium hexafluoride shall be sold—

''(i) in 1995 and 1996 to the Russian Executive Agent at the purchase price for use in matched sales pursuant to the Suspension Agreement; or

''(ii) in 2006 for consumption by end users in the United States not before January 1, 2007, and in subsequent years, in volumes not to exceed 3,000,000 pounds U_3O_8 equivalent per year.''.

SEC. 127. COOPERATIVE RESEARCH AND DEVELOPMENT AND SPECIAL DEMONSTRATION PROJECTS FOR THE URANIUM MINING INDUSTRY.

There is authorized to be appropriated to the Secretary $10,000,000 for each of fiscal years 2002, 2003, and 2004 for—

(1) cooperative, cost-shared, agreements between the Department and the domestic uranium mining industry to identify, test, and develop improved in-situ leaching mining technologies, including low-cost environmental restoration technologies that may be applied to sites after completion of in-situ leaching operations; and

(2) funding for competitively selected demonstration projects with the domestic uranium mining industry relating to—

(A) enhanced production with minimal environmental impact;

(B) restoration of well fields; and

(C) decommissioning and decontamination activities.

SEC. 128. MAINTENANCE OF A VIABLE DOMESTIC URANIUM CONVERSION INDUSTRY.

(a) IN GENERAL.—For Department of Energy expenses necessary in providing to Converdyn Incorporated a payment for losses associated with providing conversion services for the production of low-enriched uranium (excluding imports related to actions taken under the United States/Russia HEU Agreement), there is authorized to be appropriated $8,000,000 for each of fiscal years 2002, 2003, and 2004.

(b) RATE.—The payment shall be at a rate, determined by the Secretary, that—

(1)(A) is based on the difference between Converdyn's costs and its sale price for providing conversion services for the production of low-enriched uranium fuel; but

(B) does not exceed the amount appropriated under subsection (a); and

(2) shall be based contingent on submission to the Secretary of a financial statement satisfactory to the Secretary that is certified by an independent auditor for each year.

(c) TIMING.—A payment under subsection (a) shall be provided as soon as practicable after receipt and verification of the financial statement submitted under subsection (b).

SEC. 129. PORTSMOUTH GASEOUS DIFFUSION PLANT.

(a) IN GENERAL.—The Secretary may proceed with actions required to place the Portsmouth gaseous diffusion plant into cold standby condition for a period of 5 years.

(b) PLANT CONDITION.—In the cold standby condition, the plant shall be in a condition that—

(1) would allow its restart, for production of 3,000,000 separative work units per year, to meet domestic demand for enrichment services; and

(2) will facilitate the future decontamination and decommissioning of the plant.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $36,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003, 2004, and 2005.

SEC. 130. NUCLEAR GENERATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to Congress a report on the state of nuclear power generation in the United States.

(b) CONTENTS.—The report shall—

(1) provide current and historical detail regarding—

(A) the number of commercial nuclear plants and the amount of electricity generated; and

(B) the safety record of commercial nuclear plants;

(2) review the status of the relicensing process for commercial nuclear plants, including—

(A) current and anticipated applications; and

(B) for each current and anticipated application—

(i) the anticipated length of time for a license renewal application to be processed; and

(ii) the current and anticipated costs of each license renewal;

(3) assess the capability of the Commission to evaluate licenses for new advanced reactor designs and discuss the confirmatory and anticipatory research activities needed to support that capability;

(4) detail the efforts of the Commission to prepare for potential new commercial nuclear plants, including evaluation of any new plant design and the licensing process for nuclear plants;

(5) state the anticipated length of time for a new plant license to be processed and the anticipated cost of such a process; and

(6) include recommendations for improvements in each of the processes reviewed.

TITLE II—CONSTRUCTION OF NUCLEAR PLANTS

SEC. 201. ESTABLISHMENT OF PROGRAMS.

(a) SECRETARY.—The Secretary shall establish a program within the Office of Nuclear Energy, Science, and Technology to—

(1) demonstrate the Nuclear Regulatory Commission Early Site Permit process;

(2) evaluate opportunities for completion of partially constructed nuclear plants; and

(3) develop a report assessing opportunities for Generation IV reactors.

(b) COMMISSION.—The Commission shall develop a research program to support regulatory actions relating to new nuclear plant technologies.

SEC. 202. NUCLEAR PLANT COMPLETION INITIATIVE.

(a) IN GENERAL.—The Secretary shall solicit information on United States nuclear plants requiring additional capital investment before becoming operational or being

returned to operation to determine which, if any, should be included in a study of the feasibility of completing and operating some or all of the nuclear plants by December 31, 2004, considering technical and economic factors.

(b) IDENTIFICATION OF UNFINISHED NUCLEAR PLANTS.—The Secretary shall convene a panel of experts to—

(1) review information obtained under subsection (a); and

(2) identify which unfinished nuclear plants should be included in a feasibility study.

(c) TECHNICAL AND ECONOMIC COMPLETION ASSESSMENT.—On completion of the identification of candidate nuclear plants under subsection (b), the Secretary shall commence a detailed technical and economic completion assessment that includes, on a unit-specific basis, all technical and economic information necessary to permit a decision on the feasibility of completing work on any or all of the nuclear plants identified under subsection (b).

(d) SOLICITATION OF PROPOSALS.—After making the results of the feasibility study under subsection (c) available to the public, the Secretary shall solicit proposals for completing construction on any or all of the nuclear plants assessed under subsection (c).

(e) SELECTION OF PROPOSALS.—

(1) IN GENERAL.—The Secretary shall reconvene the panel of experts designated under subsection (b) to review and select the nuclear plants to be pursued, taking into consideration any or all of the following factors:

(A) Location of the nuclear plant and the regional need for expanded power capability.

(B) Time to completion.

(C) Economic and technical viability for completion of the nuclear plant.

(D) Financial capability of the offeror.

(E) Extent of support from regional and State officials.

(F) Experience and past performance of the members of the offeror in siting, constructing, or operating nuclear generating facilities.

(G) Lowest cost to the Government.

(2) REGIONAL AND STATE SUPPORT.—No proposal shall be accepted without endorsement by the State Governor and by the elected governing bodies of—

(A) each political subdivision in which the nuclear plant is located; and

(B) each other political subdivision that the Secretary determines has a substantial interest in the completion of the nuclear plant.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than June 1, 2002, the Secretary shall submit to Congress a report describing the reactors identified for completion under subsection (e).

(2) CONTENTS.—The report shall—

(A) detail the findings under each of the criteria specified in subsection (e); and

(B) include recommendations for action by Congress to authorize actions that may be initiated in fiscal year 2003 to expedite completion of the reactors.

(3) CONSIDERATIONS.—In making recommendations under paragraph (2)(B), the Secretary shall consider—

(A) the advisability of authorizing payment by the Government of Commission user fees (including consideration of the estimated cost to the Government of paying such fees); and

(B) other appropriate considerations.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for fiscal year 2002.

SEC. 203. EARLY SITE PERMIT DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall initiate a program of Government/private partnership demonstration projects to encourage private sector applications to the Commission for approval of sites that are potentially suitable to be used for the construction of future nuclear power generating facilities.

(b) PROJECTS.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue a solicitation of offers for proposals from private sector entities to enter into partnerships with the Secretary to—

(1) demonstrate the Early Site Permit process; and

(2) create a bank of approved sites by December 31, 2003.

(c) CRITERIA FOR PROPOSALS.—A proposal submitted under subsection (b) shall—

(1) identify a site owned by the offeror that is suitable for the construction and operation of a new nuclear plant; and

(2) state the agreement of the offeror to pay not less than ½ of the costs of—

(A) preparation of an application to the Commission for an Early Site Permit for the site identified under paragraph (1); and

(B) review of the application by the Commission.

(d) SELECTION OF PROPOSALS.—The Secretary shall establish a competitive process to review and select the projects to be pursued, taking into consideration the following:

(1) Time to prepare the application.

(2) Site qualities or characteristics that could affect the duration of application review.

(3) The financial capability of the offeror.

(4) The experience of the offeror in siting, constructing, or operating nuclear plants.

(5) The support of regional and State officials.

(6) The need for new electricity supply in the vicinity of the site, or proximity to suitable transmission lines.

(7) Lowest cost to the Government.

(e) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with up to 3 offerors selected through the competitive process to pay not more than ½ of the costs incurred by the parties to the agreements for—

(1) preparation of an application to the Commission for an Early Site Permit for the site; and

(2) review of the application by the Commission.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2002 and 2003, to remain available until expended.

SEC. 204. NUCLEAR ENERGY TECHNOLOGY STUDY FOR GENERATION IV REACTORS.

(a) IN GENERAL.—The Secretary shall conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of research and development necessary to make an informed technical decision regarding the most promising candidates for commercial deployment.

(b) UPGRADES AND ADDITIONS.—The Secretary may make upgrades or additions to the nuclear energy research facility infrastructure as needed to carry out the study under subsection (a).

(c) REACTOR CHARACTERISTICS.—To the extent practicable, in conducting the study under subsection (a), the Secretary shall study nuclear energy systems that offer the highest probability of achieving the goals for Generation IV nuclear energy systems established by the Nuclear Energy Research Advisory Committee, including—

(1) economics competitive with natural gas-fueled generators;

(2) enhanced safety features or passive safety features;

(3) substantially reduced production of high-level waste, as compared with the quantity of waste produced by reactors in operation on the date of enactment of this Act;

(4) highly proliferation resistant fuel and waste;

(5) sustainable energy generation including optimized fuel utilization; and

(6) substantially improved thermal efficiency, as compared with the thermal efficiency of reactors in operation on the date of enactment of this Act.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(1) the Commission, with respect to evaluation of regulatory issues; and

(2) the International Atomic Energy Agency, with respect to international safeguards.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2002, the Secretary shall submit to Congress a report describing the results of the roadmap and plans for research and development leading to a public/private cooperative demonstration of one or more Generation IV nuclear energy systems.

(2) CONTENTS.—The report shall contain—

(A) an assessment of all available technologies;

(B) a summary of actions needed for the most promising candidates to be considered as viable commercial options within the five to ten years after the date of the report with consideration of regulatory, economic, and technical issues;

(C) a recommendation of not more than three promising Generation IV nuclear energy system concepts for further development;

(D) an evaluation of opportunities for public/private partnerships;

(E) a recommendation for structure of a public/private partnership to share in development and construction costs;

(F) a plan leading to the selection and conceptual design, by September 30, 2004, of at least one Generation IV nuclear energy system for demonstration through a public/private partnership; and

(G) a recommendation for appropriate involvement of the Commission.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $50,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

SEC. 205. RESEARCH SUPPORTING REGULATORY PROCESSES FOR NEW REACTOR TECHNOLOGIES AND DESIGNS.

(a) IN GENERAL.—The Commission shall develop a comprehensive research program to support resolution of potential licensing issues associated with new reactor concepts and new technologies that may be incorporated into new or current designs of nuclear plants.

(b) IDENTIFICATION OF CANDIDATE DESIGNS.—The Commission shall work with the Office of Nuclear Energy, Science, and Technology and the nuclear industry to identify candidate designs to be addressed by the program.

(c) ACTIVITIES TO BE INCLUDED.—The research shall include—

(1) modeling, analyses, tests, and experiments as required to provide input into total

system behavior and response to hypothesized accidents; and

(2) consideration of new reactor technologies that may affect—

(A) risk-informed licensing of new plants;

(B) behavior of advanced fuels;

(C) evolving environmental considerations relative to spent fuel management and health effect standards;

(D) new technologies (such as advanced sensors, digital instrumentation, and control) and human factors that affect the application of new technology to current plants; and

(E) other emerging technical issues.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $25,000,000 for fiscal year 2002; and

(2) such sums as are necessary for subsequent fiscal years.

TITLE III—EVALUATIONS OF NUCLEAR ENERGY

SEC. 301. ENVIRONMENTALLY PREFERABLE PURCHASING.

(a) ACQUISITION.—For the purposes of Executive Order No. 13101 (3 C.F.R. 210 (1998)) and policies established by the Office of Federal Procurement Policy or other executive branch offices for the acquisition or use of environmentally preferable products (as defined in section 201 of the Executive order), electricity generated by a nuclear plant shall be considered to be an environmentally preferable product.

(b) PROCUREMENT.—No Federal procurement policy or program may—

(1) discriminate against or exclude nuclear generated electricity in making purchasing decisions; or

(2) subscribe to product certification programs or recommend product purchases that exclude nuclear electricity.

SEC. 302. EMISSION-FREE CONTROL MEASURES UNDER A STATE IMPLEMENTATION PLAN.

(a) DEFINITIONS.—In this section:

(1) CRITERIA AIR POLLUTANT.—The term ''criteria air pollutant'' means a pollutant listed under section 108(a) of the Clean Air Act (42 U.S.C. 7408(a)).

(2) EMISSION-FREE ELECTRICITY SOURCE.—The term ''emission-free electricity source'' means—

(A) a facility that generates electricity without emitting criteria pollutants, hazardous pollutants, or greenhouse gases as a result of onsite operations of the facility; and

(B) a facility that generates electricity using nuclear fuel that meets all applicable standards for radiological emissions under section 112 of the Clean Air Act (42 U.S.C. 7412).

(3) GREENHOUSE GAS.—The term ''greenhouse gas'' means a natural or anthropogenic gaseous constituent of the atmosphere that absorbs and re-emits infrared radiation.

(4) HAZARDOUS POLLUTANT.—The term ''hazardous pollutant'' has the meaning given the term in section 112(a) of the Clean Air Act (42 U.S.C. 7412(a)).

(5) IMPROVEMENT IN AVAILABILITY.—The term ''improvement in availability'' means an increase in the amount of electricity produced by an emission-free electricity source that provides a commensurate reduction in output from emitting sources.

(6) INCREASED EMISSION-FREE CAPACITY PROJECT.—The term ''increased emission-free capacity project'' means a project to construct an emission-free electricity source or increase the rated capacity of an existing emission-free electricity source.

(b) TREATMENT OF CERTAIN STATE ACTIONS AS CONTROL MEASURES.—An action taken by a State to support the continued operation of an emission-free electricity source or to support an improvement in availability or an increased emission-free capacity project shall be considered to be a control measure for the purposes of section 110(a) of the Clean Air Act (42 U.S.C. 7410(a)).

(c) ECONOMIC INCENTIVE PROGRAMS.—

(1) CRITERIA AIR POLLUTANTS AND HAZARDOUS POLLUTANTS.—Emissions of criteria air pollutants or hazardous pollutants prevented or avoided by an improvement in availability or the operation of increased emission-free capacity shall be eligible for, and may not be excluded from, incentive programs used as control measures, including programs authorizing emission trades, revolving loan funds, tax benefits, and special financing programs.

(2) GREENHOUSE GASES.—Emissions of greenhouse gases prevented or avoided by an improvement in availability or the operation of increased emission-free capacity shall be eligible for, and may not be excluded from, incentive programs used as control measures on the national, regional State, or local level.

SEC. 304. PROHIBITION OF DISCRIMINATION AGAINST EMISSION-FREE ELECTRICITY PROJECTS IN INTERNATIONAL DEVELOPMENT PROGRAMS.

(a) PROHIBITION.—No Federal funds shall be used to support a domestic or international organization engaged in the financing, development, insuring, or underwriting of electricity production facilities if the activities fail to include emission-free electricity production facility projects that use nuclear fuel.

(b) REQUEST FOR POLICIES.—The Secretary of Energy shall request copies of all written policies regarding the eligibility of emission-free nuclear electricity production facilities for funding or support from international or domestic organizations engaged in the financing, development, insuring, or underwriting of electricity production facilities, including—

(1) the Agency for International Development;

(2) the World Bank;

(3) the Overseas Private Investment Corporation;

(4) the International Monetary Fund; and

(5) the Export-Import Bank.

TITLE IV—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

SEC. 401. FINDINGS.

Congress finds that—

(1) before the Federal Government takes any irreversible action relating to the disposal of spent nuclear fuel, Congress must determine whether the spent fuel should be treated as waste subject to permanent burial or should be considered to be an energy resource that is needed to meet future energy requirements; and

(2) national policy on spent nuclear fuel may evolve with time as improved technologies for spent fuel are developed or as national energy needs evolve.

SEC. 402. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) DEFINITIONS.—In this section:

(1) ASSOCIATE DIRECTOR.—The term ''Associate Director'' means the Associate Director of the Office.

(2) OFFICE.—The term ''Office'' means the Office of Spent Nuclear Fuel Research established by subsection (b).

(b) ESTABLISHMENT.—There is established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy.

(c) HEAD OF OFFICE.—The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(d) DUTIES OF THE ASSOCIATE DIRECTOR.—

(1) IN GENERAL.—The Associate Director shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary.

(2) PARTICIPATION.—The Associate Director shall coordinate the participation of national laboratories, universities, the commercial nuclear industry, and other organizations in the investigation of technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(3) ACTIVITIES.—The Associate Director shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) include participation of international collaborators in research efforts, and provide funding to a collaborator that brings unique capabilities not available in the United States if the country in which the collaborator is located is unable to provide support; and

(H) ensure that research efforts are coordinated with research on advanced fuel cycles and reactors conducted by the Office of Nuclear Energy Science and Technology.

(e) GRANT AND CONTRACT AUTHORITY.—The Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in subsection (d)(3).

(f) REPORT.—The Associate Director shall annually submit to Congress a report on the activities and expenditures of the Office that describes the progress being made in achieving the objectives of this section.

SEC. 403. ADVANCED FUEL RECYCLING TECHNOLOGY DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Nuclear Energy, Science, and Technology, shall conduct an advanced fuel recycling technology research and development program to further the availability of electrometallurgical technology as a proliferation-resistant alternative to aqueous reprocessing in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Nuclear Energy Research Advisory Committee.

(b) REPORTS.—The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of

Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the advanced fuel recycling technology development program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

TITLE V—NATIONAL ACCELERATOR SITE

SEC. 501. FINDINGS.

Congress finds that—

(1)(A) high-current proton accelerators are capable of producing significant quantities of neutrons through the spallation process without using a critical assembly; and

(B) the availability of high-neutron fluences enables a wide range of missions of major national importance to be conducted;

(2)(A) public acceptance of repositories, whether for spent fuel or for final waste products from spent fuel, can be enhanced if the radio-toxicity of the materials in the repository can be reduced;

(B) transmutation of long-lived radioactive species by an intense neutron source provides an approach to such a reduction in toxicity; and

(C) research and development in this area (which, when the source of neutrons is derived from an accelerator, is called ''accelerator transmutation of waste'') should be an important part of a national spent fuel strategy;

(3)(A) nuclear weapons require a reliable source of tritium;

(B) the Department of Energy has identified production of tritium in a commercial light water reactor as the first option to be pursued;

(C) the importance of tritium supply is of sufficient magnitude that a backup technology should be demonstrated and available for rapid scale-up to full requirements;

(D) evaluation of tritium production by a high-current accelerator has been underway; and

(E) accelerator production of tritium should be demonstrated, so that the capability can be scaled up to levels required for the weapons stockpile if difficulties arise with the reactor approach;

(4)(A) radioisotopes are required in many medical procedures;

(B) research on new medical procedures is adversely affected by the limited availability of production facilities for certain radioisotopes; and

(C) high-current accelerators are an important source of radioisotopes, and are best suited for production of proton-rich isotopes; and

(5)(A) a spallation source provides a continuum of neutron energies; and

(B) the energy spectrum of neutrons can be altered and tailored to allow a wide range of experiments in support of nuclear engineering studies of alternative reactor configurations, including studies of materials that may be used in future fission or fusion systems.

SEC. 502. DEFINITIONS.

In this title:

(1) OFFICE.—The term ''Office'' means the Office of Nuclear Energy, Science, and Technology of the Department of Energy.

(2) PROGRAM.—The term ''program'' means the Advanced Accelerator Applications Program established under section 503.

(3) PROPOSAL.—The term ''proposal'' means the proposal for a location supporting the missions identified for the program developed under section 503.

SEC. 503. ADVANCED ACCELERATOR APPLICATIONS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to be known as the ''Advanced Accelerator Applications Program''.

(b) MISSION.—The mission of the program shall include conducting scientific or engineering research, development, and demonstrations on—

(1) accelerator production of tritium as a backup technology;

(2) transmutation of spent nuclear fuel and waste;

(3) production of radioisotopes;

(4) advanced nuclear engineering concepts, including material science issues; and

(5) other applications that may be identified.

(c) ADMINISTRATION.—The program shall be administered by the Office—

(1) in consultation with the National Nuclear Security Administration, for all activities related to tritium production; and

(2) in consultation with the Office of Civilian Radioactive Waste Management, for all activities relating to the impact of waste transmutation on repository requirements.

(d) PARTICIPATION.—The Office shall encourage participation of international collaborators, industrial partners, national laboratories, and, through support for new graduate engineering and science students and professors, universities.

(e) PROPOSAL OF LOCATION.—

(1) IN GENERAL.—The Office shall develop a detailed proposal for a location supporting the missions identified for the program.

(2) CONTENTS.—The proposal shall—

(A) recommend capabilities for the accelerator and for each major research or production effort;

(B) include development of a comprehensive site plan supporting those capabilities;

(C) specify a detailed time line for construction and operation of all activities;

(D) identify opportunities for involvement of the private sector in production and use of radioisotopes;

(E) contain a recommendation for funding required to accomplish the proposal in future fiscal years; and

(F) identify required site characteristics.

(3) PRELIMINARY ENVIRONMENTAL IMPACT ASSESSMENT.—As part of the process of identification of required site characteristics, the Secretary shall undertake a preliminary environmental impact assessment of a range of sites.

(4) SUBMISSION TO CONGRESS.—Not later than March 31, 2002, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Science and Committee on Appropriations of the House of Representatives a report describing the proposal.

(f) COMPETITION.—

(1) IN GENERAL.—The Secretary shall use the proposal to conduct a nationwide competition among potential sites.

(2) REPORT.—Not later than June 30, 2003, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Science and the Committee on Appropriations of the House of Representatives a report that contains an evaluation of competing proposals and a recommendation of a final site and for funding requirements to proceed with construction in future fiscal years.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROPOSAL.—There is authorized to be appropriated for development of the proposal $20,000,000 for each of fiscal years 2002 and 2003.

(2) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—There are authorized to be appropriated for research, development, and demonstration activities of the program—

(A) $120,000,000 for fiscal year 2002; and

(B) such sums as are necessary for subsequent fiscal years.

TITLE VI—NUCLEAR REGULATORY COMMISSION REFORM

SEC. 601. DEFINITIONS.

Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014) is amended—

(1) in subsection f., by striking ''Atomic Energy Commission'' and inserting ''Nuclear Regulatory Commission'';

(2) by redesignating subsection jj. as subsection ll.; and

(3) by adding at the end the following:

''jj. FEDERAL NUCLEAR OBLIGATION.—The term 'Federal nuclear obligation' means—

''(1) a nuclear decommissioning obligation;

''(2) a fee required to be paid to the Federal Government by a licensee for the storage, transportation, or disposal of spent nuclear fuel and high-level radioactive waste, including a fee required under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.); and

''(3) an assessment by the Federal Government to fund the cost of decontamination and decommissioning of uranium enrichment facilities, including an assessment required under chapter 28 of the Energy Policy Act of 1992 (42 U.S.C. 2297g).

''kk. NUCLEAR DECOMMISSIONING OBLIGATION.—The term 'nuclear decommissioning obligation' means an expense incurred to ensure the continued protection of the public from the dangers of any residual radioactivity or other hazards present at a facility at the time the facility is decommissioned, including all costs of actions required under rules, regulations and orders of the Commission for—

''(1) entombing, dismantling and decommissioning a facility; and

''(2) administrative, preparatory, security and radiation monitoring expenses associated with entombing, dismantling, and decommissioning a facility.''.

SEC. 602. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking ''; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia''.

SEC. 603. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking ''c. Each such'' and inserting the following:

''c. LICENSE PERIOD.—

''(1) IN GENERAL.—Each such''; and

(2) by adding at the end the following:

''(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.''.

SEC. 604. ELIMINATION OF FOREIGN OWNERSHIP RESTRICTIONS.

(a) COMMERCIAL LICENSES.—Section 103d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended by striking the second sentence.

(b) MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—Section 104d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended by striking the second sentence.

SEC. 605. ELIMINATION OF DUPLICATIVE ANTITRUST REVIEW.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by striking subsection c. and inserting the following:

''c. CONDITIONS.—

''(1) IN GENERAL.—A condition for a grant of a license imposed by the Commission under this section in effect on the date of enactment of the Nuclear Assets Restructuring Reform Act of 2001 shall remain in effect until the condition is modified or removed by the Commission.

''(2) MODIFICATION.—If a person that is licensed to construct or operate a utilization or production facility applies for reconsideration under this section of a condition imposed in the person's license, the Commission shall conduct a proceeding, on an expedited basis, to determine whether the license condition—

''(A) is necessary to ensure compliance with section 105a.; or

''(B) should be modified or removed.''.

SEC. 606. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting ''(1)'' after ''(g)'';

(2) by striking ''this Act;'' and inserting ''this Act; or''; and

(3) by adding at the end the following:

''(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Commission.''.

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

''(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

''(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of a gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.''.

(2) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end of the items relating to chapter 14 the following:

''Sec. 170C. Criteria for acceptance of gifts.''.

SEC. 607. AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the semicolon at the end the following: '', and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility''.

SEC. 608. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 606(b)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

''k. authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;'' and

(2) by adding at the end the following:

''SEC. 170D. CARRYING OF FIREARMS.

''(a) AUTHORITY TO MAKE ARREST.—

''(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

''(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

''(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

''(B) in the enforcement of—

''(i) a law regarding the property of the United States in the custody of the Department of Energy, the Commission, or a contractor of the Department of Energy or Commission or a licensee or certificate holder of the Commission;

''(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

''(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

''(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

''(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

''(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 7(b)(2)) is amended by adding at the end of the items relating to chapter 14 the following:

''Sec. 170D. Carrying of firearms.''.

SEC. 609. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking '', or which operates any facility regulated or certified under section 1701 or 1702,'';

(2) by striking ''483a of title 31 of the United States Code'' and inserting ''9701 of title 31, United States Code,''; and

(3) by inserting before the period at the end the following: '', and, commencing October 1, 2002, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law''.

SEC. 610. HEARING PROCEDURES.

Section 189a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following:

''(C) HEARINGS.—A hearing under this section shall be conducted using informal adjudicatory procedures established under sections 553 and 555 of title 5, United States Code, unless the Commission determines that formal adjudicatory procedures are necessary—

''(i) to develop a sufficient record; or

''(ii) to achieve fairness.''.

SEC. 611. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting ''or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act'' before the period at the end.

SEC. 612. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking ''storage facility'' and inserting ''storage, treatment, or disposal facility'';

(2) in paragraph (3)—

(A) by striking ''such a utilization facility'' and inserting ''a utilization facility licensed under this Act''; and

(B) by striking ''or'' at the end;

(3) in paragraph (4)—

(A) by striking ''facility licensed'' and inserting ''or nuclear fuel fabrication facility licensed or certified''; and

(B) by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility;''.

SEC. 613. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

(a) IN GENERAL.—The Atomic Energy Act of 1954 is amended by inserting after section 241 (42 U.S.C. 2015) the following:

''SEC. 242. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

''(a) DEFINITION OF FACILITY.—In this section, the term 'facility' means a commercial nuclear electric generating facility for which a Federal nuclear obligation is incurred.

''(b) DECOMMISSIONING OBLIGATIONS.—After public notice and in accordance with section 181, the Commission shall establish by rule, regulation, or order any requirement that

the Commission considers necessary to ensure that a person that is not a licensee (including a former licensee) complies fully with any nuclear decommissioning obligation.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by inserting after the item relating to section 241 the following:

''Sec. 242. Nuclear decommissioning obligations of nonlicensees.''.

SEC. 614. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title take effect on the date of enactment of this Act.

(b) RECOMMISSIONING AND LICENSE REMOVAL.—The amendment made by section 613 takes effect on the date that is 180 days after the date of enactment of this Act.

Mrs. LINCOLN. Mr. President, today I join Senator DOMENICI in introducing the Nuclear Energy Electricity Assurance Act of 2001. Simply put, this bill is designed to ensure that nuclear energy remains a viable energy source well into the future of this country.

The Nuclear Energy Electricity Assurance Act of 2001 has many important provisions and I will talk specifically about a couple of them today.

We should pursue innovative technologies to reduce the amount of nuclear waste that we will eventually have to store permanently in a geologic repository. Technologies such as nuclear waste reprocessing would allow us to recycle about 75 percent of the nuclear waste we have today. And there are technologies such as transmutation that would increase the percentage of recycled waste even further. This bill establishes a new national strategy for nuclear waste by creating the Office of Spent Nuclear Fuel Research and beginning the Advanced Fuel Recycling Technology Development Program within the Department of Energy to study and focus on achievable nuclear fuel reprocessing initiatives. A strong nuclear fuel reprocessing program is necessary to ensure we can make nuclear fuel a truly renewable fuel source. It simply makes sense.

In my home State of Arkansas, we have one nuclear powerplant located just outside the small town of Dardanelle. This facility has provided safe, clean, emission-free power to all Arkansans for many years, and I aim to see that it remains for many more. This bill will help ensure that this happens by providing incentive funding for utilities to invest in increased efficiency and capacity of each nuclear powerplant.

This bill takes safe, legitimate steps toward bringing more nuclear power online, providing incentives to increase nuclear power efficiency, and strengthening the pursuit of needed reprocessing technologies. I look forward to the debate on this bill and providing this Nation with a safe, economical, and environmentally safe energy supply.

Mr. MURKOWSKI. Mr. President, I rise today to congratulate Senator DOMENICI on the introduction of his very fine bill regarding nuclear energy in this country. He has been a strong advocate of strengthening and reassessing the US approach to nuclear technologies and this bill goes a long way toward attaining these goals. Senator DOMENICI has been an active participant in all aspects of nuclear production, nonproliferation and our nation's security and has been very helpful to me in my role as Chairman of the Energy and Natural Resources Committee. He has always been supportive of efforts to deal with our nation's nuclear waste and recently co-sponsored my ''National Energy Security Act of 2001,'' a bipartisan approach to ensuring our nation's energy security.

Senator DOMENICI's bill is significant because it addresses both short-term and long-term issues. Our bills share many provisions, including: renewal of the Price-Anderson Act, authorizations for Nuclear Energy Research Initiative, NERI, Nuclear Energy Plant Optimization, NEPO, and Nuclear Energy Technology Programs, NETP, encouraging nuclear energy efficiencies, and creation of an office of spent nuclear fuel research.

Short-term goals of increasing efficiencies are especially important in a time when this country is running short of generation capacity. What is happening in California could happen elsewhere and we need to ensure we get the most of existing generation. In 1999, U.S. nuclear reactors achieved close to 90 percent efficiency. Total efficiency increases during the 1990's at existing plants was the equivalent of adding approximately twenty-three 1,000 megawatt power plants. And keep in mind, that is all clean, non-emitting generation. Despite what environmentalists want you to think, nuclear is clean. It is the largest source of U.S. emission free generation, producing approximately 70 percent of our nation's clean-burning generation in 1999.

In addition, Senator DOMENICI's bill encourages and funds long-term progress in nuclear issues. If we are to have a viable nuclear industry in the future, we must have properly educated and trained professionals. To achieve that goal, Senator DOMENICI's bill encourages education in the hard sciences by funding recommendations made by the Nuclear Energy Research Advisory Committee to support nuclear engineering. Senator DOMENICI's bill also encourages developing waste solutions, a problem that has bedeviled the industry since the first fuel rods were removed from a commercial plant. The federal government said it would take responsibility for this waste but has yet to do so. Senator DOMENICI's ''Office of Spent Nuclear Fuel Research'' would develop a national strategy for spent fuel, including the study of reprocessing and transmutation. The bill also includes authorization for advanced accelerator applications and advanced fuel recycling technology development.

Unless this nation is able to address the nuclear waste issue, we are in danger of losing the nuclear option. And in this time of increasing demand for clean, stable, reliable sources of energy, we just can't afford to lose nuclear energy. Nuclear energy is on the upswing. Four or five years ago, who would have thought we would hear talk of buying and selling plants and even building new plants. But it is happening! In this deregulated environment, nuclear plants are becoming hot commodities, if you will pardon the pun.

And U.S. industry is actually putting its money where its mouth is. By the end of 2001, Chicago-based Exelon Corporation will have invested $15 million in a South African venture to build a pebble bed modular reactor. Designed to be simpler, safer, and cheaper than current light-water reactors, these pebble bed reactors have captured the attention of several companies and the NRC and Senator DOMENICI's bill will help to smooth the path for new reactor technologies.

If we ever hope to achieve energy security and energy independence in this country, we cannot abandon the nuclear option. It is an important and integral part of our energy mix. Our economy depends on nuclear energy. Our national security depends on nuclear energy. Our environment depends on nuclear energy. Our future depends on nuclear energy.

If we do not create reasonable energy diversity with an increased reliance on nuclear generation, we endanger ourselves, our future, and our children's future.

Ms. LANDRIEU. Mr. President, today I rise as an original co-sponsor of the Nuclear Energy Electricity Supply Assurance Act of 2001. I commend the senior Senator from New Mexico for his passion and persistence on this issue.

The U.S. is currently experiencing unusually high and volatile energy prices. Residents of my state of Louisiana as well as citizens across the country are facing abnormally high gas prices this winter and cannot pay their bills. While there are some steps we can take in the short run to help, the situation is complex in nature and any attempt at an overall solution will require a number of different remedies over the long run focusing on both the supply and demand side of the equation.

The need to increase our domestic supply of energy is apparent. One of the great strengths of the electric supply system in this country is the contribution that comes from a variety of fuels such as coal, nuclear, natural gas, hydropower, oil and renewable energy. The diversity of available fuels we have

at our disposal should enable us to balance cost, availability and environmental impacts to the best advantage. Unfortunately, we have not made adequate use of this supply.

While most of the attention this winter has focused on the role of natural gas, coal and nuclear energy actually both make a larger contribution to the electricity supply system of the United States, representing approximately 55 and 20 percent respectively of our nation's electricity supply. Each of the above mentioned sources of electricity has unique advantages and disadvantages. While it would not be wise to rely too heavily on any single fuel for its electricity, we must not allow our misconceptions to dissuade us from ignoring others altogether.

One source of energy which I believe we are not making proper use of is nuclear power. There are currently 103 nuclear power plants in this country but no new plants have been ordered since 1978. Two of these plants are located in my state of Louisiana where nuclear power generates 15 percent of the electricity. We have witnessed firsthand the numerous benefits of nuclear energy.

First, nuclear energy is efficient and cost effective due to low operating costs and high plant performance. Also, nuclear energy is reliable in that it is not subject to unreliable weather or climate conditions, unpredictable cost fluctuations or dependence on foreign suppliers. Thirdly, contrary to popular perception, nuclear energy has perhaps the lowest impact on the environment including air, land, water and wildlife of any energy source because it emits no harmful gases into the environment, isolates its waste from the environment and requires less area to produce the same amount of electricity as other sources. Finally, although many people associate the issue of nuclear power with the accident at Three Mile Island in 1979, its safety record has been excellent, particularly in comparison with other major commercial energy technologies.

The bill being introduced today will help provide nuclear power with its proper place in the energy policy debate taking place in our country. Three of the more important provisions contained in this legislation are: the encouragement of new plant construction through loan guarantees to complete unfinished plants; the assurance of a level playing field for nuclear power by making it eligible for federal ''environmentally preferable'' purchasing programs and research supporting regulations for new reactor designs with proper focus on safety and efficiency.

Over the next several months the members of the United States Senate will engage in a critical debate over the future of our nation's energy policy. I look forward to participating in this discussion and advocating for the important role of nuclear power. While development of nuclear power alone will not take care of our energy needs, it should be part of the answer.

Mr. CRAIG. Mr. President, I am very pleased to stand with my friend and colleague, Senator PETE DOMENICI, as an original cosponsor of the Nuclear Energy Electricity Supply Assurance Act of 2001. Following on the heels of the introduction of the comprehensive energy bill last week, this bill takes a closer look at nuclear energy specifically and lays out a concrete plan to secure the continued viability of nuclear energy, our largest source of emissions, free electricity.

Let me also note that I am very pleased that this is a bipartisan effort. I appreciate my colleagues from across the aisle who are joining with us in acknowledging that it is vital to take steps now in support nuclear energy and thereby, help to increase our energy independence.

The Nuclear Energy Electricity Supply Assurance Act of 2001 is a package of measures which help our current energy situation by supporting nuclear energy research and development, by encouraging new plant construction, by assuring a level playing field for nuclear power by acknowledging nuclear's clean air benefits, and by improving the regulatory process. Although the bill does not explicitly address the nuclear waste repository at Yucca Mountain, the bill does create an Office of Spent Nuclear Fuel Research at the Department of Energy and provides for research into advanced nuclear fuel recycling technologies such as those being studied at Argonne National Laboratory in Idaho.

If my colleagues are wondering why it is important that we address the energy issue, they need look no further than the headlines. However, I would like to bring my colleagues' attention to a study that was recently released on the subject of energy. The Center for Strategic and International Studies here in Washington, DC, recently released its study entitled, ''The Geopolitics of Energy into the 21st Century.'' Their findings are sobering and I want to take a moment to highlight some of their conclusions. I do this to provide the global context for our energy picture and to explain why it is so critical that this nuclear energy bill and the comprehensive energy package introduced last week receive our full attention.

This study on the geopolitics of energy found that during the next 20 years, energy demand is projected to expand more than 50 percent and that electricity will continue to be the most rapidly growing sector of energy demand. Energy supply, not simply reductions in demand, will need to be expanded substantially to meet this demand growth and that the choice of primary fuel used to supply power plants will have important effects on the environment. Interestingly, this growth in demand will not be fueled primarily by the United States, as some might think. Developing economies in Asia and in Central and South America will show the greatest increase in consumption.

The study points out that although the world drew some portion of its energy supplies from unstable countries and regions throughout much of the twentieth century, by the year 2020, fully 50 percent of estimated total global oil demand will be met from countries that pose a high risk of internal instability. Furthermore, the study concludes that a crisis in one or more of the world's key energy-producing countries is highly likely at some point between now and the year 2020.

Given these predictions, I am alarmed by our current dependence on imported energy. I think it represents a very serious vulnerability in our energy picture. This situation makes it critical that the Senate act on energy legislation, to put in place the long term steps that will help us climb out of the energy deficit we find ourselves in. Problems, such as the current energy crisis, that have been years in the making will not be remedied overnight, but we need to start taking steps now to improve what we can.

Taking constructive steps to strengthen our energy picture is what the Nuclear Energy Electricity Supply Assurance Act of 2001 is about. One of the first steps to be taken, is to recognize the tremendous contribution that nuclear energy already is making to our domestic energy picture. I think my colleagues might be surprised to hear that the U.S. nuclear industry is considered the strongest in the world. Measured in terms of output, the U.S. nuclear program is as large as the programs of France and Japan combined. Nuclear energy recently replaced coal as having the lowest electricity production cost, approximately 1.83 cents.

The process for extending nuclear power plant licenses has been successfully demonstrated by the Nuclear Regulatory Commission. Two plants have been successfully relicensed and three more are in the process now. Additionally, the nuclear industry continues to improve the efficiency of its currently operating nuclear plants. During the past 10 years, these gains in efficiency have added 23,000 megawatts to the power grid. This is the equivalent of adding 23 additional 1,000 megawatt power plants. This additional power has satisfied approximately 30 percent of the growth in U.S. electricity demand during the 1990s.

What I have not mentioned in all this, is the important contribution nuclear energy makes in meeting clean air goals. If this nuclear generation were not in place, some other carbon-emitting source of generation would

probably be taking its place. In fact, if you look at the portfolio of emission-free power generation in the U.S., nuclear energy comprises about 69 percent of our emission-free power, with hydroelectric power making up about 29 percent and the remaining less than 2 percent is made up by geothermal, wind and solar.

The Nuclear Energy Electricity Supply Assurance Act of 2001 will authorize the exploration of advanced nuclear reactor designs which meet the goals of being economic, having enhanced safety features, while also reducing the production of spent fuel. The development of ''Generation Four'' nuclear reactors is something I am really excited about because much of the work done so far on Generation Four reactor design has been done at the Idaho National Engineering and Environmental Laboratory and at Argonne West National Laboratory in my home state of Idaho. One of the reasons I am so optimistic about the ability of this country to tackle these tough energy challenges is the good work that I have seen coming out of our laboratories. When we unleash our best minds on these issues, really wonderful ideas come forth. That kind of creativity and initiative is what this bill is attempting to harness.

I am excited to be a part of this bill and I thank Senator DOMENICI for partnering with me early on in the development of this bill and soliciting my input. I think we have a good product. As we move forward, I am sure we will receive additional innovative ideas. That is the challenge to all of us as we address our energy crisis—bringing the best ideas to bear. This bill is a good start to that process.

By Mr. CRAPO:

S. 473. A bill to amend the Elementary and Secondary Education Act of 1965 to improve training for teachers in the use of technology; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, I rise today to introduce the Training Teachers for Technology Act of 2001, a bill to allow states to provide assistance to local educational agencies to develop innovative professional development programs that train teachers to use technology in the classroom.

As your know, education technology can significantly improve student achievement. Congress has recognized this fact by continually voting to dramatically increase funding for education technology. In fact, in just the programs under the Elementary and Secondary Education Act, ESEA. Federal support has grown from $52.6 million in Fiscal Year 1995, to over $700 million just five years later. As we debate the upcoming reauthorization of ESEA, I will be working to support legislation that builds on the strong educational technology infrastructure already in place in school districts in nearly every state.

But we need to do more than simply place computers in classrooms. We need to provide our educators with the skills they need to incorporate evolving educational technology in the classroom. My bill does exactly that. It will encourage states to develop and implement professional development programs that train teachers in the use of technology in the classroom. Effective teaching strategies must incorporate educational technology if we are to ensure that all children have the skills they need to compete in a high-tech workplace. An investment in professional development for our teachers is an investment in our children and our future.

Specifically, the legislation I am introducing today would allow local education agencies to apply once for all teacher training technology programs within the National Challenge Grants for Technology in Education, the Technology Literacy Challenge Fund, and Star Schools. The U.S. General Accounting Office reported that there are more than thirty federal programs, administered by five different federal agencies, which provide funding for education technology to K–12 schools. My measure would reduce the financial and paperwork burden to primarily small, poor, rural districts that don't have the resources to hire full time staff to handle grant writing for all of these different programs. Instead, schools would be able to apply once for federal technology assistance, and then combine their funds to develop a comprehensive program that integrates technology directly into the curriculum and provides professional development for teachers. My bill adopts the principles of simplicity and flexibility. This is what schools are asking for, so this is what we should give them.

My legislation helps those smaller schools that might ordinarily be unfairly disadvantaged through traditional grant programs. Idaho's public schools are excelling rapidly in their understanding of how technology can enhance the teaching and learning environments in Idaho's classrooms. I would like to extend this same empowerment to public schools throughout the nation. Investing in technology training for teachers will make a significant difference in the lives of our children.

An opportunity has arisen where we, Members of the United States Senate, are able to help many students who face unique challenges and uncertain futures. I hope you agree that a strong technology component for all students is necessary and essential in facilitating student achievement, and that through proper professional development our children will be provided an unparalleled opportunity for a better education.

I urge my colleagues to support this legislation and work for its inclusion in the reauthorization of the ESEA.

By Mr. CRAPO:

S. 474. A bill to amend the Elementary and Secondary Education Act of 1965 to improve provisions relating to initial teaching experiences and alternative routes to certification; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, I rise today to introduce the Professional Development Enhancement Act to strengthen and improve professional development opportunities for teachers.

Improving the quality of teaching in America's classrooms has been a priority of mine since the day my oldest child walked through the door of her public school. While I know that my five children were, and still are, fortunate to have outstanding teachers, I am keenly aware that others are not so fortunate. Nothing can replace qualified teachers with high standards and a desire to teach. Coupled with ongoing professional development opportunities, our teachers are equipped to positively influence and inspire every child in their classroom. Teachers are the backbone of education. They are our most important assets, therefore, we must continue to give them the support and appreciation they deserve.

As Congress takes up the reauthorization of the Elementary and Secondary Education Act, ESEA, the focus will shift to the recruitment and retention of good teachers. That is why my legislation is so essential. While using no new funds, the bill would strengthen existing language by making recommendations on current mentoring programs. My proposal outlines the principal components of mentoring programs that would improve the experience of new teachers, as well as provide incentives for alternative teacher certification and licensure programs.

Mentoring is a concept that has been around for years, but only recently have educators and administrators begun to talk about its real benefits. We all know that good teachers are not created over night. It is only after years of dedication and discipline that teachers themselves admit that they truly feel comfortable in their classrooms. Unfortunately, though, we see the highest level of turn-over among beginning teachers, one-third of teachers leave the profession within 5 years. Our goal must be to work with new teachers to assure they are confident in their roles and to secure their participation in the teaching profession for years to come.

My legislation will ensure program quality and accountability by requiring that teachers mentor their peers

who teach the same subject, and activities are consistent with state standards. Under the supervision and guidance of a senior colleague, teachers are more likely to develop skills and achieve a higher level of proficiency. The confidence and experience gained during this time will improve the quality of instruction, which in turn will improve overall student achievement.

Attracting and retaining quality teachers is a difficult task, especially in rural impoverished areas. As a result, teacher shortage and high turnover are commonplace in rural communities in almost every state in the nation. In addition to retention, recruitment must also be at the core of our efforts. My bill will provide incentives, and grant states the flexibility to establish, expand, or improve alternative teacher certification and licensure programs.

I do not expect this legislation to solve all the problems confronting our schools today. But, I do see it as a practical way to help make our schools stronger by providing teachers with the tools to grow as professionals.

I urge my colleagues to support the Professional Development Enhancement Act and work for its inclusion in the reauthorization of the ESEA.

By Mr. CRAPO.

S. 475. A bill to provide for rural education assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, I rise today to introduce the Rural Education Initiative Act, which makes Federal grant programs more flexible in order to help school districts in rural communities. Serving to compliment President George W. Bush's education proposal, school districts participating in this initiative are expected to meet high accountability standards.

Targeting only those school districts in rural communities with fewer than 600 students, this proposal reaches out to small, rural districts that are often disadvantaged through our current formula-driven grant system. There is tremendous need in rural states like Idaho because many of the traditional formula grants do not reach our small rural schools. And what money does reach these schools is in amounts insufficient for affecting true curriculum initiatives. In other works, schools may not receive enough funding from any individual grant to carry out meaningful activities.

My proposal addresses this problem by allowing districts to combine funds from four independent programs to accomplish locally chosen educational goals. Under this plan, districts would be able to use their aggregate funds to support local or statewide education reform efforts intended to improve the achievement of elementary and secondary school students. I am asking for an authorization of $125 million for small rural and poor rural schools, a small price that could produce large results.

Any school district participating in this initiative would have to meet high accountability standards. It would have to show significant statistical improvement in reading and math scores, based on state assessment standards. Schools that fail to show demonstrable progress will not be eligible for continued funding. In other words, this plan rewards success, while injecting accountability and flexibility.

In reauthorizing the Elementary and Secondary Education Act, ESEA, Congress has an extraordinary opportunity to change the course of education. We must embrace this opportunity by supporting creative and innovative reform proposals, like the one that I have introduced here today. I am committed to working in the best interest of our children to develop an education system that is the best in the world. The Rural Education Initiative moves us in the right direction and I hope my colleagues will join me in supporting this measure. I urge the Senate Health, Education, Labor and Pensions Committee to incorporate this provision into the upcoming ESEA bill.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mrs. MURRAY, Mr. LEAHY, Ms. MIKULSKI, Mr. REED, Mr. SCHUMER, and Mr. CORZINE):

S. 476. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for a National Teacher Corps and principal recruitment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I come to the Floor today to raise an issue that appears to be a foreshadowing national crisis. Every year we are losing more teachers than we can hire and many of our children are left in classrooms without full-time permanent teachers to lead them in the way that they need and deserve to learn.

The teacher shortage in the United States is projected to reach a staggering 2.2 million teachers in the next ten years. And, these shortages have already begun for communities across my state as well as throughout the country. In New York, a third of upstate teachers and half of New York City teachers could retire within the next five years that's approximately 100,000 teachers across the State. In order to deal with these shortages, far too many of our schools are forced to hire emergency certified teachers or long-term substitutes to get through the year. I remember one story about a little girl in Far Rockaway, Queens who in March of last year had already had nine teachers so many she couldn't remember all of their names. Her mother was worried sick that her child was not getting the instruction she needed, but her mother felt powerless to do anything about the situation. And, at one school in Albany, the principal has to regularly fill-in for absent teachers because there are no substitutes available.

The teacher shortage in New York State is only expected to get more dire in the next few years as more teachers retire. Now, in New York City, we know that many teachers decide to leave the City for better working conditions and higher salaries in the surrounding areas.

Last week, we learned from the United Federation of Teachers in New York City that 7,000 teachers are expected to retire this year alone from the city's public schools. In Buffalo, 231 teachers retired last year, compared with an average of 92 in each of the preceding eight years. In addition, Buffalo lost 50 young teachers who moved on to other jobs or other school districts.

Not only are we losing teachers, but principals are becoming more scarce as well. Many of our schools in New York City opened their doors this year without principals. In fact, New York City is expected to lose 50 percent of their principals in the next five years. That is just an unacceptable rate of attrition. We simply cannot afford to lose people who provide instructional leadership and direction to help teachers do their best every day.

Mr. President, that's why I have chosen to focus on this issue so early in my term. And that is why I am proud to introduce the National Teacher and Principal Recruitment Act. My legislation will create a National Teacher Corps that can bring up to 75,000 talented teachers a year into the schools that need them the most. The National Teacher Corps can make the teaching profession more attractive to talented people in our society in several ways. One is by providing bonuses for mid-career professionals interested in becoming teachers. In this fast-paced world, more and more people are changing career paths several times during their working lives. A financial bonus plan can help attract people from other professions.

The National Teacher Corps will also make more scholarships available for college and graduate students, and create new career ladders for teacher aides—to become fully certified teachers. And it will ensure that new teachers get the support and professional development they need both to become—and remain—effective teachers.

This bill will also create a national teacher recruitment campaign to provide good information to prospective teachers about resources and routes to teaching through a National Teacher Recruitment Clearinghouse.

And, finally, the bill will create a National Principal Corps to help bring more highly qualified individuals into our neediest schools. Like the Teacher Corps, the Principal Corps will be focused on attracting good candidates and providing them with the mentorship and professional development they need to succeed.

I am introducing this bill to make sure that all teachers who step into classrooms and all principals who step into leadership in their schools have the expertise, the knowledge, and the support they need to meet the highest possible standards for all of our children, who deserve nothing less.

Now, if a community were running short of water, a state of emergency would be declared and the National Guard would ship in supplies overnight. If a community runs short of blood supplies, the Red Cross stages emergency blood drives to ensure that patients have what they need. Our communities are running short of good teachers and principals, and they are as important to our children's future as any other role that I can imagine. That's what makes it so important for us to act now.

Providing good teachers and principals to schools is a local issue, but it should be a national concern. And to have a partnership with our governors and our mayors, our school superintendents and others is a way that will really help us begin to address this crisis. I hope that all of us on both sides of the aisle and in the public and private sector will join together to make sure we have the supply of teachers that we need. It certainly is the most important public activity any of us can engage in, and it's important to our nation's values as well as our individual aspirations for our children. And I hope that we will find support for doing something to work with our states and localities to meet this crisis.

By Mr. ROBERTS (for himself, Mr. KENNEDY, and Mr. BINGAMAN):

S. 478. A bill to establish and expand programs relating to engineering, science, technology and mathematics education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROBERTS. Mr. President, today, even as I speak, the members of the Health, Education, Labor, and Pensions Committee are in the process of marking up the BEST bill. The BEST bill is an acronym describing an effort to try to put together the reauthorization of the Elementary and Secondary Education Act.

I think without question, in poll after poll taken in America, trying to determine what the American citizenry is concerned about, every one of the polls show the No. 1 issue of concern on the minds of American citizens today is education.

Today I am very proud to announce I am joined by my colleagues, Senator BINGAMAN and Senator KENNEDY, and there will be other cosponsors as well, but they are the original cosponsors in introducing legislation I think without question addresses a very critical need within the American educational system, and also in regard to our national security, as well; that is, the need to improve math and science education.

As a member of the Health, Education, Labor, and Pensions Committee, I want to work with Members on both sides of the aisle. That is what we are attempting to do in the markup this morning: to address the immediate need to improve and enhance the K-through-12 math and science educational level in the United States.

Simply put, the American educational system is not producing enough students with specialized skills in engineering, science, technology, and math to fill many of the jobs currently available that we need and that are vital to the United States. Other countries are simply outpacing us in the number of students in education in EMST, engineering, math, science, and technology study. As a result of this shortage of skilled workers, Congress had to increase the number of H–1B visas by almost 300,000 from fiscal year 2000 to fiscal year 2002.

Now, the United States will need to produce four times as many scientists and engineers than we currently produce in order to meet our future demand. The technology community alone will add 20 million jobs in the next decade that require technical expertise. The U.S. has been a leader in technology for decades and the new economy has created and will continue to create an ample number of jobs that require this kind of skilled workforce.

While increasing the number of visas will assist our American economies with their current labor shortage in specialty and technical areas, we need to focus on long-term solutions through the education of our children.

Improving our students' knowledge of math and science and technology is not only a concern of American companies to remain competitive but should also be a concern of our U.S. national security. The distinguished acting Presiding Officer, the Senator from Oklahoma, has the privilege, along with me, to serve on the Senate Armed Services Committee. He is the chairman of the Readiness Subcommittee. I am in charge of a subcommittee called Emerging Threats and Capabilities.

Guess what is now a real threat, not an emerging threat. According to the latest reports on national security, the lack of engineering, science, technology, and math education, beginning at the K-through-12 level, imposes a great security threat. We don't have the people to do the job to protect our country in regard to cyber threats and the many other threats that certainly threaten our national security.

The report issued by the U.S. Commission on National Security for the 21st century reports:

> The base of American national security is the strength of the American economy.

And our education system.

> Therefore, the health of the U.S. economy depends not only on citizens that can produce and direct innovation, but also on a populace that can effectively assimilate the new tools and the technologies. This is critical not just for the U.S. economy in general but specifically for the defense industry, which simultaneously develops and defends against the same technologies.

This is not only true in regard to that commission report, what we call the Hart-Rudman report, but it is true in regard to the reports by the Bremer commission, by the Gilmore commission, and the CSIS study. Commission report after commission report says we are lacking in regard to this kind of expertise and this kind of skill.

The EMST bill builds on several goals outlined in the National Commission on Mathematics and Science and Teaching of the 21st century. That is the rather famous and well-read report now called the Glenn report. These goals include:

First, establishing an ongoing system to improve science and math education in K–12. The legislation we have introduced would accomplish this through afterschool and day-care opportunities for more hands-on learning and programming that is focused on math and science. It also strives to make all middle school graduates technology literate through a technology training program.

Second, it does increase the number of math and science teachers and improve their preparation. EMST accomplishes this by several means, including intensive summer development institutes, grants for teacher technology training software and instructional materials, master teacher programs that aid other teachers and bring expertise in math, science, or technology. And finally, expansion of the Eisenhower National Clearinghouse to allow access via the Internet to real programs that effectively teach science and math.

Third, the bill makes teaching science and math more attractive for teachers. The EMST bill provides mentoring for teachers to encourage them to stay in their profession, in addition to educating our high school students about the course of study to enter the science, math, and the teaching field.

Mr. President, I encourage all my colleagues to support increasing our K-through-12 teachers' ability to teach math, science, and technology to our students and encourage these students to enter into EMST fields by supporting this legislation.

I don't think it is an exaggeration to say our future depends on it.

By Mr. DEWINE (for himself, Mr. HUTCHINSON, Mr. HATCH, Mr. VOINOVICH, Mr. BROWNBACK, Mr. ENSIGN, Mr. ENZI, Mr. HAGEL, Mr. HELMS, Mr. INHOFE, Mr. NICKLES, and Mr. SANTORUM):

S. 480. A bill to amend titles 10 and 18. United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I rise today to speak, once again, on behalf of unborn children who are the silent victims of violent crimes. Today, along with my distinguished colleagues, Senators HUTCHINSON, HATCH, VOINOVICH, BROWNBACK, ENSIGN, ENZI, HAGEL, HELMS, INHOFE, NICKLES, and SANTORUM, I am introducing a bill called the ''Unborn Victims of Violence Act of 2001,'' which would create a separate offense for criminals who injure or kill an unborn child.

Our bill, which is similar to legislation we sponsored in the 106th Congress, would establish new criminal penalties for anyone injuring or killing a fetus while committing certain federal offenses. Therefore, this bill would make any murder or injury of an unborn child during the commission of certain existing federal crimes a separate crime under federal law and the Uniform Code of Military Justice. Twenty-four states already have criminalized the killing or injuring of unborn victims during a crime. The Unborn Victims of Violence Act simply acknowledges that violent acts against unborn babies are also criminal when the assailant is committing a federal crime.

We live in a violent world. And sadly, sometimes, perhaps more often than we realize, even unborn babies are the targets, intended or otherwise, of violent acts. I'll give you some disturbing examples.

In 1996, Airman Gregory Robbins and his family were stationed in my home state of Ohio at Wright-Patterson Air Force Base in Dayton. At that time, Mrs. Robbins was more than eight months pregnant with a daughter they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt and savagely beat his wife by striking her repeatedly about the head and abdomen. Fortunately, Mrs. Robbins survived the violent assault. Tragically, however, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Air Force prosecutors sought to prosecute Airman Robbins for Jasmine's death, but neither the Uniform Code of Military Justice nor the federal code makes criminal such an act which results in the death or injury of an unborn child. The only available federal offense was for the assault on the mother. This was a case in which the only available federal penalty did not fit the crime. So prosecutors bootstrapped the Ohio fetal homicide law to convict Airman Robbins of Jasmine's death. Fortunately, upon appeal, the court upheld the lower court's ruling.

If it hadn't been for the Ohio law that was already in place, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against Baby Jasmine. That's why we need a Federal remedy to avoid having to bootstrap state laws to provide recourse when a violent act occurs during the commission of a federal crime. A federal remedy will ensure that crimes within federal jurisdiction against unborn victims are punished.

Let me give you another example. In August 1999, Shiwona Pace of Little Rock, Arkansas, was days away from giving birth. She was thrilled about her pregnancy. Her boyfriend, Eric Bullock, however, did not share her joy and enthusiasm. In fact, Eric wanted the baby to die. So, he hired three thugs to beat his girlfriend so badly that she lost the unborn baby. According to Shiwona, who testified at a Senate Judiciary hearing we held in Washington on February 23, 2000: ''I begged and pleaded for the life of my unborn child, but they showed me no mercy. In fact, one of them told me, 'Your baby is dying tonight.' I was choked, hit in the face with a gun, slapped, punched and kicked repeatedly in the stomach. One of them even put a gun in my mouth and threatened to shoot.''

In this particular case, just a few short weeks before this vicious attack, Arkansas passed its ''Fetal Protection Act.'' Under the state law, Erik Bullock was convicted on February 9, 2001, of capital murder against Shiwona's unborn child and sentenced to life in prison without parole. He was also convicted of first degree battery for harm against Shiwona.

In yet another example, this one in Columbus, 16-year-old Sean Steele was found guilty of two counts of murder for the death of his girlfriend Barbara ''Bobbie'' Watkins, age 15, and her 22-week-old unborn child. He was convicted under Ohio's unborn victims law, which represented the first murder conviction in Franklin County, Ohio, in which a victim was a fetus.

Look at one more example. In the Oklahoma City and World Trade Center bombings, Federal prosecutors were able to charge the defendants with the murders of or injuries to the mothers, but not to their unborn babies. Again, federal law currently fails to criminalize these violent acts. There are no federal provisions for the unborn victims of federal crimes.

Our bill would make acts like this, acts of violence within federal jurisdiction, Federal crimes. This is a very simple step, but one that will have a dramatic effect.

The fact is that it's just plain wrong that our federal government does absolutely nothing to criminalize violent acts against unborn children. We cannot allow criminals to get away with murder. We must close this loophole.

As a civilized society, we must take a stand against violent crimes against children, especially those waiting to be born. We must close this loophole.

We purposely drafted this legislation very narrowly. Because of that, our bill would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action, legal or illegal, in regard to her unborn child. Our legislation would not permit the prosecution for harm caused to the mother or unborn child in the course of medical treatment. And finally, our bill would not allow for the imposition of the death penalty under this Act.

It is time that we wrap the arms of justice around unborn children and protect them against criminal assailants. Everyone agrees that violent assailants of unborn babies are criminals. When acts of violence against unborn victims fall within federal jurisdiction, we must have a penalty. We have an obligation to our unborn children who cannot speak for themselves. I think Shiwona Pace said it best when she testified at our hearing, ''The loss of any potential life should never be in vain.''

I strongly urge my colleagues to join in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 480

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 ''Unborn Victims of Violence Act of 2001''.

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

''CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

''Sec.

''1841. Causing death of or bodily injury to unborn child.

''§ 1841. Causing death of or bodily injury to unborn child.

''(a)(1) Any person who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of this title) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided for that conduct under Federal law had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge

that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 1111, 1112, or 1113 of this title, as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are the following:

''(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), 844(f), 844(h)(1), 844(i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), 1952(a)(2)(B), 1952(a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

''(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

''(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

''(c) Subsection (a) does not permit prosecution—

''(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section—

''(1) the terms 'child in utero' and 'child, who is in utero' mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

''(2) the term 'unborn child' means a child in utero.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following:

''90A. Causing death of or bodily injury to unborn child 1841''.

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following:

''§ 919a. Art. 119a. Causing death of or bodily injury to unborn child.

''(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment for that conduct under this chapter had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 918, 919, or 880 of this title (article 118, 119, or 80), as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 111, 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Subsection (a) does not permit prosecution—

''(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section—

''(1) the terms 'child in utero' and 'child, who is in utero' mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

''(2) the term 'unborn child' means a child in utero.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following:

''919a. 119a. Causing death of or bodily injury to unborn child.''.

By Mr. GRAHAM (for himself and Mr. CORZINE):

S. 481. A bill to amend the Internal Revenue Code of 1986 to provide for a 10-percent income tax rate bracket, and for other purposes; to the Committee on Finance.

Mr. GRAHAM. Mr. President, with my colleague, I rise today to introduce the Economic Insurance Tax Cut of 2001.

In his 1862 message to Congress, President Abraham Lincoln surveyed our fractured national horizon and concluded that:

> The occasion is piled high with difficulty and we must rise to the occasion. As our case is new, so we must think anew and act anew.

The same could be said about our current circumstances. The United States has not experienced a recession since the one that occurred in 1990–1991. At that time, the old economic assumptions were shattered and new ones born. Over the past 5 years, it seemed as if nothing could stop the American economy from roaring on.

It was during this comparatively serene time that then-candidate George W. Bush, in the debates leading up to the Iowa caucus in the winter of 1999–2000, announced his plan to cut taxes by $1.6 trillion over the next 10 years.

The landscape has shifted dramatically since the winter of 1999 to the spring of 2001. That shift in the landscape did not just occur in Seattle. Today's headlines are filled with ominous news. Economic activity in the manufacturing sector declined in February for the seventh consecutive month. DaimlerChrysler has laid off 26,000 workers. Whirlpool has slashed the estimates of its earnings and plans 6,000 job cuts. Gateway is dismissing 3,000 workers, 12.5 percent of its workforce. Over the past 2 months, layoffs totaling more than 275,000 jobs have been announced.

This bad news has had, as would be expected, a negative effect on consumers' confidence. Consumers' confidence has plunged 35 points from an all-time high of 142.5 in September of 1999.

When their confidence is shaken, consumers stop spending. When consumers stop spending, the economy gets worse. When the economy gets worse, consumer confidence falls further. The cycle feeds on itself.

In an attempt to staunch the bleeding, the Federal Reserve has twice lowered interest rates in January. Monetary policy, the adjustment of short-term interest rates, is a trusted and often effective tool in stimulating the economy. I am confident that the Federal Reserve will continue to exercise wise judgment.

But there is a growing consensus that more must be done, that fiscal policy can also play an important role in boosting the economy, if not immediately then certainly in the second half of this year. In his testimony before the Senate Budget Committee in January, Chairman Alan Greenspan of the Federal Reserve Board stated:

> Should the current economic weakness spread beyond what now appears likely, having a tax cut in place may in fact do noticeable good.

On February 13, Treasury Secretary O'Neill told the House Ways and Means Committee that he, too, supports the use of fiscal policy as a tool to boost the economy. Mr. O'Neill said:

> To the extent that getting it [the surplus] back to them [the American people] sooner can help stave off a worsening of the economic slowdown, we should move forward immediately.

Finally, during the President's speech to the Nation a week ago, he stated:

> Tax relief is right and tax relief is urgent. The long economic expansion that began almost 10 years ago is faltering. Lower interest rates will eventually help, but we cannot assure that they will do the job all by themselves.

Senator CORZINE and I agree. We think there are several perspectives from which this issue must be viewed. The first is the contextual perspective: How large a tax cut can the American economy and the Federal fiscal system sustain? We share the belief that we

are facing a serious demographic challenge in the next 10 to 15 years, as large numbers of persons born immediately after World War II will retire and place unique strains on our Nation's Social Security and Medicare system. That is but one example of the kinds of steps that we need to be cognizant to take and prepare for which will utilize a portion of our current surplus.

After we have determined how large a tax cut is prudent in the context of these other responsibilities, the next step is crafting a plan that can, in fact, be helpful in averting a prolonged economic slowdown. According to economists, a tax cut aimed at stimulating the economy should have four characteristics.

First, the tax relief should be simple enough to be enacted quickly. One of the principal criticisms of the attempts to use fiscal policy to stimulate the economy on a short-term basis is that, historically, Congress and the President have been sufficiently slow in reaching agreement for enactment of such tax cuts that by the time the tax relief is available, the problem has passed. The longer Congress deliberates, the less likely tax relief will get to the American public in time to do some good. Therefore, a simple, straightforward approach is absolutely essential to getting a bill passed quickly.

The more components this tax relief includes, the more debate, discussion, deliberation, and the likelihood of procrastination.

The second characteristic is the tax relief must be significant enough to have a measurable effect on the economy. The economists we have consulted suggest that tax relief in the amount of $60 billion to $65 billion would boost the gross domestic product by one-half to three-quarters of a percentage point. At a time when the economy is at virtually zero growth, that would be a welcome improvement.

Third, the tax relief must be conspicuous. The more transparent the tax cut, the more positive effect it will have on consumer confidence.

Finally, the tax relief must be directed at those who will spend it. Two-thirds of the Nation's economic output is based on consumer spending. Recessions are largely a result of a letup in that consumer demand. Common sense suggests that broad-based tax cuts, the bulk of which are directed at low- and middle-income American families, are much more likely to be the tax cuts that will stimulate consumption. Any tax cut that claims to provide an economic stimulus must be measured against these four standards.

When scrutinized this way, both the President's proposal and the plan which was reported last week by the House Ways and Means Committee, and may, in fact, be voted on by the full House as early as tomorrow, display significant weaknesses.

One, context: At $1.6 trillion, the Bush plan would consume nearly 75 percent of the non-Social Security, non-Medicare surplus, when interest costs are included. That leaves precious few resources for other important initiatives like desperately needed prescription drugs for our seniors, modernization of our armed forces, improving our schools.

No funds would be left to add to the debt reduction that can come through the application of the surpluses coming into Social Security and Medicaid. The Ways and Means proposal is a more expensive down-payment of the Bush plan in that its implementation is pushed forward by a year.

Two, simplicity: The President's tax cut plan contains several complicated proposals that will require Congress to carefully consider their ramifications. This deliberation is likely to delay enactment of the President's plan until it is too late to stimulate the economy.

Three, sufficiency: The President's budget tallies the total tax relief for 2001 at $183 million. For 2002, the total is $30 billion. Tax relief at that low level will do little to boost the economy. The President's tax relief is so small because it is phased in over a five-year period. Phasing in tax relief is exactly the opposite policy to adopt if your goal is economic stimulus. Even the Ways and Means package, despite applying retroactively to 2001, falls far short of injecting tax cuts into the economy during the second half of this year. That plan provides only $10 billion of ''stimulus'' during this period.

Four, propensity to spend: Economic stimulus occurs when consumers are encouraged to spend. Only one of the proposals in the President's plan meets this standard. Eighty percent of all taxpayers are affected by changes to the 15 percent tax bracket. Therefore, the President's idea for creating a new 10 percent bracket—which has the effect of lowering the 15 percent tax rate—will apply quite broadly across those paying income taxes. In contrast, three-quarters of all taxpayers are unaffected by changes to the remaining four tax brackets. Yet, nearly 60 percent of the total cost of both the President's and the Ways and Means' tax cut packages are devoted to these upper rate cuts.

Earlier this year, noted economist Robert Samuelson wrote in the Washington Post that the time had come for tax cuts whose purpose was to stimulate the economy. He too, criticized the President's tax plan as being poorly designed for this purpose. Specifically, he argued that the President should make his tax cuts retroactive to the beginning of this year and focus more toward the bottom income brackets.

Samuelson also argued that other proposals, whatever their merit—marriage penalty relief, estate tax repeal, new incentives for charitable giving—should wait their place in line; that the first place in this line of America in the year 2001 should be economic stimulation to keep this economy from falling into a deep ditch.

Mr. President, I ask unanimous consent that the columns by Robert Samuelson be printed in the RECORD immediately after my remarks.

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

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, Senator CORZINE and I have an alternative that makes the improvements to the President's tax cut plan suggested by Mr. Samuelson, and makes it consistent with the characterization which I have outlined. Senator CORZINE and I have an alternative that builds upon a proposal included in the President's tax cut plan.

President Bush has proposed the creation of a new 10-percent rate bracket. His proposal is that for incomes up to $6,000 for an individual and $12,000 for a couple, that the first $6,000 or $12,000 would be taxed at 10 percent rather than the current 15 percent. The problem with his proposal is that he proposes to implement this change over 5 years. It is not until the year 2006 that this plan is fully in place.

Senator CORZINE and I propose to fully implement this 10-percent bracket retroactive to January of this year. In addition, we suggest the bracket needs to be expanded so the incomes on which it would apply would be $9,500 for an individual, and $19,000 for a married couple.

There are several reasons why we believe their proposal makes sense.

First, it provides tax relief to a broad range of taxpayers. Every American income tax payer would participate in this plan. All couples with income tax liabilities would save $950 annually, or have their tax liability eliminated entirely.

Second, our proposal provides significant tax relief to middle-income families who are more likely to spend their additional money, and, therefore, create demand within our economy.

Our plan would be more effective in stimulating our economy, particularly at this time of concern about our economic future.

This proposal will lower taxes by $60 billion in both 2001 and 2002.

I point out this contrast with the President's plan with the lower taxes in 2001 by less than $200 million, and the plan of the House Ways and Means Committee which will lower taxes in 2001 by approximately $10 billion.

We believe this infusion of energy into the economy—$60 billion in this and the next year—is the first portion of tax relief which will be strong enough to be able to have a meaningful effect on the economy.

We would propose that a large portion of the first year's tax relief be reflected in workers' paychecks during the second half of the year, precisely the time that would be needed to forestall a prolonged economic downturn.

The 10-year cost of this proposal is $693 billion. This is less than half of the President's total plan, and it could be reduced further if the Congress were to decide it wished to sunset any portion of this tax cut before the end of the 10-year period.

Fourth, this proposal is simple. There is no reason this proposal could not be enacted by July 4. The Treasury would be directed to adjust its withholding tables as quickly as possible. Families could expect to see an increase in their paychecks by a reduction in the amount withheld for income tax in time for their August vacations. Instead of staying home that week, they could take their children to the beach or take themselves out to dinner. They could use the money to fix the car and head for the mountains, or fix up the backyard and celebrate with a barbecue.

In doing so, they could begin to reverse the cycle—to put money back into the economy, to feed expansion, to stimulate growth, to create jobs, to increase Americans' confidence in their economic future.

This tax cut would truly be the gift that keeps on giving.

There is one additional benefit to proceeding in the manner that Senator CORZINE and I are suggesting. Enacting this stimulative tax cut first and waiting until later to address other tax matters will give Congress time to evaluate the seriousness of the economic downturn and to evaluate how effective this economic insurance policy has been in putting a foundation under that downturn.

In particular, this time will give us a better idea of whether the slowing economy will adversely affect the surplus projections on which additional tax cuts are predicated.

Again, I return to President Lincoln's suggestion during one of the most trying times of his service as President of the United States.

This is not the time for timidity and handwringing. This is the time for swift, bold action. The occasion is piled high with difficulty, and we must rise with the occasion.

EXHIBIT 1

[From the Washington Post, Jan. 9, 2001]

TIME FOR A TAX CUT

(By Robert J. Samuelson)

For some time, I have loudly and monotonously objected to large federal tax cuts. The arguments against them seemed overwhelming: The booming economy didn't need further stimulating; the best use of rising budget surpluses was to pay down the federal debt. But I regularly attached a large asterisk to this opposition. A looming economic slowdown or recession might justify a big tax cut. Well, the asterisk is hereby activated.

By now, it's clear that most commentators missed the economy's emerging weakness. Indeed, a recession may already have started. Industrial production has declined slightly since September. Christmas retail sales were miserable; at Wal-Mart, same-store sales were up a meager 0.3 percent from a year earlier. The story is the same for autos; sales declined 8 percent in December. Montgomery Ward is going out of business. Last week's surprise interest-rate cut by the Federal Reserve confirms the large miscalculation.

A tax cut is now common sense. It would make it easier for consumers to handle their heavy debts and, to some extent, bolster their purchasing power. The fact that President-elect George W. Bush supports a major tax cut is fortuitous. But his proposal is poorly designed to combat recession. Although the estimated costs—$1.3 trillion from 2001 to 2010—are large, they are ''backloaded.'' That is, the biggest tax cuts occur in the later years. In 2002, the tax cut would amount to $21 billion, a trivial 0.2 percent of gross domestic product (national income). This would barely affect the economy.

What Bush needs to do is accelerate the immediate benefits (to resist a slump) while limiting the long-term costs (to protect against new deficits). This would improve a tax plan's economic impact and political appeal. The required surgery is easier than it sounds:

Bush's across-the-board tax-rate cuts should be compressed into two years—making them retroactive to Jan. 1, 2001—instead of being phased in from 2002 to 2006. The idea is to increase people's disposable incomes, quickly. (Under the campaign proposal, today's rates of 39.6, 36, 31 and 28 percent would be reduced to 33 and 25 percent. The present 15 percent rate would remain, but a new 10 percent rate would be created on the first $6,000 of taxable income for singles and $12,000 for couples.) Similarly, the proposed increase in the child tax-credit, from $500 to $1,000, should occur over two years, not four.

The distribution of the tax cut should be tilted more toward the bottom and less toward the top. One criticism of the original plan is that it's skewed toward the richest taxpayers, who pay most of the taxes. (In 1998 the 1.6 percent of tax returns with incomes above $200,000 paid 40 percent of the income tax.) The criticism could—and should—be blunted by reducing the top rate to only 35 percent, while expanding tax cuts for the lower brackets. This would concentrate tax relief among middle-class families, whose debt burdens are highest.

Bush should defer most other proposals: the gradual phase-out of the estate tax, new tax breaks for charitable contributions and tax relief from the so-called marriage penalty. Together, these items would cost an estimated $400 billion from 2001 to 2010. They are the most politically charged parts of the package and the least related to stimulating the economy. Proposing them now would muddle what ought to be Bush's central message: a middle-class tax cut to help the economy.

The case for this tax cut rests on a critical assumption. It is that the slowdown (or recession) could be long, deep or both. If it's just a blip—as some economists think—the economic argument for a tax cut disappears. The economy will revive quickly, aided by the Fed's lower interest rates. Then the debate over a tax cut should return to political preferences. Do we want more spending, lower taxes or debt reduction? My preference would remain debt reduction. But I doubt that the economic outlook is so charmed.

Just as the boom—the longest in U.S. history—was unprecedented, so may be its aftermath. The boom's great propellant was a buying binge by consumers and businesses. Both spent beyond their means. They went deep into debt. Put another way, the private sector as a whole has been running an ever-widening ''deficit,'' says Wynne Godley of the Jerome Levy Economics Institute of Bard College. By his calculation, the deficit began in 1997 and reached a record 8 percent of disposable income in late 2000. Household debt hit 100 percent of personal disposable income, up from 82 percent in 1990.

What may loom is a protracted readjustment. ''An increase in private debt relative to income can go on for a long time, but it cannot go on forever,'' writes Godley. People and companies reduce their debt burdens by borrowing less and using some of their income to repay existing loans. The private-sector ''deficit'' would shrink. But this process of retrenchment would hurt consumer spending and business investment, which constitute about 85 percent of the economy.

It's self-defeating for government to exert a further drag through growing budget surpluses. Of course, government could spend more. But politically, that isn't likely—and spending increases take time to filter into the economy. A tax cut could be enacted quickly and enables people to keep more of what they've earned. Roughly speaking, the Bush tax cuts could raise disposable incomes of middle-income households (those between $35,000 and $75,000) by $1,000 to $2,500. This would make it easier for consumers to manage their debts and maintain spending. It's also an illusion to think that lower interest rates (through Fed cuts and government-debt repayment) can instantly and single-handedly stimulate recovery.

''The danger of a severe and prolonged recession is being seriously underestimated,'' writes Godley. If you believe that—and I do—then a tax cut that made no sense six months ago makes eminent sense now.

[From the Washington Post, Feb. 14, 2001]

WHO DESERVES A TAX CUT?

(By Robert J. Samuelson)

The economic case for a tax cut seems compelling. The U.S. economy is unwinding from an unstable boom. ''Animal spirits''—the immortal phrase of economist John Maynard Keynes—took hold. Consumers overborrowed or, dazzled by rising stock prices, overspent. Businesses overinvested thanks to strong profits and cheap capital. Both consumers and businesses will now curb spending: consumers made cautious by high debts, stagnant (or falling) stocks and fewer new jobs; businesses deterred by surplus capacity and scarcer capital. A tax cut would cushion the spending slowdown.

Of course, we don't yet know the slump's seriousness. In the final quarter of 2000, business investment dropped at an annual rate of 1.5 percent; in the first quarter of 2000, it rose at a rate of 21 percent. Consumer spending rose at a 2.9 percent rate in the last quarter, but within that, spending on ''durables'' (cars, appliances, computers) dropped 3.4 percent, again at annual rates. These were both large declines from earlier in the year. In the first quarter, the gains had been 7.6 percent and 23.6 percent.

Consumer spending (68 percent of gross domestic product) and business investment (14 percent) constitute four-fifths of the economy. If they are in retreat, the economy is—almost by definition—in trouble. (Housing, exports and government represent the rest.) The case against a tax cut is that the spending slowdown will be mild; it will be checked

by the Federal Reserve's cut in interest rates. Perhaps. But I'm skeptical. If businesses have idle capacity and consumers have excess debts, lower interest rates may not stimulate much new borrowing.

Nor will large budget surpluses automatically preserve prosperity. This argument is (to put it charitably) absurd. The surpluses are the consequence—not the cause—of the economic boom and stock market frenzy, which created a tidal wave of new tax revenues. The big surpluses were a pleasant dividend. But now they may depress the economy by removing purchasing power.

This is easy to grasp. Suppose the budget surplus were a huge sum: say, $1 trillion or about 10 percent of GDP. Would anyone deny the drag on economic growth? Personal and corporate income would be reduced by the amount of the surplus. This drag could be offset only if the resulting drop in interest rates and repayment of federal debt created an equal stimulus. Though conceivable, this is hardly certain and—in my view—unlikely. Today's surplus is only $200 billion to $300 billion, or about 2 to 3 percent of GDP. But the same reasoning applies. The surplus doesn't mechanically create demand or spending and, quite probably, does the opposite.

A year ago, a tax cut would have been folly. Private spending was booming. But a tax cut now is not an effort to ''fine tune'' the economy. It's the logical response to the end of the private boom—an attempt to prevent a ''bust'' by restoring some of people's incomes. Whose incomes? Who deserves tax cuts? These (to me) are the harder questions.

President Bush's across-the-board rate cuts would give the largest dollar tax cuts to the wealthiest Americans, because they pay most taxes. In 2000, the richest 10 percent of Americans—whose incomes begin at about $100,000—paid 66 percent of the federal income tax and 50 percent of all federal personal taxes (including payroll and excise taxes), estimates the Congressional Joint Committee on Taxation.

Within this group, the wealthiest one percent—with incomes above $300,000—paid 34 percent of income taxes and 19 percent of all taxes. Over time, these shares have increased. In 1977 the richest 10 percent paid 50 percent of income taxes and 43 percent of all federal taxes. There are two reasons for this trend: (a) the rich's incomes grew faster than everyone else's; and (b) tax relief went more toward the lower half of the income spectrum.

If you like income redistribution for its own sake, this is wonderful. But the growing gap between those who pay for government and those who receive its benefits creates a dangerous temptation. It is to tax the few and distribute to the many. Though politically expedient, expanded government programs may have little to do with the broader national interest. They may simply make more people and institutions dependent on Washington and the political process. Taxes must be fairly broad-based if the public is to weigh the pleasure of new government programs against the pain of higher taxes.

As originally proposed, Bush's plan was avowedly political. It aimed to restrain government spending by depriving government of some money to spend. But Bush is now selling his program as an antidote to economic slump. Ironically, this strengthens the case for skewing the tax cut toward middle- and lower-income households. Almost certainly, their debt burdens are higher than upscale America's. they may also spend more of any tax cut than the rich, providing greater support to the economy.

Finally, it's true that an excessive tax cut would invite future deficits. How to balance these competing pressures is what we will debate. My preference is to accelerate the introduction of Bush's across-the-board rate cuts, with one exception; I would cut the top rate of 39.6 percent to 35 percent, instead of Bush's 33 percent, and use the savings to broaden tax cuts at lower income levels.

I would also accelerate the increase in the child tax credit—from $500 to $1,000—but defer Bush's other proposals (ending the estate tax, bigger charitable deductions). This would raise the overall tax cut's immediate economic impact and reduce the long-term budget costs.

As we debate, we should not idealize budget surpluses. They are simply paper projections, based on various assumptions, including strong economic growth. If the growth doesn't materialize, neither will the surpluses. A slavish effort to preserve the surpluses could perversely destroy them.

[From the Washington Post, Mar. 7, 2001]

TAX CUTS: THE TRUE ISSUE

(By Robert J. Samuelson)

The tax and budget debate is essentially a quarrel about political philosophy. President Bush wants to limit the size of government by depriving it of more money to spend. His Democratic critics want government to keep as much in taxes as possible, because they want to spend it. In fiscal 2000 federal taxes represented a post-World War II record of 20.6 percent of gross domestic product (national income). Over a decade, Bush wants to nudge that below 19 percent of GDP, while Democrats prefer to keep it above 20 percent. That's the central issue between them—and they're trying to obscure it.

We have diehard liberals preaching the virtues of reducing the federal debt, not because they believe in smaller government but because this makes them seem frugal, cautious and even conservative. Meanwhile, President Bush flaunts his proposed spending increases for education and Medicare, not because he believes in bigger government but because they make him seem humane, sensitive and even liberal. Both sides are fleeing their traditional stereotypes: liberals as extravagant spenders, conservatives as cruel cheapskates.

The result is calculated confusion. The antagonists informally deemphasize their central dispute—the size of government—and shift the debate to side issues (they hope) will disarm their opponents. For example:

Does a faltering economy need a tax cut?

This is Bush's ace. Consumer confidence has dropped for five straight months; in January existing-home sales fell 6.6 percent. The more the economy weakens, the harder it is for Democrats to resist tax cuts. There's a certain common-sense appeal to bolstering people's purchasing power by reducing their taxes. A year ago President Clinton proposed only $350 billion in tax cuts over a decade. Now many Democrats talk in the $700 billion to $1 trillion range—much closer to Bush's $1.6 trillion.

Do Bush's budget numbers add up?

No, say critics. His budget skimps on paying down the federal debt—all the Treasury bonds and bills issued to cover past budget deficits. Worse, the tax cut might create future deficits when combined with programs not in the present budget: an anti-missile defense and private accounts for Social Security, for instance. All this is possible, especially if the surplus forecasts turn out (as they might) to be too optimistic. Still, the critics' case is wildly overstated.

Between 2002 and 2011, Bush projects budget surpluses of $5.6 trillion. This is defensible; the Congressional Budget Office made a similar estimate. The tax cut would reduce the surplus by $1.6 trillion and require an extra $400 billion in interest payments. This leaves a surplus of $3.6 trillion. Of that, Bush would use $2 trillion for debt reduction. (From 2001 to 2011, the debt would drop from $3.2 trillion to $1.2 trillion. Interest payments would decline to below 3 percent of federal spending, down from 15 percent in 1997.)

Now we're at $1.6 trillion. Bush proposes almost $200 billion in new spending—mainly for changes in Medicare, including a drug benefit. Bush labels the remaining $1.4 trillion in surplus a ''reserve'' against faulty estimates, further debt reduction or more spending. All the possible claims on the reserve (the missile defense, private accounts for Social Security) could exhaust it. But if you're trying to make Congress set spending priorities—as Bush is—his approach isn't unreasonable.

If there's a tax cut, who should get it?

Politically, this is Bush's Achilles' heel. He says that taxes belong to the people who earned them—not the government. Okay. The political problem is that most federal taxes are paid by a small constituency of the well-to-do and wealthy. In 2001 the richest 10 percent of Americans—those with incomes above $107,000—will pay 68 percent of the income tax and 52 percent of all federal taxes, estimates the Congressional Joint Committee on Taxation. With its across-the-board rate reductions, Bush's plan give them the largest dollar cuts. Citizens for Tax Justice, a liberal advocacy group, estimates that the richest one percent get 31 percent of the income-tax cuts (slightly below their share of income taxes, 36 percent). Democrats are aghast; they want smaller tax cuts to concentrate benefits on households under $100,000.

To handicap the tax debate, watch these issues. If the economy weakens further, pressure for tax relief will intensify. But so will pressure to redirect the benefits down the income ladder. My view—stated in earlier columns—is that the economy needs a tax cut. I would accelerate Bush's across-the-board rate cuts and the doubling of the child credit (from $500 to $1,000). But I would cut today's top rate of 39.6 percent only to 35 percent, not 33 percent, as Bush proposes. All this would maximize the tax cut's immediate effect on the economy.

Like Bush's critics, I think the long-term budget projections are too uncertain to enact his full tax package now; so I would defer action on his other proposals (abolishing the estate tax, marriage-penalty relief, new charitable deductions). But unlike his critics, I think Bush is correct on the central issue of government's size. The real choice now is not between cutting taxes and paying down the debt. If immense surpluses emerge, Congress—Democrats and Republicans—will spend them. Even last year's modest surplus spurred Congress to a spending spree.

It's the wrong time for huge spending increases. The retirement of the baby boom generation, beginning in a decade, will expand government commitments. Retirement benefits will inevitably increase, exerting pressure for higher taxes. If we raise spending now, we will begin this process from a higher base of spending and taxes—that will ultimately have to be paid by today's children and young adults. This would be a dubious legacy.

Mr. GRAHAM. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill.

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

S. 481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Economic Insurance Tax Cut of 2001''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. 10-PERCENT INCOME TAX RATE BRACKET FOR INDIVIDUALS.

(a) RATES FOR 2001.—Section 1 (relating to tax imposed) is amended by striking subsections (a) through (d) and inserting the following:

''(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

''(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

''(2) every surviving spouse (as defined in section 2(a)),

a tax determined in accordance with the following table:

''If taxable income is:	The tax is:
Not over $19,000	10% of taxable income.
Over $19,000 but not over $45,200.	$1,900, plus 15% of the excess over $19,000.
Over $45,200 but not over $109,250.	$5,830, plus 28% of the excess over $45,200.
Over $109,250 but not over $166,500.	$23,764, plus 31% of the excess over $109,250.
Over $166,500 but not over $297,350.	$41,511.50, plus 36% of the excess over $166,500.
Over $297,350	$88,617.50, plus 39.6% of the excess over $297,350.

''(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

''If taxable income is:	The tax is:
Not over $14,250	10% of taxable income.
Over $14,250 but not over $36,250.	$1,425, plus 15% of the excess over $14,250.
Over $36,250 but not over $93,650.	$4,725, plus 28% of the excess over $36,250.
Over $93,650 but not over $151,650.	$20,797, plus 31% of the excess over $93,650.
Over $151,650 but not over $297,350.	$38,777, plus 36% of the excess over $151,650.
Over $297,350	$91,229, plus 39.6% of the excess over $297,350.

''(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 7703) a tax determined in accordance with the following table:

''If taxable income is:	The tax is:
Not over $9,500	10% of taxable income.
Over $9,500 but not over $27,050.	$950, plus 15% of the excess over $9,500.
Over $27,050 but not over $65,550.	$3,582.50, plus 28% of the excess over $27,050.
Over $65,550 but not over $136,750.	$14,362.50, plus 31% of the excess over $65,550.
Over $136,750 but not over $297,350.	$36,434.50, plus 36% of the excess over $136,750.
Over $297,350	$94,250.50, plus 39.6% of the excess over $297,350.

''(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

''If taxable income is:	The tax is:
Not over $9,500	10% of taxable income.
Over $9,500 but not over $22,600.	$950, plus 15% of the excess over $9,500.
Over $22,600 but not over $54,625.	$2,915, plus 28% of the excess over $22,600.
Over $54,625 but not over $83,250.	$11,882, plus 31% of the excess over $54,625.
Over $83,250 but not over $148,675.	$20,755.75, plus 36% of the excess over $83,250.
Over $148,675	$44,308.75, plus 39.6% of the excess over $148,675.''.

(b) INFLATION ADJUSTMENT TO APPLY IN DETERMINING RATES FOR 2002.—Subsection (f) of section 1 is amended—

(1) by striking ''1993'' in paragraph (1) and inserting ''2001'',

(2) by striking ''1992'' in paragraph (3)(B) and inserting ''2000'', and

(3) by striking paragraph (7).

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking ''1992'' and inserting ''2000'' each place it appears:

(A) Section 25A(h).
(B) Section 32(j)(1)(B).
(C) Section 41(e)(5)(C).
(D) Section 42(h)(3)(H)(i)(II).
(E) Section 59(j)(2)(B).
(F) Section 63(c)(4)(B).
(G) Section 68(b)(2)(B).
(H) Section 132(f)(6)(A)(ii).
(I) Section 135(b)(2)(B)(ii).
(J) Section 146(d)(2)(B).
(K) Section 151(d)(4).
(L) Section 220(g)(2).
(M) Section 221(g)(1)(B).
(N) Section 512(d)(2)(B).
(O) Section 513(h)(2)(C)(ii).
(P) Section 685(c)(3)(B).
(Q) Section 877(a)(2).
(R) Section 911(b)(2)(D)(ii)(II).
(S) Section 2032A(a)(3)(B).
(T) Section 2503(b)(2)(B).
(U) Section 2631(c)(2).
(V) Section 4001(e)(1)(B).
(W) Section 4261(e)(4)(A)(ii).
(X) Section 6039F(d).
(Y) Section 6323(i)(4)(B).
(Z) Section 6334(g)(1)(B).
(AA) Section 6601(j)(3)(B).
(BB) Section 7430(c)(1).

(2) Subclause (II) of section 42(h)(6)(G)(i) is amended by striking ''1987'' and inserting ''2000''.

(d) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 1(g)(7)(B)(ii)(II) is amended by striking ''15 percent'' and inserting ''10 percent''.

(2) Section 1(h) is amended by striking paragraph (13).

(3) Section 3402(p)(1)(B) is amended by striking ''7, 15, 28, or 31 percent'' and inserting ''5, 10, 15, 28, or 31 percent''.

(4) Section 3402(p)(2) is amended by striking ''15 percent'' and inserting ''10 percent''.

(e) DETERMINATION OF WITHHOLDING TABLES.—Section 3402(a) (relating to requirement of withholding) is amended by adding at the following new paragraph:

''(3) CHANGES MADE BY SECTION 2 OF THE ECONOMIC INSURANCE TAX CUT OF 2001.—Notwithstanding the provisions of this subsection, the Secretary shall modify the tables and procedures under paragraph (1) through the reduction of the amount of withholding required with respect to taxable years beginning in calendar year 2001 to reflect the effective date of the amendments made by section 2 of the Economic Insurance Tax Cut of 2001, and such modification shall take effect on the first day of the first month beginning after the date of the enactment of such Act.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) AMENDMENTS TO WITHHOLDING PROVISIONS.—The amendments made by paragraphs (3) and (4) of subsection (d) shall apply to amounts paid after December 31, 2000.

Mr. CORZINE. Mr. President, I am pleased to join with my distinguished colleague from Florida, Senator GRAHAM, in introducing the legislation to establish a new 10-percent tax bracket.

This bill would provide a simple, fair, and fiscally responsible tax cut that can be enacted quickly, and that can provide an important insurance policy against the risk of an economic slowdown, a slowdown that to most observers appears to be more real and potentially deeper than perceived even as early as in January of this year.

To me, there is little question that our economy needs stimulus, fiscally as well as monetarily, to return to a moderate growth path. The question for policymakers is how to make that happen.

Some, including Fed Chairman Alan Greenspan, have questioned whether Congress is capable of enacting a tax cut quickly enough to prevent a recession or even help lift us out of one on a timely basis. I think we can. In any case, as many other economists, Chairman Greenspan has argued that tax cuts would be helpful once an economic downturn is upon us, if a tax cut were implemented expeditiously.

To make any tax cut effective as an economic insurance policy, Congress and the President need to reach agreement quickly. To facilitate such an agreement, we are proposing that Congress defer consideration of the long list of worthy, and maybe some less worthy, tax cut proposals currently under debate, and, for now, adopt a very straightforward, simple approach.

President Bush has already proposed the creation of a new 10-percent rate bracket for income of up to $12,000 for couples who are currently taxed at 15 percent. The corresponding level for single taxpayers, under the President's proposal, would be $6,000. However, as originally proposed, the Bush rate cut would not be fully effective until 2006.

Senator GRAHAM and I are proposing to immediately—and retroactively for this year—create a 10-percent rate

bracket and increase the threshold of that bracket to $19,000 for married taxpayers and $9,500 for individuals.

There are several reasons why this 10-percent compromise makes sense to us. First, it provides equitable relief to taxpayers at all different income levels. All couples with income tax liabilities would save $950 annually or have their tax liability eliminated entirely.

Second, middle-class families are more likely to spend a tax cut than the wealthier families favored under some aspects of the President's plan. Our proposal would be more effective in boosting the economy now.

Third, our proposal would put roughly $60 billion of the annual non-Social Security surplus into a retroactive tax cut. This is the amount that economists tell us is needed to achieve a noticeable economic impact this year. At this level, we would expect that tax cut to boost GDP by one-half to three-quarters of a percentage point.

Fourth, because of its simplicity, the proposal could be debated, enacted, and implemented very quickly. I think the latter is very important. In fact, if the President and the bipartisan congressional leadership were to come to an agreement, announce an agreement on this package, business and consumer confidence in private spending could be bolstered almost immediately. Later, once the proposal is signed into law, withholding tables could be adjusted in a matter of weeks. That is where the simplicity comes in. By contrast, many of the President's and Congress's proposals are not only controversial and would draw lengthy debate, but would take much longer to be able to be implemented into law.

Finally, while providing a real economic stimulus up front, the cost of our proposal is something that is doable within the current context of our budget. The cost of our proposal is roughly $700 billion. This would not preclude further debt reduction, tax cuts, or spending priorities, such as improvements in education, as the President has suggested, and prescription drug coverage, or increases in defense spending.

By contrast, the President's original proposal provides very limited stimulus up front—only $21 billion in 2001—yet threatens to starve the Government of needed resources in later years, especially when our obligations to Social Security and Medicare begin to grow substantially.

Our 10-percent compromise asks both parties to temporarily give up their favorite tax cut proposals in the interests of a quick compromise which would benefit the country, which would apply the principle that a rising tide lifts all boats. We do not accept the common wisdom that Washington is incapable of acting quickly. There is a need. When it really matters, we know we can keep things simple, and we can get things done, and make them happen.

I congratulate Senator GRAHAM. And I very much appreciate the opportunity to introduce this legislation. We look forward to working with the Congress to try to get a quick and stimulative and simple proposal through the Congress.

By Mr. WYDEN:

S. 483 A bill to amend title 49, United States Code, to improve the disclosure of information to airline passengers and the enforceability of airline passengers and the enforceability of airline passengers' rights under airline customer service agreements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today I am introducing legislation to provide enforceable consumer protections for airline passengers. The bill I introduce today is the result of a process that started over two years ago, when I first introduced bipartisan passenger rights legislation. Instead of enacting that legislation, Congress decided to give the airlines a year-and-a-half to improve customer service through voluntary plans. At the end of that time, the Department of Transportation Inspector General was to report to Congress on the airlines' progress.

The Inspector General released his report last month. It is a carefully researched and balanced document, and it finds that, while the airlines have made progress in some areas, there are also significant continued shortcomings. In particular, in many cases passengers are still not receiving reliable and timely communications about flight delays, cancellations, and diversions. The report recommends a number of specific, reasonable steps that could be taken to improve the experience of the flying public.

I want to commend the chairman of the Commerce Committee, Senator MCCAIN, and Senators HOLLINGS and HUTCHISON, for the bill they have introduced, which reflects the essence of the Inspector General's report. My bill is intended to complement and further the discussion that legislation has begun.

My legislation closely tracks the findings and recommendations of the Inspector General's report. First, it features ''right-to-know'' provisions that require airlines to tell customers when a flight they are about to book a ticket on is chronically delayed or canceled, and to provide better information about overbooking, frequent flyer programs, and lost baggage. The bill also contains provisions to enhance and improve the enforcement of the airlines' customer service commitments, such as requirement that each airline incorporate its commitments into its binding contract of carriage. Finally, the bill calls on the Secretary of Transportation to review existing regulations to make sure airlines adhere to their commitments, and to encourage the establishment of a baseline standard of service for all airlines.

The provisions of this bill are not radical, nor are they regulatory; they are basic reasonable steps based directly on the specific findings and recommendations of the Inspector General. Most importantly, they would create meaningful, enforceable protections for consumers in the areas where the Inspector General has identified ongoing problems.

I am hopeful that my colleagues here in the Senate will join me in supporting this legislation, and 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. 483

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 ''Fair Treatment of Airline Passengers Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) United States airline traffic is increasing. The number of domestic passengers carried by United States air carriers has nearly tripled since 1978, to over 660 million annually. The number is expected to grow to more than 1 billion by 2010. The number of domestic flights has been steadily increasing as well.

(2) The Inspector General of the Department of Transporation has found that with this growth in traffic have come increases in delays, cancellations, and customer dissatisfaction with air carrier service.

(A) The Federal Aviation Administration has reported that, between 1995 and 2000, delays increased 90 percent and cancellations increased 104 percent. In 2000, over 1 in 4 flights were delayed, canceled, or diverted, affecting approximately 163 million passengers.

(B) At the 30 largest United States airports, the number of flights with taxi-out times of 1 hour or more increased 165 percent between 1995 and 2000. The number of flights with taxi-out times of 4 hours or more increased 341 percent during the same period.

(C) Certain flights, particularly those scheduled during peak periods at the nation's busiest airports, are subject to chronic delays. In December, 2000, 626 regularly-scheduled flights arrived late 70 percent of the time or more, as reported by the Department of Transportation.

(D) Consumer complaints filed with the Department of Transportation about airline travel have nearly quadrupled since 1995. The Department of Transportation Inspector General has estimated that air carriers receive between 100 and 400 complaints for every complaint filed with the Department of Transportation.

(3) At the same time as the number of complaints about airline travel has increased, the resources devoted to Department of Transportation handling of such complaints have declined sharply. The Department of Transportation Inspector General has reported that the staffing of the Department of

Transportation office responsible for handling airline customer service complaints declined from 40 in 1985 to just 17 in 2000.

(4) In June, 1999, the Air Transport Association and its member airlines agreed to an Airline Customer Service Commitment designed to address mounting consumer dissatisfaction and improve customer service in the industry.

(5) The Department of Transportation Inspector General has reviewed the airlines' implementation of the Airline Customer Service Commitment. The Inspector General found that:

(A) The Airline Customer Service Commitment has prompted air carriers to address consumer concerns in many areas, resulting in positive changes in how air travelers are treated.

(B) Despite this progress, there continue to be significant shortfalls in reliable and timely communication with passengers about flight delays and cancellations. Reports to passengers about flight status are frequently untimely, incomplete, or unreliable.

(C) Air carriers need to do more, in the areas under their control, to reduce overscheduling, the number of chronically-late or canceled flights, and the amount of checked baggage that does not show up with the passenger upon arrival.

(D) A number of further steps could be taken to improve the effectiveness and enforceability of the Airline Customer Service Commitment and to improve the consumer protections available to commercial air passengers.

SEC. 3. FAIR TREATMENT OF AIRLINE PASSENGERS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"§ 41722. Airline passengers' right to know

"(a) DISCLOSURE OF ON-TIME PERFORMANCE.—Whenever any person contacts an air carrier to make a reservation or to purchase a ticket on a consistently-delayed or canceled flight, the air carrier shall disclose (without being requested), at the time the reservation or purchase is requested, the on-time performance and cancellation rate for that flight for the most recent month for which data is available. For purposes of this paragraph, the term 'consistently-delayed or canceled flight' means a regularly-scheduled flight—

"(1) that has failed to arrive on-time (as defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data are available; or

"(2) at least 20 percent of the departures of which have been canceled during the most recent 3-month period for which data are available.

"(b) ON-TIME PERFORMANCE POSTED ON WEBSITE.—An air carrier that has a website on the Internet shall include in the information posted about each flight operated by that air carrier the flight's on-time performance (as defined in section 234.2 of title 14, Code of Federal Regulations) for the most recent month for which data is available.

"(c) PASSENGER INFORMATION CONCERNING DELAYS, CANCELLATIONS, AND DIVERSIONS.—

"(1) IN GENERAL—Whenever a flight is delayed, canceled, or diverted, the air carrier operating that flight shall provide to customers at the airport and on board the aircraft, in a timely, reasonable, and truthful manner, the best available information regarding such delay, cancellation, or diversion, including—

"(A) the cause of the delay, cancellation, or diversion; and

"(B) in the case of a delayed flight, the carrier's best estimate of the departure time.

"(2) PUBLIC INFORMATION.—An air carrier that provides a telephone number or website for the public to obtain flight status information shall ensure that the information provided via such telephone number or website will reflect the best and most current information available concerning delays, cancellations, and diversions.

"(d) PRE-DEPARTURE NOTIFICATION SYSTEM.—Within 6 months after the date of enactment of the Fair Treatment of Airline Passengers Act, each air carrier that is a reporting carrier (as defined in section 234.2 of title 14, Code of Federal Regulations) shall establish a reasonable system (taking into account the size, financial condition, and cost structure of the air carrier) for notifying passengers before their arrival at the airport when the air carrier knows sufficiently in advance of the check-in time for their flight that the flight will be canceled or delayed by an hour or more.

"(e) COORDINATION OF MONITORS; CURRENT INFORMATION.—At any airport at which the status of flights to or from that airport is displayed to the public on flight status monitors operated by the airport, each air carrier the flights of which are displayed on the monitors shall work closely with the airport to ensure that flight information shown on the monitors reflects the best and most current information available.

"(f) FREQUENT FLYER PROGRAM INFORMATION.—Within 6 months after the date of enactment of the Fair Treatment of Airline Passengers Act, each air carrier that maintains a frequent flyer program shall increase the comprehensiveness and accessibility to the public of its reporting of frequent flyer award redemption information. The information reported shall include—

"(1) the percentage of successful redemptions of requested frequent flyer awards for free tickets or class-of-service upgrades for the air carrier;

"(2) the percentage of successful redemptions of requested frequent flyer awards for free tickets or class-of-service upgrades for each flight in the air carrier's top 100 origination and destination markets; and

"(3) the percentage of seats available for frequent flyer awards on each flight in its top 100 origination and destination markets.

"(g) OVERBOOKING.—

"(1) OVERSOLD FLIGHT DISCLOSURE.—An air carrier shall inform a ticketed passenger, upon request, whether the flight on which the passenger is ticketed is oversold.

"(2) BUMPING COMPENSATION INFORMATION.—An air carrier shall inform passengers on a flight what the air carrier will pay passengers involuntarily denied boarding before making offers to passengers to induce them voluntarily to relinquish seats.

"(3) DISCLOSURE OF BUMPING POLICY.—An air carrier shall disclose, both on its Internet website, if any, and on its ticket jackets, its criteria for determining which passengers will be involuntarily denied boarding on an oversold flight and its procedures for offering compensation to passengers voluntarily or involuntarily denied boarding on an oversold flight.

"(h) MISHANDLED BAGGAGE REPORTING.—Within 6 months after the date of enactment of the Fair Treatment of Airline Passengers Act, each air carrier shall revise its reporting for mishandled baggage to show—

"(1) the percentage of checked baggage that is mishandled during a reporting period;

"(2) the number of mishandled bags during a reporting period; and

"(3) the average length of time between the receipt of a passenger's claim for missing baggage and the delivery of the bag to the passenger.

"(i) SMALL AIR CARRIER EXCEPTION.—This section does not apply to an air carrier that operates no civil aircraft designed to have a maximum passenger seating capacity of more than 30 passengers.

"§ 41723. Enforcement and enhancement of airline passenger service commitments

"(a) ADOPTION OF CUSTOMER SERVICE PLAN.—Within 6 months after the date of enactment of the Fair Treatment of Airline Passengers Act, an air carrier certificated under section 41102 that has not already done so shall—

"(1) develop and adopt a customer service plan designed to implement the provisions of the Airline Customer Service Commitment executed by the Air Transport Association and 14 of its member airlines on June 17, 1999;

"(2) incorporate its customer service plan in its contract of carriage;

"(3) incorporate the provisions of that Commitment if, and to the extent that those provisions are more specific than, or relate to issues not covered by, its customer service plan;

"(4) submit a copy of its customer service plan to the Secretary of Transportation;

"(5) post a copy of its contract of carriage on its Internet website, if any; and

"(6) notify all ticketed customers, either at the time a ticket is purchased or on a printed itinerary provided to the customer, that the contract of carriage is available upon request or on the air carrier's website.

"(b) MODIFICATIONS.—Any modification in any air carrier's customer service plan shall be promptly incorporated in its contract of carriage, submitted to the Secretary, and posted on its website.

"(c) QUALITY ASSURANCE AND PERFORMANCE MEASUREMENT SYSTEM.—

"(1) AIR CARRIERS.—Within 6 months after the date of enactment of the Fair Treatment of Airline Passengers Act, an air carrier certificated under section 41102, after consultation with the Inspector General of the Department of Transportation, shall—

"(A) establish a quality assurance and performance measurement system for customer service; and

"(B) establish an internal audit process to measure compliance with its customer service plan.

"(2) DOT APPROVAL REQUIRED.—Each air carrier shall submit the measurement system established under paragraph (1)(A) and the audit process established under paragraph (1)(B) to the Secretary of Transportation for review and approval.

"(d) CUSTOMER SERVICE PLAN ENHANCEMENTS.—Within 6 months after the date of enactment of the Fair Treatment of Airline Passengers Act, an air carrier certificated under section 41102 shall—

"(1) amend its customer service plan to specify that it will offer to a customer purchasing a ticket at any of the air carrier's ticket offices or airport ticket service counters the lowest fare available for which that customer is eligible; and

"(2) establish performance goals designed to minimize incidents of mishandled baggage.

"(e) SMALL AIR CARRIER EXCEPTION.—This section does not apply to an air carrier that operates no civil aircraft designed to have a maximum passenger seating capacity of more than 30 passengers.".

(b) CIVIL PENALTY.—Section 46301(a)(7) is amended by striking ''40127 or 41712'' and inserting ''40127, 41712, 41722, or 41723''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41721 the following:

''41722. Airline passengers' right to know
''41723. Enforcement and enhancement of airline passenger service commitments''.

SEC. 4. REQUIRED ACTION BY SECRETARY OF TRANSPORTATION.

(a) UNIFORM MINIMUM CHECK-IN TIME; BAGGAGE STATISTICS; BUMPING COMPENSATION.—Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall—

(1) establish a uniform check-in deadline and require air carriers to disclose, both in their contracts of carriage and on ticket jackets, their policies on how those deadlines apply to passengers making connections;

(2) revise the Department of Transportation's method for calculating and reporting the rate of mishandled baggage for air carriers to reflect the reporting requirements of section 41722(h) of title 49, United States Code; and

(3) revise the Department of Transportation's Regulation (14 C.F.R. 250.5) governing the amount of denied boarding compensation for passengers denied boarding involuntarily to increase the maximum amount thereof.

(b) REVIEW OF REGULATIONS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Secretary shall complete a thorough review of the Department of Transportation's regulations that relate to air carriers' treatment of customers, and make such modifications as may be necessary or appropriate to ensure the enforceability of those regulations and the provisions of this Act and of title 49, United States Code, that relate to such treatment, or otherwise to promote the purposes of this Act.

(2) SPECIFIC AREAS OF REVIEW.—As part of such review and modification, the Secretary shall, to the extent necessary or appropriate—

(A) modify existing regulations to reflect this Act and sections 41722 and 41723 of title 49, United States Code;

(B) modify existing regulations to the extent necessary to ensure that they are sufficiently clear and specific to be enforceable;

(C) establish minimum standards, compliance with which can be measured quantitatively, of air carrier performance with respect to customer service issues addressed by the Department of Transportation regulations or the Airline Customer Service Commitment executed by the Air Transport Association and 14 of its member airlines on June 17, 1999;

(D) address the manner in which the Department of Transportation regulations should treat customer service commitments that relate to actions occurring prior to the purchase of a ticket, such as the commitment to offer the lowest available fare, and whether such the inclusion of such commitments in the contract of carriage creates an enforceable obligation prior to the purchase of a ticket;

(E) restrict the ability of air carriers to include provisions in the contract of carriage restricting a passenger's choice of forum in the event of a legal dispute; and

(F) require each air carrier to report information to Department of Transportation on complaints submitted to the air carrier, and modify the reporting of complaints in the Department of Transportation's monthly customer service reports, so those reports will reflect complaints submitted to air carriers as well as complaints submitted to the Department.

(3) EXPEDITED PROCEDURE.—Within 1 year after the date of enactment of this Act, the Secretary shall complete all actions necessary to establish regulations to implement the requirements of this subsection.

SEC. 5. IMPROVED ENFORCEMENT OF AIR PASSENGER RIGHTS.

(a) USE OF AUTHORIZED FUNDS.—In utilizing the funds authorized by section 223 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century for the purpose of enforcing the rights of air travelers, the Secretary of Transportation shall give priority to the areas identified by the Inspector General of the Department of Transportation as needing improvement in Report No. AV-2001-020, submitted to the Congress on February 12, 2001.

(b) SECRETARY REQUIRED TO CONSULT THE SECRETARY'S INSPECTOR GENERAL.—The Secretary of Transportation, in carrying out this Act and the provisions of section 41722 and 41723 of title 49, United States Code, shall consult with the Inspector General of the Department of Transportation.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. DEWINE, Mr. DODD, Ms. COLLINS, Mrs. LINCOLN, and Mr. BREAUX):

S. 484. A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Finance.

Ms. SNOWE. Mr. President I rise today to introduce the Child Protection/Alcohol and Drug Partnership Act, and I am pleased to be joined by my good friends, Senators ROCKEFELLER, DEWINE, DODD, COLLINS, and LINCOLN. Mr. President this bill is an enormously important piece of legislation. It provides the means for states to support some of our most vulnerable families, families who are struggling with alcohol and drug abuse, and the children who are being raised in these homes.

It is obvious, both anecdotally and statistically, that child welfare is significantly impacted by parental substance abuse. And it makes a lot of sense to fund state programs to address these two issues in tandem. The real question in designing and supporting child welfare programs is how can we, public policy makers, government officials, welfare agencies, honestly expect to improve child welfare without appropriately and adequately addressing the root problems affecting these children's lives?

We know that substance abuse is the primary ingredient in child abuse and neglect. Most studies find that between one-third and two-thirds, and some say as high as 80 percent to 90 percent, of children in the child welfare system come from families where parental substance abuse is a contributing factor.

The Child Protection/Alcohol and Drug Partnership Act creates a new five-year $1.9 billion state block grant program to address the connection between substance abuse and child welfare. Payments would be made to promote joint activities among federal, state, and local public child welfare and alcohol and drug prevention and treatment agencies. Our underlying belief, and the point of this bill, is to encourage existing agencies to work together to keep children safe.

HHS will award grants to States and Indian tribes to encourage programs for families who are known to the child welfare system and have alcohol and drug abuse problems. These grants will forge new and necessary partnerships between the child protection agencies and the alcohol and drug prevention and treatment agencies so they can work together to provide services for this population. The program is designed to increase the capacity of both the child welfare and alcohol and drug systems to comprehensively address the needs of these families to improve child safety, family stability, and permanence, and to promote recovery from alcohol and drug problems.

Statistics paint an unhappy picture for children of substance abusing parents: a 1998 report by the National Committee to Prevent Child Abuse found that 36 states reported that parental substance abuse and poverty are the top two problems exhibited by families reported for child maltreatment. And a 1997 survey conducted by the Child Welfare League of America found that at least 52 percent of placements into out-of-home care were due in part to parental substance abuse.

Children whose parents abuse alcohol and drugs are almost three times likelier to be abused and more than four times likelier to be neglected than children of parents who are not substance abusers. Children in alcohol-abusing families were nearly four times more likely to be maltreated overall, almost five times more likely to be physically neglected, and 10 times more likely to be emotionally neglected than children in families without alcohol problems.

A 1994 study published in the American Journal of Public Health found that children prenatally exposed to substances have been found to be two to three times more likely to be abused than non-exposed children. And as many as 80 percent of prenatally drug exposed infants will come to the attention of child welfare before their first birthday. Abused and neglected children under age six face the risk of more severe damage than older children because their brains and neurological systems are still developing.

Unfortunately, child welfare agencies estimate that only a third of the 67

percent of the parents who need drug or alcohol prevention and treatment services actually get help today.

This bill is about preventing problems. My colleagues and I know that what is most important here is the safety and well-being of America's children. We expect much of our youth because they are the future of our nation. In turn, we must be willing to give them the support they need to learn and grow, so that they can lead healthy and productive lives.

In 1997 Congress passed the Adoption and Safe Families Act, ASFA, authored by the late Senator John Chafee. ASFA promotes safety, stability, and permanence for all abused and neglected children and requires timely decision-making in all proceedings to determine whether children can safely return home, or whether they should be moved to permanent, adoptive homes. Specifically, the law requires a State to ensure that services are provided to the families of children who are at risk, so that children can remain safely with their families or return home after being in foster care.

The bill we are introducing today identifies a very specific area in which families and children need services, substance abuse. And it will ensure that States have the funding necessary to provide services as required under the Adoption and Safe Families Act.

On March 23, 2000, Kristine Ragaglia, Commissioner of the Connecticut Department of Children and Families, testified before the House Subcommittee on Human Resources on this issue. She said simply that ''If substance abuse issues are left unaddressed, many of the system's efforts to protect children and to promote positive change in families will be wasted.'' This legislation aims to address this very gap in our nation's child protection system.

I am pleased that this legislation has been endorsed by the American Academy of Child & Adolescent Psychiatry; the American Academy of Pediatrics; the American Prosecutors Research Institute; the American Psychological Association; the American Public Human Services Association; the Child Welfare League of America; the Children's Defense Fund; Fight Crime: Invest in Kids; the Maine Association of Prevention Programs; the Maine Association of Substance Abuse Programs; the Maine Children's Trust; Mainely Parents; the Massachusetts Society for the Prevention of Cruelty to Children; the National Conference of State Legislators; the New York State Office of Alcoholism and Substance Abuse Services; and Prevent Child Abuse America.

I encourage my colleagues to take a look at our bill, to think seriously about the future for kids in their states, and to work with us in passing this very important piece of legislation. I ask unanimous consent that a fact sheet and section-by-section description of the bill be printed in the RECORD.

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

FACT SHEET—CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP ACT OF 2001

The Child Protection/Alcohol and Drug Partnership Act of 2001 is a bill to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies to improve child safety, family stability, and permanence for children in families with drug and alcohol problems, as well as promote recovery from drug and alcohol problems.

Child welfare agencies estimate that only a third of the 67 percent of the parents who need drug or alcohol prevention and treatment services actually get help today. This bill builds on the foundation of the Adoption and Safe Families Act of 1997 which requires states to focus on a child's need for safety, health and permanence. The bill creates new funding for alcohol and drug treatment and other activities that will serve the special needs of these families to either provide treatment for parents with alcohol and drug abuse problems so that a child can safely return to their family or to promote timely decisions and fulfill the requirement of the 1997 Adoption and Safe Families Act to provide services prior to adoption.

Grants to promote child protection/alcohol and drug partnerships

In an effort to improve child safety, family stability, and permanence as well as promote recovery from alcohol and drug abuse problems. HHS will award grants to States and Indian tribes to encourage programs for families who are known to the child welfare system and have alcohol and drug abuse problems. Such grants will forge new and necessary partnerships between the child protection agencies and the alcohol and drug prevention and treatment agencies in States so they can together provide necessary services for this unique population.

These grants will help build new partnerships to provide alcohol and drug abuse prevention and treatment services that are timely, available, accessible, and appropriate and include the following components:

(A) Preventive and early intervention services for the children of families with alcohol and drug problems that combine alcohol and drug prevention services with mental health and domestic violence services, and recognize the mental, emotional, and developmental problems the children may experience.

(B) Prevention and early intervention services for families at risk of alcohol and drug problems.

(C) Comprehensive home-based, out-patient and residential treatment options.

(D) Formal and informal after-care support for families in recovery that promote child safety and family stability.

(E) Services and supports that promote positive parent-child interaction.

Forging new partnerships

GAO and HHS studies indicate that the existing programs for alcohol and drug treatment do not effectively service families in the child protection system. Therefore, this new grant program will help eliminate barriers to treatment and to child safety and permanence by encouraging agencies to build partnerships and conduct joint activities including:

(A) Promote appropriate screening and assessment of alcohol and drug problems.

(B) Create effective engagement and retention strategies that get families into timely treatment.

(C) Encourage joint training for staff of child welfare and alcohol and drug abuse prevention and treatment agencies, and judges and other court personnel to increase understanding of alcohol and drug problems related to child abuse and neglect and to more accurately identify alcohol and drug abuse in families. Such training increases staff knowledge of the appropriate resources that are available in the communities, and increases awareness of the importance of permanence for children and the urgency for expedited time lines in making these decisions.

(D) Improve data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches are most effective.

(E) Evaluate strategies to identify the effectiveness of treatment and those parts of the treatment that have the greatest impact on families in different circumstances.

New, targeted investments

A total of $1.9 billion will be available to eligible states with funding of $200 million in the first year expanding to $575 million by the last year. The amount of funding will be based on the State's number of children under 18, with a small state minimum to ensure that every state gets a fair share. Indian tribes will have a 3–5 percent set aside. State child welfare and alcohol and drug agencies shall have a modest matching requirement for funding beginning with a 15 percent match and gradually increasing to 25 percent. The Secretary has discretion to waive the State match in cases of hardship.

Accountability and performance measurement

To ensure accountability, HHS and the related State agencies must establish indicators within 12 months of the enactment of this law which will be used to assess the State's progress under this program. Annual reports by the States must be submitted to HHS. Any state that fails to submit its report will lose its funding for the next year, until it comes into compliance. HHS must issue an annual report to Congress on the progress of the Child Protection/Alcohol and Drug Partnership grants.

SECTION-BY-SECTION—CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP ACT OF 2001

A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and Local public child welfare and alcohol and drug abuse prevention and treatment agencies.

Grants to promote child protection/alcohol and drug partnership for children

In an effort to improve child safety, family stability, and permanence, as well as promote recovery from alcohol and drug abuse problems, the Secretary may award grants to eligible States and Indian tribes to foster programs for families who are known to the child welfare system to have alcohol and drug abuse problems. The Secretary shall notify States and Indian tribes of approval or denial not later than 60 days after submission.

State plan requirements

In order to meet the prevention and treatment needs of families with alcohol and drug abuse problems in the child welfare system and to promote child safety, permanence, and family stability, State agencies will

jointly work together, creating a plan to identify the extent of the drug and alcohol abuse problem.

Creation of plan—State agencies will provide data on appropriate screening and assessment of cases, consultation on cases involving alcohol and drug abuse, arrangements for addressing confidentiality and sharing of information, cross training of staff, co-location of services, support for comprehensive treatment for parents and their children, and priority of child welfare families for assessment or treatment.

Identify activities—A description of the activities and goals to be implemented under the five-year funding cycle should be identified, such as: identify and assess alcohol and drug treatment needs, identify risks to children's safety and the need for permanency, enroll families in appropriate services and treatment in their communities, and regularly assess the progress of families receiving such treatment.

Implement prevention and treatment services—States and Indian tribes should implement individualized alcohol and drug abuse prevention and treatment services that are available, accessible, and appropriate that include the following components:

(A) Preventive and early intervention services for the children of families with alcohol and drug abuse problems that integrate alcohol and drug abuse prevention services with mental health and domestic violence services, as well as recognizing the mental, emotional, and developmental problems the children may experience.

(B) Prevention and early intervention services for parents at risk for alcohol and drug abuse problems.

(C) Comprehensive home-based, out-patient and residential treatment options.

(D) Formal and informal after-care support for families in recovery.

(E) Services and programs that promote parent-child interaction.

Sharing information among agencies—Agencies should eliminate existing barriers to treatment and to child safety and permanence by sharing information among agencies and learning from the various treatment protocols of other agencies such as:

(A) Creating effective engagement and retention strategies.

(B) Encouraging joint training of child welfare staff and alcohol and drug abuse prevention agencies, and judges and court staff to increase awareness and understanding of drug abuse and related child abuse and neglect and more accurately identify abuse in families, increase staff knowledge of the services and resources that are available in the communities, and increase awareness of permanence for children and the urgency for time lines in making these decisions.

(C) Improving data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches are most effective.

(D) Evaluation strategies to identify the effectiveness of treatment that has the greatest impact on families in different circumstances.

(E) Training and technical assistance to increase the State's capacity to perform the above activities.

Plan descriptions and assurances—States and Indian tribes should create a plan that includes the following descriptions and assurances:

(A) A description of the jurisdictions in the State whether urban, suburban, or rural, and the State's plan to expand activities over the 5-year funding cycle to other parts of the State.

(B) A description of the way in which the State agency will measure progress, including how the agency will jointly conduct an evaluation of the results of the activities.

(C) A description of the input obtained from staff of State agencies, advocates, consumers of prevention and treatment services, line staff from public and private child welfare and drug abuse agencies, judges and court staff, representatives of health, mental health, domestic violence, housing and employment services, as well as representative of the State agency in charge of administering the temporary assistance to needy families program (TANF).

(D) An assurance of coordination with other services provided under other Federal or federally assisted programs including health, mental health, domestic violence, housing, employment programs, TANF, and other child welfare and alcohol and drug abuse programs and the courts.

(E) An assurance that not more than 10 percent of expenditures under the State plan for any fiscal year shall be for administrative costs. However, Indian tribes will be exempt from this limitation and instead may use the indirect cost rate agreement in effect for the tribe.

(F) An assurance from States that Federal funds provided will not be used to supplant Federal or non-Federal funds for services and activities provided as of the date of the submission of the plan. However, Indian tribes will be exempt from this provision.

Amendments—A State or Indian tribe may amend its plan, in whole or in part at any time through a plan amendment. The amendment should be submitted to the Secretary not later than 30 days after the date of any changes. Approval from the Secretary shall be presumed unless, the State has been notified of disapproval within 60 days after receipt.

Special application to Indian tribes—The Indian tribe must submit a plan to the Secretary that describes the activities it will undertake with both the child welfare and alcohol and drug agencies that serve its children to address the needs of families who come to the attention of the child welfare agency who have alcohol and drug problems. The Indian tribe must also meet other applicable requirements, unless the Secretary determines that it would be inappropriate based on the tribe's resources, needs, and other circumstances.

Appropriation of funds

Appropriations—A total of 1.9 billion dollars will be appropriated to eligible States and Indian tribes at the progression rate of:

(1) for fiscal year 2002, $200,000,000;

(2) for fiscal year 2003, $275,000,000;

(3) for fiscal year 2004, $375,000,000;

(4) for fiscal year 2005, $475,000,000; and

(5) for fiscal year 2006, $575,000,000.

Territories—The Secretary of HHS shall reserve 2 percent of the amount appropriated each fiscal year for payments to Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands. In addition, the Secretary shall reserve from 3 to 5 percent of the amount appropriated for direct payment to Indian tribes.

Research and training—The Secretary shall reserve 1 percent of the appropriated amount for each fiscal year for practice-based research on the effectiveness of various approaches for screening, assessment, engagement, treatment, retention, and monitoring of families and training of staff in such areas. In addition, the Secretary will also ensure that a portion of these funds are used for research on the effectiveness of these approaches for Indian children and the training of staff.

Determination of use of funds—Funds may only be used to carry out a specific research agenda established by the Secretary, together with the Assistant Secretary of the Administration for Children and Families and the Administrator of Substance Abuse and Mental Health Services Administration with input from public and private nonprofit providers, consumers, representatives of Indian tribes and advocates.

Payments to states

Amount of grant to States and territories—Each eligible State will receive an amount based on the number of children under the age of 18 that reside in that State. There will be a small state minimum of .05 percent to ensure that all States are eligible for sufficient funding to establish a program.

Amount of grant to Indian tribes or tribal organizations—Indian tribes shall be eligible for a set aside of 3 to 5 percent. This amount will be distributed based on the population of children under 18 in the tribe.

State matching requirement—States shall provide, through non-Federal contributions, the following applicable percentages for a given fiscal year:

(A) for fiscal years 2002 and 2003, 15 percent match;

(B) for fiscal years 2004 and 2005, 20 percent match; and

(C) for fiscal year 2006, 25 percent match.

Source of match—The non-Federal contributions required of States may be in cash or in-kind including plant equipment or services made directly from donations from public or private entities. Amounts received from the Federal Government may not be included in the applicable percentage of contributions for a given fiscal year. However, Indian tribes may use three Federal sources of matching funds: Indian Child Welfare Act funds, Indian Self-Determination and Education Assistance Act Funds, and Community Block Grant funds.

Waiver—The Secretary may modify matching funds if it is determined that extraordinary economic conditions in the State justify the waiver. Indian tribes' matching funds may also be modified if the Secretary determines that it would be inappropriate based on the resources and needs of the tribe.

Use of funds and deadline for request of payment—Funds may only be used to carry out activities specified in the plan, as approved by the Secretary. Each State or Indian tribe shall apply to be paid funds not later than the beginning of the fourth quarter of a fiscal year or they will be reallotted.

Carryover and reallocation of funds—Funds paid to an eligible State or Indian tribe may be used in that fiscal year or the succeeding fiscal year. If a State does not apply for funds allotted within the time provided, the funds will be reallotted to one or more other eligible States on the basis of the needs of that individual state. In the case of Indian tribes, funds will be reallotted to remaining tribes that are implementing approved plans.

Performance measurement

Establishment of indicators—The Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration within HHS, and with state and local government, public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs, court staff, consumers of the

services, and advocates for these children and parents will establish indicators within 12 months of the enactment of this law which will be used to assess the performance of States and Indian tribes. A State or Indian tribe will be measured against itself, assessing progress over time against a baseline established at the time the grant activities were undertaken.

Illustrative examples—Indicators of activities to be measured include:

(A) Improve screening and assessment of families.

(B) Increase availability of comprehensive individualized treatment.

(C) Increase the number/proportion of families who enter treatment promptly.

(D) Increase engagement and retention.

(E) Decrease the number of children who re-enter foster care after being returned to families who had alcohol or drug problems.

(F) Increase number/proportion of staff trained.

(G) Increase the proportion of parents who complete treatment and show improvement in their employment status.

Reports—The child welfare and alcohol and drug abuse and treatment agencies in each eligible state, and the Indian tribes that receive funds shall submit no later than the end of the first fiscal year, a report to the Secretary describing activities carried out, and any changes in the use of the funds planned for the succeeding fiscal year. After the first report is submitted, a State or Indian tribe must submit to the Secretary annually, by the end of the third quarter in the fiscal year, a report on the application of the indicators to its activities, an explanation of why these indicators were chosen, and the results of the evaluation to date. After the third year of the grant all of the States must include indicators that address improvements in treatment. A final report on evaluation and the progress made must be submitted to the Secretary not later than the end of each five year funding cycle of the grant.

Penalty—States or Indian tribes that fail to report on the indicators will not be eligible for grant funds for the fiscal year following the one in which it failed to report, unless a plan for improving their ability to monitor and evaluate their activities is submitted to the Secretary and then approved in a timely manner.

Secretarial reports and evaluations—Beginning October 1, 2003, the Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, and the Administrator of the Substance Abuse and Mental Health Service Administration, shall report annually, to the Committee on Ways and Means of the House of the Representatives and the Committee on Finance of the Senate on the joint activities, indicators, and progress made with families.

Evaluations—Not later than six months after the end of each five year funding cycle, the Secretary shall submit a report to the above committees, the results of the evaluations as well as recommendations for further legislative actions.

Mr. ROCKEFELLER. Mr. President, I am here today to talk about our Nation's most vulnerable children, innocent children who have been abused or neglected by parents, many of whom have alcohol and drug abuse problems. Over 500,000 children receive foster care services nationwide, including 3,000 children in West Virginia. These numbers belie our policy that every child deserves a safe, healthy, permanent home, as specified in the fundamental guidelines set forth in the 1997 Adoption and Safe Families Act, ASFA.

National statistics tell us that a majority of families in the child welfare system may struggle with alcohol and/or drug abuse. One recent survey noted that 67 percent of parents involved in child abuse or neglect cases required alcohol or drug treatment, but only one-third of those parents received appropriate treatment or services to address their addiction. In my own state of West Virginia, over half of the children placed in the foster care system have families with substance abusing behaviors. We are also aware of countless numbers of other children who, while not receiving foster care services, are at risk of neglect due to their parents' addictions.

Another stunning, sad statistic is that children with open child welfare cases whose parents have substance abuse problems are younger than other children in the foster care system and are more likely to suffer severe, chronic neglect from their parents. Once these children are placed in the foster care system, they tend to stay in care longer than other children.

It will be impossible to achieve the critical goal of safe, healthy, and permanent homes for children in the child protection system if we do not address the problems of parental alcohol and drug abuse.

Examining the effects of substance abuse involves complex and far-reaching issues. As part of the 1997 Adoption and Safe Families Act, the Department of Health and Human Services, HHS, was directed to study substance abuse as it relates to and within the framework of the child protection system. Their important report, ''Blending Perspectives and Building Common Ground,'' outlines many challenges. It concludes that we lack the necessary array of appropriate substance abuse treatment programs and services, and emphasizes the well-known lack of services designed for women, especially for women and their children. In addition, the report notes that the separate substance abuse and child protection systems have no purposeful, planned partnership to address the unique needs of abused and neglected children.

The report details the lack of a cooperative, inter-agency relationship between the two systems whose staffs work diligently to provide services under their own jurisdiction, but have minimal communication, different goals, and divergent service philosophies with regard to each other. For example, each system has different definitions of the ''client served.'' While ASFA views the child as ''the client'' and expects child protection agencies and courts to consider termination, within a 22-month time frame, of parental rights for children receiving foster care service for 15 months, substance abuse treatment providers often view the adult as the client, with different time frames and expectations for recovery.

In order to meet the goals of ASFA, we must develop new ways to encourage these two independent systems to work together on behalf of parents with substance abuse problems and their children. The issues of addiction and children receiving protection services cannot be addressed in isolation. It is essential to consider the total picture: The needs of the child, the needs of the parents, and cost-effective services that meet adoption laws' goal to provide every child with a safe, healthy, and permanent home.

The HHS report identifies significant priorities. First, it calls for building collaborative working relationships between the child protection and substance abuse agencies.

While substance abuse treatment is a challenge in and of itself, the report explains that effective treatment is further complicated for parents with children. The majority of substance abuse treatment programs are not set up to serve both women and their children. While our country in general lacks the comprehensive services needed for such families, there are some models and promising practices on how to serve both parents and children.

One model can be found in my State, the MOTHERS program in Beckley, WV, which serves women and their children. The majority of these women have either lost custody of their children or were under child protection service investigation or mandate, are typically unemployed and untrained for gainful employment, have few aspirations, and wrestle with depression. This innovation program simultaneously addresses the needs of both mothers and their children, through individual and joint therapy, in such areas as recovery, mental health counseling, employment, academic education, healthy living skills, parenting, and family permanency. These services are provided using a residential model where mothers and their children live in a therapeutic environment and receive temporary housing, meal service, recreation activities, and transportation to and from community Alcoholics Anonymous and Narcotics Anonymous meetings. The bill we are introducing today would give other localities the opportunity to develop similar programs or alternative models.

In addition, the HHS report recognizes the importance of research to better understand the relationship between substance abuse and child maltreatment.

Today, I am proud to join with my colleagues, Senators SNOWE, DEWINE, and DODD, to introduce legislation to address the challenges of abused and neglected children whose parents have

alcohol and/or drug problems. We have worked with state officials, child advocates, criminal justice officials, and members of the substance abuse community to develop the Child Protection/Alcohol and Drug Partnership Act of 2001. This bill builds on ASFA's fundamental goal of making a child's safety, health, and permanency paramount.

To accomplish this bold purpose, we must invest in a partnership designed to respond to the needs and priorities outlined in the HHS report. I believe that a new program and a new approach are essential. Existing substance abuse treatment programs such as those designed to serve single males cannot respond to the needs of a mother and her child.

To be effective, we must connect child protection and substance abuse treatment staffs and support them to work in partnership to test and identify best practices. Forging new partnerships take time—and it takes money. That is why this bill invests $1.9 billion over 5 years to combat the problems of substance abuse faced by families whose children are sheltered by the child protection system. I understand this is a large sum, but alcohol and drug abuse is an enormous problem in our country and represents an overwhelming financial and human loss. Before reacting to the bill expenditure alone, consider the costs we would incur if we remain silent on this issue. If we do not invest in substance abuse prevention and treatment for such families, we cannot effectively combat the abuse and neglect of children.

Our bill is designed to tackle this tough issue and encourage child protection and substance abuse agencies to work in partnership and promote innovative approaches within both of their systems to support women and their children. This bill can provide funding for outreach services to families, screening and assessment to enhance prevention, outpatient or residential treatment services, retention supports to aid mothers to remain in treatment, and aftercare services to keep families and children safe. This bill also addresses the importance of dual training for the staffs of the child protection and substance abuse treatment systems, to share effective strategies in order to meet the goal of safe and permanent homes for children.

If we choose to invest in child protection and substance abuse partnerships for families, we can achieve two things. For many families, I hope that parents will achieve sobriety through treatment and that their children will return to a safe and stable home. For those who are unsuccessful, we will know that we have put forth a reasonable, good faith effort and learned an important lesson—that some children need alternate homes, and that we will still need to pursue adoption for some children. Under the Adoption and Safe Families Act, courts cannot move forward on adoption until appropriate services have been provided to families. That is the law, and we need to follow it.

Our bill will promote a responsible approach with a focus on accountability. It requires annual progress reports that detail defined outcomes, challenges, and proposed solutions. These reports will evaluate parental treatment outcomes, the child's safety, and the stability of the family.

Throughout the years, I have worked to address the needs of abused and neglected children in a bipartisan matter. I am proud to continue this bipartisan approach as we come to grips with such a controversial and emotionally charged issue as protecting children who are abused and neglected by their substance-abusing parents.

By Mr. HOLLINGS (for himself and Mr. McCAIN):

S. 485. A bill to amend Federal law regarding the tolling of the Interstate Highway System; to the Committee on Environment and Public Works.

Mr. HOLLINGS. Mr. President, I rise to bring to your attention an issue of great national concern. We all remember the great debate that this Chamber had last year during reauthorization of the federal highway bill, TEA–21. We all negotiated to get more funds for our states because we know that more investment in our highways means better, safer, and more efficient transportation for those who rely on roads for making deliveries, going to work or school, or just doing the grocery shopping. Transportation is the linchpin for economic development, and those states that have good, efficient transportation systems attract business development, ultimately raising standards of living. However, I think that we may have gone too far in authorizing states additional means to raise revenue for highway improvements. These means to raise revenue are not productive and hurt our system of transportation.

Specifically, I am concerned that states have too much flexibility to establish tolls on our Interstate highway system. For many states, the large increases in TEA–21 funding have satisfied the need to invest in infrastructure. Other states have found that they need to raise more money, and so they have raised their state fuel taxes or taken other actions to raise the needed revenue. These increases may be difficult to implement politically, because frankly most people don't support any tax increase. However, I believe that highway tolls are a non-productive and overly intrusive means of raising revenue causing more harm to commerce than can be justified.

Congress, mistakenly in my opinion, increased the authority of states to put tolls on their Interstate highway in TEA–21. I am introducing the interstate Tolls Relief Act of 2001 to restrict Interstate toll authority. The debate over highway tolls goes back to the genesis of our Republic, and contributed to our movement away from the Articles of Confederation to a more uniform system of governance under the U.S. Constitution. Toll roads were the bane of commerce, in the early years of the Republic, as each state would attempt to toll the interstate traveling public to finance state public improvements. Ultimately, frustration with delay and uneven costs helped contribute to the adoption of Commerce Clause powers to help facilitate interstate and foreign trade. Those same concerns hold true today, and I think that we in Congress must take a national perspective and promote interstate commerce.

I think that if one were to ask the citizens of the United States about tolls, they would ultimately conclude that Interstate tolls would reduce by efficiency of our Interstate highways, increase shipping costs, and make interstate travel more expensive and less convenient. Not to mention the safety problems associated with erecting toll booths and operating them to collect revenues.

Now, I recognize that tolls under certain circumstances may be a good idea, and my bill does not prevent states from tolling non-Interstate highways. My bill also does not affect tolls on highways where they are already in use, and states will continue to be able to rely on existing tolls for revenues. Furthermore, my bill recognizes that when funds must be found for a major Interstate bridge or tunnel project, states may have no other option but to use tolls to finance the project. They may continue to do so under my bill. I believe this consistent with the original intent of authority granted for Interstate tolls. What my bill does is to prevent the proliferation of Interstate tolls, and restrict tolling authority for major bridges and tunnels.

This bill is essential if we are to continue to have an Interstate Highway System that is safe and facilitates the efficient movement of Interstate commerce and personal travel. I urge the support of my colleagues.

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. 485

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 ''Interstate Tolls Relief Act of 2001''.

SEC. 2. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM REPEALED.

Section 1216(b) of the Transportation Equity Act for the 21st Century (112 Stat. 212-214; 23 U.S.C. 19 nt) is repealed.

SEC. 3. TOLLS ON BRIDGES AND TUNNELS.

Section 129(a)(1)(C) of title 23, United States Code, is amended by striking ''toll-free bridge or tunnel'' and inserting ''toll-free major bridge or toll-free tunnel''.

SEC. 4. LIMITATION ON USE OF TOLL REVENUES.

Section 129(a)(3) of title 23, United States Code, is amended by—

(1) striking ''first'' in the first sentence and inserting ''only''; and

(2) striking ''If the State certifies annually that the tolled facility is being adequately maintained, the State may use any toll revenues in excess of amounts required under the preceding sentence for any purpose for which Federal funds may be obligated by a State under this title.''.

By Mr. LEAHY (for himself, Mr. SMITH of Oregon, Ms. COLLINS, Mr. LEVIN, Mr. FEINGOLD, Mr. JEFFORDS, Mr. KENNEDY, Mr. CHAFEE, Mr. AKAKA, Ms. MIKULSKI, Mr. DODD, Mr. LIEBERMAN, Mr. TORRICELLI, Mr. WELLSTONE, Mrs. BOXER, and Mr. CORZINE):

S. 486. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, a little over one year ago, I came to this floor to draw attention to the growing crisis in the administration of capital punishment. I noted the startling number of cases, 85, in which death row inmates had been exonerated after long stays in prison. In some of those cases, the inmate had come within days of being executed.

A lot has happened in a year. For one thing, a lot more death row inmates have been exonerated. The number jumped in a single year from 85 all the way to 95. There are now 95 people in 22 States who have been cleared of the crime that sent them to death row, according to the Death Penalty Information Center. The appalling number of exonerations, and the fact that they span so many States, a substantial majority of the States that have the death penalty, makes it clearer than ever that the crisis I spoke of last year is real, and that it is national in its scope. This is not an ''Illinois problem'' or a ''Texas problem.'' Nor, with Earl Washington's release last month from prison, is it a ''Virginia problem.'' There are death penalty problems across the nation, and as a nation we need to pay attention to what is happening.

It seems like every time you pick up a paper these days, there is another story about another person who was sentenced to death for a crime that he did not commit. The most horrifying miscarriages of justice are becoming commonplace: ''Yet Another Innocent Person Cleared By DNA, Walks Off Death Row,'' story on page 10. We should never forget that behind each of these headlines is a person whose life was completely shattered and nearly extinguished by a wrongful conviction.

And those were the ''lucky'' ones. We simply do not know how many innocent people remain on death row, and how many may already have been executed.

People of good conscience can and will disagree on the morality of the death penalty. I have always opposed it. I did when I was a prosecutor, and I do today. But no matter what you believe about the death penalty, no one wants to see innocent people sentenced to death. It is completely unacceptable.

A year ago, along with several of my colleagues, I introduced the Innocence Protection Act of 2000. I hoped this bill would stimulate a national debate and begin work on national reforms on what is, as I said, a national problem. A year later, the national debate is well under way, but the need for real, concrete reforms is more urgent than ever.

Today, my friend GORDON SMITH and I are introducing the Innocence Protection Act of 2001. We are joined by Senators from both sides of the aisle, by some who support capital punishment and by others who oppose it. On the Republican side, I want to thank Senators SUSAN COLLINS and LINCOLN CHAFEE, and my fellow Vermonter JIM JEFFORDS. On the Democratic side, my thanks to Senators LEVIN, FEINGOLD, KENNEDY, AKAKA, MIKULSKI, DODD, LIEBERMAN, TORRICELLI, WELLSTONE, BOXER and CORZINE. I also want to thank our House sponsors WILLIAM DELAHUNT, and RAY LAHOOD, along with their 117 additional cosponsors, both Democratic and Republican.

Over the last year we have turned the corner in showing that the death process is broken. Now we will push forward to our goal of acting on reforms that address these problems.

Here on Capitol Hill it is our job to represent the public. The scores of legislators who have sponsored this legislation clearly do represent the American public, both in their diversity and in their readiness to work together in a bipartisan manner for common-sense solutions.

Too often in this chamber, we find ourselves dividing along party or ideological lines. The Innocence Protection Act is not about that, and it is not about whether, in the abstract, you favor or disfavor the death penalty. It is about what kind of society we want America to be in the 21st Century.

The goal of our bill is simple, but profoundly important: to reduce the risk of mistaken executions. The Innocence Protection Act proposes basic, common-sense reforms to our criminal justice system that are designed to protect the innocent and to ensure that if the death penalty is imposed, it is the result of informed and reasoned deliberation, not politics, luck, bias, or guesswork. We have listened to a lot of good advice and made some refinements to the bill since the last Congress, but it is still structured around two principal reforms: improving the availability of DNA testing, and ensuring reasonable minimum standards and funding for court-appointed counsel.

The need to make DNA testing more available is obvious. DNA is the fingerpint of the 21st Century. Prosecutors across the country use it, and rightly so, to prove guilt. By the same token, it should be used to do what it is equally scientifically reliable to do, prove innocence. Our bill would provide broader access to DNA testing by convicted offenders. It would also prevent the premature destruction of biological evidence that could hold the key to clearing an innocent person or identifying the real culprit.

I am gratified that our bill has served as a catalyst for reforms in the States with respect to post-conviction DNA testing. In just one year, several States have passed some form of DNA legislation. Others have DNA bills under consideration. Much of this legislation is modeled on the DNA provisions proposed in the Innocence Protection Act, and we can be proud about this.

But there are still many States that have not moved on this issue, even though it has been more than six years since New York passed the Nation's first post-conviction DNA statute. And some of the States that have acted have done so in ways that will leave the vast majority of prisoners without access to DNA testing. Moreover, none of these new laws addresses the larger and more urgent problem of ensuring that people facing the death penalty have adequate legal representation. The Innocence Protection Act does address this problem.

In our adversarial system of justice, effective assistance of counsel is essential to the fair administration of justice. Unfortunately, the manner in which defense lawyers are selected and compensated in death penalty cases too often results in fundamental unfairness and unreliable verdicts. More than two-thirds of all death sentences are overturned on appeal or after post-conviction review because of errors in the trial; such errors are minimized when the defendant has a competent counsel.

It is a sobering fact that in some areas of the Nation it is often better to be rich and guilty than poor and innocent. All too often, lawyers defending people whose lives are at stake are inexperienced, inept, or just plain incompetent. All too often, they fail to take the time to review the evidence and understand the basic facts of the case before the trial is under way.

The reasons for this inadequacy of representation are well know: lack of

standards for choosing defense counsel, and lack of funding for this type of legal service. The Innocence Protection Act addresses these problems head on. It calls for the creation of a temporary Commission on Capital Representation, which would consist of distinguished American legal experts who have experienced the criminal justice system first hand, prosecutors, defense lawyers, and judges. The Commission would be tasked with formulating standards that specify the elements of an effective system for providing adequate representation in capital cases. The bill also authorizes more than $50,000,000 in grants to help put the new standards into effect.

We have consulted a great many legal experts in the course of formulating these provisions. They have all provided valuable insights, but as a former prosecutor myself, I have been particularly pleased with the encouragement and assistance we have received from prosecutors across the nation.

Good prosecutors have two things in common. First, good prosecutors want to convict the person, not to get a conviction that may be a mistake, and that may leave the real culprit in the clear. Second, good prosecutors want defendants to be represented by good defense lawyers. Lawyers who investigate their client's cases thoroughly before trial, and represent their clients vigorously in court, are essential in getting at the truth in our adversarial system.

Given some leadership from the people's representatives in Congress, some fair and objective standards, and some funding, America's prosecutors will be ready, willing and able to help fix the system. We owe them, and the American people, that leadership.

On August 3, 1995, more than five years ago, the Conference of Chief Justices urged the judicial leadership in each State in which the death penalty is authorized by law to ''establish standards and a process that will assure the timely appointment of competent counsel, with adequate resources, to represent defendants in capital cases at each stage of such proceedings.'' The States' top jurists, the people who run our justice system, called for reform. But not much came of their initiative. Although a few States have established effective standards and sound administrative systems for the appointment and compensation of counsel in capital cases, most have not. The do-nothing politics of gridlock got in the way of sensible, consensus-based reform.

We have made a commitment to the American people to do better than that. At the end of the last Congress, members on both sides of the aisle joined together to pass the Paul Coverdell National Forensic Sciences Improvement Act and the DNA Analysis Backlog Elimination Act. I strongly supported both bills, which will give States the help they desperately need to reduce the backlogs of untested DNA evidence in their crime labs, and to improve the quality and capacity of these facilities. Both bills passed unanimously in both houses. And in both bills, all of us here in Congress committed ourselves to working with the States to ensure access to post-conviction DNA testing in appropriate cases, and to improve the quality of legal representation in capital cases through the establishment of counsel standards. Congress has already gone on record in recognizing what has to be done. Now it is time to actually do it.

If we had a series of close calls in airline traffic, we would be rushing to fix the problem. These close calls on death row should concentrate our minds, and focus our will, to act.

This new Congress is, as our new President has said, a time for leadership. It is a time for fulfilling the commitments we have made to the American people. And it is a time for action. The Innocence Protection Act is a bipartisan effort to move beyond the politics of gridlock. By passing it, we can work cooperatively with the States to ensure that defendants who are put on trial for their lives have competent legal representation at every stage of their cases. By passing it, we can send a message about the values of fundamental justice that unite all Americans. And by passing it, we can substantially reduce the risk of executing innocent people. We have had a constructive debate, and we have made a noble commitment. It is now time to act.

I ask unanimous consent that the text of the bill and a summary of the bill be included in the RECORD.

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

S. 486

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 ''Innocence 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.

TITLE I—EXONERATING THE INNOCENT THROUGH DNA TESTING

Sec. 101. Findings and purposes.
Sec. 102. Post-conviction DNA testing in Federal criminal justice system.
Sec. 103. Post-conviction DNA testing in State criminal justice systems.
Sec. 104. Prohibition pursuant to section 5 of the 14th amendment.
Sec. 105. Grants to prosecutors for DNA testing programs.

TITLE II—ENSURING COMPETENT LEGAL SERVICES IN CAPITAL CASES

Sec. 201. National Commission on Capital Representation.
Sec. 202. Capital defense incentive grants.
Sec. 203. Amendments to prison grant programs.
Sec. 204. Effect on procedural default rules.
Sec. 205. Capital defense resource grants.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Increased compensation in Federal cases.
Sec. 302. Compensation in State death penalty cases.
Sec. 303. Certification requirement in Federal death penalty prosecutions.
Sec. 304. Alternative of life imprisonment without possibility of release.
Sec. 305. Right to an informed jury.
Sec. 306. Annual reports.
Sec. 307. Sense of Congress regarding the execution of juvenile offenders and the mentally retarded.

TITLE I—EXONERATING THE INNOCENT THROUGH DNA TESTING

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Over the past decade, deoxyribonucleic acid testing (referred to in this section as ''DNA testing'') has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene.

(2) Because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant. In other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact.

(3) While DNA testing is increasingly commonplace in pretrial investigations today, it was not widely available in cases tried prior to 1994. Moreover, new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce. Consequently, in some cases convicted inmates have been exonerated by new DNA tests after earlier tests had failed to produce definitive results.

(4) Since DNA testing is often feasible on relevant biological material that is decades old, it can, in some circumstances, prove that a conviction that predated the development of DNA testing was based upon incorrect factual findings. Uniquely, DNA evidence showing innocence, produced decades after a conviction, provides a more reliable basis for establishing a correct verdict than any evidence proffered at the original trial. DNA testing, therefore, can and has resulted in the post-conviction exoneration of innocent men and women.

(5) In more than 80 cases in the United States, DNA evidence has led to the exoneration of innocent men and women who were wrongfully convicted. This number includes at least 10 individuals sentenced to death, some of whom came within days of being executed.

(6) In more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the identification of the actual perpetrator.

(7) Experience has shown that it is not unduly burdensome to make DNA testing available to inmates. The cost of that testing is relatively modest and has decreased in recent years. Moreover, the number of cases in which post-conviction DNA testing is appropriate is small, and will decrease as pretrial testing becomes more common.

(8) Under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence. Under Federal law, motions for a new trial based on newly discovered evidence must be made within 3 years after conviction. In most States, those motions must be made not later than 2 years after conviction, and sometimes much sooner. The result is that laws intended to prevent the use of evidence that has become less reliable over time have been used to preclude the use of DNA evidence that remains highly reliable even decades after trial.

(9) The National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude that testing, and notwithstanding the inability of an inmate to pay for the testing.

(10) Since New York passed the Nation's first post-conviction DNA statute in 1994, only a few States have adopted post-conviction DNA testing procedures, and some of these procedures are unduly restrictive. Moreover, only a handful of States have passed legislation requiring that biological evidence be adequately preserved.

(11) In 1994, Congress passed the DNA Identification Act, which authorized the construction of the Combined DNA Index System, a national database to facilitate law enforcement exchange of DNA identification information, and authorized funding to improve the quality and availability of DNA testing for law enforcement identification purposes. In 2000, Congress passed the DNA Analysis Backlog Elimination Act and the Paul Coverdell Forensic Sciences Improvement Act, which together authorized an additional $908,000,000 over 6 years in DNA-related grants.

(12) Congress should continue to provide financial assistance to the States to increase the capacity of State and local laboratories to carry out DNA testing for law enforcement identification purposes. At the same time, Congress should insist that States which accept financial assistance make DNA testing available to both sides of the adversarial system in order to enhance the reliability and integrity of that system.

(13) In Herrera v. Collins, 506 U.S. 390 (1993), a majority of the members of the Court suggested that a persuasive showing of innocence made after trial would render the execution of an inmate unconstitutional.

(14) It shocks the conscience and offends social standards of fairness and decency to execute innocent persons or to deny inmates the opportunity to present persuasive evidence of their innocence.

(15) If biological material is not subjected to DNA testing in appropriate cases, there is a significant risk that persuasive evidence of innocence will not be detected and, accordingly, that innocent persons will be unconstitutionally executed.

(16) Given the irremediable constitutional harm that would result from the execution of an innocent person and the failure of many States to ensure that innocent persons are not sentenced to death, a Federal statute assuring the availability of DNA testing and a chance to present the results of testing in court is a congruent and proportional prophylactic measure to prevent constitutional injuries from occurring.

(b) PURPOSES.—The purposes of this title are to—

(1) substantially implement the Recommendations of the National Commission on the Future of DNA Evidence in the Federal criminal justice system, by authorizing DNA testing in appropriate cases;

(2) prevent the imposition of unconstitutional punishments through the exercise of power granted by clause 1 of section 8 and clause 2 of section 9 of article I of the Constitution of the United States and section 5 of the 14th amendment to the Constitution of the United States; and

(3) ensure that wrongfully convicted persons have an opportunity to establish their innocence through DNA testing, by requiring the preservation of DNA evidence for a limited period.

SEC. 102. POST-CONVICTION DNA TESTING IN FEDERAL CRIMINAL JUSTICE SYSTEM.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by inserting after chapter 155 the following:

"CHAPTER 156—DNA TESTING

"Sec.
"2291. DNA testing.
"2292. Preservation of evidence.

"§ 2291. DNA testing

"(a) APPLICATION.—Notwithstanding any other provision of law, a person convicted of a Federal crime may apply to the appropriate Federal court for DNA testing to support a claim that the person did not commit—

"(1) the Federal crime of which the person was convicted; or

"(2) any other offense that a sentencing authority may have relied upon when it sentenced the person with respect to the Federal crime either to death or to an enhanced term of imprisonment as a career offender or armed career criminal.

"(b) NOTICE TO GOVERNMENT.—The court shall notify the Government of an application made under subsection (a) and shall afford the Government an opportunity to respond.

"(c) PRESERVATION ORDER.—The court shall order that all evidence secured in relation to the case that could be subjected to DNA testing must be preserved during the pendency of the proceeding. The court may impose appropriate sanctions, including criminal contempt, for the intentional destruction of evidence after such an order.

"(d) ORDER.—

"(1) IN GENERAL.—The court shall order DNA testing pursuant to an application made under subsection (a) upon a determination that—

"(A) the evidence is still in existence, and in such a condition that DNA testing may be conducted;

"(B) the evidence was never previously subjected to DNA testing, or was not subject to the type of DNA testing that is now requested and that may resolve an issue not resolved by previous testing;

"(C) the proposed DNA testing uses a scientifically valid technique; and

"(D) the proposed DNA testing has the scientific potential to produce new, noncumulative evidence material to the claim of the applicant that the applicant did not commit—

"(i) the Federal crime of which the applicant was convicted; or

"(ii) any other offense that a sentencing authority may have relied upon when it sentenced the applicant with respect to the Federal crime either to death or to an enhanced term of imprisonment as a career offender or armed career criminal.

"(2) LIMITATION.—The court shall not order DNA testing under paragraph (1) if the Government proves by a preponderance of the evidence that the application for testing was made to unreasonably delay the execution of sentence or administration of justice, rather than to support a claim described in paragraph (1)(D).

"(3) TESTING PROCEDURES.—If the court orders DNA testing under paragraph (1), the court shall impose reasonable conditions on such testing designed to protect the integrity of the evidence and the testing process and the reliability of the test results.

"(e) COST.—The cost of DNA testing ordered under subsection (c) shall be borne by the Government or the applicant, as the court may order in the interests of justice, except that an applicant shall not be denied testing because of an inability to pay the cost of testing.

"(f) COUNSEL.—The court may at any time appoint counsel for an indigent applicant under this section pursuant to section 3006A(a)(2)(B) of title 18.

"(g) POST-TESTING PROCEDURES.—

"(1) INCONCLUSIVE RESULTS.—If the results of DNA testing conducted under this section are inconclusive, the court may order such further testing as may be appropriate or dismiss the application.

"(2) RESULTS UNFAVORABLE TO APPLICANT.—If the results of DNA testing conducted under this section inculpate the applicant, the court shall—

"(A) dismiss the application;

"(B) assess the applicant for the cost of the testing; and

"(C) make such further orders as may be appropriate.

"(3) RESULTS FAVORABLE TO APPLICANT.—If the results of DNA testing conducted under this section are favorable to the applicant, the court shall order a hearing and thereafter make such further orders as may be appropriate under applicable rules and statutes regarding post-conviction proceedings, notwithstanding any provision of law that would bar such hearing or orders as untimely.

"(h) RULES OF CONSTRUCTION.—

"(1) OTHER POST-CONVICTION RELIEF UNAFFECTED.—Nothing in this section shall be construed to limit the circumstances under which a person may obtain DNA testing or other post-conviction relief under any other provision of law.

"(2) FINALITY RULE UNAFFECTED.—An application under this section shall not be considered a motion under section 2255 for purposes of determining whether it or any other motion is a second or successive motion under section 2255.

"(i) DEFINITIONS.—In this section:

"(1) APPROPRIATE FEDERAL COURT.—The term 'appropriate Federal court' means—

"(A) the United States District Court which imposed the sentence from which the applicant seeks relief; or

"(B) in relation to a crime under the Uniform Code of Military Justice, the United States District Court having jurisdiction over the place where the court martial was convened that imposed the sentence from which the applicant seeks relief, or the United States District Court for the District of Columbia, if no United States District Court has jurisdiction over the place where the court martial was convened.

"(2) FEDERAL CRIME.—The term 'Federal crime' includes a crime under the Uniform Code of Military Justice.

"§ 2292. Preservation of evidence

''(a) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b), the Government shall preserve all evidence that was secured in relation to the investigation or prosecution of a Federal crime (as that term is defined in section 2291(i)), and that could be subjected to DNA testing, for not less than the period of time that any person remains subject to incarceration in connection with the investigation or prosecution.

''(b) EXCEPTIONS.—The Government may dispose of evidence before the expiration of the period of time described in subsection (a) if—

''(1) other than subsection (a), no statute, regulation, court order, or other provision of law requires that the evidence be preserved; and

''(2)(A)(i) the Government notifies any person who remains incarcerated in connection with the investigation or prosecution and any counsel of record for such person (or, if there is no counsel of record, the public defender for the judicial district in which the conviction for such person was imposed), of the intention of the Government to dispose of the evidence and the provisions of this chapter; and

''(ii) the Government affords such person not less than 180 days after such notification to make an application under section 2291(a) for DNA testing of the evidence; or

''(B)(i) the evidence must be returned to its rightful owner, or is of such a size, bulk, or physical character as to render retention impracticable; and

''(ii) the Government takes reasonable measures to remove and preserve portions of the material evidence sufficient to permit future DNA testing.

''(c) REMEDIES FOR NONCOMPLIANCE.—

''(1) GENERAL LIMITATION.—Nothing in this section shall be construed to give rise to a claim for damages against the United States, or any employee of the United States, any court official or officer of the court, or any entity contracting with the United States.

''(2) CIVIL PENALTY.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), an individual who knowingly violates a provision of this section or a regulation prescribed under this section shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for the first violation and $5,000 for each subsequent violation, except that the total amount imposed on the individual for all such violations during a calendar year may not exceed $25,000.

''(B) PROCEDURES.—The provisions of section 405 of the Controlled Substances Act (21 U.S.C. 844a) (other than subsections (a) through (d) and subsection (j)) shall apply to the imposition of a civil penalty under subparagraph (A) in the same manner as such provisions apply to the imposition of a penalty under section 405.

''(C) PRIOR CONVICTION.—A civil penalty may not be assessed under subparagraph (A) with respect to an act if that act previously resulted in a conviction under chapter 73 of title 18.

''(3) REGULATIONS.—

''(A) IN GENERAL.—The Attorney General shall promulgate regulations to implement and enforce this section.

''(B) CONTENTS.—The regulations shall include the following:

''(i) Disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who knowingly or repeatedly violate a provision of this section.

''(ii) An administrative procedure through which parties can file formal complaints with the Department of Justice alleging violations of this section.''.

(b) CRIMINAL PENALTY.—Chapter 73 of title 18, United States Code, is amended by inserting at the end the following:

"§ 1519. Destruction or altering of DNA Evidence.

Whoever willfully or maliciously destroys, alters, conceals, or tampers with evidence that is required to be preserved under section 2292 of title 28, United States Code, with intent to—

(1) impair the integrity of that evidence;

(2) prevent that evidence from being subjected to DNA testing; or

(3) prevent the production or use of that evidence in an official proceeding,

shall be fined under this title or imprisoned not more than 5 years, or both.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The analysis for part VI of title 28, United States Code, is amended by inserting after the item relating to chapter 155 the following:

"156. DNA testing ..... 2291".

(2) The table of contents for Chapter 73 of title 18, United States Code, is amended by inserting after the item relating to section 1518 the following:

''1519. Destruction or altering of DNA Evidence.''.

SEC. 103. POST-CONVICTION DNA TESTING IN STATE CRIMINAL JUSTICE SYSTEMS.

(a) CERTIFICATION REGARDING POST-CONVICTION TESTING AND PRESERVATION OF DNA EVIDENCE.—If any part of funds received from a grant made under a program listed in subsection (b) is to be used to develop or improve a DNA analysis capability in a forensic laboratory, or to collect, analyze, or index DNA samples for law enforcement identification purposes, the State applying for that grant must certify that it will—

(1) make post-conviction DNA testing available to any person convicted of a State crime in a manner consistent with section 2291 of title 28, United States Code, and, if the results of such testing are favorable to such person, allow such person to apply for post-conviction relief, notwithstanding any provision of law that would bar such application as untimely; and

(2) preserve all evidence that was secured in relation to the investigation or prosecution of a State crime, and that could be subjected to DNA testing, for not less than the period of time that such evidence would be required to be preserved under section 2292 of title 28, United States Code, if the evidence were related to a Federal crime.

(b) PROGRAMS AFFECTED.—The certification requirement established by subsection (a) shall apply with respect to grants made under the following programs:

(1) DNA ANALYSIS BACKLOG ELIMINATION GRANTS.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546).

(2) PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT GRANTS.—Part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as added by Public Law 106–561).

(3) DNA IDENTIFICATION GRANTS.—Part X of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk et seq.).

(4) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.).

(5) PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.—Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

(c) EFFECTIVE DATE.—This section shall apply with respect to any grant made on or after the date that is 1 year after the date of enactment of this Act.

SEC. 104. PROHIBITION PURSUANT TO SECTION 5 OF THE 14TH AMENDMENT.

(a) APPLICATION FOR DNA TESTING.—No State shall deny an application for DNA testing made by a prisoner in State custody who is under sentence of death, if the proposed DNA testing has the scientific potential to produce new, noncumulative evidence material to the claim of the prisoner that the prisoner did not commit—

(1) the offense for which the prisoner was sentenced to death; or

(2) any other offense that a sentencing authority may have relied upon when it sentenced the prisoner to death.

(b) OPPORTUNITY TO PRESENT RESULTS OF DNA TESTING.—No State shall rely upon a time limit or procedural default rule to deny a prisoner in State custody who is under sentence of death an opportunity to present in an appropriate State court new, noncumulative DNA results that establish a reasonable probability that the prisoner did not commit an offense described in subsection (a).

(c) REMEDY.—A prisoner in State custody who is under sentence of death may enforce subsections (a) and (b) in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a district court of the United States, naming an executive or judicial officer of the State as defendant.

(d) FINALITY RULE UNAFFECTED.—An application under this section shall not be considered an application for a writ of habeas corpus under section 2254 of title 28, United States Code, for purposes of determining whether it or any other application is a second or successive application under section 2254.

SEC. 105. GRANTS TO PROSECUTORS FOR DNA TESTING PROGRAMS.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended by—

(1) striking ''and'' at the end of paragraph (25);

(2) striking the period at the end of paragraph (26) and inserting ''; and''; and

(3) adding at the end the following:

''(27) prosecutor-initiated programs to conduct a systematic review of convictions to identify cases in which DNA testing is appropriate and to offer DNA testing to inmates in such cases.''.

TITLE II—ENSURING COMPETENT LEGAL SERVICES IN CAPITAL CASES

SEC. 201. NATIONAL COMMISSION ON CAPITAL REPRESENTATION.

(a) ESTABLISHMENT.—There is established the National Commission on Capital Representation (referred to in this section as the ''Commission'').

(b) DUTIES.—The Commission shall—

(1) survey existing and proposed systems for appointing counsel in capital cases, and the amounts actually paid by governmental entities for capital defense services; and

(2) formulate standards specifying the elements of an effective system for providing adequate representation, including counsel and investigative, expert, and other services necessary for adequate representation, to—

(A) indigents charged with offenses for which capital punishment is sought;

(B) indigents who have been sentenced to death and who seek appellate or collateral review in State court; and

(C) indigents who have been sentenced to death and who seek certiorari review in the Supreme Court of the United States.

(c) ELEMENTS.—The elements of an effective system described in subsection (b)(2) shall include—

(1) a centralized and independent appointing authority, which shall—

(A) recruit attorneys who are qualified to be appointed in the proceedings specified in subsection (b)(2);

(B) draft and annually publish a roster of qualified attorneys;

(C) draft and annually publish qualifications and performance standards that attorneys must satisfy to be listed on the roster and procedures by which qualified attorneys are identified;

(D) periodically review the roster, monitor the performance of all attorneys appointed, provide a mechanism by which members of the relevant State Bar may comment on the performance of their peers, and delete the name of any attorney who fails to satisfactorily complete regular training programs on the representation of clients in capital cases, fails to meet performance standards in a case to which the attorney is appointed, or otherwise fails to demonstrate continuing competence to represent clients in capital cases;

(E) conduct or sponsor specialized training programs for attorneys representing clients in capital cases;

(F) appoint lead counsel and co-counsel from the roster to represent a client in a capital case promptly upon receiving notice of the need for an appointment from the relevant State court; and

(G) report the appointment, or the failure of the client to accept such appointment, to the court requesting the appointment;

(2) adequate compensation of private attorneys for actual time and service, computed on an hourly basis and at a reasonable hourly rate in light of the qualifications and experience of the attorney and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases;

(3) reimbursement of private attorneys and public defender organizations for attorney expenses reasonably incurred in the representation of a client in a capital case; and

(4) reimbursement of private attorneys and public defender organizations for the reasonable costs of law clerks, paralegals, investigators, experts, scientific tests, and other support services necessary in the representation of a client in a capital case.

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members, as follows:

(A) Four members appointed by the President on the basis of their expertise and eminence within the field of criminal justice, 2 of whom have 10 years or more experience in representing defendants in State capital proceedings, including trial, direct appeal, or post-conviction proceedings, and 2 of whom have 10 years or more experience in prosecuting defendants in such proceedings.

(B) Two members appointed by the Conference of Chief Justices, from among the members of the judiciaries of the several States.

(C) Two members appointed by the Chief Justice of the United States, from among the members of the Federal Judiciary.

(D) The Chairman of the Committee on Defender Services of the Judicial Conference of the United States, or a designee of the Chairman.

(2) EX OFFICIO MEMBER.—The Executive Director of the State Justice Institute, or a designee of the Executive Director, shall serve as an ex officio nonvoting member of the Commission.

(3) POLITICAL AFFILIATION.—Not more than 2 members appointed under paragraph (1)(A) may be of the same political party.

(4) GEOGRAPHIC DISTRIBUTION.—The appointment of individuals under paragraph (1) shall, to the maximum extent practicable, be made so as to ensure that different geographic areas of the United States are represented in the membership of the Commission.

(5) TERMS.—Members of the Commission appointed under subparagraphs (A), (B), and (C) of paragraph (1) shall be appointed for the life of the Commission.

(6) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 45 days after the date of enactment of this Act.

(7) VACANCIES.—A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(8) NO COMPENSATION.—Members of the Commission shall serve without compensation for their service.

(9) TRAVEL EXPENSES.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(10) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(11) INITIAL MEETING.—The initial meeting of the Commission shall occur not later than 30 days after the date on which all initial members of the Commission have been appointed.

(12) CHAIRPERSON.—At the initial meeting of the Commission, a majority of the members of the Commission present and voting shall elect a Chairperson from among the members of the Commission appointed under paragraph (1).

(e) STAFF.—

(1) IN GENERAL.—The Commission may appoint and fix the pay of such personnel as the Commission considers appropriate.

(2) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) POWERS.—

(1) INFORMATION-GATHERING ACTIVITIES.—The Commission may, for the purpose of carrying out this section, hold hearings, receive public comment and testimony, initiate surveys, and undertake such other activities to gather information as the Commission may find advisable.

(2) OBTAINING OFFICIAL INFORMATION.—The Commission may secure directly from any department or agency of the United States such information as the Commission considers necessary to carry out this section. Upon request of the chairperson of the Commission, the head of that department or agency shall provide such information, except to the extent prohibited by law.

(3) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(g) REPORT.—

(1) IN GENERAL.—The Commission shall submit a report to the President and the Congress before the end of the 1-year period beginning after the first meeting of all members of the Commission.

(2) CONTENTS.—The report submitted under paragraph (1) shall contain—

(A) a comparative analysis of existing and proposed systems for appointing counsel in capital cases, and the amounts actually paid by governmental entities for capital defense services; and

(B) such standards as are formulated by the Commission pursuant to subsection (b)(2), together with such commentary and recommendations as the Commission considers appropriate.

(h) TERMINATION.—The Commission shall terminate 90 days after submitting the report under subsection (g).

(i) EXPENSES OF COMMISSION.—There are authorized to be appropriated to pay any expenses of the Commission such sums as may be necessary not to exceed $1,000,000. Any sums appropriated for such purposes are authorized to remain available until expended, or until the termination of the Commission pursuant to subsection (h), whichever occurs first.

SEC. 202. CAPITAL DEFENSE INCENTIVE GRANTS.

The State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) is amended by inserting after section 207 the following:

"SEC. 207A. CAPITAL DEFENSE INCENTIVE GRANTS.

''(a) PROGRAM AUTHORIZED.—The State Justice Institute (referred to in this section as the 'Institute') may make grants to State agencies and organizations responsible for the administration of standards of legal competence for counsel in capital cases, for the purposes of—

''(1) implementing new mechanisms or supporting existing mechanisms for providing representation in capital cases that comply with the standards promulgated by the National Commission on Capital Representation pursuant to section 201(b) of the Innocence Protection Act of 2001; and

''(2) otherwise improving the quality of legal representation in capital cases.

''(b) USE OF FUNDS.—Funds made available under this section may be used for any purpose that the Institute determines is likely to achieve the purposes described in subsection (a), including—

''(1) training and development of training capacity to ensure that attorneys assigned to capital cases meet such standards;

''(2) augmentation of attorney, paralegal, investigator, expert witness, and other staff and services necessary for capital defense; and

''(3) development of new mechanisms for addressing complaints about attorney competence and performance in capital cases.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—No grant may be made under this section unless an application has been submitted to, and approved by, the Institute.

''(2) APPLICATION.—An application for a grant under this section shall be submitted in such form, and contain such information, as the Institute may prescribe by regulation or guideline.

''(3) CONTENTS.—In accordance with the regulations or guidelines established by the

Institute, each application for a grant under this section shall—

''(A) include a long-term strategy and detailed implementation program that reflects consultation with the organized bar of the State, the highest court of the State, and the Attorney General of the State, and reflects consideration of a statewide strategy; and

''(B) specify plans for obtaining necessary support and continuing the proposed program following the termination of Federal support.

''(d) RULES AND REGULATIONS.—The Institute may issue rules, regulations, guidelines, and instructions, as necessary, to carry out the purposes of this section.

''(e) TECHNICAL ASSISTANCE AND TRAINING.—To assist and measure the effectiveness and performance of programs funded under this section, the Institute may provide technical assistance and training, as required.

''(f) GRANT PERIOD.—A grant under this section shall be made for a period not longer than 3 years, but may be renewed on such terms as the Institute may require.

''(g) LIMITATIONS ON USE OF FUNDS.—

''(1) NONSUPPLANTING REQUIREMENT.—Funds made available under this section shall not be used to supplant State or local funds, but shall be used to supplement the amount of funds that would, in the absence of Federal funds received under this section, be made available from States or local sources.

''(2) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed—

''(A) for the first fiscal year for which a program receives assistance, 75 percent of the total costs of such program; and

''(B) for subsequent fiscal years for which a program receives assistance, 50 percent of the total costs of such program.

''(3) ADMINISTRATIVE COSTS.—A State agency or organization may not use more than 5 percent of the funds it receives from this section for administrative expenses, including expenses incurred in preparing reports under subsection (h).

''(h) REPORT.—Each State agency or organization that receives a grant under this section shall submit to the Institute, at such times and in such format as the Institute may require, a report that contains—

''(1) a summary of the activities carried out under the grant and an assessment of the effectiveness of such activities in achieving ongoing compliance with the standards formulated pursuant to section 201(b) of the Innocence Protection Act of 2001 and improving the quality of representation in capital cases; and

''(2) such other information as the Institute may require.

''(i) REPORT TO CONGRESS.—Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Institute shall submit to Congress a report that includes—

''(1) the aggregate amount of grants made under this part to each State agency or organization for such fiscal year;

''(2) a summary of the information provided in compliance with subsection (h); and

''(3) an independent evaluation of the effectiveness of the programs that received funding under this section in achieving ongoing compliance with the standards formulated pursuant to section 201(b) of the Innocence Protection Act of 2001 and improving the quality of representation in capital cases.

''(j) DEFINITIONS.—In this section—

''(1) the term 'capital case'—

''(A) means any criminal case in which a defendant prosecuted in a State court is subject to a sentence of death or in which a death sentence has been imposed; and

''(B) includes all proceedings filed in connection with the case, up to and including direct appellate review and post-conviction review in State court; and

''(2) the term 'representation' includes counsel and investigative, expert, and other services necessary for adequate representation.

''(k) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, in addition to other amounts authorized by this Act, to remain available until expended, $50,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 and 2004.

''(2) TECHNICAL ASSISTANCE AND TRAINING.—Not more than 3 percent of the amount made available under paragraph (1) for a fiscal year shall be available for technical assistance and training activities by the Institute under subsection (e).

''(3) EVALUATIONS.—Up to 5 percent of the amount authorized to be appropriated under paragraph (1) in any fiscal year may be used for administrative expenses, including expenses incurred in preparing reports under subsection (i).''.

SEC. 203. AMENDMENTS TO PRISON GRANT PROGRAMS.

(a) IN GENERAL.—Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13701 et seq.) is amended by adding at the end the following:

''SEC. 20110. STANDARDS FOR CAPITAL REPRESENTATION.

''(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE WITH STANDARDS FOR CAPITAL REPRESENTATION.—

''(1) IN GENERAL.—The Attorney General shall withhold a portion of any grant funds awarded to a State or unit of local government under this subtitle on the first day of each fiscal year after the second fiscal year beginning after September 30, 2001. If such State, or the State to which such unit of local government appertains—

''(A) prescribes, authorizes, or permits the penalty of death for any offense, and sought, imposed, or administered such penalty at any time during the preceding 5 fiscal years; and

''(B) has not established or does not maintain an effective system for providing adequate representation for indigent persons in capital cases, in compliance with the standards formulated by the National Commission on Capital Representation pursuant to section 201(b) of the Innocence Protection Act of 2001.

''(2) WITHHOLDING FORMULA.—The amount to be withheld under paragraph (1) shall be, in the first fiscal year that a State is not in compliance, 10 percent of any grant funds awarded under this subtitle to such State and any unit of local government appertaining thereto, and shall increase by 10 percent for each year of noncompliance thereafter, up to a maximum of 60 percent.

''(3) DISPOSITION OF WITHHELD FUNDS.—Funds withheld under this subsection from apportionment to any State or unit of local government shall be allotted by the Attorney General and paid to the States and units of local government receiving a grant under this subtitle, other than any State referred to in paragraph (1), and any unit of local government appertaining thereto, in a manner equivalent to the manner in which the allotment under this subtitle was determined.

''(b) WAIVER OF WITHHOLDING REQUIREMENT.—

''(1) IN GENERAL.—The Attorney General may waive in whole or in part the application of the requirement of subsection (a) for any 1-year period with respect to any State, where immediately preceding such 1-year period the Attorney General finds that such State has made and continues to make a good faith effort to comply with the standards formulated by the National Commission on Capital Representation pursuant to section 201(b) of the Innocence Protection Act of 2001.

''(2) LIMITATION ON WAIVER AUTHORITY.—The Attorney General may not grant a waiver under paragraph (1) with respect to any State for 2 consecutive 1-year periods.

''(3) LIMITATION ON USE OF FUNDS.—If the Attorney General grants a waiver under paragraph (1), the State shall be required to use the total amount of grant funds awarded to such State or any unit of local government appertaining thereto under this subtitle that would have been withheld under subsection (a) but for the waiver to improve the capability of such State to provide adequate representation in capital cases.

''(c) REPORT TO CONGRESS.—Not later than 180 days after the end of each fiscal year for which grants are made under this subtitle, the Attorney General shall submit to Congress a report that includes, with respect to each State that prescribes, authorizes, or permits the penalty of death for any offense—

''(1) a detailed description of such State's system for providing representation to indigent persons in capital cases;

''(2) the amount of any grant funds withheld under subsection (a) for such fiscal year from such State or any unit of local government appertaining thereto, and an explanation of why such funds were withheld; and

''(3) the amount of any grant funds released to such State for such fiscal year pursuant to a waiver by the Attorney General under subsection (b), and an explanation of why waiver was granted.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by inserting after the item relating to section 20109 the following:

''Sec. 20110. Standards for capital representation.''.

SEC. 204. EFFECT ON PROCEDURAL DEFAULT RULES.

(a) IN GENERAL.—Section 2254(e) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking ''In a proceeding'' and inserting ''Except as provided in paragraph (3), in a proceeding''; and

(2) by adding at the end the following:

''(3) In a proceeding instituted by an applicant under sentence of death, the court shall neither presume a finding of fact made by a State court to be correct nor decline to consider a claim on the ground that the applicant failed to raise such claim in State court at the time and in the manner prescribed by State law, if—

''(A) the applicant was financially unable to obtain adequate representation at the stage of the State proceedings at which the State court made the finding of fact or the applicant failed to raise the claim, and the applicant did not waive representation by counsel; and

''(B) the State did not provide representation to the applicant under a State system for providing representation that satisfied the standards formulated by the National Commission on Capital Representation pursuant to section 201(b) of the Innocence Protection Act of 2001.''.

(b) NO RETROACTIVE EFFECT.—The amendments made by this section shall not apply to any case in which the relevant State court proceeding occurred before the end of the first fiscal year following the formulation of standards by the National Commission on Capital Representation pursuant to section 201(b) of the Innocence Protection Act of 2001.

SEC. 205. CAPITAL DEFENSE RESOURCE GRANTS.

Section 3006A of title 18, United States Code, is amended—

(1) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(2) by inserting after subsection (h) the following:

''(i) CAPITAL DEFENSE RESOURCE GRANTS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'capital case'—

''(i) means any criminal case in which a defendant prosecuted in a State court is subject to a sentence of death or in which a death sentence has been imposed; and

''(ii) includes all proceedings filed in connection with the case, including trial, appellate, and Federal and State post-conviction proceedings;

''(B) the term 'defense services' includes—

''(i) recruitment of counsel;

''(ii) training of counsel; and

''(iii) legal and administrative support and assistance to counsel; and

''(C) the term 'Director' means the Director of the Administrative Office of the United States Courts.

''(2) GRANT AWARD AND CONTRACT AUTHORITY.—Notwithstanding subsection (g), the Director shall award grants to, or enter into contracts with, public agencies or private nonprofit organizations for the purpose of providing defense services in capital cases.

''(3) PURPOSES.—Grants and contracts awarded under this subsection shall be used in connection with capital cases in the jurisdiction of the grant recipient for 1 or more of the following purposes:

''(A) Enhancing the availability, competence, and prompt assignment of counsel.

''(B) Encouraging continuity of representation between Federal and State proceedings.

''(C) Increasing the efficiency with which such cases are resolved.

''(4) GUIDELINES.—The Director, in consultation with the Judicial Conference of the United States, shall develop guidelines to ensure that defense services provided by recipients of grants and contracts awarded under this subsection are consistent with applicable legal and ethical proscriptions governing the duties of counsel in capital cases.

''(5) CONSULTATION.—In awarding grants and contracts under this subsection, the Director shall consult with representatives of the highest State court, the organized bar, and the defense bar of the jurisdiction to be served by the recipient of the grant or contract, and shall ensure coordination with grants administered by the State Justice Institute pursuant to section 207A of the State Justice Institute Act of 1984.''.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. INCREASED COMPENSATION IN FEDERAL CASES.

Section 2513(e) of title 28, United States Code, is amended by striking ''$5,000'' and inserting ''$50,000 for each 12-month period of incarceration, except that a plaintiff who was unjustly sentenced to death may be awarded not more than $100,000 for each 12-month period of incarceration.''.

SEC. 302. COMPENSATION IN STATE DEATH PENALTY CASES.

Section 20105(b)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13705(b)(1)) is amended by—

(1) striking ''and'' at the end of subparagraph (A);

(2) striking the period at the end of subparagraph (B) and inserting ''; and''; and

(3) adding at the end the following:

''(C) provide assurances to the Attorney General that the State, if it prescribes, authorizes, or permits the penalty of death for any offense, has established or will establish not later than 18 months after the enactment of the Innocence Protection Act of 2001, effective procedures for—

''(i) reasonably compensating persons found to have been unjustly convicted of an offense against the State and sentenced to death; and

''(ii) investigating the causes of such unjust convictions, publishing the results of such investigations, and taking steps to prevent such errors in future cases.''.

SEC. 303. CERTIFICATION REQUIREMENT IN FEDERAL DEATH PENALTY PROSECUTIONS.

(a) IN GENERAL.—Chapter 228 of title 28, United States Code, is amended by adding at the end the following:

''§ 3599. Certification requirement

''(a) CERTIFICATION BY ATTORNEY GENERAL.—The Government shall not seek a sentence of death in any case brought before a court of the United States except upon the certification in writing of the Attorney General, which function of certification may not be delegated, that the Federal interest in the prosecution is more substantial than the interests of the State or local authorities.

''(b) REQUIREMENTS.—A certification under subsection (a) shall state the basis on which the certification was made and the reasons for the certification.

''(c) STATE INTEREST.—In States where the imposition of a sentence of death is not authorized by law, the fact that the maximum Federal sentence is death does not constitute a more substantial interest in Federal prosecution.

''(d) DEFINITION OF STATE.—For purposes of this section, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(e) RULE OF CONSTRUCTION.—This section does not create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 228 of title 28, United States Code, is amended by adding at the end the following:

''3599. Certification requirement.''.

SEC. 304. ALTERNATIVE OF LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE.

(a) PURPOSE.—The purpose of this section is to clarify that juries in death penalty prosecutions brought under the drug kingpin statute—like juries in all other Federal death penalty prosecutions—have the option of recommending life imprisonment without possibility of release.

(b) CLARIFICATION.—Section 408(l) of the Controlled Substances Act (21 U.S.C. 848(l)), is amended by striking the first 2 sentences and inserting the following: ''Upon a recommendation under subsection (k) that the defendant should be sentenced to death or life imprisonment without possibility of release, the court shall sentence the defendant accordingly. Otherwise, the court shall impose any lesser sentence that is authorized by law.''.

SEC. 305. RIGHT TO AN INFORMED JURY.

Section 20105(b)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13705(b)(1)), as amended by section 302 of this Act, is amended by—

(1) striking ''and'' at the end of subparagraph (B);

(2) striking the period at the end of subparagraph (C) and inserting ''; and''; and

(3) adding at the end the following:

''(D) provide assurances to the Attorney General that in any capital sentencing proceeding occurring after the date of enactment of the Innocence Protection Act of 2001 in which the jury has a role in determining the sentence imposed on the defendant, the court, at the request of the defendant, shall inform the jury of all statutorily authorized sentencing options in the particular case, including applicable parole eligibility rules and terms.''.

SEC. 306. ANNUAL REPORTS.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Attorney General shall prepare and transmit to Congress a report concerning the administration of capital punishment laws by the Federal Government and the States.

(b) REPORT ELEMENTS.—The report required under subsection (a) shall include substantially the same categories of information as are included in the Bureau of Justice Statistics Bulletin entitled ''Capital Punishment 1999'' (December 2000, NCJ 184795), and shall also include the following additional categories of information, if such information can practicably be obtained:

(1) The percentage of death-eligible cases in which a death sentence is sought, and the percentage in which it is imposed.

(2) The race of the defendants in death-eligible cases, including death-eligible cases in which a death sentence is not sought, and the race of the victims.

(3) The percentage of capital cases in which counsel is retained by the defendant, and the percentage in which counsel is appointed by the court.

(4) The percentage of capital cases in which life without parole is available as an alternative to a death sentence, and the sentences imposed in such cases.

(5) The percentage of capital cases in which life without parole is not available as an alternative to a death sentence, and the sentences imposed in such cases.

(6) The frequency with which various statutory aggravating factors are invoked by the prosecution.

(7) The percentage of cases in which a death sentence or a conviction underlying a death sentence is vacated, reversed, or set aside, and a short statement of the reasons therefor.

(c) REQUEST FOR ASSISTANCE.—In compiling the information referred to in subsection (b), the Attorney General shall, when necessary, request assistance from State and local prosecutors, defense attorneys, and courts, as appropriate. Requested assistance, whether provided or denied by a State or local official or entity, shall be noted in the reports referred to in subsection (a).

(d) PUBLIC DISCLOSURE.—The Attorney General or the Director of the Bureau of Justice Assistance, as appropriate, shall ensure that the reports referred to in subsection (a) are—

(1) distributed to national print and broadcast media; and

(2) posted on an Internet website maintained by the Department of Justice.

SEC. 307. SENSE OF CONGRESS REGARDING THE EXECUTION OF JUVENILE OFFENDERS AND THE MENTALLY RETARDED.

It is the sense of Congress that the death penalty is disproportionate and offends contemporary standards of decency when applied to a person who is mentally retarded or who had not attained the age of 18 years at the time of the offense.

INNOCENCE PROTECTION ACT OF 2001—SECTION-BY-SECTION SUMMARY

OVERVIEW

The Innocence Protection Act of 2001 is a carefully crafted package of criminal justice reforms aimed at reducing the risk that innocent persons may be executed. Most urgently the bill would afford greater access to DNA testing by convicted offenders; and help States improve the quality of legal representation in capital cases.

TITLE I—EXONERATING THE INNOCENT THROUGH DNA TESTING

Sec. 101. Findings and purposes. Legislative findings and purposes in support of this title.

Sec. 102. DNA testing in Federal criminal justice system. Establishes rules and procedures governing applications for DNA testing by inmates in the Federal system. Courts shall order DNA testing if it has the scientific potential to produce new exculpatory evidence material to the inmate's claim of innocence. When the test results are exculpatory, courts shall order a hearing and make such further orders as may be appropriate under existing law. Prohibits the destruction of biological evidence in a criminal case while a defendant remains incarcerated, absent prior notification to such defendant of the government's intent to destroy the evidence.

Sec. 103. DNA testing in State criminal justice system. Conditions receipt of Federal grants for DNA-related programs on an assurance that the State will adopt adequate procedures for preserving biological material and making DNA testing available to inmates.

Sec. 104. Prohibition pursuant to section 5 of the 14th Amendment. Prohibits States from denying applications for DNA testing by death row inmates, if the proposed testing has the scientific potential to produce new exculpatory evidence material to the inmate's claim of innocence. Also prohibits States from denying inmates a meaningful opportunity to prove their innocence using the results of DNA testing. Inmates may sue for declaratory or injunctive relief to enforce these prohibitions.

Sec. 105. Grants to prosecutors for DNA testing programs. Permits States to use grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs to fund the growing number of prosecutor-initiated programs that review convictions to identify cases in which DNA testing is appropriate and that offer DNA testing to inmates in such cases.

TITLE II—ENSURING COMPETENT LEGAL SERVICES IN CAPITAL CASES

Sec. 201. National Commission on Capital Representation. Establishes a National Commission on Capital Representation to develop standards for providing adequate legal representation for indigents facing a death sentence. The Commission would be composed of nine members and would include experienced prosecutors, defense attorneys, and judges, and would complete its work within on year. Total authorization $1,000,000.

Sec. 202. Capital defense incentive grants. Establishes a grant program, to be administered by the State Justice Institute, to help States implement the Commission's standards and otherwise improve the quality of representation in capital cases. Authorization is $50,000,000 for the first year, and such sums as may be necessary for the two years that follow.

Sec. 203. Amendments to prison grant programs. Directs the Attorney General to withhold a portion of the funds awarded under the prison grant programs from death penalty States that have not established or do not maintain a system for providing legal representation in capital cases that satisfies the Commission's standards. The Attorney General may waive the withholding requirement for one year under certain circumstances.

Sec. 204. Effect on procedural default rules. Provides that certain procedural barriers to Federal habeas corpus review shall not apply if the State did not provide legal representation to the habeas petitioner under a State system for providing representation that satisfied the Commission's standards. This section does not apply in any case in which the relevant State court proceeding occurred more than 1 year before the formulation of such standards.

Sec. 205. Capital defense resource grants. Amends the Criminal Justice Act, 18 U.S.C. §3006A, to make more Federal funding available for purposes of enhancing the availability, competence, and prompt assignment of counsel in capital cases, encouraging the continuity of representation in such cases, and increasing the efficiency with which capital cases are resolved.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Increased compensation in federal cases. Raises the total amount of damages that may be awarded against the United States in cases of unjust imprisonment from $5,000 to $50,000 a year in a non-death penalty case, or $100,000 a year in a death penalty case.

Sec. 302. Compensation in state death cases. Encourages states to maintain effective procedures for reasonably compensating persons who were unjustly convicted and sentenced to death, and investigating the causes of such unjust convictions in order to prevent such errors from recurring.

Sec. 303. Certification requirement in federal death penalty prosecutions. Increases accountability by requiring the Attorney General, when seeking the death penalty in any case, to certify that the federal interest in the prosecution is more substantial than the interests of the state or local authorities. Modeled on the certification requirements in the federal civil rights and juvenile delinquency laws, this section codifies existing practice as reflected in section 9–10.070 of the U.S. Attorney's Manual. This section does not create any rights enforceable at law by any party in any matter civil or criminal.

Sec. 304. Alternative of life imprisonment without possibility of release. Clarifies that juries in death penalty prosecutions brought under the drug kingpin statute, 21 U.S.C. §848(l), have the option of recommending life imprisonment without possibility of release. This amendment incorporates into the drug kingpin statute a procedural protection that federal law already expressly provides to the vast majority of capital defendants.

Sec. 305. Right to an informed jury. Encourages states to allow defendants in capital cases to have the jury instructed on all statutorily-authorized sentencing options, including applicable parole eligibility rules and terms.

Sec. 306. Annual reports. Directs the Justice Department to prepare an annual report regarding the administration of the nation's capital punishment laws. The report must be submitted to Congress, distributed to the press and posted on the Internet.

Sec. 307. Sense of the Congress regarding the execution of juvenile offenders and the mentally retarded. Expresses the sense of the Congress that the death penalty is disproportionate and offends contemporary standards of decency when applied to juvenile offenders and the mentally retarded.

Mr. SMITH of Oregon. Mr. President, I am proud to be a co-sponsor of this new and improved Innocence Protection Act. The Innocence Protection Act we introduced last year was widely heralded as providing much-needed improvements to our nation's already strong judicial system. This year, the bill itself has been strengthened, so it can better benefit the truly innocent without imposing undue hardship on our hard-working law enforcement personnel. While our court and law enforcement officials work extremely hard to ensure justice for all, occasionally mistakes are made.

To prevent these rare instances, The Innocence Protection Act encourages appropriate use of DNA testing, and provision of competent counsel. The bill also provides for adequate compensation in the rare case that a person is wrongfully imprisoned, and encourages states to examine these situations to prevent their recurrence. The Innocence Protection Act proposes to apply technological advances of the 21st century evenly across the country to ensure that justice is served swiftly and fairly, regardless of where you live.

Both supporters and opponents of the death penalty can support this bill, which will only improve the integrity of our Criminal Justice System. By helping ensure that the true perpetrators of heinous crimes are behind bars, the innocent can live in a safer world. I am a supporter of the death penalty. I believe that there are some times when humankind can act in a manner so odious, so heinous, and so depraved that the right to life is forfeited. Notwithstanding this belief, indeed, because of this belief, I am reintroducing the Innocence Protection Act of 2001 with Senator LEAHY and others today.

Clearly, there is a growing interest in this issue in Congress. I feel strongly that this is a bill whose time has come, and I look forward to working with my colleagues in the House and Senate to ensure its passage this session.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 487. A bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of a single copy of such performances or displays is not an infringement, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, today I am pleased to introduce with my distinguished colleague, Senator LEAHY, legislation entitled the ''Technology Education and Copyright Harmonization Act'' or fittingly abbreviated as the ''TEACH Act,'' which updates the educational use provisions of the copyright law to account for advancements in digital transmission technologies that support distance learning.

While distance learning is far from a new concept, there is no ''official'' definition as to what falls under the umbrella of distance learning. There is, however, general agreement that distance education covers the various forms of study at all levels in which students are separated from instructors by time or space. By creating new avenues of communication, technology has paved the way for so-called ''distance learning,'' starting with correspondence courses, and later with instructional broadcasting. Most recently, however, the introduction of online education has revolutionized the world of ''distance learning.'' While the benefits of all forms of distance learning are self-evident, online learning opens unprecedented educational opportunities. With the click of a mouse, students in remote areas are able to access a broad spectrum of courses from the finest institutions and ''chat'' with other students across the country.

Distance education, and the use of high technology tools such as the Internet in education, hold great promise for students in states like Utah. Students in remote areas of my state are now able to link up to resources previously only available to those in cities or at prestigious educational institutions. For many Utahns, this means having access to courses or being able to see virtual demonstrations of principles that until now they have only read about.

True to its heritage, Utah is a pioneer among states in blazing the trail to the next century, making tomorrow's virtual classrooms a reality today. Fittingly, since it is home to one of the original six universities that pioneered the Internet, the State of Utah and the Utah System of Higher Education, as well as a number of individual universities in the state have consistently been recognized as technology and web-education innovators. Such national recognition reflects, in part, Utah's high-tech industrial base, its learning-oriented population, and the fact that Utah was the first state with a centrally coordinated statewide system for distance learning. In the course of preparing the report that resulted in this legislation, I was pleased to host the Register of Copyrights at a distance education exposition and copyright round table that took place at the nerve center of that system, the Utah Education Network, where we saw many of the exciting technologies being developed and implemented in Utah, by Utahns, to make distance education a reality.

At the event in Salt Lake City, Ms. Peters and I dropped in on a live online art history class hosted in Orem, that included high school and college students scattered from Alpine in the north to Lake Powell in the south, nearly the length of the state. And the promise of distance education extends far beyond the traditional student, making expanded opportunities available for working parents, senior citizens, and anyone else with a desire to learn.

This legislation will make it easier for the teacher who connects with her students online to enhance the learning process by illustrating music appreciation principles with appropriately limited sound recordings or illustrate visual design or story-telling principles with appropriate movie clips. Or she might create wholly new experiences such as making a hypertext poem that links significant words or formal elements to commentary, similar uses in other contexts, or other sources for deeper understanding, all accessible at the click of a mouse. These wholly new interactive educational experiences, or more traditional ones now made available around the students' schedule, will be made more easily and more inexpensively by this legislation. Beyond the legislative safe harbor provided by this legislation, opportunities for students and lifetime learners of all kinds, in all kinds of locations, is limited only by the human imagination and the cooperative creativity of the creators and users of copyrighted works. I hope that creative licensing arrangements will be spurred to make even more exciting opportunities available to students and lifelong learners, and that incentives to create those experiences will continue to encourage innovation in education, art and entertainment online. The possibilities for everyone in the wired world are thrilling to contemplate.

While the development of digital technology has fostered the tremendous growth of distance learning in the United States, online education will work only if teachers and students have affordable and convenient access to the highest quality educational materials. In fact, in its recent report, the Web-Based Commission, established by Congress to develop policies to ensure that new technologies will enhance learning, concluded that United States copyright practice presents significant impediments to online education. Additionally, the Web-Based Commission concluded that there are some needed reforms in higher education regulations and statutes. Specifically, the Commission identifies reforms needed in the so-called 12 hour rule, the 50 percent rule and the ban on incentive based compensation. These education recommendations are not included in the legislation I am introducing today. However, I want to put my colleagues on notice that I will pushing for these reforms and leave open the possibility of amending this particular bill or seek other vehicles to include such education reform provisions which will improve delivery of distance education to a wider variety of students. We will be discussing education reforms in the Senate in the coming weeks, and I think it is important that any education reform include the kinds of reforms that will promote the use of high technologies in education, such as the Internet. And I intend to work to have these reforms included in any larger education package considered this year.

As part of its mandate under the Digital Millennium Copyright Act, DMCA, which laid the basic copyright rules in a digital environment, the Copyright Office was tasked to study the impact of copyright law on online education and submit recommendations on how to promote distance learning through digital technologies while maintaining an appropriate balance between the rights of copyright owners and the needs of users of copyrighted works. Without adequate incentives and protections, those who create these materials will be disinclined to make their works available for use in online education. The interests of educators, students, and copyright owners need not be divergent; indeed, I believe they coincide in making the most of this medium. As expected, the Copyright Office has presented us with a detailed and comprehensive study of the copyright issues involved in digital distance education that takes into account a wide range of views expressed by various groups, including copyright owners, educational institutions, technologists, and libraries. As part of its report, the Copyright Office concluded that the current law should be updated to accommodate digital educational technologies.

After careful review and consideration of the findings and recommendations presented in the report prepared by the Copyright Office, not to mention my enormous respect for and confidence in the Register of Copyrights, I fully support the Office's recommendation to update the current copyright law in a manner that promotes the use of high technology in education, such as distance learning over the Internet, while maintaining appropriate incentives for authors. While the bill we are introducing today is based on the hard work and expert advice of the Copyright Office, and is therefore, I believe a very good bill, I welcome constructive suggestions from improvements from any interested party as this bill moves through the legislative process.

Currently, United States copyright law contains a number of exemptions

to copyright owners' rights relating to face-to-face classroom teaching and instructional broadcasts. While these exemptions embody the policy that certain uses of copyrighted works for instructional purposes should be exempt from copyright control, the current exemptions were not drafted with online, interactive digital technologies in mind. As a result, the Copyright Office concluded that the current exemptions related to instructional purposes are probably inapplicable to most advanced digital delivery systems and without a corresponding change, the policy behind the existing law will not be advanced.

Drawing from the recommendations made by the Copyright Office, the primary goal of this legislation is simple and straight forward: to promote digital distance learning by permitting certain limited instructional activities to take place without running afoul of the rights of copyright owners. The bill does not limit the bounds of ''fair use'' in the educational context, but provides something of a ''safe harbor'' for online distance education. And nothing limits the possibilities for creative licensing of copyrighted works for even more innovative online educational experiences. While Section 110(1) of the Copyright Act exempts the performance or display of any work in the course of face-to-face teachings, Section 110(2) of the Copyright Act limits these exemptions in cases of instructional broadcasting. Under Section 110(2), while displays of all works are permitted, only performances of nondramatic literary or mystical works are permitted. Thus, an instructor is currently not able to show a movie or perform a play via educational broadcasting.

This legislation would amend Section 110(2) of the Copyright Act to create a new set of rules in the digital education world that, in essence, represent a hybrid of the current rules applicable to face-to-face instruction and instructional broadcasting. In doing this, the legislation amends Section 110(2) by expanding the permitted uses currently available for instructional broadcasting in a modest fashion by including the performance of any work not produced primarily for instructional use in reasonable and limited portions.

In addition, in order to modernize the statute to account for digital technologies, the legislation amends Section 110(2) by eliminating the requirement of a physical classroom and clarifies that the instructional activities exempted in Section 110(2) of the Copyright Act apply to digital transmissions as well as analog. The legislation also permits a limited right to reproduce and distribute transient copies created as part of the automated process of digital transmissions. Mindful of the new risks involved with digital transmissions, the legislation also creates new safeguards for copyright owners. These include requirements that those invoking the exemptions institute a policy to promote compliance with copyright law and apply technological measures to prevent unauthorized access and uses.

Moreover, in order to allow the exempted activities to take place in online education asynchronously, a new amendment to the ephemeral recording exemption is proposed that would permit an instructor to upload a copyrighted work onto a server to be later transmitted to students. Again, extra safeguards are in place to ensure that no additional copies beyond those necessary to the transmission can be made and that the retention of the copy is limited in time.

I believe that this legislation is necessary to foster and promote the use of high technology tools, such as the Internet, in education and distance learning, while at the same time maintains a careful balance between copyright owners and users. Through the increasing influence of educational technologies, virtual classrooms are popping up all over the country and what we do not want to do is stand in the way of the development and advancement of innovative technologies that offer new and exciting educational opportunities. I think we all agree that digital distance should be fostered and utilized to the greatest extent possible to deliver instruction to students in ways that could have been possible a few years ago. We live at a point in time when we truly have an opportunity to help shape the future by influencing how technology is used in education so I hope my colleagues will join us in supporting this modest update of the copyright law that offers to make more readily available distance education in a digital environment to all of our students.

I ask unanimous consent that the text of the bill and explanatory section-by-section analysis, be printed in the RECORD.

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

S. 487

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 ''Technology, Education And Copyright Harmonization Act of 2001''.

SEC. 2. EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS FOR EDUCATIONAL USES.

Section 110(2) of title 17, United States Code, is amended—

(1) by striking the matter preceding subparagraph (A) and inserting the following:

''(2) except with respect to a work produced primarily for instructional use or a performance or display that is given by means of a copy that is not lawfully made and acquired under this title, and the transmitting governmental body or nonprofit educational institution knew or had reason to believe was not lawfully made and acquired, the performance of a nondramatic literary or musical work or reasonable and limited portions of any other work, or display of a work, by or in the course of a transmission, reproduction of such work in transient copies or phonorecords created as a part of the automatic technical process of a digital transmission, and distribution of such copies or phonorecords in the course of such transmission, to the extent technologically necessary to transmit the performance or display, if—'';

(2) in subparagraph (A) by striking all beginning with ''the performance'' through ''regular'' and inserting the following: ''the performance or display is made by or at the direction of an instructor as an integral part of a class session offered as a regular'';

(3) by striking subparagraph (C) and inserting the following:

''(C) the transmission is made solely for, and, to the extent technologically feasible, the reception of such transmission is limited to—

''(i) students officially enrolled in the course for which the transmission is made; or

''(ii) officers or employees of governmental bodies as part of their official duties or employment; and''; and

(4) by adding at the end the following:

''(D) any transient copies are retained for no longer than reasonably necessary to complete the transmission; and

''(E) the transmitting body or institution—

''(i) institutes policies regarding copyright, provides informational materials to faculty, students, and relevant staff members that accurately describe, and promote compliance with, the laws of the United States relating to copyright, and provides notice to students that materials used in connection with the course may be subject to copyright protection; and

''(ii) in the case of digital transmissions, applies technological measures that reasonably prevent unauthorized access to and dissemination of the work, and does not intentionally interfere with technological measures used by the copyright owner to protect the work.''.

SEC. 3. EPHEMERAL RECORDINGS.

(a) IN GENERAL.—Section 112 of title 17, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) Notwithstanding the provisions of section 106, and without limiting the application of subsection (b), it is not an infringement of copyright for a governmental body or other nonprofit educational institution entitled to transmit a performance or display of a work that is in digital form under section 110(2) to make copies or phonorecords embodying the performance or display to be used for making transmissions authorized under section 110(2), if—

''(1) such copies or phonorecords are retained and used solely by the body or institution that made them, and no further copies or phonorecords are reproduced from them, except as authorized under section 110(2);

''(2) such copies or phonorecords are used solely for transmissions authorized under section 110(2); and

''(3) the body or institution does not intentionally interfere with technological measures used by the copyright owner to protect the work.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 802(c) of title 17, United States Code, is amended in the third sentence by striking ''section 112(f)'' and inserting ''section 112(g)''.

SEC. 4. IMPLEMENTATION BY COPYRIGHT OFFICE.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, the Copyright Office shall conduct a study and submit a report to Congress on the status of—

(1) licensing by private and public educational institutions of copyrighted works for digital distance education programs, including—

(A) live interactive distance learning classes;

(B) faculty instruction recorded without students present for later transmission; and

(C) asynchronous delivery of distance learning over computer networks; and

(2) the use of copyrighted works in such programs.

(b) CONFERENCE.—Not later than 2 years after the date of enactment of this Act, the Copyright Office shall—

(1) convene a conference of interested parties, including representatives of copyright owners, nonprofit educational institutions and nonprofit libraries and archives to develop guidelines for the use of copyrighted works for digital distance education under the fair use doctrine and section 110 (1) and (2) of title 17, United States Code;

(2) to the extent the Copyright Office determines appropriate, submit to the Committees on the Judiciary of the Senate and the House of Representatives such guidelines, along with information on the organizations, Government agencies, and institutions participating in the guideline development and endorsing the guidelines; and

(3) post such guidelines on an Internet website for educators, copyright owners, libraries, and other interested persons.

SECTION-BY-SECTION ANALYSIS OF THE TECHNOLOGY, EDUCATION, AND COPYRIGHT HARMONIZATION ACT

SECTION 1. SHORT TITLE

This bill may be cited as the ''Technology, Education And Copyright Harmonization Act of 2001'' or the TEACH Act.

SECTION 2. EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS FOR EDUCATIONAL USES

The bill updates section 110(2) to allow the similar activities to take place using digital delivery mechanisms that were permitted under the basic policy balance struck in 1976, while minimizing the additional risks to copyright owners that are inherent in exploiting works in a digital format. Current law allows performances and displays of all categories of copyrighted works in classroom settings, under section 110(1) of the Copyright Act, and allows performances of non-dramatic literary and musical works and displays of works during certain education-related transmissions (usually television-type transmission) under Section 110(2). Section 110(2) is amended to allow performances of categories of copyrighted works—such as portions of audiovisual works, sound recordings and dramatic literary and musical works—in addition to the non-dramatic literary and musical works that may be performed under current law. Because of the potential adverse effect on the secondary markets of such works, only reasonable and limited portions of these additional works may be performed under the exemption. Excluded from the exemption are those works that are produced primarily from instructional use, because for such works, unlike entertainment products or materials of a general educational nature, the exemption could significantly cut into primary markets, impairing incentives to create. As an additional safeguard, this provision requires the exempted performance or display to be made from a lawful copy. Since digital transmissions implicate the reproduction and distribution rights in addition to the public performance right, section 110(2) is further amended to add coverage of the rights of reproduction/and or distribution, but only to the extent technologically required in order to transmit a performance or display authorized by the exemption.

Section 110(2)(C) eliminates the requirement of a physical classroom by permitting transmissions to be made to students officially enrolled in the course and to government employees, regardless of their physical location. In lieu of this limitation two safeguards have been added. First, section 110(2)(A) emphasizes the concept of mediated instruction by ensuring that the exempted performance or display is analogous to the type of performance or display that would take place in a live classroom setting. Second, section 110(2)(C) adds the requirement that, to the extent technologically feasible, the transmission must be made solely for reception by the defined class of eligible recipients.

Sections 110(2)(D), (E)(i) and (E)(ii) add new safeguards to counteract the new risks posed by the transmission of works to students in digital form. Paragraph (D) requires that transient copies permitted under the exemption be retained no longer than reasonably necessary to complete the transmission. Paragraph (E)(i) requires that beneficiaries of the exemption institute policies regarding copyright; provide information materials to faculty, students, and relevant staff members that accurately describe and promote compliance with copyright law; and provide notice to students that materials may be subject to copyright protection. Paragraph 110(2)(E)(ii) requires that the transmitting organization apply measures to protect against both unauthorized access and unauthorized dissemination after access has been obtained. This provision also specifies that the transmitting body or institution may not intentionally interfere with protections applied by the copyright owners themselves.

SECTION 3. EPHEMERAL RECORDINGS

Section 112 is amended by adding a new subsection which permits an educator to upload a copyrighted work onto a server to facilitate transmissions permitted under section 110(2) to students enrolled in his or her course. Limitations have been imposed upon the exemption similar to those set out in other subsections of section 112. Paragraph 112(f)(1) specifies that any such copy be retained and used solely by the entity that made it and that no further copies be reproduced from it except the transient copies permitted under section 110(2). Paragraph 112(f)(2) requires that the copy be used solely for transmissions authorized under section 110(2). Paragraph 112(f)(3) prohibits a body or institution from intentionally interfering with technological protection measures used by the copyright owner to protect the work.

SECTION 4. IMPLEMENTATION BY COPYRIGHT OFFICE

Subsection (a) requires the Copyright Office, not later than 2 years after the date of the enactment, to conduct a study and submit a report to Congress on the status of licensing for private and public school digital distance education programs and the use of copyrighted works in such programs. Subsection (b) requires the Copyright Office, not later than 2 years after the date of enactment, to convene a conference of other interested parties on the subject of the use of copyrighted works in education and, to the extent the Office deems appropriate, develop guidelines for the clarification of the appropriate use of copyrighted works in educational settings, including distance education, for submission to Congress and for posting on the Copyright Office website as a reference resource.

Mr. LEAHY. Mr. President, an important responsibility of the Senate Judiciary Committee is fulfilling the mandate set forth in Article 1, section 8 of the Constitution, ''to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.'' Chairman HATCH and I, and other colleagues on the Judiciary Committee, have worked together successfully over the years to update and make necessary adjustments to our copyright, patent and trademark laws to carry out this responsibility. We have strived to do so in a manner that advances the rights of intellectual property owners while protecting the important interests of users of the creative works that make our culture a vibrant force in this global economy.

Several years ago, as part of the Digital Millennium Copyright Act, DMCA, we asked the Copyright Office to perform a study of the complex copyright issues involved in distance education and to make recommendations to us for any legislative changes. In conducting that study, Maybeth Peters, the Registrar of Copyrights met informally with interested Vermonters at Champlain College in Burlington, Vermont, to hear their concerns on this issue. Champlain College has been offering on-line distance learning programs since 1993, with a number of on-line programs, including for degrees in accounting, business, and hotel-restaurant management.

The Copyright Office released its report in May, 1999, at a hearing held in this Committee, and made valuable suggestions on how modest changes in our copyright law could go a long way to foster the appropriate use of copyrighted works in valid distance learning activities. I am pleased to join Senator HATCH in introducing the Technology, Education and Copyright Harmonization, or TEACH, Act, that incorporates the legislative recommendations of that report. This legislation will help clarify the law and allow educators to use the same rich material in distance learning over the Internet that they are able to use in face-to-face classroom instruction.

The growth of distance learning is exploding, largely because it is responsive to the needs of older, non-traditional students. The Copyright Office,

CO, report noted two years ago that, by 2002, the number of students taking distance education courses will represent 15 percent of all higher education students. Moreover, the typical average distance learning student is 34 years old, employed full-time and has previous college credit. More than half are women. In increasing numbers, students in other countries are benefitting from educational opportunities here through U.S. distance education programs.

In high schools, distance education makes advanced college placement and college equivalency courses available, a great opportunity for residents in our more-rural states. In colleges, distance education makes lifelong learning a practical reality.

Not only does distance education make it more convenient for many students to pursue an education, for students who have full-time work commitments, who live in rural areas or in foreign countries, who have difficulty obtaining child or elder care, or who have physical disabilities, distance education may be the only means for them to pursue an education. These are the people with busy schedules who need the flexibility that on-line programs offer: virtual classrooms accessible when the student is ready, and free, to log-on.

In Vermont and many other rural states, distance learning is a critical component of any quality educational and economic development system. In fact, the most recent Vermont Telecommunications Plan, which was published in 1999 and is updated at regular intervals, identifies distance learning as being critical to Vermont's development. It also recommends that Vermont consider ''using its purchasing power to accelerate the introduction of new [distance learning] services in Vermont.'' Technology has empowered individuals in the most remote communities to have access to the knowledge and skills necessary to improve their education and ensure they are competitive for jobs in the 21st century.

Several years ago, I was proud to work with the state in establishing the Vermont Interactive Television network. This constant two-way videoconferencing system can reach communities, schools and businesses in every corner of the State. Since we first successfully secured funds to build the backbone of the system, Vermont has constructed fourteen sites. The VIT system is currently running at full capacity and has demonstrated that in Vermont, technology highways are just as important as our transportation highways.

No one single technology should be the platform for distance learning. In Vermont, creative uses of available resources have put in place a distance learning system that employees T–1 lines in some areas and traditional internet modem hook-ups in others. Several years ago, the Grand Isle Supervisory Union received a grant from the U.S. Department of Agriculture to link all the schools within the district with fiber optic cable. There are not a lot of students in this Supervisory Union but these is a lot of land separating one school from another. The bandwidth created by the fiber optic cables has not only improved the educational opportunities in the four Grand Isle towns, but it has also provided a vital economic boost to the area's business.

While there are wonderful examples of the use of distance learning inside Vermont, the opportunities provided by these technologies are not limited to the borders of one state, or even one country. Champlain College, a small school in Burlington, Vermont has shown this is true when it adopted a strategic plan to provide distance learning for students throughout the world. Under the leadership of President Roger Perry, Champlain College now has more students enrolled than any other college in Vermont. The campus in Vermont has not been overwhelmed with the increase. Instead, Champlain now teaches a large number of students overseas through its on-line curriculum. Similarly, Marlboro College in Marlboro, Vermont, offers innovative graduate programs designed for working professionals with classes that meet not only in person but also online.

The Internet, with its interactive, multi-media capabilities, has been a significant development for distance learning. By contrast to the traditional, passive approach of distance learning where a student located remotely from a classroom was able to watch a lecture being broadcast at a fixed time over the air, distance learners today can participate in real-time class discussions, or in simultaneous multimedia projects. The Copyright Office report confirms what I have assumed for some time—that ''the computer is the most versatile of distance education instruments,'' not just in terms of flexible schedules, but also in terms of the material available.

Over twenty years ago, the Congress recognized the potential of broadcast and cable technology to supplement classroom teaching, and to bring the classroom to those who, because of their disabilities or other special circumstances, are unable to attend classes. At the same time, Congress also recognized the potential for unauthorized transmissions of works to harm the markets for educational uses of copyrighted materials. The present Copyright Act strikes a careful balance and includes two narrowly crafted exemptions for distance learning, in addition to the general fair use exemption.

Under current law, the performance or display of any work in the course of face-to-face instruction in a classroom is exempt from the exclusive rights of a copyright owner. In addition, the copyright law allows transmission of certain performances or displays of copyrighted works to be sent to a classroom or a similar place which is normally devoted to instruction, to persons whose disabilities or other special circumstances prevent classroom attendance, or to government employees. While this exemption is technology neutral and does not limit authorized ''transmissions'' to distance learning broadcasts, the exemption does not authorize the reproduction or distribution of copyrighted works—a limitation that has enormous implications for transmissions over computer networks. Digital transmissions over computer networks involve multiple acts of reproduction as a data packet is moved from one computer to another.

The need to update our copyright law to address new developments in online distance learning was highlighted in the December, 2000 report of the Web-Based Education Commission, headed by former Senator Bob Kerrey. This Commission noted that:

> Current copyright law governing distance education . . . was based on broadcast models of telecourses for distance education. That law was not established with the virtual classroom in mind, nor does it resolve emerging issues of multimedia online, or provide a framework for permitting digital transmissions.

This report further observed that ''This current state of affairs is confusing and frustrating for educators. . . . Concern about inadvertent copyright infringement appears, in many school districts, to limit the effective use of the Internet as an educational tool.'' In conclusion, the report concluded that our copyright laws were ''inappropriately restrictive.''

The TEACH Act makes three significant expansions in the distance learning exemption in our copyright law, while minimizing the additional risks to copyright owners that are inherent in exploiting works in a digital format. First, the bill eliminates the current eligibility requirements for the distance learning exemption that the instruction occur in a physical classroom or that special circumstances prevent the attendance of students in the classroom.

Second, the bill clarifies that the distance learning exemption covers the temporary copies necessarily made in networked servers in the course of transmitting material over the Internet.

Third, the current distance learning exemption only permits the transmission of the performance of ''nondramatic literary or musical works,'' but does not allow the transmission of movies or videotapes, or the performance of plays. The Kerrey Commission report cited this limitation as an obstacle to distance learning in current

copyright law and noted the following examples: A music instructor may play songs and other pieces of music in a classroom, but must seek permission from copyright holders in order to incorporate these works into an online version of the same class. A children's literature instructor may routinely display illustrations from childrens' books in the classroom, but must get licenses for each one for on online version of the course.

To alleviate this disparity, the TEACH Act would amend current law to allow educators to show limited portions of dramatic literary and musical works, audiovisual works, and sound recordings, in addition to the complete versions of nondramatic literary and musical works which are currently exempted.

This legislation is a balanced proposal that expands the educational use exemption in the copyright law for distance learning, but also contains a number of safeguards for copyright owners. In particular, the bill excludes from the exemption those works that are produced primarily for instructional use, because for such works, unlike entertainment products or materials of a general educational nature, the exemption could significantly cut into primary markets, impairing incentives to create. Indeed, the Web-Based Education Commission urged the development of ''high quality online educational content that meets the highest standards of educational excellence.'' Copyright protection can help provide the incentive for the development of such content.

In addition, the bill requires the use by distance educators of technological safeguards to ensure that the dissemination of material covered under the exemption is limited only to the students who are intended to receive it.

Finally, the TEACH Act directs the Copyright Office to conduct a study on the status of licensing for private and public school digital distance education programs and the use of copyrighted works in such programs, and to convene a conference to develop guidelines for the use of copyrighted works for digital distance education under the fair use doctrine and the educational use exemptions in the copyright law. Both the Copyright Office report and the Kerrey Commission noted dissatisfaction with the licensing process for digital copyrighted works. According to the Copyright Office, many educational institutions ''describe having experienced recurrent problems [that] . . . can be broken down into three categories: difficulty locating the copyright owner; inability to obtain a timely response; and unreasonable prices for other terms.'' Similarly, the Kerrey Commission report echoed the same concern. A study focusing on these licensing issues will hopefully prove fruitful and constructive for both publishers and educational institutions.

The Kerrey Commission report observed that ''[c]oncern about inadvertent copyright infringement appears, in many school districts, to limit the effective use of the Internet as an educational tool.'' For this reason, the Kerrey Commission report endorsed ''the U.S. Copyright Office proposal to convene education representatives and publisher stakeholders in order to build greater consensus and understanding of the 'fair use' doctrine and its application in web-based education. The goal should be agreement on guidelines for the appropriate digital use of information and consensus on the licensing of content not covered by the fair use doctrine.'' The TEACH Act will provide the impetus for this process to begin.

I appreciate that, generally speaking, copyright owners believe that current copyright laws are adequate to enable and foster legitimate distance learning activities. As the Copyright Office report noted, copyright owners are concerned that ''broadening the exemption would result in the loss of opportunities to license works for use in digital distance education'' and would increase the ''risk of unauthorized downstream uses of their works posed by digital technology.'' Based upon its review of distance learning, however, the Copyright Office concluded that updating section 110(2) in the manner proposed in the TEACH Act is ''advisable.'' I agree. At the same time we have made efforts to address the valid concerns of both the copyright owners and the educational and library community, and look forward to working with all interested stakeholders as this legislation is considered by the Judiciary Committee and the Congress.

Distance education is an important issue to both the chairman and to me, and to the people of our States. I commend him for scheduling a hearing on this important legislation for next week.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 45—HORNORING THE MEN AND WOMEN WHO SERVE THIS COUNTRY IN THE NATIONAL GUARD AND EXPRESSING CONDOLENCES OF THE UNITED STATES SENATE TO FAMILY AND FRIENDS OF THE 21 NATIONAL GUARDSMEN WHO PERISHED IN THE CRASH ON MARCH 3, 2001

Mr. BOND (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 45

Whereas on March 3, 2001, a tragic crash of a C-23 from the 171st Aviation Battalion of the Florida Army National Guard, carrying guardsmen from the 203rd Red Horse Unit of the Virginia Air National Guard took the lives of 21 guardsmen;

Whereas this unfortunate crash occurred during a routine training mission;

Whereas the National Guard is present in every state and four protectorates and is comprised of citizen-soldiers and airmen who continually support our active forces;

Whereas members of the Tragedy Assistance Program for Survivors were on site the day of the accident and generously rendered assistance to family members and friends; and

Whereas this is a somber reminder of the fact that the men and women in the United States Armed Forces put their lives on the line every day to protect this great Nation and that each citizen should forever be grateful for the sacrifices made by these men and women: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions of the 21 National Guardsmen who made the ultimate sacrifice to their Nation on March 3, 2001;

(2) expresses deep and heartfelt condolences to the families and friends of the crash victims for this tragic loss;

(3) expresses appreciation for the members of the Tragedy Assistance Program for Survivors for their continued support to surviving family members; and

(4) honors the men and women who serve this country through the National Guard and is grateful for everything that each guardsman gives to protect the United States of America.

Mr. LEAHY. Mr. President, sadly, I rise today to talk about the recent crash of a National Guard aircraft in flying over Georgia. Last Friday, 21 members of the National Guard lost their lives in a horrible plane crash. How does one understand the death of 21 soldiers and airmen who dedicated their time and energy to contribute to our nation's defense?

While there perhaps is no easy answer to this question, the patriotism and dedication of these men is without doubt. Nineteen served with the Virginia Air National Guard in the 203d Red Horse Unit. Three were of the 171st Aviation Battalion of the Florida Army National Guard. All come from a proud citizen-soldier tradition that dates back to the War of Independence.

This was a routine mission for the fated C–23 Sherpa. With the Florida Guardsmen at the controls, the plane took off on Friday morning, headed for Virginia. Its passengers had just completed their two-weeks of annual training in Georgia, where they had honed their already refined construction abilities. They were heading back to their families and the civilian jobs. Alas, those reunions were never to occur.

It is a great loss whenever a member of the armed services gives his or her life in the lien of duty. But perhaps because these men came straight out of local communities, because they were juggling the demands of work and family along with their national service, we feel the losses like these especially deeply. Their departure reminds us

that our friends, colleagues, and neighbors in the National Guard make sacrifices every time they report for duty. They leave the comfort of their homes for the rigors of service. It is a sacrifice that is worthy of honor and recognition, but often goes unnoticed until they make the ultimate sacrifice.

With that in mind, I join with my colleague Senator KIT BOND in introducing a resolution that honors their service and expresses our heartfelt condolences to the families of the victims.

SENATE RESOLUTION 46—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 46

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1, 2001, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $970,754.00, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $1,718,989.00, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $734,239.00, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its finding, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2001.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through February 28, 2003, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 47—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 47

Resolved,

That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Select Committee on Intelligence is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002 through February 28, 2003 in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2001 through September 30, 2001 under this resolution shall not exceed $1,859,933 of which amount not to exceed $37,917 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) For the period October 1, 2001 through September 30, 2002, expenses of the committee under this resolution shall not exceed $3,298,074, of which amount not to exceed $65,000 be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period October 1, 2002 through February 28, 2003, expenses of the committee under this resolution shall not exceed $1,410,164, of which amount not to exceed $27,083 be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee, from March 1, 2001 through September 30, 2001; October 1, 2001 through September 30, 2002; and October 1, 2002 through February 28, 2003, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 48—HONORING THE LIFE OF FORMER GOVERNOR OF MINNESOTA HAROLD E. STASSEN, AND EXPRESSING DEEPEST CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. DAYTON (for himself and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 48

Whereas the Senate has learned with sadness of the death of Harold E. Stassen;

Whereas Harold E. Stassen, born in St. Paul, Minnesota, greatly distinguished himself and his State by his long commitment to public service;

Whereas in 1938, Harold E. Stassen, at age 31, became the youngest person elected Governor in the history of the United States;

Whereas Harold E. Stassen, elected to 3 consecutive terms as Governor of Minnesota, was a visionary leader of the Republican Party and was nationally recognized for civil service and anti-corruption reforms while Governor;

Whereas during Harold E. Stassen's third term as Governor, he voluntarily resigned

from that office to join the United States Navy in World War II, helping to free American prisoners of war from Japan and received promotion to the rank of captain;

Whereas Harold E. Stassen was an original signer of the United Nations charter of 1948, and in that same year undertook the first of 9 campaigns for President of the United States;

Whereas Harold E. Stassen served 5 years in the Eisenhower administration, first overseeing foreign aid programs, then serving as a Special Presidential Assistant on disarmament policy;

Whereas although Harold E. Stassen spent much of his life as a public servant, he was also highly respected as an international lawyer in private practice;

Whereas Harold E. Stassen, a major constructive force in shaping the course of the 20th Century, was a great intellectual force, a noble statesman, and a high moral example;

Whereas Harold E. Stassen was committed not only to his country and his ideals, but also to his late wife of 70 years, Esther, his daughter and son, his 7 grandchildren, and 4 great-grandchildren; and

Whereas in the days following the passing of Harold E. Stassen, many past and present Minnesota public servants and national leaders have praised the life he led: Now, therefore, be it

Resolved, That the Senate—

(1) honors the long life and devoted work of a great leader and public servant; and

(2) expresses its deepest condolences and best wishes to the family of Harold E. Stassen in this difficult time of loss.

SENATE RESOLUTION 49—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S. RES. 49

Resolved,

That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2001, through September 30, 2001, October 1, 2001, through September 30, 2002; and October 1, 2001, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $2,504,922.

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $4,443,495.

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $1,900,457.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE CONCURRENT RESOLUTION 21—TO EXPRESS THE SENSE OF CONGRESS REGARDING THE USE OF A LEGISLATIVE ''TRIGGER'' OR ''SAFETY'' MECHANISM TO LINK LONG-TERM FEDERAL BUDGET SURPLUS REDUCTIONS WITH ACTUAL BUDGETARY OUTCOMES

Ms. SNOWE (for herself, Mr. BAYH, Mr. CHAFEE, Ms. LANDRIEU, Ms. COLLINS, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Mr. SPECTER, Mr. CARPER, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs and the Committee on the Budget, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged:

S. CON. RES. 21

Whereas the Congressional Budget Office (CBO) has projected that the Federal unified budget surplus over the 10-year period from fiscal year 2002 to fiscal year 2011 will total $5,610,000,000,000;

Whereas the projected Federal on-budget surplus over the same period of time is projected to be $3,122,000,000,000, which includes a surplus for the medicare program in the Federal Hospital Insurance (HI) Trust Fund of $392,000,000,000;

Whereas the projected surplus provides Congress with an opportunity to address a variety of pressing national needs, including Federal debt reduction, tax relief, and increased investment in the shared priorities of the American people, such as national defense, science, health, education, retirement security, and other areas;

Whereas although CBO projections properly serve as the basis for budgetary policies in Congress, actual economic and fiscal outcomes may differ substantially from projections;

Whereas for example, as CBO indicates in its January 2001 budget update, if the future record is like the past, there is about a 50 percent chance that errors in the assumptions about economic and technical factors will cause CBO's projection of the annual surplus 5 years ahead to miss the actual outcome by more than 1.8 percent of the Gross Domestic Product, with a resulting difference in the surplus estimate of $245,000,000,000 in the fifth year alone;

Whereas where appropriate, long-term changes to tax and spending policy that are predicated on the existence of significant budget surpluses should be linked to actual fiscal performance, such as meeting specified debt reduction or on-budget surplus targets, to ensure the Federal Government does not incur on-budget deficits or increase the publicly-held debt;

Whereas during his testimony before the Senate Budget Committee on January 25, 2001, Federal Reserve Chairman Alan Greenspan stated, ''In recognition of the uncertainties in the economic and budget outlook, it is important that any long-term tax plan, or spending initiative for that matter, be phased in. Conceivably, it could include provisions that, in some way, would limit surplus-reducing actions if specified targets for the budget surplus and Federal debt were not satisfied. Only if the probability was very low that prospective tax cuts or new outlay initiatives would send the on-budget accounts into deficit, would unconditional initiatives appear prudent'', and he reiterated this testimony before the Senate Banking Committee on February 13, 2001; and

Whereas in light of Chairman Greenspan's testimony and the uncertainty of surplus projections, while Members of Congress agree that the resources are available to address many pressing national needs in the 107th Congress, Congress should exercise great caution and not pass tax cuts or spending increases that are so large that they will necessitate future tax increases or significant spending cuts if anticipated budget surpluses fail to materialize: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) with respect to any long-term, Federal surplus-reducing actions adopted by the 107th Congress pursuant to the Congressional Budget Office's projected surpluses, such actions shall include a legislative ''trigger'' or ''safety'' mechanism that links the phase-in of such actions to actual budgetary outcomes over the next 10 fiscal years;

(2) this legislative ''trigger'' or ''safety'' mechanism shall outline specific legislative or automatic action that shall be taken should specified levels of Federal debt reduction or on-budget surpluses not be realized, in order to maintain fiscal discipline and continue the reduction of our national debt;

(3) the legislative ''trigger'' or ''safety'' mechanism shall be applied prospectively and not repeal or cancel any previously implemented portion of a surplus-reducing action;

(4) enactment of a legislative ''trigger'' or ''safety'' mechanism shall not prevent Congress from passing other legislation affecting the level of Federal revenues or spending should future economic performance dictate such action; and

(5) this legislative ''trigger'' or ''safety'' mechanism will ensure fiscal discipline because it restrains both Government spending and tax cuts, by requiring that the budget is balanced and that specified debt reduction targets are met.

SENATE CONCURRENT RESOLUTION 22—HONORING THE 21 MEMBERS OF THE NATIONAL GUARD WHO WERE KILLED IN THE CRASH OF A NATIONAL GUARD AIRCRAFT ON MARCH 3, 2001, IN SOUTH-CENTRAL GEORGIA

Mr. WARNER (for himself, Mr. ALLEN, Mr. GRAHAM, and Mr. NELSON of Florida) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 22

Whereas a C–23 Sherpa National Guard aircraft crashed in south-central Georgia on March 3, 2001, killing all 21 National Guard members on board;

Whereas of the 21 National Guard members on board, 18 were members of the Virginia Air National Guard from the Hampton Roads area of Virginia returning home following two weeks of training duty in Florida and the other 3 were members of the Florida Army National Guard who comprised the flight crew of the aircraft;

Whereas the Virginia National Guard members killed, all of whom were members of the 203rd Red Horse Engineering Flight of Virginia Beach, Virginia, were Master Sergeant James Beninati, 46, of Virginia Beach, Virginia; Staff Sergeant Paul J. Blancato, 38, of Norfolk, Virginia; Technical Sergeant Ernest Blawas, 47, of Virginia Beach, Virginia; Staff Sergeant Andrew H. Bridges, 33, of Chesapeake, Virginia; Master Sergeant Eric Bulman, 59, of Virginia Beach, Virginia; Staff Sergeant Paul Cramer, 43, of Norfolk, Virginia; Technical Sergeant Michael East, 40, of Parksley, Virginia; Staff Sergeant Ronald Elkin, 43, of Norfolk, Virginia; Staff Sergeant James Ferguson, 41, of Newport News, Virginia; Staff Sergeant Randy Johnson, 40, of Emporia, Virginia; Senior Airman Mathrew Kidd, 23, of Hampton, Virginia; Master Sergeant Michael Lane, 34, of Moyock, North Carolina; Technical Sergeant Edwin Richardson, 48, of Virginia Beach, Virginia; Technical Sergeant Dean Shelby, 39, of Virginia Beach, Virginia; Staff Sergeant John Sincavage, 27, of Chesapeake, Virginia; Staff Sergeant Gregory Skurupey, 34, of Gloucester, Virginia; Staff Sergeant Richard Summerell, 51, of Franklin, Virginia; and Major Frederick Watkins, III, 35, of Virginia Beach, Virginia;

Whereas the Florida National Guard members killed, all of whom were members of Detachment 1, 1st Battalion, 171st Aviation, of Lakeland, Florida, were Chief Warrant Officer John Duce, 49, of Orange Park, Florida; Chief Warrant Officer Eric Larson, 34, of Land-O-Lakes, Florida; and Staff Sergeant Robert Ward, 35, of Lakeland, Florida;

Whereas these members of the National Guard were performing their duty in furtherance of the national security interests of the United States;

Whereas the members of the Armed Forces, including the National Guard, are routinely called upon to perform duties that place their lives at risk; and

Whereas the members of the National Guard who lost their lives as a result of the aircraft crash on March 3, 2001, died in the honorable service to the Nation and exemplified all that is best in the American people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) honors the 18 members of the Virginia Air National Guard and 3 members of the Florida Army National Guard who were killed on March 3, 2001, in the crash of a C–23 Sherpa National Guard aircraft in south-central Georgia; and

(2) sends heartfelt condolences to their families, friends, and loved ones.

AMENDMENTS SUBMITTED AND PROPOSED

SA 13. Mr. LEAHY proposed an amendment to the bill S. 420, to amend title II, United States Code, and for other purposes.

SA 14. Mr. WELLSTONE proposed an amendment to the bill S. 420, supra.

SA 15. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 420, supra; which was ordered to lie on the table.

SA 16. Ms. COLLINS (for herself, Mr. KERRY, and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 420, supra; which was ordered to lie on the table.

SA 17. Mr. DURBIN proposed an amendment to the bill S. 420, supra.

SA 18. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 420, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 13. Mr. LEAHY proposed an amendment to the bill S. 420, to amend title II, United States Code, and for other purposes; as follows:

At the end of title IV, add the following:

SEC. 446. PRIORITY FOR SMALL BUSINESS CREDITORS.

(a) CHAPTER 7.—Section 726(b) of title II, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by striking ''paragraph, except that in a'' and inserting the following: ''paragraph, except that—

''(A) in a''; and

(3) by striking the period at the end and inserting the following: ''; and

''(B) with respect to each such paragraph, a claim of a small business has priority over a claim of a creditor that is a for-profit business but is not a small business.

''(2) In this subsection—

''(A) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

''(i) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

''(ii) is engaged in commercial or business activity; and

''(B) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

''(i) a parent corporation; and

''(ii) any other subsidiary corporation of the parent corporation.''.

(b) CHAPTER 12.—Section 1222 of title 11, United States Code, is amended—

(1) in subsection (a), as amended by section 213 of this Act, by adding at the end the following:

''(5) provide that no distribution shall be made on a nonpriority unsecured claim of a for-profit business that is not a small business until the claims of creditors that are small businesses have been paid in full.''; and

(2) by adding at the end the following:

''(e) For purposes of subsection (a)(5)—

''(1) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

''(A) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

''(B) is engaged in commercial or business activity; and

''(2) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

''(A) a parent corporation; and

''(B) any other subsidiary corporation of the parent corporation.''.

(c) CHAPTER 13.—Section 1322(a) is amended—

(1) in subsection (a), as amended by section 213 of this Act, by adding at the end the following:

''(5) provide that no distribution shall be made on a nonpriority unsecured claim of a for-profit business that is not a small business until the claims of creditors that are small businesses have been paid in full.''; and

(2) by adding at the end the following:

''(f) For purposes of subsection (a)(5)—

''(1) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

''(A) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

''(B) is engaged in commercial or business activity; and

''(2) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

''(A) a parent corporation; and

''(B) any other subsidiary corporation of the parent corporation.''.

On page 67, line 4, strike ''inserting '; and' '' and insert ''inserting a semicolon''.

On page 67, line 13, strike the period and insert ''; and''.

On page 69, line 13, strike ''inserting '; and' '' and insert ''inserting a semicolon''.

On page 69, line 22, strike the period and insert ''; and''.

Amend the table of contents accordingly.

SA 14. Mr. WELLSTONE proposed an amendment to the bill S. 240, to amend title II, United States Code, and for other purposes; as follows:

On page 441, after line 2, add the following:

(c) EXEMPTIONS.—

(1) IN GENERAL.—This Act and the amendments made by this Act do not apply to any debtor that can demonstrate to the satisfaction of the court that the reason for the filing was a result of debts incurred through medical expenses, as defined in section 213(d) of the Internal Revenue Code of 1986, unless the debtor elects to make a provision of this Act or an amendment made by this Act applicable to that debtor.

(2) APPLICABILITY.—Title 11, United States Code, as in effect on the day before the effective date of this Act and the amendments made by this Act, shall apply to persons referred to in paragraph (1) on and after the date of enactment of this Act, unless the debtor elects otherwise in accordance with paragraph (1).

SA 15. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 420, to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INVOLUNTARY CASES.

Section 303 of title 11, United States Code, is amended—

(1) in subsection (b)(1), by—

(A) inserting ''as to liability or amount'' after ''bona fide dispute''; and

(B) striking ''if such claims'' and inserting ''if such undisputed claims''; and

(2) in subsection (h)(1), by inserting before the semicolon the following: ''as to liability or amount''.

SA 16. Ms. COLLINS (for herself, Mr. KERRY, and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 420, to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

''(7A) 'commercial fishing operation' includes—

''(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products;

''(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A); and

''(C) the transporting by vessel of a passenger for hire (as defined in section 2101 of title 46) who is engaged in recreational fishing;

''(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;'';

(2) by inserting after paragraph (19) the following:

''(19A) 'family fisherman' means—

''(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

''(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

''(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

''(B) a corporation or partnership—

''(i) in which more than 50 percent of the outstanding stock or equity is held by—

''(I) 1 family that conducts the commercial fishing operation; or

''(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

''(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

''(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

''(III) if such corporation issues stock, such stock is not publicly traded;''; and

(3) by inserting after paragraph (19A) the following:

''(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;''.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting ''or family fisherman'' after ''family farmer''.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting ''**OR FISHERMAN**'' after ''**FAMILY FARMER**'';

(2) in section 1201, by adding at the end the following:

''(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

''(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.'';

(3) in section 1203, by inserting ''or commercial fishing operation'' after ''farm'';

(4) in section 1206, by striking ''if the property is farmland or farm equipment'' and inserting ''if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)''; and

(5) by adding at the end the following:

''§ 1232. Additional provisions relating to family fishermen

''(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

''(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

''(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

''(b) A lien described in this subsection is—

''(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

''(2) a lien under applicable State law (or the law of a political subdivision thereof).

''(c) Subsection (a) shall not apply to—

''(1) a claim made by a member of a crew or a seaman including a claim made for—

''(A) wages, maintenance, or cure; or

''(B) personal injury; or

''(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

''(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.''.

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

''12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income ..... 1201''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

''1232. Additional provisions relating to family fishermen.''.

(e) APPLICABILITY.—

Nothing in this section shall change, affect, or amend the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801, et seq.).

Amend the table of contents accordingly.

SA 17. Mr. DURBIN proposed an amendment to the bill S. 420, to amend title II, United States Code, and for other purposes; as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. DISCOURAGING PREDATORY LENDING PRACTICES.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) the claim is based on a secured debt, if the creditor has failed to comply with any applicable requirement under subsection (a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 129 of the Truth in Lending Act (15 U.S.C. 1639).''.

SA 18. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 420, to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. GAO STUDY ON REAFFIRMATION PROCESS.

(a) STUDY.—The General Accounting Office (in this section referred to as the ''GAO'') shall conduct a study of the reaffirmation process under title 11, United States Code, to determine the overall treatment of consumers within the context of that process, including consideration of—

(1) the policies and activities of creditors with respect to reaffirmation; and

(2) whether there is abuse or coercion of consumers inherent in the process.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the GAO shall submit a report to the Congress on the results of the study conducted under subsection (a), together with any recommendations for legislation to address any abusive or coercive tactics found within the reaffirmation process.

Amend the table of contents accordingly.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 4 p.m., Thursday, March 8, 2001, in

room SR–301 Russell Senate Office Building, to consider the omnibus funding resolution for committees of the Senate for the 107th Congress.

For further information concerning this meeting, please contact Mary Suit Jones at the committee on 4–6352.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this oversight hearing is to review the National Park Service's implementation of management policies and procedures to comply with the provisions of title IV of the National Parks Omnibus Management Act of 1998.

The hearing will take place on Thursday, March 22, 2001, at 2:30 p.m. in room SD–192 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SRC–2, Russell Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 7, 2001, at 9:30 A.M., on voting technology reform.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 7 following the first rollcall vote to conduct a business meeting to consider the Committee's funding resolution and changes to the Committee rules.

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

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 7, 2001, to hear testimony regarding Marginal Rate Reduction.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March 7, 2001, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 7, 2001 at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a Business Meeting to adopt the rules of the Committee for the 107th Congress.

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

COMMITTEE ON SMALL BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, March 7, 2001, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building to hold a forum entitled ''PNTR/WTO: A Good Deal for U.S. Small Businesses in China?''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 7, 2001 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Tara Magner and Maryam Mazloom be granted floor privileges for the remainder of the debate on the bankruptcy reform bill.

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

IN HONOR OF FORMER GOVERNOR HAROLD E. STASSEN

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 48 submitted earlier today by Senators DAYTON and WELLSTONE.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 48) honoring the life of former Governor of Minnesota, Harold E. Stassen, and expressing deepest condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. 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 that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 48) was agreed to.

The preamble was agreed to.

(The text of S. Res. 48 is located in today's RECORD under ''Statements on Submitted Resolutions.'')

ORDERS FOR THURSDAY, MARCH 8, 2001

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 8. I further ask unanimous consent that on Thursday, immediately following the prayer, 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 resume the pending bankruptcy bill.

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

PROGRAM

Mr. BROWNBACK. For the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and immediately resume the pending bankruptcy bill. Amendments and votes are expected to occur throughout the day and into the evening in an effort to make substantial progress on this vital piece of legislation. Members are encouraged to work with the bill managers if they intend to offer amendments.

Mr. REID. Mr. President, will the Senator yield for a question?

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

Mr. REID. We have a group of Senators, with House Members, members of the Intelligence Committee, who are traveling to South America. Does the Senator think we can learn early in the morning if there are going to be votes past 5 o'clock so they can have some idea as to what to plan and what they can do?

Mr. BROWNBACK. I understand the leadership is trying to work out a finite list of amendments that could be worked on to the point that maybe we could get that group done and limit it so we could have a voting time set, and then those Members could plan what

they are trying to do. I understand it is being worked on right now.

Mr. REID. Senator LEAHY has indicated he is willing to cooperate in any way he can.

Mr. BROWNBACK. Good. I thank my colleague from Nevada for the comments. Hopefully we can get a limited number of amendments and move this bill through. This could be a substantial piece of legislation for this body to pass.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:44 p.m., adjourned until Thursday, March 8, 2001, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 7, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BONILLA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 7, 2001.

I hereby appoint the Honorable HENRY BONILLA 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:

Isaias warns us, O Lord, unless we acknowledge You as Lord with living faith and lasting reverence we go adrift.

You have raised us and reared us; yet we have disowned You. Our house pets know their owners; our appetites know where to be fed; yet we do not know where to turn unless we truly belong to You.

As Your people, when we hear You call us: ''a sinful nation, a people laden with wickedness, an evil race, corrupt children,'' shall we run away from You? Or toward You?

Is it You we fear and cannot face or is it the truth about ourselves and our children? Strengthen us that we may be drawn into the truth by You now and forever. Amen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to turn off cell phones when they enter the House Chamber.

THE JOURNAL

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

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

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will once again remind Members that cell phones are to be turned off in the House Chamber. Since the Chair's similar announcement a few moments ago, yet another cell phone has rung on the House floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. GRANGER) come forward and lead the House in the Pledge of Allegiance.

Ms. GRANGER 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

S.J. Res. 6. Joint Resolution providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics.

The message also announced that in accordance with Public Law 93–618, as amended by Public Law 100–418, the Chair, on behalf of the President pro tempore and upon the recommendation of the Chairman of the Committee on Finance, appoints the following Members of the Finance Committee as congressional advisers on trade policy and negotiations—

the Senator from Iowa (Mr. GRASSLEY);

the Senator from Utah (Mr. HATCH);

the Senator from Alaska (Mr. MURKOWSKI);

the Senator from Montana (Mr. BAUCUS); and

the Senator from West Virginia (Mr. ROCKEFELLER).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minute speeches on each side.

SUPPORT RESEARCH FUNDING FOR NATIONAL EYE INSTITUTE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, some people come into our lives and quickly go. Some stay and leave footprints on our hearts, and we are never the same.

My constituents, Betti and Carlos Lidsky, are such people. Three of their four children, Isaac, Daria and Ilana, have an irreversible, incurable, degenerative eye disease known as retinitis pigmentosa which will eventually cause blindness. The Lidsky children are among the 6 million Americans who suffer from sight-debilitating diseases, and that number is poised to skyrocket as an additional 9 million Americans have presymptomatic signs of retinal degeneration.

I learned of these statistics through Betti and Carlos, who work tirelessly every day to raise awareness on these issues. They raise funds for research, and they work closely with researchers. They have testified before congressional committees, and this week they will be here in Congress lobbying us to make sure that each and every one of us works toward making blinding diseases extinct.

Betti, Carlos and their children, Isaac, Daria and Ilana, are the reason why we need to support research funding for the National Eye Institute. Promising clinical experiments are underway, and with our continued support, we can be sure that a cure is just around the bend.

PERMISSION FOR LEAVE OF ABSENCE

Mr. SKELTON. Mr. Speaker, I have at the desk a personal request.

The SPEAKER pro tempore. The Clerk will report the leave of absence request.

The Clerk read as follows: Leave of absence requested for Mr. SKELTON of Missouri for tomorrow.

The SPEAKER pro tempore. Without objection, the gentleman's written request will be granted.

There was no objection.

GENE DARNELL

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

Mr. SKELTON. Mr. Speaker, tomorrow I will attend and participate in a funeral for a long-time friend from my home area, former sheriff Gene Darnell, one of Missouri's truly outstanding law enforcement officers.

It is with sadness that I report his loss, which is a great loss to our State.

VOTE AGAINST THE TAX-CUT PROPOSAL

Mr. SKELTON. Mr. Speaker, I also wish to add that were I here tomorrow, I would be speaking and voting against the tax cut proposal. It is important that we in this House protect our farmers, strengthen our armed forces, preserve Social Security and Medicare, and invest in our schools and eliminate the Federal debt.

Mr. Speaker, I am concerned we are getting the cart before the horse. We need a budget before we can make this important decision.

TAX CUTS

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

Mr. PITTS. Mr. Speaker, unlike the Soviet Union or the old kings of Europe, this country has always believed in limited government; but some here in Washington, D.C. seem to have changed their minds about that. Over the next 10 years we are going to collect more than $5.5 trillion more than we need. That is almost an unbelievable amount of money. It is more than we need to pay off our public debt, shore up Social Security, fix Medicare, implement the President's education plan, and cover just about every other reasonable expense we have. Even then we will have more than $2.5 trillion left over.

It is almost unbelievable that some in this body think we should keep that money in the Treasury until we can find something else to spend it on. This money is not the government's money. We are not supposed to take more than we need. We are supposed to be legislators, not thieves. We need to give this money back to the taxpayers who paid it. We need to pass the President's tax cut plan, and we should do it quickly.

DEFICIT-BUSTING TAX CUT IS WRONG

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

Ms. HARMAN. Mr. Speaker, during previous Congresses, I made many tough votes to balance our Federal budget with balanced priorities: I voted for the 1993 Clinton budget; I voted for Penny-Kasich, the first bipartisan effort to cut spending significantly; I voted for a constitutional amendment to balance our budget; and I voted for the 1997 balanced budget.

For my efforts, I received the Concord Coalition Deficit Hawk Award and four very close election victories. I have paid my dues on this issue, and I believe my votes have benefited all our constituents.

I rise today because tomorrow's vote on the first installment of a deficit-busting tax cut is wrong. It would benefit my family and me, but it is wrong. We need a budget first to make certain we pass tax cuts we can afford. We need a budget first to make certain we will pay off our debts in this decade, the best tax cut for all Americans.

CUT TAXES NOW

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

Mr. KNOLLENBERG. Mr. Speaker, taxes today are at an all-time high as a percentage of our economy. The fact is the Federal Government is currently sucking up more of the American economy than it took to win World War II. That is simply wrong.

But that is not all. At the same time the Federal budget is running record-level surpluses, we are also experiencing the largest tax overpayment in history. That is not only wrong, it must be changed as soon as possible.

Tomorrow is the opportunity. Tomorrow, we consider H.R. 3, the Economic Growth and Tax Relief Act of 2001. This bill will increase fairness in the Tax Code, allow every American income taxpayer to keep more of their own money and provide support to our economy at the same time.

This is a historic opportunity. It is a proper reaction. It is the right thing to do, and I hope Members on both sides of the aisle will join me in voting for this responsible and much-needed tax relief.

CONGRESS SHOULD DO SOMETHING ABOUT NARCOTICS

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

Mr. TRAFICANT. Mr. Speaker, every major city in America is experiencing booming heroin sales. Kids with eyes watering and noses running are running the streets and are dangerous. Now, if that is not enough to scare the welcome wagon, our borders are wide open. Wide open big time.

While Congress is building halfway houses, narcoterrorists are coming across the border and treating it like a speed bump. Beam me up.

I yield back the fact that we are wasting billions and billions of dollars on a failed narcotics policy that could provide for a prescription drug program for every senior in America. Wise up Congress and let us really do something about narcotics.

TAX RELIEF FOR EVERYONE

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

Mr. BARTLETT of Maryland. Mr. Speaker, the surplus means it is time for immediate across-the-board tax relief for all taxpayers to boost our economy, create jobs, and give Americans more confidence by returning some of their surplus taxes to help them get through these uncertain times. We need to cut taxes for every American, especially low-income families.

President Bush's tax plan will get the tax surplus out of Washington and back into the pockets of working men and women. The Republican Congress has united behind it. It is time that Americans get tax relief, sooner rather than later.

Mr. Speaker, the Federal Government is going to take in about $28 trillion in taxes over the next 10 years. We are proposing to give back $1.6 trillion. That is about 6 pennies out of every dollar. That is not a whole lot. We are saying that taxpayers should take this money and buy their kids school clothes, buy appliances for their homes, use it to pay utility bills, to help their house payment or their car loan.

Mr. Speaker, this money belongs to the American taxpayers. We need to give it back to them.

BUDGET SHOULD BE AGREED UPON BEFORE TAX BILL IS DEBATED

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

Mr. CARSON of Oklahoma. Mr. Speaker, I rise on this, my maiden speech in the House of Representatives, to protest the policy conceived in haste, offered without consultation, and prosecuted almost without discussion.

The question before us is not whether a $2 trillion tax cut is a good idea or a bad one, nor is it whether a tax cut is consistent with our acknowledged duties to protect Social Security and Medicare and to invest more resources in an increasingly burdened military.

The question, instead, is whether or not a budget, a budget, the master plan guiding spending and investments decisions of the Federal Government, should be agreed upon before we proceed to debate the merits of a tax cut.

I support a tax cut, as do most of my colleagues. But a budget that sketches our spending needs against the backdrop of anticipated revenue will allow us to determine, and more importantly allow the people to determine, the magnitude of the appropriate tax cut. The sense of this approach is obvious, save to those people more interested in short-term political gain than the long-term solvency of our Federal Government.

NEW ADMINISTRATION MUST SUPPORT NEEDS OF MILITARY

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on Sunday, in Newport News, Virginia, I attended the christening of what will soon be the U.S.S. *Ronald Reagan*, a new magnificent aircraft carrier. Mrs. Reagan, the President, Mrs. Bush, and other leaders were in attendance to witness the christening of this vessel and to honor our former great President.

It is only appropriate that this awesome vessel be named after the leader who led us to victory in the Cold War. This Nimitz-class aircraft carrier represents the ''peace through strength'' philosophy which played such an integral role in President Reagan's successful foreign policy.

It is crucial that we recognize President Reagan's extraordinary foreign policy achievements. This awesome new addition to our fleet will be a testimony to Reagan's enduring legacy of military dominance. America is a better and safer place for having had President Reagan in the White House. However, we cannot sit back and admire his achievements without noting that our world remains a dangerous place.

We must direct more attention to our armed forces by reforming and revitalizing our military. When President Reagan left office in 1988, the Navy had 15 aircraft carrier battle groups, and 594 ships in service. It now has 12 carrier battle groups and a fleet numbering about half as many ships. The new administration must support the needs of the military to ensure that our armed forces are well equipped and trained to carry out our Nation's priorities while providing support to our allies abroad.

□ 1015

THE PRESIDENT'S TAX CUT

(Mr. MATHESON asked and was given permission to address the House for 1 minute.)

Mr. MATHESON. Mr. Speaker, I came to Washington to set aside partisan differences and bring commonsense logic to our debates. With breathtaking speed, we are rushing the President's tax cut proposals toward a vote. We have little time for questions, analysis or discussion.

There is no question that tax relief is one of the primary concerns for families and businesses across my State. During my campaign I supported tax relief proposals such as elimination of the marriage penalty and estate tax relief. But let us not kid ourselves. The breakneck pace adopted by many in Congress right now leaves no time to consider our priorities. We are sacrificing the wisdom of the longer view for the instant gratification of an easy tax cut.

Unfortunately, rather than having a thoughtful debate and review of an overall budget framework, Congress is set on a path to consider individual pieces of the tax relief package without first understanding their combined impact.

I come from Utah. In Utah we live within our means. We pay our bills, we balance our family budgets and we save for our future. Why should our government not behave the same way?

TAX CUTS ARE THE RIGHT THING TO DO

(Ms. GRANGER asked and was given permission to address the House for 1 minute.)

Ms. GRANGER. Mr. Speaker, the hardworking American people deserve a break. The economy is slowing down. Consumer confidence is low. A tax cut now would put money back in the pockets of those who know best how to spend it; that is, the American taxpayer.

A tax refund would provide the average family of four in Texas with over $1,800 in relief. That may not seem like a lot of money here when we talk about billions and trillions, but that can make a real difference to a family in Fort Worth, Texas. That $1,800 could pay credit card debt down or pay down a college loan or help with a down payment on a new home.

Just because the government has extra money in its possession does not mean it should spend it needlessly. If a contractor is building a house and comes in under budget, he does not get to spend that estimated surplus on marble counter tops or solid gold fixtures. The unspent money would go back to the homeowners.

These surplus tax dollars should go back to their rightful owners. The American taxpayers deserve a refund of their money. It is the right thing to do, and it is the right time to do it.

THE PRESIDENT'S TAX CUT

(Mr. SANDLIN asked and was given permission to address the House for 1 minute.)

Mr. SANDLIN. Mr. Speaker, country singer Alan Jackson croons, ''Who says you can't have it all?'' We need tax cuts in America. We deserve tax cuts in America. We support tax cuts in America. But the American public is not fooled by the charade that is before us today. It is time to do what the American people do every day. It is time to do what American families do, American farms, American businesses. We simply must know what our budget is before we pass massive tax cuts in this country. There is no other responsible way.

Because make no mistake about it, Mr. Speaker, if we pass massive tax cuts without a budget, there is absolutely no way to address prescription drugs, to address education, to address military readiness in this country. The only way to do that is to spend the Social Security Trust Fund. That is just not right.

In closing, let us reflect on the musings of President Herbert Hoover, he of fiscal fame, who said, ''Blessed are the young, for they shall inherit the national debt.''

Mr. Speaker, we do not need another Herbert Hoover. We do not need anything like that. We need responsibility. We need discipline. We need a budget, Mr. Speaker.

TAX RELIEF AND A RESPONSIBLE BUDGET

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, even at a time when consumer confidence is falling and energy costs are skyrocketing and the economy is slowing, Washington is racking up huge tax surpluses. This is just more evidence that Washington is overcharging taxpayers and that we desperately need to refund the surplus to the people who created it.

Even as some economists are forecasting gloom and doom, the surplus numbers since Republicans took the majority control in Congress continue to roll in. That is why the time is now to pay off the public debt and to offer tax relief to hardworking Americans. If we are to pay off the debt and provide needed tax relief for economic growth and job security and balance the budget, we must keep government spending down and get rid of the waste and the fraud and the abuse.

Last year's budget, let us face it, was out of control. But this is a new White

House, one that is fiscally responsible. This White House realizes we are talking about the people's money.

Mr. Speaker, tax relief will result in job security and economic growth and give some of the money back to the people who earned it in the first place. Let us cut their taxes. Let us do it now.

THE PRESIDENT'S TAX CUT

(Mr. TURNER asked and was given permission to address the House for 1 minute.)

Mr. TURNER. Mr. Speaker, the President's recently submitted general budget outline leaves a lot of questions remaining about his tax cut plan. Frankly, it appears that trying to fit his tax cut into a realistic budget is like trying to fit a size 11 foot into a size 6 shoe.

The American people understand there is no surplus today and that forecasting the surplus for the next 10 years is a lot like making a 10-year weather forecast. We do not want oversized tax cuts to take us back to the choice of deficit spending or higher taxes for our children. Now the leadership in the House wants us to take a vote on a major tax cut before the House has even adopted, or even debated, a budget.

Tax cuts are an important priority, but equally important is paying down our $5.6 trillion national debt, saving Social Security and Medicare for the future baby boomer retirement, and strengthening education and national defense.

Blue Dog Democrats have come to the floor this morning to say we are for the largest tax cut we can afford, and to know what we can afford we need a budget first.

A RESPONSIBLE BUDGET FOR AMERICA'S PRIORITIES

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, it is important that all of us work with the President when he presents his budget in April. All of us should be committed to three things: A budget that fits America's priorities; second, a budget that reduces the largest debt in history; and, three, provide fair and responsible tax relief to all American taxpayers.

Consider this. Washington will take in $28 trillion in the next 10 years and President Bush's tax cut relief is $1.6 trillion. This is about 5.7 percent of the total revenues brought into this government in the next 10 years. Surely we can return about 6 percent of this money to the taxpayers.

This is not a massive tax cut, as the Democrats say. In April, as we do every year, we bring in the budget. We will vote on it. That is just how we do it around here. The economy will be strengthened and jobs will be secure with a tax relief program for the American taxpayers. We cannot wait. The economy needs this incentive now.

THE PRESIDENT'S TAX CUT

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

Mr. JOHN. Mr. Speaker, I think it is imperative that this Congress provide a tax cut to the American people. We can afford it. It has positive economic impacts, and we should do it. But I think equally important is paying down our national debt. And then we factor in priority spending on education, which is important to us, prescription drugs for Medicare benefits, missile defense, agriculture, the list goes on and on. How do we know how much money to allot in different places? How do we know that $1.6 trillion is not too much of a tax cut? How do we know if $1.6 trillion is not too little of a tax cut? How do we not know if $1.6 trillion is just right?

Please present a budget to us so we can prioritize the surpluses that may occur over the next 10 years. I urge the other side to show us the budget. It is important for the American people to provide not only a tax cut but to prioritize the spending of this country for the next 10 years.

PROTECTING SOCIAL SECURITY AND MEDICARE FROM BIG GOVERNMENT SPENDERS

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

Mr. COOKSEY. Mr. Speaker, senior citizens and all Americans deserve to know that Medicare and Social Security will be there when they need it. Yet for years, politicians in Washington have shortchanged Medicare and Social Security by spending these limited resources on wasteful, big government programs.

The Social Security and Medicare Lockbox Act of 2001, which is H.R. 2, would lock away all surpluses from the Social Security and Medicare Trust Fund. This bill locks up the $2.9 trillion surplus from the Social Security and Medicare Trust Fund. This was overwhelmingly passed by the House of Representatives in the last Congress. Yet it was stymied by the Democrats in the Senate.

Mr. Speaker, we have a unique opportunity this year to provide meaningful tax relief for hardworking Americans while guaranteeing the Social Security and Medicare Trust Funds remain untouched. We have promised our seniors that Social Security and Medicare will be there for them. This lockbox legislation will help to deliver on that promise.

THE PRESIDENT'S TAX CUT

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

Mr. BACA. Mr. Speaker, my father had 15 children. He knew what money was in his paycheck to be budgeted for all of us to have shoes and shelter, to make sure that we had enough food to eat. He had to do it wisely and budget it. Otherwise we would have gone bankrupt. We would not have had enough money for shoes, food or shelter.

What the Republicans are trying to do is to make a commitment for 10 years without a budget. If a family tries to do that or a business, it would be bankrupt in a few years. That is just what this tax bill that the Republicans rushed through will do. We owe it to the American people to give them a tax cut. No one disagrees. However, we owe it to them to do it right. We have to do it responsibly. We have to do it wisely. We have to have a budget first.

This tax plan is based on phony-baloney numbers. There is no substance without a budget. There is no beef, Mr. Speaker.

THE PRESIDENT'S TAX CUT

(Mr. MOORE asked and was given permission to address the House for 1 minute.)

Mr. MOORE. Mr. Speaker, I got a call at 3:30 yesterday afternoon from a senior administration official.

He said to me, ''Congressman, can you be with us on this tax cut?''

I said, ''I'd like to be direct with you.''

He said, ''Please do.''

I said, ''Number one, I have a grave concern that we don't have a budget. And, number two, when it comes to this $1.6 trillion tax cut, it relies on projections of $5.6 trillion over the next 10 years. Projections.''

Sunday night I was lying in bed watching the news and the weather and the weatherman projected a 12-inch snow in Washington, D.C. I wondered if I would make it back here for this tax cut vote.

That was a projection that did not come true. My concern is that these projections, these economic projections, may also not materialize just like the snow did not. If that happens, we are going to be in deficit mode again. We owe it to our children, we have placed a $5.7 trillion mortgage on their future, to start to pay down our debt and live within our means.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONILLA). Earlier the Chair had announced that one-minute speeches would be limited to 10 Members per side prior to business. However, there has been a misunderstanding, apparently, and in light of that, the Chair will recognize two additional speakers on each side.

THE PRESIDENT'S TAX CUT

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

Mr. THOMPSON of California. Mr. Speaker, Americans deserve a tax cut, but they also deserve a Congress that carefully considers and balances all of our budget priorities, including Social Security, Medicare and debt reduction. Tomorrow we will vote on the first part of the President's tax cut proposal. This vote will be premature. The administration is not submitting the details of the budget until spring. Congress has yet to debate and adopt a budget resolution. Without a budget framework, we are forging into the great unknown. It is bad public policy and it is political hocus-pocus to pass any bill costing this much without first having a budget. Some are urging quick action in order to give the economy a boost. However, the economic prosperity of recent years has been due in part to fiscally conservative policies that, coupled with the hard work of the American people, turned deficits into surpluses and reduced our debt.

I agree that taxpayers should benefit from the budget surplus, and I will support a tax cut but one that is fair and one that we can afford. We need to be fiscally responsible and we need a bipartisan budget before we can consider any specific spending measures or cuts. The American people deserve no less.

□ 1030

EVEN CBO SAYS IT WOULD NOT BET ON ITS OWN BUDGET NUMBERS

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

Mr. HILL. Mr. Speaker, introducing a trillion dollar tax bill without a budget framework is like going to the racetrack and putting all your money on the long shot. The leaders of this House only win their wager if the Congressional Budget Office's surplus projections are accurate for the next 10 years, but even CBO says it would not bet on its own budget numbers. CBO says its surplus estimate for the next year has a 50 percent chance of being wrong by more than $97 billion. For years 6 through 10, CBO says the odds are even longer. This is a big problem, because two-thirds of the $5.6 trillion surplus are supposed to materialize in years 6 through 10.

Mr. Speaker, almost 20 years ago Congress made another gamble on the projected budget surpluses and it lost. That is exactly the way then-Senate Majority Leader Howard Baker described the 1981 tax cut. He called it a riverboat gamble.

We lost enough money on that bet. Let us pass a budget resolution before we take up tax and spending bills.

EASING REGULATORY BURDENS AND LOWERING TAXES CREATES MORE FREEDOM FOR THE AMERICAN PEOPLE

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

Mr. SHIMKUS. Mr. Speaker, these are interesting times. We are going to have a good battle and discussion on things that conservatives have fought for for many years: Easing the regulatory burdens, lowering taxes. Although some of my friends on the other side seem to be frustrated with this, it should come as no surprise; easing regulatory burdens, lowering taxes creates more freedom for the American people.

I will stand on the side of freedom and individual responsibility and individual initiative every day of the week. It is a sound foundation. It is solid ground.

Let me address the issue of 10-year projections. I used to be a schoolteacher. Everybody does long-term projections. Corporate entities do long-term projections. To base a debate on the ability of not taking into account long-term projections does not understand the real world in corporate America or local taxing districts.

I look forward to having these votes. I look forward to providing more freedom to the American people.

REQUEST FOR ADDITIONAL ONE MINUTES

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that in light of the misunderstanding that occurred regarding the number of one minutes, that any additional Members on either side that wish to deliver one minutes might be able to do so.

The SPEAKER pro tempore (Mr. BONILLA). The Chair appreciates the sentiment of the gentleman from Texas (Mr. STENHOLM), but the Chair has already tried to exercise a little flexibility in light of the misunderstanding this morning. The Chair does not recognize for that unanimous consent request at this time.

PARLIAMENTARY INQUIRY

Mr. STENHOLM. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas (Mr. STENHOLM) will state his parliamentary inquiry.

Mr. STENHOLM. If we all understand, both sides of the aisle, the procedures of the day in which it was announced there would be unlimited one minutes, under what procedure is this able to be changed?

The SPEAKER pro tempore. The Chair announced earlier that there would initially be ten Members per side recognized. Precedents under clause 2 of rule XVII commit that matter of recognition entirely to the discretion of the Chair. Again, the Chair tried to exercise some flexibility in light of the miscommunication.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STENHOLM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 337, nays 72, answered ''present'' 1, not voting 22, as follows:

[Roll No. 28]

YEAS—337

Abercrombie	Brown (SC)	Culberson
Akin	Bryant	Cummings
Andrews	Burton	Cunningham
Armey	Buyer	Davis (CA)
Bachus	Callahan	Davis (FL)
Baker	Calvert	Davis (IL)
Baldacci	Camp	Davis, Jo Ann
Baldwin	Cannon	Davis, Tom
Ballenger	Cantor	Deal
Barcia	Capito	DeGette
Barr	Capps	Delahunt
Barrett	Cardin	DeLay
Bartlett	Carson (IN)	DeMint
Barton	Carson (OK)	Deutsch
Bass	Castle	Dingell
Bentsen	Chabot	Doggett
Bereuter	Chambliss	Dooley
Berkley	Clayton	Doolittle
Berman	Clement	Doyle
Biggert	Clyburn	Dreier
Blagojevich	Coble	Duncan
Blumenauer	Collins	Dunn
Blunt	Combest	Edwards
Boehlert	Conyers	Ehlers
Boehner	Cooksey	Ehrlich
Bonilla	Cox	Emerson
Bono	Coyne	Engel
Boswell	Cramer	Eshoo
Boyd	Crenshaw	Etheridge
Brady (TX)	Crowley	Evans
Brown (FL)	Cubin	Everett

Fattah
Ferguson
Flake
Fletcher
Foley
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sawyer
Saxton
Scarborough
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—72

Aderholt
Allen
Baca
Baird
Berry
Bonior
Borski
Brady (PA)
Brown (OH)
Clay
Condit
Costello
Crane
DeFazio
DeLauro
Dicks
English
Farr
Filner
Ford
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Gutknecht
Hastings (FL)
Hill
Hilliard
Holt
Hulshof
Jones (OH)
Kucinich
LaFalce
Langevin
Larsen (WA)
Larson (CT)
Lewis (GA)
LoBiondo
McDermott
McGovern
McNulty
Meehan
Menendez
Miller, George
Moore
Oberstar
Olver
Pallone
Peterson (MN)
Ramstad
Riley
Sabo
Sandlin
Schaffer
Schakowsky
Scott
Stark
Stenholm
Strickland
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Weller

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—22

Ackerman
Becerra
Bilirakis
Bishop
Boucher
Burr
Capuano
Diaz-Balart
Hinchey
Hunter
Lewis (CA)
Maloney (CT)
McCrery
Moakley
Rangel
Roukema
Sanders
Shows
Slaughter
Stupak
Walsh
Waxman

□ 1057

Ms. VELÁZQUEZ and Mr. LANGEVIN changed their vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 28 I was inadvertently detained. Had I been present, I would have voted "yea."

Stated against:

Mr. CAPUANO. Mr. Speaker, today I was engaged in questions with the Department of Health and Human Services Secretary Tommy Thompson during a hearing of the Budget Committee and was therefore unable to cast a vote on rollcall 28. Had I been present, I would have voted in the following manner: "Nay" on rollcall 28.

PROVIDING FOR CONSIDERATION OF S.J. RES. 6, DISAPPROVING DEPARTMENT OF LABOR RULE RELATING TO ERGONOMICS

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 79 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 79

Resolved, That upon receipt of a message from the Senate transmitting the joint resolution (S.J. Res. 6) providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics, it shall be in order without intervention of any point of order to consider the joint resolution in the House. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 79 is a closed rule providing for consideration of S.J. Res. 6. This bill provides for congressional disapproval of the rule submitted by the Department of Labor relating to ergonomics.

Mr. Speaker, H. Res. 79 provides for 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule also waives all points of order against consideration of S.J. Res. 6 in the House. Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, the ergonomics rule finalized by OSHA on November 14, 2000 is fatally flawed. This unworkable rule would require employers to implement a full blown, company-wide ergonomics program based on the report of just one injury by one employee.

□ 1100

The ergonomic symptom need not even be caused by work activity, as long as work activities aggravate it. Under this rule, employers could end up responsible for workers' injuries sustained on the softball field.

This regulation also undermines State workers' compensation laws by creating a Federal workers' compensation system for musculoskeletal disorders. The parallel workers' compensation system mandated by OSHA for ergonomics injuries tramples on the State's ability to define what constitutes a work-related injury.

It is important to understand that disapproving this regulation would not permit the Department of Labor from revisiting ergonomics. Secretary Chao has stated that she intends to pursue a comprehensive approach to ergonomics, including new rulemaking that addresses the fatal flaws in the current standard.

The Congressional Review Act was made for regulations like the Department of Labor's ergonomics rule. This overly burdensome and impractical ergonomics standard was imposed by the Clinton administration as part of the same pattern of regulatory overreach that held employers responsible for unsafe conditions in telecommuters' home offices. By disapproving the ergonomics standard, Congress can support the voluntary efforts of employers who have made real reductions in ergonomics injuries and allow OSHA to focus on developing reasonable and workable ergonomics protections for the workplace.

Mr. Speaker, some of my colleagues on the other side of the aisle will no

doubt insist that the rule does not allow for sufficient time for debate. In fact, the question before us is straightforward. Does OSHA's ergonomics rule overly constrain employers without providing real benefits to employees? If Members confine their remarks to the matter at hand, which is the acceptance of the rule, there will be sufficient time to this question.

This rule was approved by the Committee on Rules yesterday, and I urge my colleagues to support it, so that we may proceed with general debate and consideration of the bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time. I rise to oppose this closed rule. The rule will allow for the consideration of S.J. Res. 6. This is a resolution that would overturn the new Federal regulation to reduce workplace injuries.

Under this rule, no amendments may be offered. Debate time is limited to only 1 hour.

Last November, the Occupational Safety and Health Administration issued an ergonomics standard that would require employers to take steps to reduce work-related muscle, back and related bone disorders. These disorders are often the result of heavy lifting, repetitive motion and awkward working positions.

The standard was issued after 10 years of discussion and study. It is intended to reduce the enormous number of job-related ergonomics injuries. An estimated 1.8 million Americans suffer from these kinds of disorders, and about one-third of these works require time off as a result of their injuries. The standard is aimed at improving the health of workers, as well as improving productivity.

It is a good regulation. It is based on sound scientific studies. It will prevent hundreds of thousands of work-related injuries. If we approve this resolution, we will kill the regulation.

The regulation does not go into effect until next October, and by killing it now we are not even giving the regulation a chance to work.

Mr. Speaker, I am particularly concerned that we are acting through the special authority created by the Congressional Review Act to overturn Executive Branch regulations. I believe that never before has Congress used this authority.

The resolution we are considering was brought up suddenly. In fact, Members of the Committee on Rules had only about an hour's notice last night before it came to the committee.

The rule we are now considering permits only 1 hour of debate for the disapproval resolution. That is woefully inadequate, considering the importance of this issue to the American worker.

Because Congress has never used the Congressional Review Act, we are now establishing the procedural precedent that could be followed in the future. It is not a good precedent.

American workers deserve better treatment than this shabby attempt to deny them important protection from job-related injuries, and the American people deserve more deliberation from their representatives when making sweeping changes in the law. I urge my colleagues to defeat the rule and the resolution.

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

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, I rise to speak in favor of this rule and in favor of the invocation of the Congressional Review Act.

First of all, let us remember what the Congressional Review Act is for. It is for remedying extraordinary rules that would cause extreme damage in our country. It was signed by the former President. It was agreed to by both Chambers of Congress, and it was seen to be a good way to address a problem that might come up and be needed in the future. And if ever it is needed, today it is needed.

We have a new rule that has been promulgated that would cause extreme damage to our workplace. Let us admit it, we are a land of prosperity right now primarily because of our workers. Let us give our workers their just due.

They go to work every day. They are hard working. They are productive. They work smart, and they are dependable. It is those qualities that have remade our economy from the years where we wondered whether we could be internationally competitive, and it is those workers that have worked so hard, worked so smart, been so dependable that are at the core of the prosperity that Americans all over this country enjoy.

The worst thing we can do as a government is to create regulations that would be so high in costs that they would push our best jobs outside of this country. It is a reoccurring challenge that we face every day to keep good jobs here in this country. We ought to dedicate ourselves to it.

As I have seen workers and companies do in my district that have reversed decisions, in fact, to keep work on shore in this country, in my community instead of transferring it offshore, we have to work harder at that, and we have to be very careful that as we all work towards what we believe in that we do not create a rule that has the law of unintended consequences, of pushing our best jobs out of this country. That would be a terrible thank you to the workers of this country that have meant so much to our prosperity and will mean so much to our children's prosperity.

Let us all say it and say it again, we are all for the same thing, we are for safe workplaces. We are for healthy workers, and we are here to make sure that investments in our economy are important so that we can balance both safe workplaces and healthy workers and keeping our jobs on shore.

Mr. Speaker, I am from the position that I believe we can have both, prosperity, healthy workers and keep jobs in this country. Some people do not believe that is possible, but the workers in this country are the very best. They deserve an environment where they can keep the good jobs that they have earned and prospered in.

Mr. Speaker, this regulation was passed in the final days of the last administration. It was passed in a hurry. It did not review the law of unintended consequences, and it did not consider what the costs would be to the economy.

Mr. Speaker, I have six children. They are ages 19 to 29, and they believe that this country and the jobs that they are going to have in the future will mirror the good jobs that my generation has had and depended on so that they can raise families and buy their first home and enjoy the benefits that our good jobs and our best workers have made possible for us.

Please, let us not let our government tinker around in a regulation that would cost so much money, that would drive the cost of every good up, that would reduce our ability to be internationally competitive, that would make older workers and I want to say middle-aged workers, because that is where I consider myself, impossible to employ for the fear that workplaces would be wary of the costs they would incur to accommodate those workers.

We have to protect the workplace for our workers, they are the best for our country.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise today in strong opposition to this rule and to the resolution for overturning the new OSHA standards for worker safety. Repealing this standard would not only eliminate this important worker protection, but it would effectively prohibit OSHA from ever issuing a similar standard to protect workers from musculoskeletal disorders. How appalling.

OSHA's standards for worker safety is critically important to working men and women. The lives of workers who suffer from disorders like carpal tunnel syndrome, tendinitis or back injuries are changed forever. Many workers lose their jobs, are permanently unemployed or forced to take severe pay

cuts in order to continue working. This injustice must end.

As a public health nurse, I know how debilitating these injuries and illnesses can be. For example, nursing home employees experienced more on-the-job back injuries as a percentage of their overall injuries than any other occupation. Most of them are women.

Mr. Speaker, I support the OSHA standard because it is based on sound science and good employer practices. It is the most effective means to prevent workplace injuries. And under this standard, I believe that businesses will save money in the long run through reduced workers claims for compensation and other health insurance claims.

Mr. Speaker, I am so disappointed that Congress is attempting to repeal this important safeguard and to deny significant medical and scientific findings. These objective studies all agree that workers need safety protection for repetitive motion injuries. Injuries like these are only going to increase in our economy as so many sit at computers or stand at assembly lines.

It is time to stop the pain, to start the healing and to protect workers from workplace injuries. Let us vote down this rule and this resolution.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, I rise in opposition to the rule and in opposition to this proposal to undo a set of regulations that I believe will be beneficial not only to American workers but to small businesses.

Some 25 years ago, before I came to this body, I did a lot of workers' compensation work in the practice of law on behalf of employees, and we were light-years behind at that time, because I remember in North Carolina litigating the first case that established carpal tunnel syndrome as an occupational disease under the North Carolina Workers' Compensation law.

What was required on one side, on my side, the employee's side, was a group of experts that connected these injuries to conditions in the workplace, and on the employer side, a group of experts that denied that there was any connection between the workplace setting and these kinds of diseases. So what we would have is hours and hours and thousands of dollars of expert opinion time on both sides of this issue.

We got through that, and we set up a standard in North Carolina, and we have gotten through that. And after 5 years of study now, we have set up a standard at the national level, and what I am going to submit to my colleagues is that while this undoing of regulations might be beneficial to big businesses who have experts on their payroll accessible to them at all points, small businesses are going to have to go back to a situation where they have to go out and hire experts to come in and defend these cases, and employees are going to be put to the burden, financial and otherwise, of hiring experts.

It is going to be a swearing contest again in the absence of these regulations. While I think what my colleagues on the Republican side are trying to do will, in fact, benefit and advantage big business, that is what they are all about, I do not think this is going to be beneficial at all to small businesses.

Mr. Speaker, I think it is going to have a tremendously negative impact on employees because there will be no standards, and we will be turning the clock back and going back to a time when even in the face of compelling and overwhelming scientific evidence each individual case will have to be litigated separately with an absence of standards.

□ 1115

Mr. LINDER. Mr. Speaker, I yield myself such time as I might consume to respond to that. With respect to litigation, these rules would begin it all over again. Any little accident on a football field could be said to hurt more when one is working and, therefore, is workplace related; and, therefore, there is a requirement that the entire business has to change its position, its offices to facilitate one injury.

With respect to whether big business is being helped by this or not, most big businesses have made a mantra out of the phrase ''safety is job one.'' Most big businesses have very few problems with safety. They would be fine with this.

But most of the new jobs are created by small business. Perhaps 95 percent of the jobs created in the last 8 years were created by entrepreneurs who started with one employee and hopefully ended up with 50. They are the ones who are going to be the most burdened by these rules.

Let me lastly say that we are not least in the interest of harming workers. We are neither in the interest of harming workers or reducing the ability of OSHA through the Labor Department to come up with some real protections regarding ergonomics; we are opposed to this overreaching intrusive rule that could shut down businesses.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, what is taking place here today is not terribly complicated. It is pretty straightforward. It is an unapologetic assault on some of the hardest working men and women in this country. It is an assault on the right to be pain free in their job. It is an assault on their right not to be injured on their job. It is an assault on their right to provide the wherewithal for their families.

Because the workers who suffer these workplace injuries lose wages, they lose hours, and they lose jobs, which means they cannot provide what they want for their families.

But the Republicans in the Congress have decided that they are going to assault these workplace rules in spite of all the science, in spite of all the evidence, in spite of all the medical testimony about the terrible toll that these workplace injuries take upon America's working men and women, and disproportionately on women. Women are 40 percent of the work force. There is over 63 percent of the injuries.

They have decided also that, not only are they going to assault America's workers, they are going to insult America's workers. They are going to insult them in the manner in which they bring this to the floor of the Congress. They are not going to use a procedure that allows for 10 hours of debate so those who are pro this regulation and against this regulation can debate it. But they have decided we will only be given 1 hour of debate. That will be a half an hour on each side for 435 Members of Congress.

So they are going to take 10 years of work, 10 years of scientific study, 10 years of medical evidence, 10 years of worker testimony and business testimony, and they are going to overturn it in 1 hour of debate.

Now, I guess one could argue that maybe the Republicans do not know who these workers are. They do not see them with the wrist braces, with the finger braces, with the elbow brace, with the shoulder braces, with their arms in a sling, with the back braces. They do not see them at Home Depot. They do not see them at Wal-Mart. They do not see them at United Airline as they are making out their tickets or as their flight attendants on their airplane are serving them meals or the people who handle their baggage.

They do not see them when the UPS driver comes by or the FedEx worker comes by and drops off their packages and is wearing a brace on their arm. They do not see them in the lumber mills. They do not see them as the health-care attendants and the nurses in our hospitals. They do not see them in the Safeway stores, the checkers at the stand who are wearing braces on their arms because of repetitive motion injuries to them.

They do not see these workers when it is painful for them to get into the car to drive to work because their arms and their wrists and their hands are so badly damaged from being a key punch

operator. They do not see them when they get into their cars painfully to drive home. They do not see them when they get into their house and they cannot pick up their children because their arms are so badly damaged from repetitive motion or their back is badly damaged from repetitive motion or from loads on their back.

Somehow the Republicans do not see these individuals. But America sees them. We see them when we fly. We see them when we go to the supermarket. We see them when we go to the hardware store. We see them in the hospitals as they take care of members of our family. We see them as they turn over a patient in bed. And they are wearing braces on their arms because of these kinds of workplace injuries, the very same injuries that Republicans are insisting now that American workers do not have the right of protection from.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, in this new atmosphere of bipartisanship, I am going to avoid being insulted by the claim of the gentleman from California (Mr. GEORGE MILLER), the previous speaker, that somehow we do not see these things.

But I do for the record want to make a note that my daughter, who works for UPS from 4 a.m. to 8 a.m. in the morning actually had two of these braces on her hand. She does suffer from carpal tunnel syndrome. As a credit to the company, they do every single thing they can in terms of job rotation, in terms of remediation in remedying this problem.

How dare we, how dare we act as though we do not care about these workers or that they are not our own daughters and our own sons.

Let me just say that, first of all, I would like to respond to the fact that this will save money. If this rule would really save money, then the Federal Government ought to apply this rule to its own workers. One may notice that the Labor cabinet does not inflict this rule on Federal employees, which means that, if there is money to be saved, our taxpayers will not save this money that could be saved.

Why would we ever apply something to the private workplace and not apply it to Federal workers and hold Federal employers responsible at exactly the same level that we hold the private workplace?

Let me also congratulate the workplaces that are already spending enormous sums of money to address this issue. All of us know in workplaces that, where we are, maybe in our own offices, I might add, where we have spent money to address these problems, we are to recognize that, as a country, we are addressing this problem.

But the big problem here is that, as we address this problem, because let us face it, in our economy, we need every worker we can get. It is important to us that we keep them healthy and able to work so that we are able to keep our economy growing.

But there is someplace where there is not every worker working. There are places overseas where they are desperate to have our jobs and they are eager for our data processing jobs and they would be glad to have them at the less cost. It is very easy to transfer those jobs overseas; and with one click of the mouse, one can send all that processed information back into this country and not have the unreasonable cost that this rule invokes.

This problem is not that we went on 10 years, it is that we had a Labor cabinet that was totally tone deaf. They did not learn anything from all of the testimony they took. They were determined to take an idea that was hatched back in the early 1990s, and let us give Elizabeth Dole credit for the first person that raised this issue and had a good idea about ergonomic problems, and hijacked it and took it in a very wrong direction.

There is no balance to this rule. That is why we are here today because 10 years have been wasted by somebody that never listened to what the balance was in this issue.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise in opposition to bringing this resolution forward, Senate Joint Resolution 6 to the floor. This legislation would repeal the worker-safety standards recently established by OSHA. Remember, it took 10 long years to get here. We studied this thing to death.

The worker-safety standards are critically important to preventing work-related injuries, and it is shameful that the Republican majority is trying to overturn them.

Maybe those of us in Congress do not have to worry about repetitive injuries or forceful exertion or awkward postures because of the type of work we do. But look at the stenographers right in front of us that sit here day in and day out, does one not think that they might have had some problems with carpal tunnel syndrome?

Take a look around your own offices. I know in my district office it is very important that we have safety protections put in place.

Mr. Speaker, I know also in my district we have many constituents who work in a hard and unsafe manner, many of them work in sweat shops, many of them work for big garment industries, they work 10 and 12 hours sewing materials, barely being able to lift up their heads. Many of them are women, many of them are new immigrants that come to this country with the hope of prosperity in bringing up their families. They sacrifice themselves for that. The least that we can do is provide them with better protections in the workplace.

I know that myself and many of my colleagues in California have worked hard to study this issue as well. As a member of the State Senate and former chair of the labor committee there, we worked hard to try to bring labor and businesses together on this.

Mr. Speaker, it is shameful to see that the Chamber of Commerce is opposing this very important legislation.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman from Georgia for the time, and as our ranking minority member said a few minutes ago, this is not a very complicated issue. This is not an issue about basically ergonomics and workforce problems with repetitive motion, this is an issue about a rule that is absolutely awful. It is about a rule that will stop repetitive motion injuries by making sure people cannot work. It is a rule that must be rewritten in a fair and balanced way.

On November 14, 2000, OSHA finalized a fatally flawed rule that regulates every motion in the workplace. But OSHA did not stop there. As they did years ago with the blood-borne pathogen standard, OSHA also created a Federal workers' compensation system that will undermine State workers' compensation laws.

This ergonomics regulation simply cannot be salvaged as written. This must be sent back to the drawing board, and that is what this debate is about, that is what this vote is about. This is a bad rule. Let us begin again and get it right.

Although OSHA tells us that this is an ergonomics regulation, this regulation is not limited to those repetitive stress injuries generally associated with ergonomics; no, this ergonomics regulation covers all disorders of the muscles, the nerves, the tendons, the ligaments, the joints, cartilage, blood vessels, and spinal disks.

To make matters worse, OSHA has made it nearly impossible in this rule for an employer to claim that an injury is not work related. Any MSD injury, no matter how caused, will be considered work related if work makes it hurt. Think about that.

Instead of creating an ergonomics regulation that helps employers and employees prevent repetitive stress syndrome, OSHA has created a rule that makes employers responsible for softball injuries. Despite this wide-open definition, OSHA felt that some employees would still find some way to claim that softball injuries were not work related. So OSHA made it illegal for employers to ask the employee's doctor about nonwork causes of injury. Think about that.

Despite the extreme difficulty of determining the cause of any MSD injury, OSHA requires employers to

begin redesigning their workplaces based upon the report of one injury by one employee. The single-injury trigger raises the likelihood that employers will be required to embark on expensive redesigns of their workplaces because of injuries that were not caused at work. Think of the connotation of that and what it does to jobs.

OSHA was not content, however, to merely require expensive redesigns of workplaces across the country, OSHA also set up a Federal workers' compensation system that will undermine existing State workers' compensation laws. OSHA has mandated a parallel workers' compensation system for ergonomic injuries that will pay higher rates of compensation than for other injuries covered by State workers' compensation. Think about that.

□ 1130

The tragedy of this regulation is that workers do suffer injuries caused by repetitive stress. Fortunately, these injuries have declined by 22 percent over the past 5 years, thanks to the voluntary efforts of employers. Instead of building on these efforts, OSHA has issued a rule that assumes that every employer is a bad actor that will not help its own employees, even when it saves the employer money. Think about that.

By finalizing a regulation that is universally opposed by the regulated community, OSHA has shown its contempt for employers, many of whom have made a great effort to establish comprehensive, voluntary ergonomic programs in the workplace. By disapproving the ergonomics regulation, Congress can support the voluntary efforts of employers that have brought real reduction in ergonomic injuries, and OSHA can focus on promoting reasonable and workable ergonomic protections for the workplace.

This is about eliminating a bad rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I rise in the strongest opposition to this abandonment of American workers. Elections have consequences, and today the Republican leadership starts down a road on what I believe will be a long list of repealing worker rights. It is shameful.

Today, the Republican leadership will sacrifice the health and safety of hard-working Americans for pure political gain. This is nothing more than Republicans paying back their big contributors who helped them get all elected. It is certainly not compassionate, and the process being used today to overturn workplace safety is not bipartisan.

Common sense tells us that workers are our most valuable asset. Without them there are no corporate profits, without them there are not going to be increasing stock prices, without them as the hard-working engine there is no one fueling our economy. But Republicans argue that it would cost companies too much to protect them, despite the fact that these workplace injuries are already costing businesses $50 billion a year and that there are 600,000 men and women suffering from such injuries each year.

These are men and women who cannot prepare dinner for their families or help dress their kids for school because their hands have been crippled by repetitive-stress injuries; or who cannot have the joy of picking up their child because of back injuries, injuries that are no fault of the workers themselves.

To argue these protections were rushed through at the last minute is to deny that more than 10 years ago this effort was started by a Republican Labor Secretary. My colleagues should understand that if they vote for this resolution they will repeal and strip away a right American workers have now and that there will be no recourse.

American workers have been driving our Nation's economy. Today, Republicans throw them in the back seat and take them for a ride. Vote against the rule and the resolution. Protect America's workers. Help our families and stand by what is right in making sure that that which drives this economy, which is the labor of men and women, is preserved.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for yielding me this time. I just want to point out this does not repeal anything. This is us standing up as the Congress of the United States and saying this Federal agency wrote a bad rule. We have let them get away with this over and over again.

This does not mean that Secretary Chao, the new Secretary, will not write ergonomic regulations; but it does mean, however, we will repeal, we will disagree, we will say the way they wrote these rules will not do.

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

Mr. NORWOOD. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Speaker, I think the gentleman clearly recognizes that if we have a set of rules that protect workers today and we repeal them we are taking away a right they presently have.

Mr. NORWOOD. Mr. Speaker, reclaiming my time, the gentleman does recognize that this set of rules may well not protect workers because they may not have a job in which to be protected.

OSHA people are not going to Mexico and they are not going to Canada to check on them. We need to write a set of rules that will encourage employers in the workplace to be healthy and safe, including ergonomic rules. But this rule is a bad rule, and that is all we are talking about.

The Labor Department issued a bad rule. Let us get rid of it and write a good rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, Republicans have a bad reputation for supporting the rich and the powerful and disregarding the needs and concerns of low-wage workers, poor people, and working people in general; and they have wasted no time in attempting to repeal worker safety standards.

I am surprised that they would move so quickly and so blatantly to do this. This attempt by Republicans to disapprove the results of the congressionally mandated OSHA study is a blatant example again of the extent the Republicans will go to protect those corporate interests.

During all of this delay and these delaying tactics, over 600,000 workers suffered injuries caused by repetitive motion, heavy lifting, and forceful exertion. These kinds of injuries affect every sector of the economy: nurses, who are lifting people, rolling over the sick, taking care of their bed sores; cashiers who stand there all day punching and counting and adding; computer operators.

Everybody knows about this. Members should talk to the computer operators in their own offices, talk to their office workers. Many of them are requiring special equipment to work with to protect them. Truck drivers, construction workers and meat cutters, all of these people are affected; and we should want to do something to help the workers that basically make the least amount of money, that are the most vulnerable, the ones who have the least dollars to take care of their families with to get the kind of medical help that they need to address these kinds of issues. I think it is obvious.

I certainly hope that the Members of this House will not support this disapproval resolution by the opposite side of the aisle. I hope that we can draw attention to what they are trying to do. American workers deserve better than this.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to start out just asking a couple of questions here.

Should a grocery store employee be prohibited from bagging a turkey that weighs more than 15 pounds? Now, I have a family of four, so if I can find a 15 pound turkey, I am going to buy it. Now, my wife can pick up a 15 pound turkey because she has been picking up four children. Most kids quickly get to be in excess of 15 pounds. But let us

just think this through. Libby Kingston goes to the Piggly-Wiggly to buy the 15 pound turkey and she lifts it up; yet the 18-year-old football player from Savannah High School, Johnny Simmons, cannot lift it from the cashier to the bag.

Maybe we need to install forklifts at all the Piggly-Wigglys so that we can get those 15 pound turkeys into the bags so that the mamas can pick them right up and carry them and put them into the SUVs.

Another question. Should hospitals and nursing home employees be restricted in their ability to help lift patients from their bed? I have an employee right now whose father, very sadly, has suffered a stroke, and he needs assistance when he goes to the bathroom. Now, under these rules it is no problem, all an employee has to do is say, Well, you are on your own. We know you had your stroke, but, good luck, sorry, I am on break right now. That is what these rules do.

Should a worker be prohibited from spending more than 4 hours a day at a keyboard? I am glad the previous speaker said her employees seem to be suffering from this every day at the word processors. I do not know, but maybe she should move them to another job. My folks over at the first district of Georgia, they can spend 4 hours a day at a keyboard. And if they cannot, they can tell me and we can work it out.

Here is one of the questions. Maybe not all employees should be picking up 15 pound turkeys, maybe not all employees in hospitals should be helping patients go to the bathroom, and maybe not all employees should be sitting at a keyboard for 4 hours; but that, my colleagues, should be the decisions made locally at the place of employment, not by some bureaucrat in Washington who knows everything.

What is it with the Democrat Party that they think the wizards of Oz are in Washington, D.C. and that they should dictate to all the businesses all over the country who should do what, when they should do it, and how they should do it?

I will give another example. A couple of years ago this same outfit came into my district and told a woman who runs a courier service with two cars, she takes packages from the north side of town to the south side of town, it is real complicated business, from a government standpoint, they came in and told her that she would need to have a smoking and a nonsmoking car for her smoking and nonsmoking employees to deliver packages to smoking and nonsmoking businesses. She said, ''Guys, I only have two cars. I can figure this out in Savannah, Georgia. Why don't you all go back to Washington and solve real problems. Get a real life.''

All this is about is common sense. We are not pulling out the rug on workers' safety. This is saying there is still going to be Federal worker-protection laws. There will still be State worker-protection laws. There will be all kinds of insurance and business premises rules and regulations.

I know it is hard for some people to understand, but there are business owners and entrepreneurs who do not want their employees hurt. Hey, what a revolutionary thought for the liberal party.

The fact is the National Academy of Sciences was coming out with rules and regulations on ergonomics; but the Clinton folks, on their way out of town, along with pardoning a lot of people at 2 in the morning, decided, hey, lets jam this through on the small businesses and the entrepreneurs of America on the way out of town, and let the next administration try to make sense of it.

That is all this legislation does. It lets the current administration try to make some sense, some common sense, out of another bureaucratic nightmare out of Washington, D.C.

Mr. HALL of Ohio. Mr. Speaker, can the Chair tell me how much time we have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Ohio (Mr. HALL) has 13½ minutes remaining, and the gentleman from Georgia (Mr. LINDER) has 8 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time, and to the previous speaker I would say, I am not the Wizard of Oz, I am Dorothy, and I am pulling the cloak off the wizard to let you know that the rule here, the disapproval resolution, does not only rescind the rule, it prohibits issuance of a similar rule. A bad rule.

I am worried about my mother, 80 years old, who folded boxes for a company. Her hand looks like this. I have said this on the floor before. It is like this because she cannot move it as a result of the repetitive motion of folding a box. Let us make the argument that instead of just saving money for companies, we might save the health care costs for all these workers who are stuck like this, or stuck like this, from doing repetitive motion.

Wake up, Republican Party. Understand that we are not saying Republican-Democrats. We are for workers. Democrat-Republican, black-white, male-female, old-young. Lifting a turkey? Lifting a turkey all day every day may present a problem. Women can lift babies, all women have lifted babies forever; but maybe that is the problem they have currently as a result of doing the repetitive motion.

We are Dorothy, not the Wizard.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I rise in opposition to the rule and the resolution.

I came to Congress to represent the working men and women of Minnesota's fourth district, and they deserve the right to be protected in the workplace.

□ 1145

This resolution denies American workers the protection that they need from needless injuries. Repetitive motion injuries are painful and they are crippling. These injuries disproportionately impact women and workers in low wage jobs. The good news is that these injuries are preventable. My largest employer in the Fourth District, 3M, has reported that following the implementation of an ergonomics program, they reduced lost time injuries by 58 percent.

The fact that the voices of millions of American workers have been restricted to 1 hour of debate is also an insult. This procedure not only repeals the ergonomic rule but will effectively prohibit OSHA from issuing workplace safety standards on this issue. That is the legacy of this resolution. As a result, millions of Americans will be needlessly injured.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, the previous speaker from the Democratic side made the point very nicely that if you will not have onerous rules, the workforce today, the employers today recognize the value of having workforce protections, and they have indeed. There is no question about it. Left alone, they have reduced repetitive motion stress in the workplace. But you are not going to get it reduced any further with the kind of onerous rule we are putting on them now.

Remember what this is. This is about repealing a bad rule. It is not about making ergonomics go away. Lastly, I would simply add, it dawned on me as I was listening about the 15-pound turkey. I am more interested in the 15-pound child. What about the mothers all across America that have a 15-pound baby who is 8 months, 10 months old? What are we going to do next? In leaving the Labor Department to its own devices, we might. Should the Federal Government furnish a helper for every mother in America that has a 15-pound child that she lifts up and down all day?

There are things in life we have to do in terms of our workforce. Can we make those better? Yes, of course we can make them better. It is pretty clear to me that the small businesses and large businesses of America are working on that, but we are not going to help them at all if we pass this rule. Let us get rid of a bad rule. For once let us say a Federal agency has written

a bad rule and a bad regulation that will not solve the problem and let us try to relook at that and see if in fact we can help the workforce.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BACA).

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise against the rule. It is a shameful act that is being committed against the American worker this week. The Republicans have decided to strip away worker safety rules, protections we have fought hard for for working families across America. These protections have been under development for over a decade. In fact, they were initiated by former President Bush. They save money in the long term by reducing workplace injuries and keeping workers' compensation costs down. Many businesses have already adopted programs to reduce injuries. But opponents have repeatedly tried to block these protections. As a result, over 6 million workers have suffered injuries that could have been prevented. This affects everybody, nurses, construction workers, white collar workers. This is an attack on the American worker. We should oppose this cowardly effort.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I rise in opposition to the rule and to the effort to repeal the ergonomics standard. As the ranking Democrat on the Subcommittee on Workforce Protections, I have followed this deliberation for the last 5 years. I have in my hand a chronology which shows it has gone on for 10 years. We have been considering what we should do about ergonomics. Reasonable people, reasonable legislators, scientists, we have all been involved in this since August of 1990. At that time the Republican Secretary of Labor, Elizabeth Dole, committed herself to taking the most effective steps necessary to address the problem of ergonomic hazards on an industrywide basis and to begin rulemaking on an ergonomics standard. Secretary Dole said this is ''one of the Nation's most debilitating across-the-board worker safety and health illnesses of the 1990s.''

The present Republican majority committed themselves to complying with the results of a study. We get one study and then they want another. I think we appropriated about a million dollars for the last study requested by the Republican majority. Now we are engaged in a process which says we are not interested in reason, logic, science, we are going to use brute political force. As Newt Gingrich says, politics is war without blood. We have the numbers, we have an army of business lobbyists behind us, and we are just going to overwhelm the Congress and make a decision which is inhumane and an unwise decision.

A 10-year process ended in January of this year when the ergonomics standard was issued. In the same month, the results of a study was released and the scientists said again, in its second report in 3 years on musculoskeletal disorders, the report confirms that musculoskeletal disorders are caused by workplace exposures to risk factors, including heavy lifting, repetition, force and vibration and that interventions incorporating elements of OSHA's ergonomics standard have been proven to protect workers from ergonomic hazards.

I have copies of this chronology for all people who have forgotten, especially those members of the Committee on Education and the Workforce. What we are experiencing today is the beginning of warfare on a large scale which has a psychological significance. It is very strategic. After we roll over ergonomics, it is going to be Davis-Bacon's prevailing wage act. It is going to be onward marching toward the elimination of any consideration of any minimum wage from now until this administration goes out of power.

This is war. It is war on the working families of America. You are declaring war. The working families of America need to understand this. The only way this war is going to be won is to let it be understood that the overwhelming power that appears to be in place for the Republicans in Washington at this point will not be utilized to wipe out all the gains we have made over the years for working families.

Mr. Speaker, I include the following material for the RECORD:

CHRONOLOGY OF OSHA'S ERGONOMICS STANDARD

August 1990—In response to statistics indicating that RSIs are the fastest growing category of occupational illnesses, Secretary of Labor Elizabeth Dole commits the Labor Department to ''taking the most effective steps necessary to address the problem of ergonomic hazards on an industry-wide basis'' and to begin rulemaking on an ergonomics standard. According to Secretary Dole, there was sufficient scientific evidence to proceed to address ''one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's.''

July 1991—The AFL–CIO and 30 affiliated unions petition OSHA to issue an emergency temporary standard on ergonomics. Secretary of Labor Lynn Martin declines to issue an emergency standard, but commits the agency to developing and issuing a standard using normal rulemaking procedures.

June 1992—OSHA, under acting Assistant-Secretary Dorothy Strunk, issues an Advanced Notice of Proposed Rulemaking on ergonomics.

January 1993—The Clinton Administration makes the promulgation of an ergonomics standard a regulatory priority. OSHA commits to issuing a proposed rule for public comment by September 30, 1994.

March 1995—The House passes its FY 1995 rescission bill that prohibits OSHA from developing or promulgating a proposed rule on ergonomics. Industry members of the Coalition on Ergonomics lobbied heavily for the measure. Industry ally and outspoken critic of government regulation, Rep. Tom DeLay (R–TX), acts as the principal advocate of the measure.

—OSHA circulates draft ergonomics standard and begins holding stakeholders' meetings to seek comment and input prior to issuing a proposed rule.

June 1995—President Clinton vetoes the rescission measure.

July 1995—Outspoken critic of government regulation Rep. David McIntosh (R–IN) holds oversight hearings on OSHA's ergonomics standard. National Coalition on Ergonomics members testify. By the end of the hearing, McIntosh acknowledges that the problem must be addressed, particularly in high risk industries.

—Compromise rescission bill signed into law; prohibits OSHA from issuing, but not from working on, an ergonomics standard. Subsequent continuing resolution passed by Congress continues the prohibition.

August 1995—Following intense industry lobbying, the House passes a FY 1996 appropriations bill that would prohibit OSHA from issuing, or developing, a standard or guidelines on ergonomics. The bill even prohibits OSHA from requiring employers to record ergonomic-related injuries and illnesses. The Senate refuses to go along with such language.

November 1995—OSHA issues its 1996 regulatory agenda which does not include any dates for the issuance of an ergonomics proposal.

December 1995—Bureau of Labor Statistics (BLS) releases 1994 Annual Survey of Injuries and Illnesses which shows that the number and rate of disorders associated with repeated trauma continues to increase.

April 1996—House and Senate conferees agree on a FY 1996 appropriation for OSHA that contains a rider prohibiting the agency from issuing a standard or guidelines on ergonomics. The compromise agreement does permit OSHA to collect information on the need for a standard.

June 1996—The House Appropriations Committee passes a 1997 funding measure (H.R. 3755) that includes a rider prohibiting OSHA from issuing a standard or guidelines on ergonomics. The rider also prohibits OSHA from collecting data on the extent of such injuries and, for all intents and purposes, prohibits OSHA from doing any work on the issue of ergonomics.

July 1996—The House of Representatives approves the Pelosi amendment to H.R. 3755 stripping the ergonomics rider from the measure. The vote was 216–205. Ergonomic opponents vow to reattach the rider in the Senate or on a continuing resolution.

February 1997—Rep. Henry Bonilla (R–TX) circulates a draft rider which would prohibit OSHA from issuing an ergonomics proposal until the National Academy of Sciences completes a study on the scientific basis for an ergonomics standard. The rider, supported by the new coalition, is criticized as a further delay tactic.

—During a hearing on the proposed FY 1998 budget for the National Institute for Occupational Safety and Health, Rep. Bonilla questions Centers for Disease Control head David Satcher on the scientific underpinnings for an ergonomics standard. Bonilla submits more than 100 questions on ergonomics to Satcher.

April 1997—Rep. Bonilla raises questions about OSHA's plans for an ergonomics standard during a hearing on the agency's proposed FY 1998 budget.

July 1997—NIOSH releases its report Musculoskeletal Disorders and Workplace Factors. Over 600 studies were reviewed. NIOSH concludes that ''a large body of credible epidemiological research exists that shows a consistent relationship between MSDs and certain physical factors, especially at higher exposure levels.''

—California's ergonomics regulation is initially adopted by the Cal/OSHA Standard Board, approved by the Office of Administrative Law, and becomes effective. (July 3)

October 1997—A California superior court judge rules in the AFL–CIO's favor and struck down the most objectionable provisions of the CA ergonomics standard.

November 1997—Congress prohibits OSHA from spending any of its FY 1998 budget to promulgate or issue a proposed or final ergonomics standard or guidelines, with an agreement that FY 1998 would be the last year any restriction on ergonomics would be imposed.

May 1998—At the request of Rep. Bonilla and Rep. Livingston, The National Academy of Sciences (NAS) receives $490,000 from the National Institutes of Health (NIH) to conduct a review of the scientific evidence on the work-relatedness of musculoskeletal disorders and to prepare a report for delivery to NIH and Congress by September 30, 1998.

August 1998—NAS brings together more than 65 of the leading national and international scientific and medical experts on MSDs and ergonomics for a two day meeting to review the scientific evidence for the work relatedness of the disorders and to assess whether workplace interventions were effective in reducing ergonomic hazards.

October 1998—NAS releases its report Work-Related Musculoskeletal Disorders: A Review of the Evidence. The NAS panel finds that scientific evidence shows that workplace ergonomic factors cause musculoskeletal disorders.

—Left as one of the last issues on the table because of its contentiousness, in its massive Omnibus spending bill Congress appropriates $890,000 in the FY 1999 budget for another NAS study on ergonomics. The bill, however, freed OSHA from a prohibition on the rulemaking that began in 1994. This point was emphasized by a letter to Secretary of Labor Alexis Herman from then Chair of the Appropriations Committee Rep. Livingston and Ranking member Rep. Obey expressly stating that the study was not intended to block or delay OSHA from moving forward with its ergonomics standard.

December 1998—Bureau of Labor Statistics (BLS) releases 1997 Annual Survey of Injuries and Illnesses which shows that disorders associated with repeated trauma continue to make up nearly two-thirds of all illness cases and musculoskeletal disorders continue to account for one-third of all lost-workday injuries and illnesses.

February 1999—OSHA releases its draft proposed ergonomics standard and it is sent for review by small business groups under the Small Business Regulatory and Enforcement Fairness Act (SBREFA).

March 1999—Rep. Blunt (R–MO) introduces H.R. 987, a bill which would prohibit OHSA from issuing a final ergonomics standard until NAS completes its second ergonomics study (24 months).

April 1999—The Small Business Review Panel submits its report on OSHA's draft proposed ergonomics standard to Assistant Secretary Jeffress.

May 1999—The second NAS panel on Musculoskeletal Disorders and the Workplace holds its first meeting on May 10–11 in Washington, DC.

—Senator Kit Bond (R–MO) introduces legislation (S. 1070) that would block OSHA from moving forward with its ergonomics standard until 30 days after the NAS report is released to Congress.

—House Subcommittee on Workforce Protections holds mark-up on H.R. 987 and reports out the bill along party line vote to forward it to Full Committee.

June 1999—House Committee on Education and the Workforce holds mark-up on H.R. 987 and reports out the bill in a 23–18 vote.

August 1999—House votes 217–209 to pass H.R. 987, preventing OSHA from issuing an ergonomics standard for at least 18 months until NAS completes its study.

October 1999—Senator Bond offers an amendment to the LHHS appropriations bill which would prohibit OSHA from issuing an ergonomics standard during FY 2000. The amendment is withdrawn after it becomes apparent that Democrats are set to filibuster the amendment.

—The California Court of Appeals upholds the ergonomics standard—the first in the nation—which covers all California workers.

November 1999—Washington State Department of Labor and Industries issues a proposed ergonomics regulation on November 15 to help employers reduce ergonomic hazards that cripple and injure workers.

—Federal OSHA issues the proposed ergonomics standard on November 22. Written comments will be taken until February 1, 2000. Public hearings will be held in February, March, and April.

February 2000—OSHA extends the period for submitting written comments and testimony until March 2. Public hearings are rescheduled to begin March 13 in Washington, DC followed by public hearings in Chicago, IL and Portland, OR in April and May.

March 2000—OSHA commences 9 weeks of public hearings on proposed ergonomics standard.

May 2000—OSHA concludes public hearings on proposed ergonomics standard. More than one thousand witnesses testified at the 9 weeks of public hearings held in Washington, DC, Chicago, Illinois, and Portland, Oregon. the due date for post hearing comments is set for June 26; and the due date for post hearing briefs is set for August 10.

—The House Appropriations Committee adopts on a party line vote a rider to the FY 2001 Labor-HHS funding bill (H.R. 4577) that prohibits OSHA from moving forward on any proposed or final ergonomics standard. The rider was adopted despite a commitment made by the Committee in the FY 1998 funding bill to ''refrain from any further restrictions with regard to the development, promulgation or issuance of an ergonomics standard following fiscal year 1998.''

June 2000—An amendment to strip the ergo rider from the FY 2001 Labor-HHS Appropriations bill on the House floor fails on a vote of 203–220.

—The Senate adopts an amendment to the FY 2001 Labor-HHS bill to prohibit OSHA from issuing the ergonomics rule for another year by a vote of 57–41.

—President Clinton promises to veto the Labor-HHS bill passed by the Senate and the House stating, ''I am deeply disappointed that the Senate chose to follow the House's imprudent action to block the Department of Labor's standard to protect our nation's workers from ergonomic injuries. After more than a decade of experience and scientific study, and millions of unnecessary injuries, it is clearly time to finalize this standard.''

October 2000—Republican negotiators agree to a compromise that would have permitted OSHA to issue the final rule, but would have delayed enforcement and compliance requirements until June 1, 2001. Despite the agreement on this compromise, Republican Congressional leaders, acting at the behest of the business community, override their negotiators and refuse to stand by the agreement.

November 2000—On November 14, OSHA issues the final ergonomics standard.

—In an effort to overturn the ergonomics standard several business groups file petitions for review of the rule. Unions file petitions for review in an effort to strengthen the standard.

December 2000—House and Senate adopt Labor-Health and Human Services funding bill. The bill does not include a rider affecting the ergonomics standard.

January 2001—Ergonomics standard takes effect January 16.

—NAS releases its second report in three years on musculoskeletal disorders and the workplace. The report confirms that musculoskeletal disorders are caused by workplace exposures to risk factors including heavy lifting, repetition, force and vibration and that interventions incorporating elements of OSHA's ergonomics standard have been proven to protect workers from ergonomic hazards.

Mr. LINDER. Mr. Speaker, I was prepared to respond to that, but I was afraid I would laugh so hard I would hurt myself.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, since supposedly Republicans are not interested in reason or science, one might conclude that we have not read the study done by the National Academy of Sciences and maybe others have not, either. Let me just give my colleagues one little quote out of that study: ''None of the common musculoskeletal disorders is uniquely caused by work exposure.'' The study notes that nonwork factors can cause MSD, also, which is why we believe this particular rule and regulation, this particular standard, should be opposed.

I would like to point out that though President Bush and Secretary Dole did bring to the forefront the discussion of workplace injuries and repetitive motion syndrome, none of them approve of how we got there with this rule. This is a bad set of rules and regulations that will only worsen the problem, not make it better. Today let us disapprove of the work that the Labor Department did over the last 8 years, because it will not do what we all want to do, which is to make sure that our workplace is healthy and is safe.

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

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

Mr. OWENS. Mr. Speaker, would the gentleman like a new study?

Mr. NORWOOD. I just quoted right out of the new study.

Mr. OWENS. Would he like another study? Or does he want to repeal it forever and ever? This is off the table forever?

Mr. NORWOOD. Mr. Speaker, reclaiming my time, I am glad the gentleman asked that because what we are basically saying is the Labor Department last year issued a bad rule. We want the opportunity for the Secretary of Labor and the Bush administration to look at this and issue a good rule that in the end does help patients and does help workers in the workplace.

Mr. OWENS. Mr. Speaker, does that mean that the gentleman does not agree with what the Senate passed?

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Ohio of the Committee on Rules for yielding me this time. I hope my words will carry forth through the general debate, and I hope that they will be listened to and that my colleagues will come to their senses and realize that we are not paid by the tax dollars of the American people to kneel on bended knee to financial interests who pay us to write their legislation.

Members can sense from my words that I am particularly outraged that worker safety rules will fall today in the United States Congress. I am not only outraged but I am saddened. It brings me to near tears that we are so engaged with responding to special business interests that we cannot accept the fact that 600,000 workers have suffered injury from repetitive motion and heavy lifting. I say this in pain because I watched my father, just a laborer, work for a great part of his life, like most Americans, using a heavy pressing iron, up and down and up and down, to be able to afford a good life at that time in our economy for his family. As a young person, I worked in the United States Postal Service. I am very proud of that. I did the kind of work that men and women are doing every day in this country, up and down and up and down and moving one's arm. It is a kind of injury that you cannot see. The person looks perfectly fine, but the pain is severe.

Today this rule disallows us to even add amendments to suggest that it is appropriate that we move forward with the OSHA rules which protects these workers all over America, waitresses and bus drivers and factory workers and small business workers who time after time are injured and we cannot solve their problem.

I wonder what my good friend is asking for when he says he needs a study. The January 2001 National Academy of Sciences study once again concluded that there is abundant scientific evidence demonstrating that repetitive workplace motion can cause injuries and that such injuries can be prevented through work safety intervention. Did we not just hear Seattle, Washington, say thank you for the instructions that you gave us on how to secure our buildings against earthquakes? You saved lives.

But yet on the floor of this House we are so committed to the rich interests of people who are saying it is going to cost us too much that the lives of working Americans, it pains me, it hurts my heart, are of disinterest. But yet we can come on the floor tomorrow and talk about returning tax dollars to the great Americans of this Nation. But it is hardworking Americans today that we just step on. I believe it is an outrage. As a member of the House Committee on Science, I have never heard anybody question the National Academy of Sciences. Give us a study. We will take a study. These rules have been coming for 25 years. Today we crush them in the name of my father and all Americans. This is a disgrace.

Vote against the rule and vote against this legislation. It is a disgrace.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. BONIOR), our leader, the minority whip.

Mr. BONIOR. Mr. Speaker, I thank my dear colleague the gentleman from Ohio (Mr. HALL) for yielding me this time.

Mr. Speaker, let me take a moment to tell my colleagues about a woman by the name of Shirley Mack. Shirley is the mother of four and she is someone who is proud of the fact that she has always worked to support her children. That is why she took a job at a poultry plant. Shirley's job was to pull chicken bones out with her hands and then feed them into a skinner machine. She did this repetitively, hour after hour, day after day, month after month, year after year. Before long, Shirley began suffering some very intense pain in her arm and in her wrist. The company gave her some pills and sent her back to the line. The pills did not help her.

□ 1200

Finally, Shirley saw a trained physician and found out her problem had a name. It was called carpal tunnel syndrome. Her boss reassigned Shirley to do cleanup work; and then 3 days later, they fired her. This is not an uncommon story to hear of a worker in a poultry plant.

The company took away Shirley's job, but they never took away her pain; pain that was so bad she cannot fix supper or she cannot push a grocery cart in a grocery store; pain so bad she cannot even hug her children without feeling that terrible hurt all over again.

The National Academy of Sciences tells us workplace injuries like Shirley's are now so widespread that they cost our economy more than $20 billion a year, $20 billion a year.

We have 1.8 million workers affected by an injury every year in this country. Over this 10-year period of study, we could have prevented 4.6 million workers from having to go through what Shirley went through.

Now, Mr. Speaker, smart businesses are working to reduce the risk of workplace injuries but not every employer is smart and not every employer cares about his or her employees. That is why the Republican Secretary of Labor, Elizabeth Dole, launched an effort that led to these very rules that we are considering and are in place and are law today; and that was 10 years ago.

More than six million workers have suffered serious injury since; and many of them, as I said, could have been prevented.

Now, I want my colleagues to think about that when they vote today. I want them to think about the price that Shirley Mack and her brothers and sisters who work in that chicken plant and pull out those bones and feed them into the skinner time after time, repetitively doing that, try to do this for more than 5 or 10 minutes in a day. I want them to think about other working mothers who cannot even use their hands and their arms to lift their crying babies out of their crib. When they are thought about, I want my colleagues to ask themselves, who is going to comfort those mothers and those children? Because I can say, it will not be the Business Roundtable and it will not be the Chamber of Commerce and it will not be the National Association of Manufacturers and it will not be the Republican leadership and it will not be this President.

Mr. Speaker, this is the most important worker-safety rule that we have had on the floor of this House in decades. It means a lot to a lot of people. It means a lot to the people who work with their hands, who work with their back, who make this country work every single day. For us to go back on these rules, to cast them aside, to ignore them as if they were a piece of chicken is to do injustice to the people that make this country work. I beg my colleagues today to vote to retain these rules, to vote against this present rule and to give a sense of justice and dignity back to the working people who make America work.

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

Mr. Speaker, I would just like to clear up a couple of things that have been said. These rules that have been put in force are not Mr. Bush's rules. Although they had the good sense to begin worrying about ergonomics 10 years ago, they would never have come up with these rules.

If these rules were so simple and straightforward, why were they not brought forth during the legislative session? Why were they dropped on the table after the election when no Congress was in session?

I am amazed they had time to do it when they were walking out the door with the furniture and the silverware, but they dropped it on the table to become effective 2 days before a new President was sworn in.

They are not in effect now. They do not go into effect until October. So we are not taking away something that they already have. We have heard all kinds of things about numbers.

One person said it is going to cost $20 billion a year and another $50 billion a year. Documents show about $6 billion a year. But nobody has mentioned the $125-billion-a-year cost on businesses. Nobody has concerned themselves with reshaping the workforce.

I do not doubt that repetitive motion causes injuries. I do not dispute the 600,000 people number. But should we create an additional workers' compensation program on top of the States' programs for just these kinds of injuries? Are they worse injuries than someone who loses an arm or a leg on their job?

Right now, a typical workers' compensation package for businesses lasts only 3 years and is rotated out because it is very expensive. Are we prepared here with these regulations to double that cost on our employees and employers over the next few years? Should we allow rules that presume injuries are work related? If the employer wants to find out if it is truly work related, should we not question a rule that says it is against the law for the employer to talk to the doctor about the work-related connection to even determine? Should we demand a workplace design based on the claim of one person, with one injury that may or may not have been workplace related?

We are saying that common sense ought to prevail. If we carried this ruling to its ultimate conclusion, the Coca-Cola truck driver would be bringing the Coke bottles into the store one bottle at a time. Who is going to pay for that? The consumer, of course, will ultimately pay for all of this.

We are saying get these egregious, overreaching rules off the table and let an administration with just as much care about worker safety as anyone else on this floor today impose some rules that would be helpful and not hurtful, and let us at least admit one thing. Workplace safety today, based on the initiatives of the employers, without some bureaucrat telling them how to live their lives, is safer than it has ever been at any time in the history of this great country. They have done it because it is in their best interest. It is in their financial interest to improve the workplace safety because it costs them money to have days out of work.

It is my guess that there is not a single agency of the Federal Government that has workplace safety as safe, with as few days lost, as virtually any major corporation in the United States; and yet these are not going to be promulgated for this Federal Government. They are not going to be watched over.

Let us take the time to take this rule off the table, give a new Secretary of Labor an opportunity to do the right thing with common sense.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 198, not voting 12, as follows:

[Roll No. 29]

YEAS—222

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Ackerman
Becerra
Bishop
Dicks
Dingell
Edwards

Lewis (CA)	Sanders	Stupak
Roukema	Shows	Walsh

□ 1232

Ms. BERKELEY and Mr. HONDA changed their vote from ''yea'' to ''nay.''

Mr. BOYD, Mr. LUCAS of Kentucky and Mr. SANDLIN changed their vote from ''present'' to ''nay.''

Mr. CARSON of Oklahoma and Mr. TURNER changed their vote from ''present'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 78 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 78

Resolved, That it shall be in order at any time on the legislative day of Wednesday, March 7, 2001, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The concurrent resolution (H. Con. Res. 31) expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day;

(2) The bill (H.R. 624) to amend the Public Health Service Act to promote organ donation; and

(3) The concurrent resolution (H. Con. Res. 47) honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001, in south-central Georgia.

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

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST) 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.

Yesterday, the Committee on Rules met and passed this resolution, providing that it shall be in order at any time on the legislative day of Wednesday, March 7, for the Speaker to entertain motions to suspend the rules relating to the following measures: The concurrent resolution, H. Con. Res. 31, expressing the sense of Congress regarding the importance of organ, tissue, bone marrow and blood donations and supporting National Donor Day; the bill, H.R. 624, to amend the Public Health Service Act to promote organ donation; and the concurrent resolution, H. Con. Res. 47, honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001 in south-central Georgia.

Mr. Speaker, this resolution allows us to consider three important bills today under the expedited suspension procedure.

I must stress we have had several days to examine these bills, and they have been on the floor schedule for some time and they are noncontroversial. They are also important pieces of legislation.

We recently celebrated National Donor Day to encourage people to become organ donors. Today we will pass legislation to promote National Donor Day and help States organize their organ donor programs.

We will also honor, unfortunately, 21 members of the National Guard who died last week in the line of duty.

Mr. Speaker, I strongly support this rule and urge my colleagues to do the same. By passing this rule, we will improve organ donation programs and hopefully save some more lives.

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

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

Mr. Speaker, Democrats have no objection to this rule, which will allow the consideration of three bills under suspension today. Those bills include a concurrent resolution honoring the 21 members of the Virginia National Guard who were killed in a plane crash on March 3. I know firsthand how important the National Guard is to our national defense, and the tragic and untimely death of these fine Americans is tribute to the dedication and selfless service so many Americans make each year through their service in the National Guard.

The rule also permits the consideration of measures designed to promote organ donation, something Democrats on the Committee on Rules know about through the brave testimony of our ranking member, the gentleman from Massachusetts (Mr. MOAKLEY).

However, Mr. Speaker, I must take a moment to express our grave concerns about what may happen in the Committee on Rules some time later today. I am referring to the rule the Committee on Rules may report on the tax bill and how whether the majority will deny Democrats of all stripes the opportunity to offer alternatives to the Republican tax bill.

Mr. Speaker, we must object in the strongest possible terms to any plans the majority may have to cut off the ability of Members to offer one or more substitutes to this bill.

Mr. Speaker, not only are we going to consider a tax bill of huge proportion and consequences without the ability to offer alternatives, we are going to consider it without the benefit of having debated a budget which would place this tax cut in context with the other matters this government funds.

We are going to consider a tax cut without fully understanding what its implications are on the rest of the Federal budget. So not only have we not received a budget from the new President, we have no congressional guidelines in place to help the Members of this body determine which priorities are more important.

Is it cutting taxes a lot, some or not at all? Is it paying down the national debt, which, I remind my colleagues, is a debt that is collectively owed by all the people of our great Nation?

Is it funding education, improving our schools, reducing class size or funding new teachers? Is it providing a real Medicare prescription drug benefit for our seniors, shoring up Social Security and Medicare or improving our national defense forces? No one knows the answer to those questions, Mr. Speaker.

Democrats in this House are very concerned that the Republican majority seems to not be concerned in the least that we are blindly proceeding down a path we have been on once before.

Mr. Speaker, I would just remind my colleagues, most of whom were not Members when we last considered a tax cut of these proportions, of the old adage, the definition of insanity is repeating the same actions and expecting different results. There are many of us here who fear we will see the same results as we saw after the passage of the 1981 tax bill.

Mr. Speaker, I support this rule, but Democrats on the Committee on Rules and in the Caucus at large want to go on notice right now that we believe it is imperative, if we are not to proceed in regular order in this body, that our Members be given a chance to be heard. All this talk of bipartisanship is meaningless, Mr. Speaker, if there are no actions behind the words.

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

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

Mr. Speaker, I would like to remind my colleagues that this rule is not about a tax cut.

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

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

EXPRESSING SENSE OF CONGRESS REGARDING IMPORTANCE OF ORGAN, TISSUE, BONE MARROW AND BLOOD DONATION AND SUPPORTING NATIONAL DONOR DAY

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 31) expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day.

The Clerk read as follows:

H. CON. RES. 31

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 House of Representatives (the Senate concurring), That the 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H. Con. Res. 31.

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

There was no objection.

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

Mr. Speaker, I urge my colleagues to support H. Con. Res. 31, a resolution regarding the importance of organ, tissue, bone marrow and blood donation and supporting National Donor Day. I want to commend my colleague, the gentlewoman from Florida (Mrs. THURMAN), for her work on this legislation.

Mr. Speaker, H. Con. Res. 31 recognizes the critical need for increased organ donation and acknowledges the success of past National Donor Days. The resolution expresses congressional support for the goals and ideas of National Donor Day, and it encourages all Americans to learn about the importance of organ, tissue, bone marrow and blood donation.

I am pleased that the Health and Human Services Secretary, Tommy Thompson, has recognized the serious nature of this growing problem and stated that improving organ donation is a priority for his first 100 days in office. Secretary Thompson has indicated that he will focus on ways to significantly increase organ donation in our country.

Mr. Speaker, we know that measures such as the resolution before us will help the Secretary in his efforts. In addition, we can all participate in efforts to promote organ donation in our own communities. By working together to increase organ donation, we can help save thousands of lives. I urge all Members to join me in supporting passage of H. Con. Res. 31.

Mr. Speaker, I would like to acknowledge the help of the gentleman from Ohio (Mr. BROWN), my ranking member, in this resolution.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be a cosponsor of this resolution and the Organ Donation Improvement Act, which we will also take up today.

I commend first and, most importantly, the gentlewoman from Florida (Mrs. THURMAN) for her good work on this, as well as the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Wisconsin (Mr. BARRETT) highlighting the substantial unmet need for donated organs.

This resolution highlights the need not only for organ donation, but for tissue, blood and bone marrow donations as well.

There are 1,298 patients currently waiting for organs at northeast Ohio hospitals in my part of Ohio; 800 patients waiting for a kidney, 140 patients for a heart, 60 patients waiting for a lung.

A single donor can provide organs and tissue to more than 50 people in need.

March is Red Cross Month and the spotlight on this organization could not, Mr. Speaker, be more timely.

Despite 6.3 million units of blood collected from 4 million generous donors in the year 2000, blood supplies are at a record low across our country. Awareness is the first critical step in addressing the country's life-saving donation needs. The resolution of the gentlewoman from Florida (Mrs. THURMAN) makes Congress a leader in this awareness campaign.

Mr. Speaker, I am pleased to be a cosponsor.

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

Mr. BILIRAKIS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for yielding the time to me.

Mr. Speaker, I want to add my strong support to H. Con. Res. 31, a sense of the Congress resolution supporting National Donor Day.

I want to congratulate the gentlewoman from Florida (Mrs. THURMAN), my colleague who introduced this, and I want to congratulate the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN), who brought it forward to the House.

Every family hopes that if one of its members becomes seriously ill, medical science will be able to provide a miracle and restore their loved ones to a healthy and rewarding life. Medical science has been able to do exactly that over the past decade for hundreds of thousands of families with loved ones suffering from diseases and injuries that affect the heart, the kidney, pancreas, lungs, liver or tissue.

Transplantation of organs and tissues has become one of the most remarkable success stories in medicine, now giving tens of thousands of desperately ill Americans each year a new chance at life.

But sadly, this medical miracle is not yet available to all in need. Waiting lists are growing more rapidly than the number of organs and tissues that are being donated. There are more than 70,000 individuals awaiting organ transplants at any given moment, and despite the fact that almost every one who is a potential donor, more than 10 people each day die because of a shortage of donor organs.

Currently, 2,566 men, women and children from the greater metropolitan area are on waiting lists hoping for an

organ to become available. That is an increase of 108 over the previous year. Many of these residents have been waiting for years, and the wait is growing longer.

Every 2 hours one of the more than 60,000 Americans now on waiting lists dies for lack of an available organ. And even when individuals have indicated a desire to be a donor, statistics show that those wishes go unfulfilled more than half the time.

□ 1245

Two important points I think could well be made, and that is the final decision on whether or not to donate organs and tissue is always made by surviving family members. Checking the organ donation box on a driver's license does not guarantee organ and tissue donation. Individuals should discuss the importance of donation with their families now in a non-crisis atmosphere so if the question arises, all members of the family will remember having made the decision to give the gift of life.

Mr. Speaker, this resolution encourages all Americans to learn about the importance of organ, tissue, bone marrow and blood donation and to discuss such donations with their families and friends. I heartily support it.

Mr. Speaker, I want to just jump ahead and stress my strong support for a bill that is coming up, H.R. 624, the Organ Donation Improvement Act, which would direct the Secretary of Health and Human Services to carry out a program to educate the public with respect to organ donation; in particular, the need for additional organs for transplantation. The measure specifically recognizes the very generous contribution made by each living individual who has donated an organ to save a life. It also acknowledges the advances in medical technology that have enabled transplantation of organs donated by living individuals to become a viable treatment option for an increasing number of patients.

I know in this Congress we have had several Members who have benefited from organ transplants. Mr. Speaker, with the passage of this legislation that will follow, this may well be the first day of someone's life, and let Congress vote for the future.

I must thank my colleagues who have worked so very hard on this and all of the other medical issues, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN), and all of my colleagues who have contributed their commitment, their time and energy towards this legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 7 minutes to the gentlewoman from Florida (Mrs. THURMAN), the sponsor of this resolution.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN), whose subcommittee has been a leader in this area; and I certainly thank the chairman, the gentleman from Florida (Mr. BILIRAKIS), a colleague of mine from Florida, who joins me in districts. We recognize the concern and the interest in this issue not only in our districts, but in and around the country.

Mr. Speaker, I also appreciate the statement of the gentlewoman from Maryland (Mrs. MORELLA). It is good to see my colleagues from Ohio, Maryland, Florida, along with the gentleman from Wisconsin (Mr. BARRETT). This is a national issue.

I would like to take just a moment first of all, though, to recognize a colleague of ours, the gentleman from Massachusetts (Mr. MOAKLEY). His story is touching. He has dedicated his life to serving the people of Boston. He was not deterred from service 6 years ago when he needed, among other things, a liver transplant. He was not deterred when his family was undergoing a crisis. Now he is forced to face another crisis, and again he will continue his public service. When the gentleman from Massachusetts was told by his doctor to take off time to do something he enjoys, his response was inspiring to all of us. He said, ''Doctor, I am doing what I enjoy doing. There is nothing else I would rather do.''

And it was the gift of an organ and utter determination that have allowed the gentleman from Massachusetts to lead the life that he is leading.

Mr. Speaker, organ donation falls into the category of things that one never thinks will affect you, your friends, your neighbors or your family. It happens to other people. In this Congress alone there are several Members who have undergone successful organ transplants, and we are thankful that these fine people are with us today. The gentleman from Massachusetts (Mr. MOAKLEY) and the gentleman from South Carolina (Mr. SPENCE) are two of the lucky ones.

My husband, John, was also one of the lucky ones. His successful transplant not only gave John a new lease on life, but it has also given my children back a father and me a loving husband.

Mr. Speaker, we are not alone. Four-year-old Hannah Jones from Gainesville, Florida, received the gift of life through donated umbilical cord blood. Without this gift, Hannah would not have survived her bout with leukemia. Every year thousands of Americans wait on the organ donation list, and they are dependent on those kind enough to give and those who are aware that there is a need.

Transplantation is extremely successful, and people can live productive lives with a transplanted organ. However, because of this technology, even more people have been added to the national waiting list. Sadly, the number of donors has not grown as fast as the number of people waiting for organs. Even with the growing number of transplants performed on average, there is an increase in the number of patients on the national waiting list every day.

Today there are more than 70,000 people waiting for organ transplants and at least 15 people die each day while waiting for an organ. In simple terms, the biggest problem facing transplant patients is the shortage of organs. One way that we can help address this health care crisis is to talk to our friends and families about the importance of organ and tissue donation; and do not forget to let those friends and family know at the hospital what it means and why you have chosen to give an organ because it can be a problem if you do not.

Mr. Speaker, I stand before you today to ask my colleagues and others for their help. We need to work together to increase awareness about the importance of organ and tissue donation. I ask my colleagues to join in passing H. Con. Res. 31, a resolution that recognizes and supports National Donor Day.

National Donor Day is organized by Saturn and the United Auto Workers along with a number of organ foundations, health organizations, and the Department of Health and Human Services.

They have established February 10, 2001 as the day. This day is dedicated to educating people about the five points of life: whole and blood platelets, organs and tissue, bone marrow, and cord blood.

Last month, this coalition joined forces for the fourth time to bring us together for a National Donor Day. This is America's largest one-day donation event held just before Valentine's Day. The first three donor days raised a total of 25,000 units of blood, added over 4,000 potential donors to the National Marrow Donor Registry and distributed tens of thousands of organ and tissue pledge cards.

You and I, your friends and families can participate in this historic event by giving blood or pledging to give blood, volunteering with the National Marrow Donor Program, filling out donor and tissue donation pledge cards and agreeing to discuss the decision with family members.

I would also like to take a moment to thank those people and groups of the Fifth District of Florida, including the Saturn car dealership in Gainesville owned by Mr. Roland Daniels; along with LifeSouth Community Blood Centers, also in Gainesville; and other groups and individuals for pulling together to host a donation event on National Donor Day.

I urge everyone to talk to their friends and families about the importance of organ donation and to let others know about this year's National Organ Donor Day.

While this day has already come and gone, every day holds the promise of life for the thousands of people who await organ transplants like the one 4-year-old Hannah Jones received.

Please support this resolution.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD) who has a very interesting and wonderful story to tell.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank both the chairman and the ranking member for their support on this resolution.

Today I rise in strong support of H. Con. Res. 31, which expresses the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supports a National Donor Day.

Currently about 73,000 patients nationwide await organ transplants, and some 12 die each day while waiting. Every 14 minutes, another name is added to the national transplant waiting list. An average of 16 people die each day from the lack of available organs for transplant.

In 1999, there were 5,843 organ donors resulting in 21,990 organ transplants. Less than one-third, about 20,000, receive transplants each year. While the number of donors rose in 1998 to nearly 5,800, with about three organs recovered from each donor, it still falls short, Mr. Speaker, short of the substantial and growing need.

Today, I have two nephews who are undergoing surgery for the transplanting of kidneys, Lamont and Galan. We wish them the very best as they undergo this very important undertaking.

I say to my colleagues today that there is an important need for organ donations, one that will help the survival of families. Lives are saved because of the generosity of those who donate their organs. I strongly support this resolution and urge my friends to do so as well.

Mrs. CHRISTENSEN. Mr. Speaker, I support H. Con. Res. 31, which expresses the sense of the House of the importance of organ, tissue, bone marrow, and blood donation. In an age of unprecedented scientific advances in medical and behavioral sciences, it is important that we utilize every means at our disposal to save human lives.

Each year organ donations save lives—thousands of lives; and scientific surveys indicate that Americans overwhelmingly support organ donation. Despite this fact, the same surveys indicate that Americans are reluctant to donate their organs. This is particularly true among people of color, and even more so for all groups with regard to the donation of bone marrow.

Interestingly, the major reason for which respondents indicate reluctance to donate their organs is that they have not given the issue much thought. Herein lies our opportunity to do some good. We must support efforts to educate our constituencies about the necessity of organ, tissue, and bone marrow donation, and the good that these gifts can do. Because gifts are indeed what they are.

Just as we use the most modern tools medical science has provided to successfully transplant donated organs and tissue, we must use the tools behavioral science has provided us to change the attitudes of Americans about the necessity of this medical procedure—a procedure which saves the lives of more than 50,000 Americans each year. The lives of many Americans hang in the balance.

H. Con. Res. 31 is a good start in this regard, and I urge my colleagues to support its passage.

Mr. UNDERWOOD. Mr. Speaker, in Asian-Pacific American communities throughout the nation, parents are known to overrule decisions of their children, even if their children are grown adults with families of their own. That cultural norm compounded with cultural and religious stigma surrounding tissue or organ donations and the complexities of Eastern versus Western values and medicine makes it difficult for families to accept the decisions of individual family members who wish to be donors. Even with a living will provided by a donor, the final decision of whether to make a donation is made by the surviving family. Thus, the need for such public awareness and outreach activities is a vital component of raising the potential matching success for those thousands of patients waiting for transplants and encouraging the recruitment of new donors.

At any given day of the year, there are between 1,000 and 2,000 patients awaiting organ or tissue transplants throughout the nation. Of the 30,000 individuals that are diagnosed with leukemia each year, 6 percent of these are of Asian-Pacific American ancestry. The slim probabilities of finding a perfect match for many of these patients are often bleak.

Just 10 years ago, the possibility of finding a match in the National Marrow Donor Program (NMDP) was virtually nonexistent with only 123 Asian Pacific American donors listed on the National Registry. As of December 3, 2001, there were 257,000 donors of Asian-Pacific American ancestry out of 4.2 million currently registered in the NMDP. Although the radically increased numbers represent a degree of success, only 25 percent of those needing a bone marrow transplant are unable to find a perfect donor. With the estimated attrition of 10 percent of potential donors from the NMDP each year, the need to keep focused on recruitment and retention of donors in the program is critical to its continued success.

The continued support of Congress to improve upon the program it created in the National Organ Transplant Act of 1984 is critical to the continued success of national programs such as the Organ Procurement and Transplantation Network and the National Marrow Donor Program.

Therefore, I urge my fellow colleagues to join in the support of this critical legislation which serves the needs of every American citizen of this nation, from the 50 states to the 5 territories. Furthermore, I would like to extend my appreciation to Mr. BILIRAKIS for introducing this legislation which addresses the particular needs and improves this important program.

Mr. MOAKLEY. Mr. Speaker, I am proud to rise today in support of H. Con. Res. 31, a resolution honoring National Donor Day, and I'd like to thank Congresswoman THURMAN for bringing this issue to the Congress' attention.

Mr. Speaker, as many of my colleagues know, I received a liver transplant nearly 6 years ago. Without that transplant, I would not have lived more than a few months. These last 6 years have been some of the best years of my life—and for that and so much more, I am deeply grateful. I am deeply grateful to the family—who I will never know—who courageously decided to donate their loved ones' organs so that someone like me would have a second chance.

I am deeply grateful to the doctors and nurses who performed my operation, so professionally and so successfully.

And I am deeply grateful to the scientists and researchers who have worked so hard to develop the techniques and procedures that are giving so many people a better, longer, and healthier life.

I stand here today as one of the lucky people that was given the opportunity to receive an organ transplant. Unfortunately, so many others across this country will not have that opportunity.

Mr. Speaker, while 20,000 people will receive a transplant this year, another 40,000 that desperately need an organ will not. That gives me, and I hope all of my colleagues, a great desire to work to raise awareness about organ donation, and improve the procedures for obtaining a transplant.

Mr. Speaker, if there ever was a time or issue where government should and can act—this is that issue.

We can literally save lives by improving the structure of organ donation across the country. We can make it easier for families to make the choice of donating an organ, we can make transplant surgery more accessible to all Americans and we can teach everyone that their courageous choice will give another human being the greatest gift of all—the gift of life.

Mr. Speaker, I would like to mention that this House will also be taking up a bill today offered by Mr. BILIRAKIS and Mr. BARRETT, H.R. 624, and I want to lend my strong support for that legislation as well. Mr. BILIRAKIS' and Mr. BARRETT'S bill will direct the Secretary of Health and Human Services to carry out a program to educate the public on organ donation and it will provide funding for travel expenses of individuals making a living donation of an organ.

The bill will also provide assistance to states to improve donor registries, and make those important registries available to hospitals and donor organizations. These are excellent measures that will strengthen organ donation and I urge the House to pass H.R. 624 when we consider that legislation later today.

Mr. Speaker, as I said, I am among the lucky individuals to have been given the gift of life through an organ transplant.

I hope we can join together in this nation to give many, many more Americans that same gift.

Mr. STARK. Mr. Speaker, I rise to join my colleague from the Ways and Means Committee, Representative KAREN THURMAN, in support of this resolution that extends the message that Congress supports the goals of National Donor Day and urges the President to issue a proclamation calling on the nation to conduct appropriation activities and programs to support increased organ donation.

February 10, 2001 was the fourth National Donor Day organized by Saturn and the United Auto Workers. To date, the successful efforts of the groups involved have resulted in over 4,000 potential donors being added to the National Marrow Donor Program Registry, over 25,000 units of blood being collected, and tens of thousands of organ and tissue pledge cards being distributed.

Last year's events included an emphasis on the disproportionally high need for minority donors. Recipients often need an organ from a donor of the same ethnicity, and organ donation among minorities has historically been lower than the rest of the population, making minorities less likely to find a matching donor. We need to continue such efforts to reach out to minorities and encourage them to become donors.

There are still over 70,000 people on the transplant waiting list. We need to reemphasize our commitment to the National Donor Day and the importance of organ, tissue, and blood donation. We also need to put more resources into programs with similar goals to take steps toward making each day a national donor day.

I urge President Bush to join us in these efforts to encourage people to give the gift of life, and I urge my colleagues to support this resolution.

Mr. UNDERWOOD. Mr. Speaker, I speak today in full support of House Concurrent Resolution 31, which expresses the importance of organ, tissue, bone marrow, and blood donations and celebrates National Donor Day. I would also like to take this opportunity to thank my colleague, Congresswoman KAREN THURMAN of Florida, for her continued leadership and sponsorship of this resolution.

The need for blood, bone marrow, organ and tissue donation grows each year. So, do the concerns regarding access to these supplies, which are of a particular concern to rural areas such as Guam. Guam's distance from the states and geographical isolation forces hospitals to become almost solely dependent on the local population to supply its demand for donations.

With the anticipated closing of the Naval Hospital Blood Bank, the Blood Bank in the Guam Memorial Hospital, the only civilian hospital on the island, will become the sole provider of blood products on the island. Therefore, it is critical to ensure that supplies of local blood products, including packed red blood cells, plasma and platelets, are regularly replenished and that the supply is enough to meet the needs in the event of a disaster or emergency situation.

Local blood donations ensure the ready availability of certain blood products, which are difficult to obtain from off-island vendors or providers. Local donations ensure the availability of all blood products for patient care in the event of increased emergency usage. This allows Guam Memorial Hospital to increase the provision of certain procedures and services for patients locally, rather than having to medically evacuate patients to Hawaii or the continental United States for these types of procedures.

In observance of Blood Donor Month in Guam, I donated two pints of blood at the Guam Memorial Hospital Blood Bank. The staff at the Blood Bank were kind enough to make me feel comfortable during the 45 minutes it took for the blood to be drawn. At this time, I would like to extend my thanks to Glendalyn Pangelinan, the Blood Bank supervisor; Victoria Pangelinan, the Blood Donation recruiter; and the Blood Bank technicians, Wilma Nisperos, Priscilla Quinata, Charlotte Mier, and Lois Santa Cruz, who assisted me during the whole experience.

Because of Guam's unique geographic situation, it is a continual challenge to ensure that an adequate amount of safe blood products are constantly available. An active blood donation program is critical in keeping the community continually educated and aware of this vital need.

Although organ, tissue, and bone marrow transplantation is not a common procedure in Guam as it is in larger metropolitan areas of the country, the need is still great as heart disease and diabetes are among the leading causes of death on the island. In fact, heart disease ranks as the number one killer, while diabetes ranks very close to the top and affects Chamorros at 5 times the national average.

The impact of higher costs and greater distances between Guam and the nearest major metropolitan hospital in Honolulu, approximately 3,500 miles or 7 hours by plane, is a vital concern when it comes to health care for U.S. citizens on Guam. Some of Guam's patients are medically evacuated to larger metropolitan health care centers in Honolulu and Los Angeles for these procedures. Other times, the organ and tissue donations are transported to Guam for transplantation. So, the access to organ and tissue donation is a critical component of whether a patient lives or dies.

Although donations of organs, tissue and bone marrow are not as frequent as donations of blood products, the needs are the same, only the distance and costs to accessing these products are much greater. The continued support of Congress in these efforts to improve access and public awareness of the importance of organ, tissue, bone marrow and blood donations is critical to meeting the needs of those 70,000 individuals who are waiting for organ transplants at any given moment, for car crash victims in need of a ready supply of blood, and for patients afflicted with leukemia in need of a bone marrow transplant just to survive.

Therefore, today I rise in strong support of this resolution and encourage all Americans, whether they live in the 50 states or the 5 territories to make a donation of blood to their local blood bank, sign up as an organ donor at their nearest Division of Motor Vehicles, and register at the nearest Bone Marrow Registry Center in the area. Your donation is vital and may help save a life some day.

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

Mr. BROWN of Ohio. Mr. Speaker, 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 Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 31.

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. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ORGAN DONATION IMPROVEMENT ACT OF 2001

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 624) to amend the Public Health Service Act to promote organ donation, as amended.

The Clerk read as follows:

H.R. 624

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Organ Donation Improvement Act of 2001''.

SEC. 2. SENSE OF CONGRESS.

(a) PUBLIC AWARENESS OF NEED FOR ORGAN DONATION.—It is the sense of the Congress that the Federal Government should carry out programs to educate the public with respect to organ donation, including the need to provide for an adequate rate of such donations.

(b) FAMILY DISCUSSIONS OF ORGAN DONATIONS.—The Congress recognizes the importance of families pledging to each other to share their lives as organ and tissue donors and acknowledges the importance of discussing organ and tissue donation as a family.

(c) LIVING DONATIONS OF ORGANS.—The Congress—

(1) recognizes the generous contribution made by each living individual who has donated an organ to save a life; and

(2) acknowledges the advances in medical technology that have enabled organ transplantation with organs donated by living individuals to become a viable treatment option for an increasing number of patients.

SEC. 3. PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION.

Section 377 of the Public Health Service Act (42 U.S.C. 274f) is amended to read as follows:

''PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION

''SEC. 377. (a) IN GENERAL.—The Secretary may make awards of grants or contracts to States, transplant centers, qualified organ procurement organizations under section 371, or other public or private entities for the purpose of—

''(1) providing for the payment of travel and subsistence expenses incurred by individuals toward making living donations of their organs (in this section referred as 'donating individuals'); and

''(2) in addition, providing for the payment of such incidental nonmedical expenses that are so incurred as the Secretary determines by regulation to be appropriate.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—Payments under subsection (a) may be made for the qualifying expenses of a donating individual only if—

''(A) the State in which the donating individual resides is a different State than the State in which the intended recipient of the organ resides; and

''(B) the annual income of the intended recipient of the organ does not exceed $35,000 (as adjusted for fiscal year 2002 and subsequent fiscal years to offset the effects of inflation occurring after the beginning of fiscal year 2001).

''(2) CERTAIN CIRCUMSTANCES.—Subject to paragraph (1), the Secretary may in carrying out subsection (a) provide as follows:

''(A) The Secretary may consider the term 'donating individuals' as including individuals who in good faith incur qualifying expenses toward the intended donation of an organ but with respect to whom, for such reasons as the Secretary determines to be appropriate, no donation of the organ occurs.

''(B) The Secretary may consider the term 'qualifying expenses' as including the expenses of having one or more family members of donating individuals accompany the donating individuals for purposes of subsection (a) (subject to making payment for only such types of expenses as are paid for donating individuals).

''(c) LIMITATION ON AMOUNT OF PAYMENT.—

''(1) IN GENERAL.—With respect to the geographic area to which a donating individual travels for purposes of subsection (a), if such area is other than the covered vicinity for the intended recipient of the organ, the amount of qualifying expenses for which payments under such subsection are made may not exceed the amount of such expenses for which payment would have been made if such area had been the covered vicinity for the intended recipient, taking into account the costs of travel and regional differences in the costs of living.

''(2) COVERED VICINITY.—For purposes of this section, the term 'covered vicinity', with respect to an intended recipient of an organ from a donating individual, means the vicinity of the nearest transplant center to the residence of the intended recipient that regularly performs transplants of that type of organ.

''(d) RELATIONSHIP TO PAYMENTS UNDER OTHER PROGRAMS.—An award may be made under subsection (a) only if the applicant involved agrees that the award will not be expended to pay the qualifying expenses of a donating individual to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

''(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

''(2) by an entity that provides health services on a prepaid basis.

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'covered vicinity' has the meaning given such term in subsection (c)(2).

''(2) The term 'donating individuals' has the meaning indicated for such term in subsection (a)(1), subject to subsection (b)(2)(A).

''(3) The term 'qualifying expenses' means the expenses authorized for purposes of subsection (a), subject to subsection (b)(2)(B).

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of the fiscal years 2002 through 2006.''.

SEC. 4. PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 377 the following section:

''PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS

''SEC. 377A. (a) PUBLIC AWARENESS.—The Secretary shall (directly or through grants or contracts) carry out a program to educate the public with respect to organ donation, including the need to provide for an adequate rate of such donations.

''(b) STUDIES AND DEMONSTRATIONS.—The Secretary may make grants to public and nonprofit private entities for the purpose of carrying out studies and demonstration projects with respect to providing for an adequate rate of organ donation.

''(c) GRANTS TO STATES.—The Secretary may make grants to States for the purpose of assisting States in carrying out organ donor awareness, public education and outreach activities and programs designed to increase the number of organ donors within the State, including living donors. To be eligible, each State shall—

''(1) submit an application to the Department in the form prescribed;

''(2) establish yearly benchmarks for improvement in organ donation rates in the State;

''(3) develop, enhance or expand a State donor registry, which shall be available to hospitals, organ procurement organizations, and other States upon a search request; and

''(4) report to the Secretary on an annual basis a description and assessment of the State's use of these grant funds, accompanied by an assessment of initiatives for potential replication in other States.

Funds may be used by the State or in partnership with other public agencies or private sector institutions for education and awareness efforts, information dissemination, activities pertaining to the State organ donor registry, and other innovative donation specific initiatives, including living donation.

''(d) ANNUAL REPORT TO CONGRESS.—The Secretary shall annually submit to the Congress a report on the activities carried out under this section, including provisions describing the extent to which the activities have affected the rate of organ donation.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006. Such authorization of appropriations is in addition to any other authorizations of appropriations that is available for such purpose.

''(2) STUDIES AND DEMONSTRATIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than $2,000,000 for carrying out subsection (b).''.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. 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. 624 and to insert extraneous material on the bill.

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

There was no objection.

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

I am pleased, Mr. Speaker, that the House is today considering H.R. 624, the Organ Donation Improvement Act of 2001. I want to thank my committee colleagues, the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Ohio (Mr. BROWN), the subcommittee ranking member, for their help in drafting this bill.

The full Committee on Energy and Commerce approved H.R. 624 on February 28 by unanimous vote, which reflects the bipartisanship nature of this initiative.

I also want to thank Secretary Tommy Thompson for making organ donation a top priority for his first 100 days in office. He has recognized the serious nature of this growing problem and intends to act quickly to increase organ donation efforts across the country. In fact, I received a letter from Secretary Thompson indicating his support for H.R. 624 and his intent to work with Congress to increase organ donation in the future.

Mr. Speaker, during the latter part of the last Congress, we had the legislation going through the body which would have done what we are doing in this legislation but also had established allocation procedures. It was very controversial; and as a result of that, the legislation was not able to move.

What we have done in this legislation in a bipartisan basis was to pull out all of the noncontroversial very, very significant areas of that legislation and put them into this and left out completely the allocation procedures, which were controversial. I think that is very important that all of the Members realize that this is a different piece of legislation with no controversial areas at all.

□ 1300

Continuing, Mr. Speaker, nationwide we do not have enough organs for patients who need a transplant. During the 1990s, the number of patients waiting for organ transplants rose more than five times as fast as the number of transplant operations. In 1999, more than 20,000 transplants were performed, but the transplant waiting list exceeded 70,000 patients. As a result, more

than 50,000 patients did not receive the transplants they needed.

With modern technology and the success of organ transplants, many of these deaths are preventable. Unfortunately, despite the generosity and self-sacrifice of thousands of donors who have given an organ to a patient in need, the supply of organs continues to fall short of the need. In my own State of Florida, the transplant waiting lists continue to grow and patients continue to wait.

What is most unfortunate, however, is the number of people who have died while on one of these transplant waiting lists. In 1999, in the State of Florida alone, 65 patients died while waiting for a liver transplant, 35 patients died while waiting for a heart transplant, 17 patients died while waiting for a lung transplant, and 91 patients died while waiting for a kidney transplant. So we must act to these preventable deaths by increasing the supply of organs and discussing the gift of life, as the gentlewoman from Florida (Mrs. THURMAN) said, with friends and family.

H.R. 624 recognizes the contributions made by living individuals who have donated organs to save lives. It also acknowledges the advances in medical technology that have made transplantation a viable treatment option for an increasing number of patients. Significantly, H.R. 624 directs the Secretary of Health and Human Services to carry out programs to educate the public with respect to organ donation. This bill also authorizes grants to cover the costs of travel and subsistence expenses for individuals who make living donations of their organs.

I am confident that these measures will provide the necessary incentives for Americans considering organ donation and increase the supply of organs. I urge all my colleagues to join me today in supporting passage of H.R. 624, the Organ Donation Improvement Act.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill complements the resolution we just considered, and I would again like to thank the gentleman from Wisconsin (Mr. BARRETT), the gentleman from Florida (Mr. BILIRAKIS), and the gentlewoman from Florida (Mrs. THURMAN) for their work on this legislation.

In 1999, nearly 75,000 people were on waiting lists for organ transplants; yet less than 22,000 of these 75,000 received transplants. Nearly 12 people die every day while waiting for a transplant. The question is how do we identify and how do we remove barriers to donation, narrowing the significant gap between transplant candidates and available organs?

Public awareness is part of the problem. Providing assistance to living organ donors is another step. H.R. 624 would set both of these strategies in motion. The authors have been clear. This bill is not an exhaustive response to the donor organ shortfall. This bill, however, to its credit, is a starting point in implementing good ideas and in signaling congressional interest in an issue significant to all of us.

Organ donation is such an amazing act of giving, one that delivers hope and health and life to thousands of patients a year. The fact that H.R. 624 represents the first step in a broader effort does not minimize its importance. I fully support its passage.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN), who has been a leader on this and other organ donation issues.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Before I start in on a little bit of what we are talking about today, one of the things we probably ought to do first and foremost is thank all of the men and women out there today that have made that choice and have made a difference in people's lives, because without their generous donation we would not have this opportunity to even be talking about this and the technology and what has happened over several years.

So I would like to just take a moment to thank and to express to those family members, whether because of a loss or because of a connection with another family member, how much we appreciate what they have given already in this debate.

Today, what we are talking about is a resolution, and I commend our chairman for this and also the gentleman from Ohio (Mr. BROWN). As the chairman said, this was part of a piece of legislation last year that kind of got tied up in some allocation issues, but the issue in this one is so important because this actually helps us with expensing. So that if we have a living donor, we can provide an opportunity for them to give the gift that they would like to give. So it is a very simple, direct kind of program that if one is willing to help and is willing to donate, that we are going to help in that regard as well.

The only other thing I would say is, I would like the chairman just to consider a second part of this piece of legislation that we introduced last year, which is the idea of when somebody is working, to be able to give them some time off where it does not hurt them in the workplace. Because without that time, it is very difficult for them. Even though they may be getting some of their expenses covered, they do have to take time off of work to be able to go and do this. So I just hope at sometime we can look at that issue.

But certainly my praises are to this committee and to this Congress for giving us this gift of life.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. BARRETT), who has been very involved in this issue during his time in Congress.

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to compliment the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Ohio (Mr. BROWN), and the others that have been so active on this issue. I think this is an issue that I think ultimately does have bipartisan support and we can all work together on.

In 1999, David Raine of Racine, Wisconsin, was put on a waiting list for a kidney. The clock was ticking, and his health was declining. It used to be that one family's saving grace was another family's tragedy, as organs were generally donated from the recently deceased. Though organ donation from the deceased is still the chief source of organ donations, there is an increasing number of organs donated from a healthy individual who is compatible to a patient in need. Though typically this type of transplant is done with kidneys, advances are being made in the transplantation of other organs, such as lungs and livers.

For David Raine, living donation saved him. As he describes it, an angel came into his life. Leslie Kallenbach, a fellow parishioner at David's church, offered her own kidney to him. Tests determined she was a perfect match; and in January of 2001, David and Leslie underwent surgeries at Saint Luke's Medical Center in Milwaukee. One of Leslie's kidneys was successfully transplanted to David by Dr. William Stevenson, and David Raine said he felt energy return to his body almost immediately. Both recovered without complication.

This is a happy ending that I wish was found in every transplant patient's story. Sadly, it is not. Fourteen people die each day because the organ they need is not available to them. The gap between organ transplants and the number of patients waiting for organs more than doubled in the 1990s, according to a recent report by UNOS. On February 24, the UNOS national waiting list had 74,800 patients awaiting organs. Over half of those are waiting for kidneys.

In Wisconsin alone there are currently more than 1,500 people on organ waiting lists. Most of them are waiting kidneys. I mention kidneys in particular because through the advancement of medicine, living donations of kidneys are the most commonplace of all living donations.

The Organ Donation Improvement Act promotes living donation. According to UNOS, the number of living organ donors more than doubled from 1990 to 1999. The selfless humanity exhibited by living donors is recognized by this bill, as is the progress made in

medical technology that has enabled living donor transplants, like the one from Leslie Kallenbach to David Raine.

This measure also provides financial assistance to States to develop and grow donor registries and to connect these registries to organ procurement organizations and hospitals. The bill also helps donors defray the costs associated with their testing and donations.

I am proud to say that Wisconsin is a leader in organ donation and transplant surgery among the States. Wisconsin's medical centers accept significantly greater numbers of organs for transplant than the national average. I will continue to fight to advance this cause and do whatever is necessary to share Wisconsin's success with the rest of the Nation.

Though I am pleased to see such swift action on this bill by the Committee on Commerce and now by my colleagues in the House, this cannot be the last word on organs. Our job is far from done. I appreciate the heartfelt support for these efforts by Health and Human Services Secretary Thompson, and I hope to work with him to develop a network of State donor registries so that the stories of those people who are waiting for the gift of life might have the same happy ending as David Raine.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the Organ Donation Improvement Act introduced by the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Wisconsin (Mr. BARRETT). This legislation directs the Secretary of Health and Human Services to conduct a public awareness campaign about the need for additional organs for transplantation.

I am privileged to represent the hardworking men and women of the United Network for Organ Sharing, UNOS, in Richmond, Virginia. Their recent corporate campaign to increase organ donation complemented the goal of this legislation, and that is why I want to publicly salute the employees of UNOS and the families and friends of those who have donated the ''gift of life,'' donated organs.

According to UNOS, for every patient who receives the organ he or she needs, two more people in need of organs are added to the national waiting list. Unfortunately, less than half of those who register on the waiting list will ever receive a transplant. On average, 15 people die every day because the organ they need does not come in time.

In 1999, more than 6,000 people died while awaiting organs. The same year, the waiting list reached a high of more than 67,000 people. UNOS works to address this life-and-death challenge by increasing organ donation and making the most of every organ that is donated. This is accomplished through organ matching and distribution, data research, policymaking, education and public awareness.

Recently, several major employees in the metro Richmond area launched employee campaigns to raise awareness about organ donation and increase the number of organ donors in Virginia. The people of Virginia owe these companies and their employees a debt of gratitude for their efforts to promote a gift of life. I want to thank them for their hard work, and I urge passage of this legislation.

Mr. Speaker, I include for the RECORD the UNOS press release of March 3, 2001.

[From the United Network for Organ Sharing, Mar. 3, 2001]

RICHMOND EMPLOYERS JOIN UNOS TO INCREASE ORGAN DONATION

RICHMOND.—Several major employers in the metro Richmond area have joined the United Network for Organ Sharing's (UNOS) Workforce 2001, a unique effort to increase organ donation.

BB & T; Back in Action Health Resource Center, Bank of America, CapTech Ventures, Chesterfield County, City of Richmond, The C.F. Sauer Company, Continental Societies, Inc., Dominion Virginia Power, Durrill and Associates, First Union, James River Technical, McCandlish and Kaine, M.H. West and Co., Medical Insurers of Virginia; Owens and Minor, Pleasants Hardware, PriceWaterhouseCoopers, SMBW Architects, Style Weekly, SunTrust Bank, Tom Brown Hardware, Trigon Blue Cross Blue Shield, Ukrop's Supermarkets and First Market Bank, Verizon, Virginia Commonwealth University/Medical College of Virginia, The Virginia Home; Wella Manufacturing of Virginia; Westminster Canterbury; and Williams, Mullen, Clark and Dobbins have committed to educating their employees about the vital need for organ donation.

''Corporate involvement on the local and national level is key to spreading the life-saving message of organ donation,'' said Walter K. Graham, UNOS executive director. ''We need everyone's help to make sure the public has the right information to make an informed decision about organ donation.''

Nearly 700 people are currently awaiting an organ transplant in Richmond, with approximately 2,000 waiting statewide. There were 37 organ donors in Richmond during 2000, leading to more than 200 transplants.

Nationwide, 75,000 children, men, and women are registered on the nation's organ transplant waiting list. To date, UNOS reports that slightly more than 22,000 transplants were performed in 2000 using organs from 5,900 cadaveric donors and 4,800 living donors.

For the year 2001, we project only moderate increases in donation and transplantation, so of these 75,000 less than one third will receive life-saving transplants this year. The other two-thirds will continue to wait, and perhaps die because the organ they need will not come in time to save them. UNOS, and the employers of Virginia, are working together to change this.

''A lot of people die in the U.S. and in Virginia because they don't get the organs they need so desperately. If we encourage everyone, starting with our own employees, to become donors we can help the situation tremendously,'' said Lynn Williamson, M.D., vice president and chief medical officer for Trigon Blue Cross Blue Shield.

One of the main ways the organizations will communicate with their employees about organ donation is a new electronic public service announcement (PSA) that can be sent via e-mail or posted on organization's Intranet site. The electronic PSA highlights the importance of organ donation and gives the viewer concrete steps they can take to be an organ donor. Other ways employers are spreading the message include using posters, brochures and paycheck stuffers.

Companies interested in joining the organ donation campaign should contact UNOS at (804) 330–8563.

UNOS, a nonprofit charitable organization headquartered in Richmond, VA, maintains the nation's organ transplant waiting list under contract with the Health Resources and Services Administration of the U.S. Department of Health and Human Services. UNOS also promotes organ donor awareness in the general public and the medical community.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. BROWN) and the gentleman from Florida (Mr. BILIRAKIS) for their work on this legislation. It is an important piece of legislation.

I think anyone listening to this debate today, though there is not much of a debate other than we need to do more in the way of giving organs to people who need them, everyone should recognize the need to sign up. First things first: everyone should sign up as an organ donor right now or make a note to themselves to go up and sign up.

This is an easy thing to let pass: Oh yeah, I'm going to do it. I'm going to do it. If it were not for one of our own colleagues, the gentleman from Massachusetts (Mr. MOAKLEY), I would not have signed up. I recall when the gentleman from Massachusetts got this organs donation caucus together. We have several colleagues on both sides of the aisle who are beneficiaries of organ donations. There is nothing like hearing a story from someone who has benefited from an organ donation to make someone a believer and feel that they ought to sign up themselves.

So I encourage everyone to do it. Most people can go down to the registry of motor vehicles in most States, as in my State of Rhode Island. A form is signed which makes an individual an organ donor, puts them on the list, and makes sure the individual's license reflects it. So in a time when we are no longer on this earth but our organs are, we can help someone else to live. I think that is the kind of thing we would all want to have made possible.

So I hope we all support this organ donation legislation. In my State, there were 71 organs donated last year,

although there are 36,000 still on the waiting list in my State of Rhode Island. We have a tragic shortage of organs and we need to pass this legislation, H.R. 624, so that we can help expand awareness of this important process of donating an organ.

I encourage everyone to find someone that has benefited from this or log on and learn more about it, because I believe if people learn more about it they will become organ donors. It is an absolute tragedy that more Americans of good conscience and good will just are not because they have not gotten around to doing it. So anyone listening to this, please make sure to sign up to be an organ donor.

□ 1315

Mr. BILIRAKIS. Madam Speaker, I yield myself 1 minute.

Madam Speaker, just one parliamentary note. The committee filed its report on H.R. 624 last night. That report contained, as required under the House rules, a cost estimate for the bill from the Congressional Budget Office. However, H.R. 624, as introduced, contained a drafting error. An amendment to the basic legislation today took care of that. As a result, CBO provided its cost estimates on the amendment, on the bill, as amended, to H.R. 624 that we are considering today. I hope that this clears up any confusion.

In closing, Madam Speaker, I would like to acknowledge people who have really worked on this not only for this particular piece of legislation but even in the prior years, the staffs from the committee, Marc Wheat, Brent DelMonte; John Ford, who is here; Katie Porter from the minority; Erin Ockunzzi, a member of my personal staff; my chief of staff Todd Tuten. We are all very grateful to those good people for the hard work that they have placed on this legislation.

Mr. DINGELL. Madam Speaker. According to the most recent annual report of the United Network for Organ Sharing (UNOS), the shortage of organs for transplant is getting worse. Approximately 21,715 transplants were performed in 1999. The number of persons on the national transplant waiting list as of February 2001 was approximately 74,000. The number of deaths among persons who were on the transplant waiting list tripled in the decade of the 1990s. Although cadaveric and live donation rates have increased, the need for these organs has grown even faster.

I applaud the effort of my colleagues to raise awareness of the need for more organ donations. I want to also pledge to work with Secretary Thompson on this important issue. He has indicated that he will make organ donation a priority of this administration. One interesting statistic he often cities is that two-thirds of Americans have not expressed their wishes about donation.

Clearly, there is much that can be done to increase organ donations. The two measures before us today, H. Con. Res. 31 and H.R. 624, are steps in the right direction. I want to make particular note of the efforts of my friend and colleague, Representative KAREN THURMAN. She has made all of us aware of the need to act quickly and decisively to address a host of donation issues. Her resolution on organ, tissue, bone marrow, and blood donation deserves our enthusiastic support.

H.R. 624 addresses both cadaveric and living donations. There are obvious limitations with respect to live donations, so we must attack the shortage on both fronts, cadaveric and live donations. Ninety-five percent of live donations are kidneys, with the remaining five percent involving the split liver technique. Cadaveric donations thus make up part of the supply of transplantable kidneys and livers, and the entire supply of hearts, pancreas, lungs, and intestines.

H.R. 624 is an incremental step. It is not a comprehensive program. I hope this is merely a reflection of the process by which this bill comes before us today and does not reflect a limitation on our collective will to make lasting and meaningful progress toward increasing the supply of organs. There are many good ideas we should examine and I hope that in due course, we will.

Finally, I remain wary of the bill's residency and "covered vicinity" provisions. I will be monitoring the implementation of H.R. 624 to be sure it does not stray from its intended purpose.

With that Madam Speaker, I urge my colleagues to support these two measures.

Mr. UNDERWOOD. Madam Speaker, I support today H.R. 624, the Organ Donation Improvement Act of 2001, introduced by my colleague, Congressman BILIRAKIS of Florida.

This bill will support payment of travel and subsistence expenses incurred by individuals making living donations of their organs, raise public awareness of the importance of organ and tissue donation in our country, and help families understand and respect the wishes of family members who desire to be individual organ donors.

Although organ and tissue transplantation is not a common procedure in my district of Guam as it is in larger metropolitan areas of the country, the need is still great as heart disease and diabetes are among the leading causes of death on the island. In fact, heart disease ranks as the number one killer, while diabetes ranks very close to the top and affects Chamorros at 5 times the national average.

The impact of higher costs and greater distances between Guam and the nearest major metropolitan hospital in Honolulu, approximately 3,500 miles or 7 hours by plane, is a vital concern when it comes to health care for U.S. citizens on Guam. Some of Guam's patients are medically evacuated to larger metropolitan health care centers in Honolulu and Los Angeles for these procedures. Other times, the organ and tissue donations are transported to Guam for transplantation. So, the access to organ and tissue donation is a critical component of whether a patient lives or dies.

Since the majority of those who are medically evacuated to hospitals in Honolulu and in the continental United States are Medicare and Medicaid patients, the cost of travel and subsistence payments for individual living donors is a welcome relief to those who are able to find a perfect organ donor match.

The program to raise public understanding and assist states and territories in carrying out organ donor awareness, public education, and outreach activities is also a welcome component of the Organ Donation Improvement Act. For minority communities, such as the Asian Pacific American community, this is a particularly welcome initiative.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise in strong support today for H.R. 624, the Organ Donation Improvement Act. I have seen first-hand how important organ donation can be. My own sister-in-law has been the recipient of a transplanted kidney. Unfortunately, not every person who needs an organ transplant is as lucky as she was. In 1999 alone, over 6,000 people died while on the waiting list for a donor organ.

Despite continuing advances in medicine and technology, the tragic truth is that the demand for organs drastically outstrips the supply of organ donors. According to a recent report, the number of Americans waiting for organ transplants more than tripled from 21,914 to 72,110 between 1990 and the end of 1999. However, annual donor transplants over the same period increased at a far slower rate, going from 15,009 in 1990 to 21,715 in 1999.

H.R. 624 is an important step in addressing this crisis. This bill directs the Secretary of Health and Human Services to carry out a program to educate the public with respect to organ donation. It also authorizes grants to cover the costs of travel and subsistence expenses for individuals who make living donations of their organs.

I believe that it is of the utmost importance that we encourage more individuals to share the life-saving benefits of organ donation. Therefore, I urge my colleagues to give this bill their full support.

Mr. RUSH. Madam Speaker, I rise in support of the Organ Donation Improvement Act of 2001, H.R. 624, which was reported by the Energy and Commerce Committee last week. As reported, H.R. 624 authorizes up to $5 million each year—for each of the next five years—to provide travel and subsistance funds for organ donors meeting certain criteria.

I support the bill because I have been assured by the distinguished chairman of the Health Subcommittee, my friend MIKE BILIRAKIS that the bill is intended to help increase the supply of life-saving organs that are available nationwide, and that it is not an attempt to circumvent, abrogate, amend or revise the organ donation and allocation system which was implemented by the Department of Health and Human Services last year.

Under the provisions of the National Organ Transplant Act (NOTA), the U.S. Department of Health and Human Services has the responsibility for establishing and administering a national organ allocation program. In April of 1998, the Department published a regulation which directs the Organ Procurement and Transplantation Network (OPTN) to address a number of inefficiencies and inequities in the existing organ allocation program. UNOS, the United Network for Organ Sharing, and a

number of transplant centers, strongly objected to the regulation. The groups in opposition sought and secured a rider to the Omnibus Appropriations enacted in 1998 which blocked implementation of the Secretary's proposed regulation.

In October, 1998, the Congress suspended implementation of the Final Rule for one year to allow further study of its potential impact. During that time, Congress asked the Institute of Medicine (IOM) to review current Organ Procurement Transplantation Network (OPTN) policies and the potential impact of the Final Rule. The IOM study was completed in July, 1999 and provided overwhelming evidence in favor of the new regulations. Nevertheless, a second moratorium was added onto the Work Incentives Improvement Act, that provided for an additional 90-day delay on implementation of the Final Rule.

In the midst of this debate, in October, 1999, the House Commerce Committee debated and reported legislation, H.R. 2418, that would have divested the Department of Health and Human Services of any authority to require anything of the OPTN. Functions of a scientific, clinical or medical nature would be in the sole discretion of the OPTN. All administrative and procedural functions would require mutual agreement of the Secretary and the Network.

Opponents of H.R. 2418, including the Governor of the great state of Illinois, believed that the legislation would create an unregulated monopoly of organ allocations, and allow UNOS to run the organ allocation program unfettered. The legislation would also have favored small states with small centers at the expense of patients waiting for transplants at larger centers. The state of Illinois represents 9 percent of the population and receives only 4 percent of the transplants.

While debate on H.R. 2418 raged in the House, during 1999 and 2000, the U.S. Department of Health and Human Services (HHS) made several attempts to implement a new organ donation and allocation regulation. The HHS regulation incorporates many of the sound recommendations of the National Academy of Sciences' Institute of Medicines recommendations for improving the organ donation and allocation system. This regulation—the subject of opposition by those groups which would have maintained the status quo—had twice been delayed by Congressional action, but finally went into effect in March, 2000.

Madam Speaker, in January of this year, former Health and Human Services Department Secretary, Donna E. Shalala, announced the appointment of 20 members to the Secretary's new Advisory Committee on Organ Transplantation. The committee, which was created in the Organ Procurement and Transplantation Network rule of 1999 and recommended by the Institute of Medicine Report to Congress in 1998, will advise the Secretary on all aspects of organ procurement, allocation and transplantation. The new Department of Health and Human Services Secretary, the Honorable Tommy Thompson, has said that improvements to the organ donation and allocation system are one of his major priorities.

Madam Speaker, it is my hope that, in the future, as this House and the Energy and Commerce Committee continues its oversight on the administration of the organ donation and allocation system, that we not rush to judgment—as we did with this legislation—with no hearings, no consultation, and no oversight by the committees of jurisdiction and the Members of this House that are so vitally interested in this issue.

Mr. STARK. Madam Speaker, I rise in support of H.R. 624, the Organ Donation Improvement Act.

H.R. 624 is an important piece of legislation that provides financial assistance to living donors to cover the travel expenses associated with donating an organ, and provides new funds for programs to educate the public with respect to organ donation.

In a National Kidney Foundation Survey, one out of four family members said that financial considerations prevented them from volunteering to become a living donor. When you consider airfare, hotel, ground transportation, and food for a few days, the costs add up. This bill would provide grants to states, transplant centers, organ procurement organizations, and other public entities to enable them to pay for the non-medical travel and subsistence expenses incurred by a donor in conjunction with organ donation. It is targeted to recipients with incomes below $35,000 a year who might not otherwise be able to aide a donor in paying for travel costs.

More people would be able to become living donors if we remove this cost barrier. In a country as wealthy as ours, we cannot allow those who are in need of an organ to miss a life-saving opportunity because of a lack of travel funds for a family member or other matching donor. Moreover, we must facilitate more people becoming living organ donors by removing whatever obstacles we can.

This bill would also authorize the Secretary of Health and Human Services to make grants to states or contract with organizations to educate the public on organ donation. States that receive grants would be required to submit annual reports to the Secretary assessing the effectiveness of the programs, so that successful programs can be replicated in other states. We need to get as many people as possible to fill out organ and tissue pledge cards, and enter their information in the National Marrow Donor Program Registry through education campaigns. The Federal government needs to work with States, and non-profit organizations to reach every person in this country. Any of us could one day need a transplant.

This bill takes a step in the right direction, but it should be considered a piece in a broader effort to increase organ donation in this country. Every 14 minutes a new name is added to the transplant waiting list. We need to insure that every 14 minutes a new donor signs a pledge card. We have far to go before we've reached that goal, but this bill moves us closer.

Secretary Thompson has already indicated that he plans to launch a national awareness campaign and to do more to recognize donors and their families. This would be a great opportunity for Congress to collaborate with him to draw attention to this life-saving issue. I urge my colleagues to vote in support of this important legislation to increase organ donations.

Mr. VITTER. Madam Speaker, I rise today to express my support for organ donation and the sentiment in H.R. 624 to emphasize the importance discussing organ and tissue donation as a family. I'm proud to say that in my home state of Louisiana, the LSU Health Sciences Center, working with Legacy Donor Foundation and the Louisiana Organ Procurement Agency, developed a model campaign now used by businesses that is very successful in getting employees to sign up to become organ donors at death. Despite these advances, in Louisiana and across our nation, a lot more public education is needed to raise awareness of the critical shortage of organs. In addition, Louisiana has also benefited from the services provided by the Oschner Multi-Organ Transplant Center, where over 50 liver transplants are performed each year. The help these organizations provide to patients in Louisiana are immeasurable.

For example, in Louisiana today there are about 1,600 individuals—mothers, fathers, husbands, wives, sons, daughters—awaiting a life-saving transplant. Nationally, more than 73,000 men, women and children awake in hope each day that it will be the day when they receive their new organ, before it's too late for them. But needs far exceed organ donations each year. One organ donor can save the lives of as many as eight others. Organs from 100 individuals in Louisiana were donated last year, providing 365 organs for transplant. Those 100 selfless humans in Louisiana gave the gift of life to strangers as their legacy. Organ donation is the last act of selfless generosity that one human being can perform for another.

Mr. CUMMINGS. Madam Speaker, I rise today in support of H. Con. Res. 31 and H.R. 624, both expressing Congress' acknowledgment of the need for organ donors and organ donor support for all citizens.

In 1996, I introduced H.R. 457 (Public Law No. 106–56), the Organ Donor Leave Act, because I am a firm believer in the life-saving power of organ donation. This legislation allows federal employees up to 30 days paid leave after having made an organ donation and 7 days for those employees making a bone marrow donation. Through we have made progress in the fight for increasing the support for organ donors, it is out of that same unshaken belief that I recognize the need for legislation like H. Con. Res. 31 and H.R. 624. I know the truth and the truth is that there is still much than can be improved.

Over 60,000 Americans are awaiting for an organ donation, while 12 people die each day waiting for a transplant.

Every sixteen minutes, a new name in need of an organ, tissue, or bone marrow transplant is added to a waiting list.

Each year, despite the efforts of countless Americans who are organ donors, over 4,000 Americans die in need of a transplant.

These grim statistics are the real reason why I stand behind H.R. 624, the Organ Donation Improvement Act of 2001, which will not only foster increased public awareness through studies and demonstrations, but also supports organ donors through financial assistance incurred toward living organ donation. Furthermore, as H. Con. Res. 31 states, I fully support National Donor Day which promotes awareness and while educating ALL about organ, tissue, bone marrow, and blood donation.

In both of these bills, we move another step forward in helping to eliminate a solvable problem, paving the way toward answering the hopes and needs of those who now wait too long for a second chance at life.

Mr. KIND. Madam Speaker, today, I rise in support of H.R. 624, the Organ Donation Improvement Act. As we all know, there is a shortage of organ donors across the United States. In fact, the waiting list for organ transplants has grown by over 300 percent in the last decade.

I am, however, proud that my state of Wisconsin has an excellent record in organ procurement. Wisconsin's two organ donation agencies, the Wisconsin Donor Network in Milwaukee and the University of Wisconsin Organ Procurement organization, are nationally recognized for their donation rates. Each year in Wisconsin, nearly 150 people give more than 600 citizens the opportunity for a new beginning.

In order to decrease the number of individuals on the wait list for organ transplants, we need to increase people's willingness to become donors. Wisconsin has a model intensive education program that works closely with schools, community groups, church groups and the hospitals to allay individuals' questions and concerns related to organ donation. I am proud to be a cosponsor of the Organ Donation Improvement Act that would provide grants to states to build programs similar to our successful program in Wisconsin.

This bill recognizes the critical role that states can play in improving organ donation. I urge my colleagues to support this important legislation.

Mr. BENTSEN. Madam Speaker, I rise in strong support of the Organ Donation Improvement Act (H.R. 624), legislation that will help the 60,000 people in the United States who are currently waiting for organ transplant surgery. This year, approximately 20,000 people will receive these lifesaving operations, but 40,000 people will not. This legislation is an important first step in helping these patients and their families to get the organs that they desperately need.

As the representative for the Texas Medical Center where many of these transplantations occur, I am concerned about the need to find more organs for these patients. Many of these lifesaving procedures are conducted at the transplant departments at these teaching hospitals in my district. During the past decade, the waiting list for organs has grown by more than 300 percent. Clearly, we are not finding sufficient donors to meet the demand for these patients.

As an original cosponsor of this legislation, I strongly support this effort to increase organ donations. First, this measure authorizes $5 million for each of the next five years to help pay for the cost of travel and subsistence expenses for people who donate their organs. With advanced technology and techniques, today there are more opportunities for people to donate organs. However, many patients cannot afford to travel and pay for the costs associated with organ donation surgeries. This bill would encourage more patients to donate an organ if they know that both their travel and subsidence expenses will be covered. These grants would be given to only those low-income patients who cannot afford to travel to another state in order to donate an organ. In addition, these grants can help donors to receive supplemental income during the time period when they are donating an organ.

This bill would also require the Secretary of Health and Human Services (HHS) to conduct a public awareness program on organ donation. With more awareness, it is my hope that more families will discuss organ donation and will give the "gift of life" to another patient. This measure also includes a provision to authorize grants for studies and pilot projects to increase organ donations to private organizations.

I am also pleased that the American Hospital Association and the Patient Access to Transplantation Coalition have expressed their strong support for this bill. I urge my colleagues to vote for this legislation.

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

Mr. BROWN of Ohio. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 624, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BILIRAKIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING 21 MEMBERS OF NATIONAL GUARD KILLED IN CRASH ON MARCH 3, 2001

Mr. SCHROCK. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 47) honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001, in south-central Georgia.

The Clerk read as follows:

H. CON. RES. 47

Whereas a C–23 Sherpa National Guard aircraft crashed in south-central Georgia on March 3, 2001, killing all 21 National Guard members on board;

Whereas of the 21 National Guard members on board, 18 were members of the Virginia Air National Guard from the Hampton Roads area of Virginia returning home following two weeks of training duty in Florida and the other 3 were members of the Florida Army National Guard who comprised the flight crew of the aircraft;

Whereas the Virginia National Guard members killed, all of whom were members of the 203rd Red Horse Engineering Flight of Virginia Beach, Virginia, were Master Sergeant James Beninati, 46, of Virginia Beach, Virginia; Staff Sergeant Paul J. Blancato, 38, of Norfolk, Virginia; Technical Sergeant Ernest Blawas, 47, of Virginia Beach, Virginia; Staff Sergeant Andrew H. Bridges, 33, of Chesapeake, Virginia; Master Sergeant Eric Bulman, 59, of Virginia Beach, Virginia; Staff Sergeant Paul Cramer, 43, of Norfolk, Virginia; Technical Sergeant Michael East, 40, of Parksley, Virginia; Staff Sergeant Ronald Elkin, 43, of Norfolk, Virginia; Staff Sergeant James Ferguson, 41, of Newport News, Virginia; Staff Sergeant Randy Johnson, 40, of Emporia, Virginia; Senior Airman Mathrew Kidd, 23, of Hampton, Virginia; Master Sergeant Michael Lane, 34, of Moyock, North Carolina; Technical Sergeant Edwin Richardson, 48, of Virginia Beach, Virginia; Technical Sergeant Dean Shelby, 39, of Virginia Beach, Virginia; Staff Sergeant John Sincavage, 27, of Chesapeake, Virginia; Staff Sergeant Gregory Skurupey, 34, of Gloucester, Virginia; Staff Sergeant Richard Summerell, 51, of Franklin, Virginia; and Major Frederick Watkins, III, 35, of Virginia Beach, Virginia;

Whereas the Florida National Guard members killed, all of whom were members of Detachment 1, 1st Battalion, 171st Aviation, of Lakeland, Florida, were Chief Warrant Officer John Duce, 49, of Orange Park, Florida; Chief Warrant Officer Eric Larson, 34, of Land-O-Lakes, Florida; and Staff Sergeant Robert Ward, 35, of Lakeland, Florida;

Whereas these members of the National Guard were performing their duty in furtherance of the national security interests of the United States;

Whereas the members of the Armed Forces, including the National Guard, are routinely called upon to perform duties that place their lives at risk; and

Whereas the members of the National Guard who lost their lives as a result of the aircraft crash on March 3, 2001, died in the honorable service to the Nation and exemplified all that is best in the American people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the 18 members of the Virginia Air National Guard and 3 members of the Florida Army National Guard who were killed on March 3, 2001, in the crash of a C–23 Sherpa National Guard aircraft in south-central Georgia; and

(2) sends heartfelt condolences to their families, friends, and loved ones.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCHROCK) and the gentleman from Virginia (Mr. SISISKY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCHROCK).

GENERAL LEAVE

Mr. SCHROCK. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

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

Madam Speaker, I rise today to offer House Concurrent Resolution 47 to honor the 21 members of the National Guard who tragically lost their lives last Saturday.

Eighteen members of the 203rd Red Horse Engineering Flight from the Virginia Air National Guard based at Camp Pendleton in the district I represent and three members of the 171st Aviation Battalion of the Florida Army National Guard were killed when their Army C–23 Sherpa aircraft crashed in a field in south-central Georgia.

Red Horse squadrons are civil engineer units that can be deployed rapidly to erect tent cities and other facilities for troops in the field. The airmen from Camp Pendleton were returning home after spending 2 weeks in Florida at a Florida base doing electrical work and other types of construction. The Virginia National Guard lost 18 great men from the 203rd Red Horse Engineering Flight Squadron. Their names are:

Major Frederick Watkins of Virginia Beach,

Master Sergeant James Beninati of Virginia Beach,

Staff Sergeant Paul J. Blancato of Norfolk,

Technical Sergeant Ernest Blawas of Virginia Beach,

Staff Sergeant Andrew H. Bridges of Chesapeake,

Master Sergeant Eric G. Bulman of Virginia Beach,

Staff Sergeant Paul E. Cramer of Norfolk,

Technical Sergeant Michael E. East of Parksley,

Staff Sergeant Ronald L. Elkin of Norfolk,

Staff Sergeant James P. Ferguson of Newport News,

Staff Sergeant Randy V. Johnson of Emporia,

Senior Airman Mathrew E. Kidd of Hampton,

Master Sergeant Michael E. Lane of Moyock, North Carolina,

Technical Sergeant Edwin B. Richardson of Virginia Beach,

Technical Sergeant Dean J. Shelby of Virginia Beach,

Staff Sergeant John L. Sincavage of Chesapeake,

Staff Sergeant Gregory T. Skurupey of Gloucester, and

Staff Sergeant Richard L. Summerell of Franklin.

Military service involves great danger in both times of peace and war. Men and women in uniform and their families make sacrifices each and every day. This tragic loss reminds us of the dedication that men and women give to their country when they serve in the Armed Forces. These exceptional airmen were killed in the execution of their duties, and their sacrifice was in the service of their country. Their loss is greatly felt by their families, their communities and their country.

I stand here with my colleagues to proudly honor the lives of these 21 heroes, and the Congress sends their families, friends, and loved ones our heartfelt condolences.

Madam Speaker, I reserve the balance of my time.

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

I join my Virginia colleague in honoring the members of the Virginia and Florida National Guard who perished in this terrible tragedy. All House Members pay tribute to each of the men lost in the crash last Saturday. I know they join me in sending a heartfelt message of condolence to the families and loved ones.

I am particularly grieved because four of those who died were from my congressional district. But it is not just that. The tragedy that occurred 4 days ago is really a national tragedy. The guardsmen aboard that plane were among the finest citizens of this Nation. So all of us lost something very, very precious that day.

The sacrifice of those who lost their lives exemplifies all that is best in the American people. Those who serve our country in the National Guard and Reserve are dedicated, industrious and selfless. They are patriots, committed to the goal of making America great. So we mourn their loss and extend our sympathies to those they have left behind.

But I want their loved ones to know they should be extremely proud of the lives that they lived. Not only were these men serving their country, they were serving their communities and families. They were dedicated, devoted church and family men from Emporia and Franklin. They included a fireman and an insurance man from Chesapeake, always ready to lend a helping hand. You would see them in church on Sunday or pitching in to clean up their town after the terrible floods last year. They spent time building homes for Habitat for Humanity. They loved their children and their families. Sacrifices they made for Virginia and Florida and our Nation made our country better and stronger. The United States would not be what it is today were it not for the efforts of the many unsung heroes who lost their lives in this tragedy.

General Omar Bradley spoke of freedom as the greatest of all ideals. He said the following:

> No other word held out greater hope, demanded greater sacrifice, needed more to be nurtured, blessed more than the giver, demanded more than its discharge, or come closer to being God's will on earth.

The men, families and loved ones we honor know all too well the full meaning of the word freedom. But there is also a Bible story about soldiers who died which tells us how to remember them:

> They were beloved and pleasant in life, and in death they were together; they were swifter than eagles, they were strong as lions.

So it is also our responsibility to love and support their families, protect and defend their country and honor their memory forever. I know that those who survive face the toughest challenge. I want them to know that all Americans share their loss and are deeply grateful for their sacrifice. America is blessed to have citizens of such caliber. God bless them, their families and loved ones.

I know I speak for all Members in extending to their families and friends our deepest and heartfelt sympathy.

Madam Speaker, I reserve the balance of my time.

Mr. SCHROCK. Madam Speaker, I yield 3 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I would like to associate myself with the remarks of the two previous gentlemen from Virginia.

Madam Speaker, it is with great sorrow that I come to the floor of the House today. Just 4 days ago, 21 men perished in a tragic accident in south-central Georgia. These men represented the finest America and our military has to offer. Twenty-one men died, 18 from the Commonwealth of Virginia, and 3 from the State of Florida. Twenty-one men.

Madam Speaker, all these men served in the Air National Guard. They regularly would give up a weekend a month and 2 weeks during the year, if not more, to serve their country. These men were returning from those 2 weeks of duty, and when many of their families gathered to greet them, they received the tragic news that their loved ones' plane had crashed. While I have spoken with some family members, it is simply impossible for me to really know how they feel. But I do know this. Twenty-one lives were lost tragically. With each of these 21 airmen, there is a story. A story of fathers, a story of volunteers, of firemen and civil servants.

Madam Speaker, each and every one of these men were civil servants in the truest sense. They would give up time that could have been spent with their loved ones to serve us, the public. We often do not think about that. We should.

Madam Speaker, I thought about coming down to the floor to address the critical needs of the military in light of this accident, but there will be time for that in the near future. Today is a time for mourning. Today the Commonwealth of Virginia lost 18 men, perhaps the most tragic loss of life for the Commonwealth since the Bedford unit of the Virginia National Guard was lost on D-Day.

While time heals all wounds, it will take time. I can say with assurance that in this circumstance, it will take a long time. My heart goes out to the families of these men. I am praying for all of them. However, Madam Speaker, I would like to extend my condolences

directly to the families of Staff Sergeant Gregory Skurupey, Staff Sergeant James Ferguson, Technical Sergeant Michael East, Senior Airman Mathrew Kidd and Major Rick Watkins.

I pray that our Lord will grant these families comfort and solace in their time of loss. And I pray that these men who so tragically died rest in peace and may His perpetual light shine on them.

Mr. SISISKY. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Madam Speaker, I thank the gentleman from Virginia for yielding me this time.

I rise to lend my name in support as a cosponsor of the resolution my esteemed colleagues from Hampton Roads, Virginia, have offered honoring the 21 heroes who lost their lives in a plane crash last weekend. Eighteen of the men were members of an Air National Guard unit stationed at Camp Pendleton near Virginia Beach, Virginia.

The men assigned to the Red Horse 203rd Civil Engineering Squadron provided support to the squadron's combat operations. They stood ready to step in at a moment's notice to assist in accomplishing any military mission. Whether it was building or repairing a strategic airfield, drilling wells for water, or building roads to move material and troops, they would complete these pertinent tasks under some of the most adverse and hostile circumstances. Just as important to note, the 203rd also answered the call when civilian local and State authorities required assistance when dealing with an unforeseen disaster or recovery operations. Time and time again they performed admirably whenever called to duty.

These men were more than just soldiers, more than just volunteers that served their country. They were husbands, boyfriends, fathers, brothers, sons, friends and neighbors. They had lives outside the Guard that we need to celebrate as well. They loved and were loved. They worked to better themselves and the people around them. They were part of our community, a community that will miss them. What they contributed is very typical of what so many National Guardsmen have to do each and every day. They served their Nation with pride and honor.

Today we take a moment to honor them and their families for the sacrifice they have made for us and our country. It is a sacrifice and a loss we do not take lightly. These men were the epitome of both our country and the Air National Guard. The service that all the men and women of the Guard give every day is a part of what makes our country great.

Madam Speaker, our condolences go to their families. I therefore ask my colleagues to join in passing House Concurrent Resolution 47 to honor these fallen men.

□ 1330

Mr. SCHROCK. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Madam Speaker, I thank the gentleman from Virginia (Mr. SCHROCK) for bringing this resolution forward.

Madam Speaker, I, too, want to extend my sincere condolences to the families of these brave soldiers who unfortunately died in this crash that occurred in my congressional district on Saturday morning. I really want to tell those folks how much we appreciate the sacrifice that they have made, because in the military it is a family affair. By families, we mean not only other men and women who serve in every branch of the military, but the close family ties that each of these men and women have with their own internal families. They are the ones that suffer from this and we sure do extend our condolences to them.

I particularly want to recommend and commend to the folks that were on the scene in Dooley County, Georgia, on Saturday morning, who responded very quickly when the call came in that this crash had occurred. Sheriff Van Peavy, who is a dear friend, he and his folks just responded in a very quick and efficient manner to secure the premises. Commissioner Wayne West and all of his employees, Mayor Willie Davis of Vienna, Georgia, and the folks from Unadilla, Georgia responded in a very efficient manner and did a great job of securing the premises until the security personnel from Robbins Air Force Base could get there.

Colonel Seward and his folks, Colonel Seward is commander of the 78th Air Base Wing at Robbins Air Force Base, and he was the commanding officer on the scene. And he and his personnel did a great job. Colonel Michael Norri was also the on-scene commander of the security forces there. They told me that at one point in time they had over 300 meals that went out to serve the volunteers and the personnel, military and civilian personnel, who were assisting with the cleanup and attending to the damage that was on the field.

To the many EMTs, the volunteer firemen who responded to this emergency crash, we just extend our sincere congratulations and thank them for the job that they did.

Once again, we really extend our condolences to the family members of these brave men.

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

Mr. SCHROCK. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Speaker, I thank the gentleman from Virginia (Mr. SCHROCK) and commend him for this resolution. I know that it is not a happy duty for him.

Madam Speaker, I, too, rise in strong support of H. Con. Res. 47, a resolution honoring the 21 members of the National Guard who were killed in the crash of the National Guard aircraft on March 3, 2001. Like all Americans, of course, I am saddened by the news of this very tragic plane crash.

The Army C–23 Sherpa and its flight crew of three soldiers belonged to Detachment 1, 1st Battalion, 171st Aviation in Lakeland, Florida. The 18 Air Guard members belonged to the 203rd Red Horse Flight Engineering Unit and were returning to Virginia from Florida after spending 2 weeks of annual training at Hurlburt Field near Fort Walton Beach.

One of the aircraft's pilots, Eric Larson, was from my congressional district. On Monday, this past Monday, I spoke with Eric's wife Jennifer to express my deepest sympathies to her and Eric's family, but I also want to send my heartfelt condolences to all of the families killed in this tragic plane crash.

Wearing a uniform of one's nation, as already has been said today, is never easy, and this loss reminds us all of the tremendous sacrifices made by our men and women in our Armed Forces.

The loss also reminds us that freedom does not come without a price. Too often we take for granted the many liberties we enjoy in America. We must never forget that they have all been earned through the ultimate sacrifice paid by so many members of our Armed Forces.

Again, Madam Speaker, I want to send my deepest sympathy to the families of those killed; and I urge my colleagues to support H. Con. Res. 47.

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

Mr. SCHROCK. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Madam Speaker, I thank the gentleman from Virginia (Mr. SCHROCK) for yielding me this time.

Madam Speaker, the price of freedom is eternal vigilance. The cost is the spilled blood of our sons and daughters. I rise today in support of this resolution paying tribute to the 21 members of the National Guard who were killed on March 3.

One of those soldiers, Master Sergeant Michael Lane, was a native of Staunton, Illinois, in my congressional district. Master Sergeant Lane was remembered by his aunt, Betty Roberson, when she spoke to the Alton Telegraph earlier this week. Betty said, it is terrible. We are all supposed to be outlived by our kids.

She noted that he was a super kid, the kind of kid that any parent would be proud of. A graduate of Staunton

High School, Master Sergeant Lane was a straight A student, involved in sports and particularly enjoyed country music and golf. Yet it was the love of his parents and his country that drove Michael to devote himself to the military and the defense of our freedoms.

Michael and his wife Roxanne lived in North Carolina where he became a full-time member of the Virginia National Guard.

While each of the National Guard members need to be recognized and deserve recognition by this body and a grateful nation, I must speak out on behalf of Michael's family and his many friends to say thank you.

Madam Speaker, we recognize Michael's commitment to his principles, his love of country and his family. We also know that he left this life while training and preparing to defend our Nation. Yet his Aunt Betty said, knowing that does not make your loss or the loss of your comrades any easier.

The price of freedom is eternal vigilance. The cost is the blood of our sons and daughters. God bless the victims, their families and the United States of America.

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

Madam Speaker, I spent the last week traveling to visit servicemen pretty much around the world, including the Sinai Desert, where we have 860 American service people. I am just absolutely amazed, and we are the luckiest people on earth, to have the quality of people that serve us, and the mixture we have around the world in our reservists and National Guard people. And I would just hope that the American public, who do not have the opportunity to see these young men and women, to see these young men and women act in the responsible way that they do not to make a lot of money but to serve their country is indeed a wonderful thing. These guardsmen were the same way to sacrifice their lives.

Mr. CRENSHAW. Madam Speaker, I rise today to support House Concurrent Resolution 47 and express my condolences to the 21 families that lost loved ones in the Florida Army National Guard aircraft crash of March 3, 2001.

Every day, the men and women of the Armed Forces put their lives on the line to protect the freedoms we enjoy in the United States. A vital part of our Nation's protection comes from the personnel of our National Guard personnel. The mission of our National Guard force has increased over recent years in order to take on continued deployments and training missions throughout the world and here at home.

The 21 individuals lost in this tragic crash were training in Florida to be prepared for whatever mission this nation asked them to undertake. They will be remembered as tireless workers and positive examples to their families and communities. Many communities and organizations have been touched by this loss, but our Nation has felt the largest loss.

This resolution allows Congress to honor the commitment and sacrifice given to this nation by the 21 military personnel lost on March 3d. This accident will be felt for years to come as both the 203d Red Horse of the Virginia Air National Guard and the 1–171st Aviation Battalion of the Florida Army National Guard attempt to replace their fallen colleagues.

Madam Speaker, it is with a heavy heart that we honor these guardsmen today.

Mr. TOM DAVIS of Virginia. Madam Speaker, I support H. Con. Res. 47, a resolution which honors the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001 in south-central Georgia.

The Florida Air National Guard plane that was bringing 18 members of the Virginia Air National Guard home to Virginia Beach after 2 weeks of training in Florida crashed unexpectedly several days ago. The C–23 Sherpa twin-engine turboprop plane which included a crew of three from the Florida Army National Guard, lost control during a torrential rainstorm.

The passengers were members of the 203d Red Horse Flight, a rapid-response engineering unit of the Virginia Air National Guard based at Camp Pendleton State Military Reservation. Their mission is to deploy into remote areas and quickly construct housing, airstrips, and other critical infrastructure to support military units.

The men who perished while serving in the 203d Red Horse Flight were fathers, husbands, and brothers. All of the victims were traditional members of the Guard, holding down a civilian job while serving part-time. Six Guardsmen were from Virginia Beach, three from Norfolk, and two from Chesapeake. Their commanders spoke highly of the Guardsmen, reminiscing about how close they were, many having worked construction together in their civilian jobs. Some served together in the 203d for more than 10 years. These were dedicated and patriotic men who believed in serving their country.

Today, I join my colleagues in extending my condolences to the families of the fallen guardsmen. Their patriotism should never be forgotten. Their sacrifices serve to remind us that freedom should never be taken for granted. In training missions each and every day, men and women in the Armed Forces risk making the ultimate sacrifice to protect and defend America. We owe these guardsmen and their surviving family members a debt of gratitude.

Mr. JONES of North Carolina. Madam Speaker, I rise today in strong support of this resolution offered by the gentleman from Virginia, Mr. SCHROCK, and the gentleman from Indiana, Mr. HOSTETTLER. The accident that occurred this past weekend in Georgia was indeed a tragic one. Twenty-one citizen soldiers lost their lives on the way back from their annual 2-week training exercise.

One of the National Guardsmen, Master Sergeant Michael Lane, was from Moyock, North Carolina, which I have the privilege to represent. As this resolution indicates, the thoughts and prayers of this Congress and this nation are with the family and friends of the victims. However, it is important to ensure that the tragic deaths of these 21 soldiers, as well as the deaths of the 2 Marine aviators killed in a Harrier crash on February 3, the 6 Army personnel killed in the Blackhawk accident on February 12, and the 2 Navy personnel killed in a T–45 Goshawk crash on February 21, did not happen in vain.

These accidents should serve as stark reminders that the freedoms America enjoys are not without cost. Every day, the men and women of our Armed Forces risk their lives in the defense of our national interests. It is a dangerous job whether they are stationed on the DMZ in Korea or as these accidents demonstrate, training here at home. We owe it to these brave souls to support them, honor them, and thank them for everything that they and their predecessors have given us.

I urge my colleagues to pass this resolution. Most of all, I urge them to remember the sacrifices made daily by both our men and women in uniform and by their families.

Mr. REYES. Madam Speaker, it is with sadness that we remember the 21 National Guard members recently killed in the Saturday, March 3, plane crash. Eighteen members of the Virginia Air National Guard's 203d Red Horse Unit and 3 members of the Florida Air National Guard perished when the C–23 Sherpa plane in which they were traveling crashed in Unadilla, Georgia while en route from Hurlbert Field, Fort Walton Beach, Florida to Oceana Naval Air Station, Virginia Beach, Virginia. Bad weather may have contributed to the crash, which left the plane in a plowed field, slippery with thick mud. The 203d is a rapid response construction unit capable of constructing runways and other critical facilities and has spent time in Kuwait and other remote locations in the Middle East in recent years.

Having just completed 2 weeks of annual training, working in ditches and laying water, sewer and electrical lines in Florida, these Guard members were returning home to their families and civilian jobs. We cannot forget the tremendous contribution that the National Guard makes to this country. These citizen soldiers contribute to society in many ways. Both in civilian professions such as firefighter, small business owner or attorney and in the National Guard, contributing weekends and forfeiting vacations to participate in annual training, National Guard members are prepared and willing to serve this country when and where needed. Let us not forget these admirable young men who served their country honorably. They will be remembered for their sacrifice.

Ms. BROWN of Florida. Madam Speaker, our thoughts and prayers are with the families and loved ones of the 21 brave men who died while serving their nation. Serving in the military is a tough and demanding job not only for those who choose to serve, but the families who are forced to live without them, who wave goodbye knowing they may never see them again. I met recently with General Harrison with the Florida National Guard, and we talked about the great work the guard was doing, all the while being called for more and more missions. We are particularly thankful for the Guard in my home State of Florida because of

the great support they offer. Whether it's fighting our wildfires or preparing for our hurricanes, the Guard is always there for us in our time of need.

I speak for my colleagues and all my constituents in thanking every man and woman who puts their life on the line for this country. Not just when tragedy strikes, but for everyday that you protect us from harm.

Mr. STEARNS. Madam Speaker, I want to thank the gentleman for introducing this resolution. Our thoughts and prayers are with the families and friends of these soldiers, and this tragedy serves as a reminder of the sacrifices made by those who serve and protect our country. As many of us know, the plane's crew were members of the 171st Aviation Battalion of the Army Air National Guard based in Lakeland, Florida. I came to find out that the Command pilot, Chief Warrant Officer John Duce was from my district. I especially want to convey my heartfelt sympathies to his wife, son, and daughter.

It should be no surprise to those who knew John Duce that he was an extremely dedicated pilot and family man. He was a decorated veteran, having served in Vietnam and Desert Storm. It has been said that he was a man you would want to go into combat with.

Chief Warrant Officer John Duce, his copilot Chief Warrant Officer Eric Larson, and Staff Sergeant Robert Ward, and the 18 Virginia Guardsmen were all equally dedicated to their jobs, their families, and their communities. The men and women in our armed services place their lives on the line daily, where even routine training missions can carry the same risk as actual combat.

So I ask my colleagues to remember those who serve our Nation. They may not have the notoriety, but their service is immeasurable. I thank Mr. SCHROCK again for introducing this resolution and urge its adoption.

Mr. COLLINS. Madam Speaker, on March 3, a C–23 Sherpa aircraft was returning 18 members of the Virginia National Guard to their home following two weeks of training duty in Florida, and tragically, the plane never arrived. The aircraft crashed in Unadilla, Georgia, killing all 21 National Guardsmen on board and forever leaving a void in the lives of the families and friends of those brave individuals.

I wish to offer my most heart-felt condolences to those affected by this terrible accident. While it may be inadequate consolation, it is important to remember that all of these individuals serve as a shining example of the honor and self-sacrifice which has inspired the men and women of our armed forces throughout the history of our great country. All of these individuals knew the inherent risks of military service, yet none of them backed away from their commitment. Again, to the families and friends of those killed in this tragic crash, your Nation owes you the highest debt of gratitude for this ultimate sacrifice made by your loved ones in service of the United States of America.

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Virginia (Mr. SCHROCK) that the House suspend the rules and agree to the concurrent resolution, H.Con.Res. 47.

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. SCHROCK. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 31, by the yeas and nays;

H.R. 624, as amended, by the yeas and nays; and

House Concurrent Resolution 47, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

EXPRESSING SENSE OF CONGRESS REGARDING IMPORTANCE OF ORGAN, TISSUE, BONE MARROW AND BLOOD DONATION AND SUPPORTING NATIONAL DONOR DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H.Con.Res. 31.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 31, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 30]

YEAS—418

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
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
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
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
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
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross

Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Becerra
Bishop
Cannon
Doolittle
Johnson, Sam
LaTourette
Lewis (CA)
Oxley
Pryce (OH)
Roukema
Shows
Stupak
Tiberi

□ 1404

Mr. GUTIERREZ changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

ORGAN DONATION IMPROVEMENT ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 624, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 624, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 28, as follows:

[Roll No. 31]

YEAS—404

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
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
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
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
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.
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
Larsen (WA)
Larson (CT)
Latham
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
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—28

Ackerman
Barr
Becerra
Bishop
Cubin
Doolittle
Flake
Gilchrest
Herger
Honda
Istook
Johnson, Sam
Largent
LaTourette
Lewis (CA)
Oxley
Paul
Pryce (OH)
Riley
Roukema
Schaffer
Shadegg
Shows
Smith (MI)
Stupak
Tauzin
Tiberi
Young (AK)

□ 1414

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. Smith of Michigan. Madam Speaker, on rollcall No. 31 I was unavoidably detained. Had I been present, I would have voted ''yea.''

Mr. RILEY. Madam Speaker, I was unavoidably detained for rollcall No. 31, the Organ Donation Improvement Act. Had I been present I would have voted ''yea.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the next vote will be a 5-minute vote.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Madam Speaker, I ask to speak out of order for the purpose of

making an announcement about the schedule.

Madam Speaker, I would like to advise the Members that we will have this vote in just a few minutes, and after that vote the House will go into recess until approximately 5:30 this evening.

When we reconvene between 5:30 and 6:00, we will begin the debate on the ergonomics legislation. The rule calls for 1 hour's debate, so the body could expect then to have a vote on the floor between 6:30 and 7:00 this evening.

Those Members who would desire to be involved in that debate on that legislation would be advised to be prepared to be here by 5:30 this evening to begin that debate.

Mr. BONIOR. Madam Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Madam Speaker, I thank my colleague for informing us of the schedule for the rest of the day.

Madam Speaker, let me suggest to the gentleman from Texas (Mr. ARMEY) that since the other body debated this most important worker safety provision, probably one of the more important ones we have had in a decade, for 10 hours, why we cannot in the interim between now and 5:30 extend the time so that Members who wish to speak on this on both sides of the aisle would have proper time to develop their arguments.

It seems to me that an hour is far too insufficient to deal with the issue of this magnitude.

Madam Speaker, I would request the gentleman from Texas (Mr. ARMEY), the majority leader, to give us some extra time so we can debate this fully.

□ 1415

Mr. ARMEY. Madam Speaker, I thank the gentleman for his inquiry. Let me say, Madam Speaker, one of the fascinating aspects of the other body is that a 10-hour period of debate is known in the other body as expedited procedure. They adhere to that minimum amount of time under which they can consider legislation.

We have a rule, a rule that has been passed by the House, that calls for an hour's debate. The House, having expressed its will on that rule, clearly has committed itself to that course of action, voted on by the House; and that time will begin between 5:30 and 6.

Mr. BONIOR. Will the gentleman continue to yield?

Mr. ARMEY. I am happy to continue to yield to the gentleman from Michigan.

Mr. BONIOR. I would say to my friend from Texas, number one, we were not notified when we did the colloquy, the gentleman and I here last week, that this bill was coming up on the floor this week. It is a significant bill. It means a lot to many people in this country. You know the numbers as well as I do. It affects 110 million workers. We were not told that it would be before us this week, number one.

Secondly, we think an hour, 60 minutes, on such a significant bill, divided 30 minutes on your side and 30 minutes on ours, is far too inadequate to deal with something of this major proportion, especially given that this review act is new.

Mr. ARMEY. Madam Speaker, I really do not believe that it is valuable to continue this discussion much longer, but let me say that the gentleman is correct in observing that there was no discussion about this bill during the colloquy of last week because we did not know then that the Senate would send this bill to us.

The Senate has sent this bill to us. It is considered to be an important bill, as witness the fact that this body, just a few hours ago, voted a rule with clear anticipation of bringing this legislation up tonight. So the body has expressed its will on the rule, and the purpose of my announcement is to inform this body that we will indeed take up this work, the rule for which you passed; and it will be taken up under the conditions of that rule between 5:30 and 6.

Mr. BONIOR. Madam Speaker, if the gentleman will continue to yield, we are trying to do this in a civil way. I understand the gentleman's point. I wish Members on their side of the aisle would listen and try to understand our position because we are trying to make a point. I have heard the gentleman's explanation. Some I agree with; some I do not agree with. There is no necessity to bring this bill up just because the Senate, the other body, acted on it recently, especially in lieu of the fact that as I said earlier, we were not given notice that this bill was coming up.

We are prepared to deal with it today, but we are not prepared to deal with it at 5:30 with an hour debate when we go into recess when we have got plenty of time to give Members on the floor of the House to express themselves. We will not have a proper debate on one of the most important pieces of legislation we will have before us this year. Why we cannot get an extra hour for debate is beyond me between now and this hiatus of 5:30. If it is in order, I would like to move and ask unanimous consent that we add another hour of debate to the rule that was passed just recently.

Mr. ARMEY. Madam Speaker, I believe I control the time. The gentleman is going to ask me to yield him time for the purpose of a unanimous consent request.

Mr. BONIOR. Madam Speaker, that is correct.

Mr. ARMEY. I yield to the gentleman from Michigan.

REQUEST FOR EXTENSION OF DEBATE TIME ON S.J. RES. 6, DISAPPROVING DEPARTMENT OF LABOR RULE RELATING TO ERGONOMICS

Mr. BONIOR. Madam Speaker, I ask unanimous consent that the time that was designated under the rule this morning be extended from 60 minutes to an hour and 20 minutes evenly divided on each side. One hundred and twenty minutes.

Mr. ARMEY. Two hours.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Michigan?

Mr. MCINNIS. Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

POINT OF ORDER

Mr. DICKS. Madam Speaker, point of order. Did the person stand that objected?

The SPEAKER pro tempore. Yes, several Members stood and objected. The RECORD will indicate Mr. MCINNIS stood and objected.

HONORING 21 MEMBERS OF NATIONAL GUARD KILLED IN CRASH ON MARCH 3, 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 47.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCHROCK) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 47, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 32]

YEAS—413

Abercrombie	Biggert	Camp
Aderholt	Bilirakis	Cannon
Akin	Blagojevich	Cantor
Allen	Blumenauer	Capito
Andrews	Blunt	Capps
Armey	Boehlert	Capuano
Baca	Boehner	Cardin
Bachus	Bonilla	Carson (IN)
Baird	Bonior	Carson (OK)
Baker	Bono	Castle
Baldacci	Borski	Chabot
Baldwin	Boswell	Chambliss
Ballenger	Boucher	Clay
Barcia	Boyd	Clayton
Barr	Brady (PA)	Clement
Barrett	Brady (TX)	Clyburn
Bartlett	Brown (FL)	Coble
Barton	Brown (OH)	Collins
Bass	Brown (SC)	Combest
Bentsen	Bryant	Condit
Bereuter	Burr	Conyers
Berkley	Burton	Costello
Berman	Buyer	Cox
Berry	Calvert	Coyne

Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
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
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
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
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
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
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
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Ackerman
Becerra
Bishop
Callahan
Cooksey
Cubin
Doolittle
Herger
Johnson, Sam
LaTourette
Lewis (CA)
Oxley
Pryce (OH)
Rush
Sanchez
Shadegg
Shows
Stupak
Tiberi

□ 1432

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HANSEN) at 5 o'clock and 47 minutes p.m.

□ 1747

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 7, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to clause 5(a)(4)(A) of Rule X of the Rules of the House of Representatives I designate the following Member to be available for service on an investigative subcommittee of the Committee on Standards of Official Conduct:

Mr. Clyburn of South Carolina.

Sincerely,

RICHARD A. GEPHARDT,
Democratic Leader.

APPOINTMENT OF MEMBER TO INVESTIGATIVE SUBCOMMITTEES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. HANSEN). Without objection, and pursuant to clause 5(a)(4)(A) of rule X, the Chair announces that the Speaker named the following Member of the House to be available to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 107th Congress:

Mr. HULSHOF of Missouri.

There was no objection.

The SPEAKER pro tempore. Additional Members will be designated at a later time.

DISAPPROVING DEPARTMENT OF LABOR RULE RELATING TO ERGONOMICS

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 79, I call up the Senate joint resolution (S.J. Res. 6) providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 6

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to ergonomics (published at 65 Fed. Reg. 68261 (2000)), and such rule shall have no force or effect.

The SPEAKER pro tempore. Pursuant to House Resolution 79, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S.J. Res. 6.

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

There was no objection.

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

Mr. Speaker, I am pleased to bring this matter of great importance to our economy to the floor of the House for debate. For the first time the House will act under the auspices of the Congressional Review Act of 1996. We do so because of the over-reaching ergonomics regulation finalized by the Occupational Safety and Health Administration last November.

The ergonomics regulation has long been the subject of much debate in this

House. Yet despite the efforts of so many in Congress to get OSHA's attention about specific concerns with ergonomics regulations, the regulators have not listened.

Well, contrary to the belief of many, Congress is neither a bit player nor an innocent bystander in the regulatory process. In considering this joint resolution, Congress will demonstrate that we do indeed read the fine print in the Code of Federal Regulations.

Since the ergonomics regulation went into effect 4 days before the start of the new administration, I have heard from numerous companies and associations employing hundreds of thousands of workers. Each one has asked that the House pass a joint resolution of disapproval on this ergonomics regulation. And why is that?

Not because they are anti-worker or opposed to safety and health protections in the workplace. Many of these employers already have their own well-established ergonomics programs in place. Now they find themselves confronted with an unworkable, excessive regulation that will create more problems than it solves.

We will hear much today about the congressionally mandated National Academy of Sciences study on musculoskeletal disorders in the workplace. Let me make two important observations about that study. First, despite Congress' desires that OSHA wait until completion of the National Academy study before going forward with an ergonomics regulation, OSHA completed its ergonomics regulation without the benefit of the National Academy study.

Secondly, while the study confirms that MSDs are a problem and there are ways to help alleviate them in the workplace, many of which are already being done by employers, the National Academy of Sciences study does not offer an opinion or endorsement of this ergonomics rule.

Again, no one is opposed to providing appropriate ergonomics protections in the workplace. The Secretary of Labor has indicated her intent to pursue a comprehensive approach to ergonomics protections. I look forward to working with her and my colleagues on such an effort. But this ergonomics rule that we are debating today cannot stand, and I strongly urge my colleagues to support the resolution of disapproval.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the matter before the House tonight is nothing more than a frontal assault on the rights of millions of workers, millions of workers who get up and go to work every day and work hard on behalf of their employer and on behalf of their family so they can provide for their family, so they can provide a standard of living that they desire for their children.

In the process of working every day, many of these workers suffer injuries to their hands, wrists, to their back and neck because they have repetitive motion in their jobs. Whether they are keypunch operators, whether they work in a warehouse, whether they work as a baggage handler or waitress or waiter in a restaurant, whether they work in a lumber mill or hospital, these workers suffer these injuries, some 600,000 of them every year.

As a result of these injuries, these workers lose wages, they lose hours of work, they lose the ability to provide for their family. Some of them lose the ability to even ever go back to work, they are so badly damaged. But one of the things we know is that most of these injuries are preventable.

The workplace can be adjusted. We see it all of the time, in the supermarket, in the offices, in the hospitals. We have made adjustments to try to protect these workers. But what this legislation does today, it says you cannot have this standard as a matter of national right. So if you do not have protection in that workplace, if you do not have protection in that State that is adequate, you do not get it now, because if we vote to repeal the standard that is now on the books to protect workers, we do not get to come back.

I appreciate what the Secretary of Labor has said. But the law as written says you do not get to come back and write an equivalent standard, a standard that is similar to this, because then someone will take you to court and you will be violating the law. This is about the repeal of the protections of 6 million workers who go to work every day.

I do not know if my colleagues recognize them when the Fed Ex driver comes to their door. I do not know if they recognize these workers as the flight attendants who are wearing braces on their wrists. I do not know if they recognize them at Wal-Mart and Home Depot as they are wearing belts around their back, as they are wearing braces on their wrist because of those activities, but those are the people that make America go. The least they ought to have is protection against those damaging kinds of injuries. The least they ought to have is compensation to take care of them. And they ought to understand that we ought to be trying to improve these workplaces. When we do it, we save employers millions of dollars. When we do it, we keep workers from getting injured.

But this now says that we are not going to have that as a matter of standard. This now says that we are going to take 10 years of medical evidence, 10 years of scientific evidence, 10 years of testimony by workers, men and women all across this country, about the damage that they have suffered and the manner in which it can be prevented. And in 1 hour of debate tonight, we are going to throw that argument out. We are going to throw these standards out. We are going to take this protection away from America's working men and women. It is not fair to them. It is not fair to their families. It is not fair to the standard of living that they are trying to maintain.

I would urge that we vote against this resolution.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD), the chairman of the OSHA subcommittee.

Mr. NORWOOD. Mr. Speaker, I would like to take this quickly and make it very clear what this is about today. This is legislation that simply says a standard written by the Labor Department is very bad. It does not mean we cannot come back and have decent standards. But when we have one that is bad and wrong and it will hurt the workers and patients, then we should do away with it and begin again.

I do not think this is an argument about science. The National Academy of Science has said, yes, there is such a thing as musculoskeletal pain. We all agree there is such a thing as repetitive motion injury and it can occur in the workplace. But it gets very cloudy at that point. It is not clear what they mean by that. For the record I will tell Members exactly what the National Academy says. They said this is a very complex nature of musculoskeletal disorder phenomenon and it makes it very difficult to regulate in the workplace with any precision. They go on to say that the common musculoskeletal disorder is uniquely caused by work exposures.

I urge us all to do away with this rule.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this joint resolution. Here we go again. This is yet another attempt to block the protection of the American worker from repetitive stress injuries. My colleagues, enough is enough. The science exists. The evidence has been gathered. The public comment has been heard. And frankly our experiences in our own offices confirms it. We will fight to keep these rules. We will fight for the American worker. We will fight for what is right.

Each year, more than 650,000 Americans suffer disorders caused by repetitive motion, heavy lifting or awkward postures that occur in the workplace. These disorders account for more than a third of all workplace injuries. Implementation of these rules would save workers and employers more than $9 billion each year and increase productivity and lower health care costs. We

must try our best to prevent these injuries. These are serious health problems and OSHA should be able to work with employers and employees to prevent and relieve them. It is time to stop these injuries. It is time to live up to our obligation to protect American workers. Vote no on this resolution.

□ 1800

Mr. BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me this time.

Mr. Speaker, throughout my tenure on the Committee on Education and the Workforce, I have opposed the costly and overreaching ergonomics standard that was finalized by the Clinton administration. I believe this ill-conceived regulation will have a detrimental effect on American business and its workers.

This ergonomics regulation is very broad and presumes that every muscle strain and pain is caused by work instead of gardening on the weekend or playing football with friends. How can business correct or why should it be responsible for pains that do not occur at the workplace? How could business possibly be expected to control these costs?

Last fall, the gentleman from New York (Mr. OWENS) and I passed the OSHA Needlestick legislation, and it was bipartisan and bicameral. The difference between that legislation that we passed and this one is the fact that we targeted a specific problem and we solved it with a flexible solution that is endorsed by both employers and employees.

This ergonomics standard, on the other hand, targets every motion of every work activity and gives no specific solutions. Not giving employers specific targets and solutions is unfair for both workers and employers. American workers deserve better.

Even OSHA is projecting that this standard will prevent only 50 percent of the problems it seeks to fix. However, that same regulation is estimated to cost the American business at least $100 billion. Why would one risk bankrupting business with a broad Federal regulation when many industries, such as poultry, have voluntarily implemented programs which have reduced repetitive trauma disorders to almost 50 percent or 46 percent, in 5 years?

I urge my colleagues to vote for this resolution. Let us protect American business and, most importantly, American jobs.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I am glad my good friend mentioned business because from a business perspective this motion is narrow minded. A productive workforce is a healthy and skilled workforce.

When workplace injuries cause workers to take time away, businesses have to train new workers and pay higher worker's compensation premiums. All of these costs will get higher and higher if this motion passes. That escalation will cut into productivity and render American business less competitive in the future.

Beyond that, this motion will stop OSHA from protecting Americans against repetitive stress disorder, carpal tunnel syndrome and the physical injuries that workers sustain every day. Many of these millions are women. They are our mothers, our aunts, our sisters and our daughters.

Each year 400,000 women workers suffer injuries from dangerously designed jobs. Sixty-nine percent of all workers who suffer from carpal tunnel syndrome are women.

This motion represents a betrayal of promises made to the women of America. In 1998, the House Committee on Appropriations majority report stated the committee will refrain from any further restrictions with regard to the development, promulgation or issuance of an ergonomics standard following fiscal year 1998.

The chairman signed and sent a letter reiterating that promise. What we have here are broken promises, broken bodies, broken faith in government. This ought to be defeated.

Mr BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip of the House.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me this time.

Mr. Speaker, I am also glad to see the Congress using for the first time the Congressional Review Act. It has been very comfortable for a long time to not use this act. This act was not on the books until 1996, and to say that we cannot do anything about regulation no matter what the cost, no matter what the cost to competitiveness, no matter how ill-conceived it is, no matter how unbased it is on true science, we could not do anything, has been a great excuse for the Congress to use for decades now.

Many Members on the floor today voted in 1996 to give the Congress the authority to use the Congressional Review Act. My good friend, the gentleman from Ohio (Mr. KUCINICH), just said that this could not be addressed again.

When we look at the legislative history of the Congressional Review Act, it is clear that this issue can be addressed again. In fact, the Secretary of Labor said today and earlier this week as well that she intended to start immediately looking at a more common sense way to really address these problems.

The legislative history states that the same regulation cannot be sent back essentially with one or two words changed. It talks about not being able to send back similar regulation. When we look carefully, it is clear that we can send back regulations in the same area; in this case, regulations that still allow American businesses to compete, that ensure that we maintain jobs rather than lose jobs; that ensure that this set of regulations can be brought back in a much different and better way.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in opposition to this joint resolution on behalf of the women of the Nation.

Mr. Speaker, I rise in opposition to the Joint Resolution which repeals a job safety measure under the Congressional Review Act which regulates the Ergonomics Standard. Every year, more than 600,000 U.S. workers suffer painful repetitive strain and back injuries on the job. These "ergonomic" injuries are caused by heavy lifting, repetitive work and poorly designed jobs. Ergonomic injuries are the biggest job safety problem U.S. workers face.

As the Co-Chair of the Congressional Caucus on Women's Issues, I am particularly concerned about the disproportionate effect repealing ergonomics standards will have on women.

Women workers are particularly affected by these injuries. Women make up 46 percent of the overall workforce, but in 1998 in fact accounted for 64 percent of repetitive motion injuries (42,347 out of 65,866 reported cases) and 71 percent of reported carpal tunnel syndrome cases (18,719 out of 26,266 reported cases). There is strong consensus within the scientific community, based on an extensive body of evidence that the consequences of ergonomics-related illnesses are serious and must be addressed.

Janie Jones told a group the carpal tunnel syndrome she developed in both her hands came after working in a poultry plant where she and other workers on the deboning line were expected to process 28 chickens a minute—some 1,680 an hour—with just a 15-minute break in the morning and one in the afternoon plus a 30-minute lunch break. This should be unconscionable here in America.

Ms. Jones reported that even after having surgery to try to relieve the pain, it was still difficult for her to do housework and cooking. She said if OSHA's ergonomics standard had been in effect while she was on the deboning line, her hands wouldn't be riddled with crippling pain today.

Mr. Speaker, it is imperative to protect the ergonomics standard so that workers across this nation, many of whom are women, will have the opportunity to continue working in safe and productive environments.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this resolution is a disgrace. I do not agree with

every aspect of the rule that OSHA adopted; but if one disagrees with it, the proper way to change it is to have the Department of Labor propose changes, have an open hearing and comment process and then come up with changes to the rule.

Instead, what this action does is it represents a blanket wipe-out of virtually every protection that workers have in this country from repetitive motion injuries. It was done without notice, without hearings, without consultation and without any spirit of compromise whatsoever.

If there is any remaining illusion in this House that the House leadership is interested in bipartisanship, this is exhibit number one in the fact that that is pure fiction.

It is very easy for Members of Congress to vote to do away with these protections for workers because the only repetitive motion injury that Members of Congress are likely to get is to their knees from consistent genuflecting to every special interest in this country. But the real workers of this country, the people who work with the sweat of their brows, the people who lift weight that is too heavy, the people who go through motions that are too injurious over time, the people I meet every day in plants as I go through my district, those are the people who expect us to do our duty and stand up for them because they are too busy to stand up for themselves.

Do what is right. Vote no on this resolution.

Mr. BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. GANSKE), a surgeon in the House.

Mr. GANSKE. Mr. Speaker, I am the only Member of Congress who has operated on patients with repetitive stress injury. I am a member of the American Society for Surgery of the Hand and the American Association of Hand Surgeons. I have taken care of hundreds of patients with these problems.

There are thousands of hand surgeons around the country who share my views on this. I share, we share, OSHA's concerns about the health and safety of workers and are dedicated to help prevent workplace injuries. However, we believe that OSHA's new ergonomics rules are not founded on ''a substantial body of evidence.''

We agree with the National Research Council that we need a much better understanding of the mechanisms that underlie the relationships between the causal factors and outcomes.

This rule, in our opinion, could actually harm workers. For instance, OSHA describes ''observable'' physical science that constitute a recordable musculoskeletal disease. These signs include increased grip strength or range of motion. Any hand surgeon in the country knows that those are highly subjective findings. Truly objective findings like atrophy, reflex changes, electrodiagnostic abnormalities and certain imaging findings are not what precipitate the recordings. The MSD symptoms in the rule do not require those objective verifications in order to be ''recordable.''

So, in my opinion, this places too much responsibility on the employer to make a correct diagnosis.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, let us be clear about what is going on here. In the space of about 10 minutes, people that supported the Republican Party in the last campaign have gotten them to step forward and do away with rules and regulations that took some 10 years to devise and promulgate. We have had hearing after hearing, study after study, thousands of studies, all of which come to the conclusion that MSD injuries do happen in the workplace and are related to the kinds of repetitive practice that go on there and can be resolved with very reasonable solutions, reasonable efforts between the employer and the employee to resolve these situations.

The rule is a very short rule, 9 pages. It is very clear. It is flexible, and if it were not flexible we would hear complaints about how it was too rigid and prescriptive, but it is flexible. The employees and employers can work out solutions to it in the best way possible, and it can happen and should happen for the number of injuries that go on year in and year out.

For a few businesses that have this continued practice and refuse to deal with it, they have cast aside millions of workers and their problems. Let me say every time there is a regulation, we hear from industry how it is going to be the ruination of the industry.

Back in 1995, the Office of Technology Assessment released a study of six OSHA rules. Every single one of them the industry said would be the ruin of business; but in the end, it turned out that they had overestimated the cost from between 50 to 300 times. In fact, in five out of six of those instances, the OSHA estimates were the correct estimates; or, in fact, they were overestimates. So that they were not as ruinous. In fact, they did resolve things to get people a better, healthier way of conducting their business.

This is not a practice that should be condoned. We have a process. This process is being cast aside for purely political reasons in many instances. The fact of the matter is, the process worked. It was started by a Republican Secretary of Labor. The understanding has always been there that these injuries are harmful and can be resolved. It continues on now. As I said, in 10 minutes, they are being cast aside and casting aside millions of people who rely on this government and this process to find ways to make it safer for them to be at work. In the end, it is better for business.

Mr. NORWOOD. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I support this measure wholeheartedly. If we do not, what we have before us with the proposed regulations, those are the Titanic. It is headed straight for the iceberg. But before businesses have to abandon ship, before workers have to hit the lifeboats, we are stopping the engines. We are saying we are going to bring this thing to a safe halt and steer a safer course.

The Secretary of Labor, the former Secretary of Labor, I had the chance to visit with last year about these provisions that they are proposing. They were going to hire 300 brand-new people, train them for 30 days, hundreds and thousands of pages of these red-tape strangling, minute jargon regulations, and put them in charge of micromanaging businesses all across the country; millions of workers under the command of these brand-new government bureaucrats. That is a formula for disaster. That is a disaster that is not going to happen this time. We are going to stop this ship before it hits the iceberg and we are going to bring it home safely and it is going to be safer for the workers on board American businesses.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, this legislation that we are being asked to vote on today is a piece of legislation which will actually be injurious to thousands of women all across this country. The women are the ones who hold down the lowest paying jobs in this country. They are the most that are on minimum wage, and they are the ones who are affected by the type of injuries that we are attempting to find some sort of protective safety regulations.

All of us know when we deal with our own health, we believe that preventive measures are the things that are going to save our lives. There is no one here that would vote against preventive health measures, and yet today the majority of this body is asking the legislature here to vote against preventive worker safety legislation that will have the effect of saving tens of thousands of people from having to be laid off their jobs; lost productivity for that particular business. It just does not make sense.

All this legislation is that the OSHA people are trying to advocate for is worker safety. Who can be against worker safety?

There are thousands of people out there who have to go home, injured from their jobs, who cannot find a better way to save themselves because

their employers do not put into effect those measures that can save them from this type of injury. So it just is mind-boggling to me that the majority of this body is asking the Congress to eradicate the safety measures that have been put into effect after 10 years of careful consideration.

This is not just an idle postponement or a moratorium. This is the finale. If we vote on this measure today, there will be no possibility for the Department or for OSHA or for anybody to come forward with regulations that will provide worker safety. In the name of preventive measures for the women of this country, I ask for a no vote.

□ 1815

Mr. NORWOOD. Mr. Speaker, it is a pleasure to yield 1 minute to the gentleman from Texas (Mr. CULBERSON), a fine member of this subcommittee.

Mr. CULBERSON. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

I rise today in very strong support of the repeal of this rule and to point out to my fellow Members and Americans listening here tonight that the Employment Policy Foundation estimates that compliance costs alone with this rule will be about $91 billion. The rule itself and its explanatory information consume about 600 pages of fine print. Every small business owner out there who is listening ought to know what it looks like, because this is it. It will affect 102 million employees by OSHA's own estimates, and about 6.1 million businesses. It applies to any job that requires occasional bending, reaching, pulling, pushing, gripping; 18 million jobs, again, by OSHA's own estimates.

This flawed ergonomic standard will interfere with State worker compensation laws. The one we have in Texas works very well. Under this ergonomic standard, however, which would interfere and preempt that State law, if a worker is put on light-duty work, they will receive 100 percent of their pay. If they are unable to work, they will receive 90 percent of their pay and 100 percent of the benefits. I urge the Members to adopt the repeal of this rule.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), who has been fighting this long and hard for a number of years as a member of the Committee on Appropriations.

Ms. PELOSI. I thank the gentleman for yielding me this time.

Mr. Speaker, the 20th century began with Ida Tarbell and Upton Sinclair pointing out the dangers in the workplace to American workers. Here we are at the beginning of a new century much more enlightened, yet still debating whether or not we should protect workers.

Let us not ignore this historical context. As we look with great embarrassment at the exploitation of workers at the beginning of this century, we must have a different start to this one. The new information technology has presented some challenges with many more people at keyboards, but science has given us answers.

Today, the Republican majority is taking extreme measures to undermine the voluminous scientific evidence supporting a workplace safety standard. In prior Republican administrations, Labor Secretaries supported an ergonomic standard. Secretary Dole stated, ''By reducing repetitive motion injuries, we will increase both the safety and productivity of America's workforce. I have no higher priority than accomplishing just that.'' And Secretary Lynn Martin also reiterated her commitment in 1992 to an OSHA rule. Secretary Chao yesterday indicated her intention to pursue a ''comprehensive approach to ergonomics,'' her words. She said she would be open to working on a new rule that would ''provide employers with achievable measures that protect their employees before injuries occur.''

Mr. Speaker, a vote on this repeal today would foreclose that option to the Secretary. She would not be able to do that. Only a vote in this body to sustain that would allow us to have those negotiations with the Secretary.

The scientific evidence supporting a standard is extensive. The National Academy of Science, responding to conservatives and business groups, issued a report saying that the weight of evidence justifies the introduction of appropriate and selective interventions to reduce the risk of musculoskeletal disorders of low back and upper extremities. No wonder the Republicans did not want Members to have a briefing on that report.

This disproportionately affects women. I urge my colleagues to vote ''no.''

Mr. NORWOOD. Mr. Speaker, just to set the record straight, the National Academy of Sciences does not support this standard in any way at all.

Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT), the vice chairman of this subcommittee.

Mrs. BIGGERT. Mr. Speaker, I rise in strong support of S.J. Res. 6. I have absolutely no quarrel with the idea of OSHA or Congress writing or implementing an ergonomics law or regulation. What I do have a problem with is this particular ergonomics regulation. It is exceedingly costly, overly broad, and it wrongly presumes that every muscle strain or ache a worker suffers is caused by the workplace. For instance, it does not take into account personal attributes that may cause body pains such as obesity or age, nor does it anticipate the possibility that employees may actually hurt themselves outside of the workplace while skiing, playing basketball, or gardening.

Here is what the Chicago Tribune had to say about the new rule: ''In short, they amount to a simplistic and expensive meat-ax solution for a complex scientific puzzle that researchers do not fully understand.''

Workers do have legitimate claims to workplace-induced repetitious motion injuries, but not with this regulation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, we should oppose this resolution. When a woman stands at a supermarket checkout counter and when many women who stand with her get hurt, when there is a pattern of people getting hurt because the cash register is at waist level instead of higher up, and the evidence shows that one could spend a few hundred dollars per cash register and lift them up to chest level and people will not get hurt; and the evidence shows that by spending a few hundred dollars per cash register, we could avoid tens of thousands of dollars of health care and workers' comp claims, we think the law ought to say that the employer should have to do it. That is what this is about.

This is a compilation of 10 years of research; it is an understanding that one-third of the workers' comp expenditures by insurers in this country pay for ergonomics injuries, and it is a cry for simple justice and common sense.

Do not be fooled by those who say they want a better ergonomics rule, because if this resolution passes, there will be no ergonomics rule. This sends ergonomics to the death penalty, and it is wrong.

Mr. Speaker, there are 6 million injured Americans who cannot speak for themselves tonight, but we, I say to my colleagues, can. The way we should speak for them is to rise up and vote ''no.'' Defeat this resolution in the sense of fairness and justice.

Mr. NORWOOD. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER), a new and valued member of our subcommittee.

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the joint resolution to disapprove the ergonomics rule. I would like to tell my colleagues why.

This will cost businesses, large and small, approximately $90 billion a year, a $90 billion-a-year unfunded mandate on private businesses. Someone mentioned grocery stores a few minutes ago. It is also true that if a bagger in a grocery store lifts a turkey up and we are in the Thanksgiving season, that is 16 pounds, he is now violating Federal law in the minds of some OSHA bureaucrats because they think you

should not be able to lift anything over 15 pounds. We need a little common sense here.

Now, should there be incentives for workplace safety? Absolutely, there should. We have that right now under workers' compensation insurance premiums. One small employer in my district who runs a gas station found his workers' compensation insurance went up $3,000 this year. Why? Because there was a serious workplace accident the year before. That is a pretty strong incentive to maintain a strong and safe workplace.

Mr. Speaker, we do not need to nationalize our workers' compensation laws. I ask my colleagues to vote ''yes'' and disapprove these ergonomics regulations.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, the workplace safety standards before us, as we have heard, have been in the making for 10 years and, once implemented, would help prevent no fewer than one-third of all serious job-related injuries. That can help save our economy more than $50 billion a year.

Now, the people back home in Michigan would say, well, that is a pretty good bargain. And do my colleagues know what? They are absolutely right. Over the course of 1 year alone, more than 21,000 workers in Michigan suffered from repetitive motion injuries severe enough to keep them away from work, and the cost to Michigan's economy in lost wages and productivity, about $2 billion a year. That is why there is only one issue in this debate. It is not whether we need these safety standards. It is who on earth would ever want to keep us from having them?

Well, we know what that answer is. It is the same people, the same special interests who have opposed every other single worker safety measure to come before the United States Congress.

Well, today we have an obligation to talk back to that special interest. Our message today is that too many lives have been lost, too many bodies have been broken, too many workers have been injured, too many lives have been ruined, and too many tears have been shed.

Mr. Speaker, today our message is that American workers have a right to a healthy and a safe workplace and, by God, vote ''no'' on this resolution. Those who do not should and will be held accountable.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BONILLA), my friend.

Mr. BONILLA. Mr. Speaker, I rise in strong support of this resolution. Workplace injuries over the last decade in this country are down. Workplace injuries are down in large part because ergonomics rules are already in place at most of America's workplaces; and employers, believe it or not, do care about keeping workers safe and productive on the job.

This is the copy of the new rule we are talking about showing up on the doorsteps of bakeries and of auto parts stores and small restaurants and grocery stores and dance studios and farms and ranches. Every small business employer in America would get this big fat 600-page regulation to try to have them not only implement a policy, but to change a policy that is already working, that is causing workplace injuries to go down.

Union membership has not asked for this. Small business in America has not asked for this. At town meetings that we have across the country, there is no request for this to show up on the doorstep of America's small businesses. This is simply a power grab by certain special-interest leaders in this country; and we will not name them, but we know who they are. They want this so they can have a bigger grip on America's small business employers. That is what it is all about.

This, in itself, delivered to the small businesses in this country is enough to cause a workplace injury to the post office delivery people who will be sending this to small businesses across the country. And, by the way, the post office does not want it either. Nobody wants it. Why are we doing this? Thank goodness we have this opportunity to stop this and to watch workplace injuries continue to go down, because of ergonomics policies that are already in place in America's workplaces.

Mr. Speaker, today we have a chance to show the American people whose side we are on. A vote for this resolution is a vote for small business, jobs and sound science. A vote against it is for one-size-fits all regulations and government-knows-best bureaucrats.

There are many of us who came to this body to fight for the driving engine of America's economy, small business. Small business produces 90 percent of all new jobs in America. These are the people who work hard, people who are fighting for raises and better benefits, people who are creating higher-paying jobs in their community and expanding opportunity for people across the country.

The Clinton OSHA ergonomics regulation has a mammoth price tag. And America's workers are going to foot the bill. OSHA itself is willing to concede a $4.5 billion cost to the economy. the food distributing industry predicts its initial cost would be upwards of 420 billion. Furthermore, their recurring cost could be 46 billion annually. And that is just for that industry alone. What does this really mean? It means fewer jobs and fewer opportunities for American workers.

We all support safe workplaces. That is not what this debate is about. Let us review the statistics put out by the Clinton Labor Department. Workplace injuries are down consistently over the last decade. In fact, the injuries we are talking about today, repetitive stress injuries, are down 24 percent over the past three years. Grocery stores, bakeries, bottling companies, florists, computer manufacturers—all of those job creating businesses that are creating out tremendous economic growth have voluntarily dealt with this issue and it is working.

Some have argued today that this resolution kills ergonomics forever. That is simply not true. Yesterday, Secretary of Labor Elaine Chao stated that she intends to address the issue of ergonomics, if given the chance. Let's give her that chance to get the job done right.

This rule is unprecedented in its breadth and unprecedented in its complexity. OSHA doesn't even understand it. The rule is already in effect and OSHA has yet to provide compliance guidelines to businesses. Unfortunately, they probably have not because they cannot. That

I call on my colleagues to look at whose side they are on. There is no gray. I urge them to stand up for the people out there in the heartland who are working hard and want to keep doing so. I urge a ''yes'' vote on the resolution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the gentleman would have yielded, I would have pointed out he is not holding up the regulations at all, he is holding up the comments. The regulations is 9-pages long. It is not 600 pages, and the gentleman completely misrepresented what, in fact, he was telling the American public.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, before I came to Congress, I was a human resources professional in the electronics manufacturing industry, and I know from experience how important workplace safety is. Over 20 years ago, my company began seeing repetitive stress injuries because employees were using the same motions repeatedly to put parts in printed circuit boards. I have to say that the majority of those workers were women.

So in response to what was going on out on our manufacturing floor, and those of my colleagues who do not think of OSHA as a friend might think this is weird, but as the human resources manager of this company, I called OSHA for help. We worked. They came and worked with us as partners and came up with a solution that reduced the injuries for our workers and saved a lot of money for our company.

We knew that if we wanted to be successful, we wanted to protect our workers from the injuries that they were experiencing. If my colleagues want to know did this company become successful? Yes, indeed. This company became a Fortune 300 company.

Mr. Speaker, workplace safety standards protect workers; they save business money. It is a win-win all the way around. It must not be repealed. Vote against this resolution, and vote for the protection of worker safety.

□ 1830

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

Mr. Speaker, I would just point out that the regulation is 9 pages, and it is of great interest to me that OSHA took 591 pages to explain to us why this was a good rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), my friend.

Mr. MANZULLO. Mr. Speaker, these OSHA regulations are very interesting. First of all, they do not apply to any Federal employees, and I would like to point out that one of the charts using the explanations here is that it is dangerous if you move your wrist more than 30 degrees 2 hours a day.

This is an official chart here that points to people that move their wrists. Mr. Speaker, there are 281,000 restaurants in the United States. And I was raised in a restaurant business, and my brother, Frank, he still continues the family business. And this is how you wash dishes. You go like this. Sometimes it is 2 hours a day, sometimes 4 hours a day. It depends upon the extent of the business. If business is good, you have more dishes to wash.

Here is the problem: If somebody washing dishes has a problem with their hand and they go to the small employer, such as my brother, Frankie, who has 13 tables in his restaurant, this is what Frankie has to do, he has to adopt a program that contains the following elements, hazardous information and reporting, management leadership and employee participation, job hazard analysis and control, training, MSD management and program evaluation.

The standard provides the employer with several options for evaluating and controlling risk factors for jobs covered by the ergonomics program.

This is washing dishes. How else can you wash dishes where you cannot move your hands? That is the absurdity of these ergonomic 9 pages of regulations and hundreds of pages of attempted clarifications of them.

To all the restaurant owners, to all the small mom-and-pops that are trying to eke out a living and to my brother, Frankie, with 13 tables and 13 stools at his bar and a handful of employees, he is going to have to put a sign that says dish washing is hazardous to your health. How else can you wash dishes?

Mr. GEORGE MILLER of California. Mr. Speaker, may I inquire of the Chair how much time is remaining?

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from California (Mr. GEORGE MILLER) has 11½ minutes remaining and the gentleman from Georgia (Mr. NORWOOD) has 13 minutes and 15 seconds remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, this is a sorry day in the House of Representatives, and what I am afraid is going to be a sorry week. Ten years of studies and work and comment are being swept aside with 1 hour of debate in our House of Representatives.

This is not right, and it is not the right way to do this. It is not right for American workers who will be seriously affected and degraded by this decision that we are making tonight.

Mr. Speaker, I cannot understand why we could not spend the last 3 hours that we have been in this building at least on this floor talking about what went on over the last 10 years. We could not find it within ourselves in this House of Representatives to spend the last 3 hours when we were in recess to be on this floor at least discussing this matter.

We know there is a disagreement about this, that is legitimate, but to not allow the Members of this House to be out here, when the law that calls for this procedure says that we are going to have 10 hours of debate, when we did not have another thing to do on this floor, to not allow this debate to go on is reprehensible. It sure is not bipartisan.

This is an issue that affects real people, people that work on computers, poultry workers, factory workers, and what we are saying is that the science says that these regulations are the right thing to do. We believe with all our hearts that OSHA and these kinds of regulations have not only helped the safety of our workers, but has saved companies money by preventing these injuries, and employers who have used OSHA regulations like these to their benefit have had a better bottom line than companies that simply blindly fight these things.

This is a mistake. It is a mistake for people. It is a mistake for workers. I simply ask our friends on the other side who are running this procedure, please, the next time before my colleagues do something like this, they stop and think about what they are doing to the process of this House and, most importantly, what my colleagues are doing to the hard-working American people who are out there everyday giving it everything they have to make a living for their families and would like to be in a safe working environment.

Vote against this bill. It is an abomination.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, I am angry, too. I am angry that we had a good idea in 1990 and 1992. Libby Dole and other Republicans encouraged an ergonomics standard, but what we have had over the last 8 years is an absolute tone deaf Labor cabinet that was going to pass a regulation without regard to how we best remedy the challenges that ergonomic injuries cause us.

Mr. Speaker, give us good direction so that we can have both good jobs and also best effect in any injuries that occur in the workplace. It is hilarious to think that businesses are going to save money when we have runaway costs and you spend and you spend and you spend without any understanding of what you might be able to achieve and what would be cost effective.

What happens when we do that? What happens right now in this country, where we fight everyday to keep our good jobs right here in this country, to keep them from moving overseas, the fact of the matter is, is that OSHA increases the costs of regulations. As OSHA increases costs without always knowing what the objective and the benefit will be, we make ourselves less able to be internationally competitive as we produce goods in this country.

Mr. Speaker, what we have to do is be proud of the fact that the American workplace, which is the thing that brings us our prosperity, the thing that has built us a middle class that is able to buy homes and cars and go to work and provide for their children, that they depend on these jobs, and what they ask of us is for balance, to have regulations and government programs that make it possible to keep good jobs here and also make sure that we have healthy workers.

The law of unintended consequences is going to go into effect if this rule went into effect. It would drive our best jobs overseas.

Mr. Speaker, please, I ask my colleagues, let us have a real rule that really accomplishes what we want.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I would like to thank the gentleman from California (Mr. GEORGE MILLER) for yielding the time to me.

Mr. Speaker, I rise today in opposition and say this should not be done in this way. As a restaurant owner and an owner of a small business in Maine, this is the wrong thing to do at the wrong time, and it is not thoughtful.

Mr. Speaker, I rise today to voice my opposition to the Joint Resolution of Disapproval of OSHA's Ergonomics Standard.

Mr. Speaker, I am a small business owner. I understand the concerns of small business owners in my home state of Maine and throughout the country regarding the costs of implementing these new rules. Nevertheless, we must be proactive. Ergonomics is a serious matter and the new ergonomics standard will save businesses billions of dollars every year by preventing lost work days and workers' compensation claims. In 1998, more than 12,500 disabling injuries were reported to the Workers Compensation Board in Maine alone.

True, the start up costs involved with applying the new standard are significant. But the

money we will save far outweighs the money we will spend. In a requested report to Congress, the National Academy of Sciences found that repetitive stress injuries in the workplace cost $50 billion a year in lost wages, productivity and compensation costs. It also concluded that injuries could be reduced by using new equipment and by varying workplace tasks. OSHA's new rule requires compliance with both of these recommendations. OSHA analysis shows that the new ergonomics standard will prevent 4.6 million injuries over the next 10 years. It will also save employers and workers $9 billion every year. Surely, we can agree that these numbers are worth fighting for.

Mr. Speaker, I must also voice my disappointment in the decision to employ the Congressional Review Act to address this legislation. It was my sincere hope that the CRA would be employed only to address rules that a vast majority of members agreed simply got it wrong. This is certainly not the case here. Many of us agree that the new rules could be refined. But that is no reason to throw the baby out with the bath water, utilizing a process that will effectively preclude further action in this area. This is too important an issue to be taken off the table in a cavalier and partisan manner. I urge my colleagues to vote against the Joint Resolution of Disapproval of OSHA's Ergonomics Standard.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding the time to me.

Mr. Speaker, I strongly oppose the matter that is before us today.

Mr. Speaker, I rise today to express my outrage over the Republican proposal to rollback important safety protections for American workers. For the first time in the history of the House, we are repealing critical protections for over 100 million American workers.

The Congress has a responsibility to protect the safety and health of hundreds of thousands of workers—not the profits of big contributors.

Today, I released a report with Representative GEORGE MILLER on ergonomic injuries in California. This report makes clear that the repeal of the ergonomic rule will have a very real impact on California workers and the state's economy.

More than one in four workplace injuries in California are repetitive stress injuries like carpel tunnel syndrome. In 1998, more than 52,000 California workers suffered ergonomic injuries so severe they were forced to miss at least one day of work. Many of these injuries cause workers to miss significant time away from work. More than 30,000 of the injuries cause workers to miss more than one week of work.

The economic cost to the state is enormous—$4.5 billion a year.

The real numbers may be much higher. Many workers fail to report their injuries out of fear they'll be fired or branded troublemakers, and other workers only realize the extent of their injuries when they can no longer work.

Today's LA Times tells the story of Gloria Palomino, who worked in a chicken processing plant for over twenty years. For most of her career, she shot an airgun into chickens on a slaughter line—squeezing the triggers 30 to 40 times a minute. As a result, her fingers are constantly swollen and sore and her injuries are so severe she can no longer work. She says, ''How I battle in the morning to open my hands. Tell me, who will hire me with hands like this?''

The ergonomics rule came too late to help Gloria Palomino, but there will be many, many more like her if we repeal the rule today. I urge my colleagues to oppose this effort—which protects the profits of contributors at the expense of the health of America's workers.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. OWENS), a member of the Subcommittee on Workforce Protections.

Mr. OWENS. Mr. Speaker, as the ranking Democrat on the Subcommittee on Workforce Protections, the last 6 years I have lived with the hearings, the dialogue, the debates on this issue, and I do not want to repeat all of those technical considerations.

I do want to submit for the RECORD a chronology of OSHA ergonomics standards preparations over the last 10 years. I have many extra copies if the majority wants them.

We also have a list of the questions that we asked the National Academy of Sciences and the Institute of Medicine to resolve. We have the questions that we posed to them, and we also have their answers.

Earlier today the gentleman from Georgia (Mr. NORWOOD) said that there was some disagreement with the notion that ergonomics was a legitimate cause of problems in the workplace, and he quoted 1 of the 19. There were 19 experts on the panel, and one dissented. When you have a panel and one dissent among the people who are on the Academy of Sciences and the Institute of Medicine, then you have an authoritative statement.

We ought to address the political problem here. Here is the real problem. Reinforced by an army of business lobbyists, the Republican majority has launched a blitzkrieg to obliterate the recently issued ergonomics standards by using the Congressional Review Act. That act was passed under the Newt Gingrich doctrine of politics as war without blood.

This Republican offensive is more than one invasion of one theater of the war. This is just the beginning. By ruthlessly destroying the ergonomics standards at the beginning of this 107th session of Congress, the Republican majority is attempting to send a message of intimidation to all the working families of America.

We will not be intimidated. We will strive to work for the families of America.

Mr. Speaker, reinforced by an army of business lobbyists, the Republican majority has launched a blitzkrieg to obliterate the recently issued OSHA Ergonomic Standard by using the Congressional Review Act passed under the Newt Gingrich doctrine that ''politics is war without blood.'' This Republican offensive is more than one invasion of one theater of the war. The operation against ergonomics is also conceived as a master stroke of symbolic and psychological warfare.

By ruthlessly destroying the Ergonomic Standard at the beginning of the 107th Session of Congress, the Republican majority is attempting to send a message of intimidation, and to show that it will utilize its dominance of the political process in Washington to annihilate its perceived most formidable enemy—the organized workers in labor unions.

Millions of victims and casualties who are not union members will suffer greatly as a result of this barbaric attack. The majority of the working families in America have at least one member who could directly benefit from the preventive measures required by the new Ergonomic Standard. They are the civilian casualties of this massive Republican offensive.

After an exhaustive two-year study at a cost of $1 million conducted by 19 experts in the field of causation, diagnosis, and prevention of musculoskeletal disorders under the direction of the Academy of Sciences, they found that ''there is a direct relationship between the workplace and ergonomic injuries can be significantly reduced thorough workplace interventions.''

Mr. Speaker, earlier today, during the debate on the rule Mr. NORWOOD quoted from the National Academy of Sciences and the Institute of Medicine's report. I would like to make very clear the fact that Mr. NORWOOD was quoting from the only dissenting view on the panel of 19 experts.

Here are the key findings of the study by the Academy of Sciences:

The Problem. ''Musculoskeletal disorders of the low back and upper extremities are an important national health problem, resulting in approximately 1 million people losing time from work each year. These disorders impose a substantial economic burden in compensation costs, lost wages, and productivity. Conservative cost estimates vary, but a reasonable figure is about $50 billion annually.''

The Cause. ''The weight of the evidence justifies the identification of certain work-related risk factors for the occurrence of musculoskeletal disorders of the low back and upper extremities * * * the panel concludes that there is a clear relationship between back disorders and physical load; that is, manual material handling, load moment, frequent bending and twisting, heavy physical work, and whole-body vibration. For disorders of the upper extremities, repetition, force and vibration are particularly important work-related factors.''

The Answer. ''The consequences of musculoskeletal disorders to individuals and society of the evidence that these disorders are to

some degree preventable justify a broad, coherent effort to encourage the institution or extension of ergonomic and other preventive strategies.''

The Republican Leadership—once desperate to have confirmation of a sound scientific support for the ergonomic rule—is ignoring the very report it commissioned for a million dollars and instead plans to gut a rule ten years in the making. This action shows their contempt for millions of workers who want to work hard and stay healthy. And this action shows contempt for the findings of the nation's leading ergonomic scientists who have thoroughly documented the tragedy of ergonomic injury and illness. I am submitting for the RECORD the seven questions Congress asked the National Academy of Sciences and the answers arrived at by the experts on the panel.

The strategy of the Republican war machine first seeks to crush the will of the opposition with its speed and overwhelming support from contributors. After the defeat of ergonomics, overtime under the Fair Labor Standards Act and the Davis-Bacon Prevailing Wage Law are the next targets with many other islands of labor law to be attacked and subdued on a great march toward the ultimate objective—''paycheck protection.'' The concepts of minimum wages and cash payment for overtime may be eliminated forever; or at least for the duration of this administration there will be a ''final solution'' for these longstanding objects of Republican contempt.

The term ''barbaric'' is most appropriate for the description of this partisan onslaught. All logic, reason and science has been bulldozed off to the ditches. Primitive, brute political force has now overwhelmed ten years of scientific research, public testimony, empirical evidence and long debates, dialogues and policy deliberations. The attached chronology which ranges from August, 1990 to January, 2001 presents a record of the most patient Democratic process possible; however, suddenly the troops are massed on the border and this time-honored process has been declared ''non-negotiable.''

Barbarians often win battles; however, the working families of America are not without their own means of counterattack. We must begin today with a new campaign in a more direct language: an Ergonomic Standard means salvation from paralyzing injuries. It means preventing total disability of the muscles and joints needed to earn a living. Working families are the troops who must be made to understand clearly what is at stake today and in the weeks and months ahead as the Republicans march on to eradicate labor laws. Working families must also understand that in a war as vicious as this one that has been declared by the Republicans, there is no substitute for victory. Working families must mobilize to achieve unconditional surrender by taking control of the Congress in 2002; and by regaining the White House in 2004.

Yesterday was Pearl Harbor for working families. We have nothing to fear but sluggishness, wimpishness and betrayal by the Benedict Arnolds among us. We have the votes and we believe fervently in the Democratic process. Reason and justice are on our side and we shall all experience our political VE Day. We shall overcome.

MUSCULOSKELETAL DISORDERS AND THE WORKPLACE—A STUDY BY THE NATIONAL ACADEMY OF SCIENCES AND THE INSTITUTE OF MEDICINE, JANUARY 2001

APPENDIX A

ANSWERS TO QUESTIONS POSED BY CONGRESS

The questions below provided the impetus for the study. The charge to the panel, prepared by the NRC and the IOM was to conduct a comprehensive review of the science base and to address the issues outlined in the questions. The panel's responses to the questions follow.

1. What are the conditions affecting humans that are considered to be work-related musculoskeletal disorders?

The disorders of particular interest to the panel, in light of its charge, focus on the low back and upper extremities. With regard to the upper extremities, these include rotator cuff injuries (lateral and medial) epicondylitis, carpal tunnel syndrome, tendinitis, tenosynovitis of the hand and wrist (including DeQuervains' stenosing tenosynovitis, trigger finger, and others) and a variety of nonspecific wrist complaints, syndromes, and regional discomforts lacking clinical specificity. With regard to the low back, there are many disabling syndromes that occur in the absence of defined radiographic abnormalities or commonly occur in the presence of unrelated radiographic abnormalities. Thus, the most common syndrome is nonspecific backache. Other disorders of interest include back pain and sciatica due to displacement and degeneration of lumber intervertebral discs with radiculopathy, spondylolysis, and spondylolisthesis, and spinal stenosis (ICD 9 categories 353–357, 722–724, and 726–729).

2. What is the status of medical science with respect to the diagnosis and classification of such conditions?

Diagnostic criteria for some of the musculoskeletal disorders considered to be work-related and considered in this report are clear-cut, especially those that can be supported by objective ancillary diagnostic tests, such as carpal tunnel syndrome. Others, such as work-related low back pain, are in some instances supported by objective change, which must be considered in concert with the history and physical findings. In the case of radicular syndromes associated with lumbar intervertebral disc herniation, for example, clinical and X-ray findings tend to support each other. In other instances, in the absence of objective support for a specific clinical entity, diagnostic certainty varies but may nevertheless be substantial. The clinical picture of low back strain, for example, while varying to some degree, is reasonably characteristic.

Epidemiologic definitions for musculoskeletal disorders, as for infectious and other reportable diseases, are based on simple, unambiguous criteria. While these are suitable for data collection and analysis of disease occurrence and patterns, they are not appropriate for clinical decisions, which must also take into account personal, patient-specific information, which is not routinely available in epidemiologic databases.

3. What is the state of scientific knowledge, characterized by the degree of certainty or lack thereof, with regard to occupational and nonoccupational activities causing such conditions?

The panel has considered the contributions of occupational and nonoccupational activities to the development of musculoskeletal disorders via independent literature reviews based in observational epidemiology, biomechanics, and basic science. As noted in the chapter on epidemiology, when studies meeting stringent quality criteria are used, there are significant data to show that both low back and upper extremity musculoskeletal disorders can be attributed to workplace exposures. Across the epidemiologic studies, the review has shown both consistency and strength of association. Concerns about whether the associations might be spurious have been considered and reviewed. Biological plausibility for the work-relatedness of these disorders has been demonstrated in biomechanical and basic science studies, and further evidence to build causal inferences has been demonstrated in intervention studies that show reduction in occurrence of musculoskeletal disorders following implementation of interventions. The findings suggest strongly that there is an occupational component to musculoskeletal disorders. Each set of studies has inherent strengths and limitations that affect confidence in the conclusions; as discussed in Chapter 3 (methodology), when the pattern of evidence is considered across the various types of studies, complementary strengths are demonstrated. These findings were considered collectively through integration of the information across the relevant bodies of scientific evidence. Based on this approach, the panel concludes, with a high degree of confidence, that there is a strong relationship between certain work tasks and the risk of musculoskeletal disorders.

4. What is the relative contribution of any casual factors identified in the literature to the development of such conditions in (a) the general population, (b) specific industries, and (c) specific occupational groups?

A. Individual Risk Factors

Because 80 percent of the American adult population works, it is difficult to define a ''general population'' that is different from the working population as a whole. The known risk factors for musculoskeletal disorders include the following:

Age—Advancing age is associated with more spinal complaints, hand pain, and other upper extremity pain, e.g., shoulder pain. Beyond the age of 60, these complaints increase more rapidly in women than men. The explanation for spinal pain is probably the greater frequency of osteoporosis in women than in men. The explanation for hand pain is probably the greater prevalence of osteoarthritis affecting women. However, other specific musculoskeletal syndromes do not show this trend. For example, the mean age for symptomatic presentation of lumber disc herniation is 42 years; thereafter, there is a fairly rapid decline in symptoms of that disorder.

Gender—As noted above, there are gender differences in some musculoskeletal disorders, most particularly spinal pain due to osteoporosis, which is more commonly found in women than in men, and hand pain due to osteoarthritis, for which there * * * determinant with increased incidence in daughters of affected mothers.

Healthy lifestyles—There is a general belief that the physically fit are at lower risk for musculoskeletal disorders; there are few studies, however, that have shown a scientific basis for that assertion. There is evidence that reduced aerobic capacity is associated with some musculoskeletal disorders, specifically low back pain and, possibly, lumbar disc herniations are more common in cigarette smokers. Obesity, defined as the top fifth quintile of weight, is also associated with a greater risk of back pain. There currently is little evidence that reduction of smoking or weight reduction reduces the risk.

Other exposures—Whole-body vibration from motor vehicles has been associated with an increase in risk for low back pain and lumbar disc herniation. There is also evidence that suboptimal body posture in the seated position can increase back pain. Some evidence suggests that altering vibrational exposure through seating and improved seating designs to optimize body posture (i.e., reduce intradiscal pressure) can be beneficial.

Other diseases—There is a variety of specific diseases found in the population that predispose to certain musculoskeletal disorders. Among the more common are diabetes and hypothydroidism, both associated with carpal tunnel syndrome.

B. Work-Related Risk Factors

Chapter 4 of this report explores the enormous body of peer-reviewed data on epidemiologic studies relevant to this question. Detailed reviews were conducted of those studies judged to be of the highest quality based on the panel's screening criteria (presented in the introduction and in Chapter 4). The vast majority of these studies have been performed on populations of workers in particular industries in which workers exposed to various biomechanical factors were compared with those not exposed for evidence of symptoms, signs, laboratory abnormalities, or clinical diagnoses of musculoskeletal disorders. A small number of studies have been performed in sample groups in the general population, comparing individuals who report various exposures with those who do not.

The principal findings with regard to the roles of work and physical risk factors are:

Lifting, bending and twisting and whole-body vibration have been consistently associated with excess risk for low back disorders, with relative risks of 1.2 to 9.0 compared with workers in the same industries without these factors.

Awkward static postures and frequent repetitive movements have been less consistently associated with excess risk. For disorders of the upper extremity, vibration, force, and repetition have been most strongly and consistently associated with relative risks ranging from 2.3 to 84.5.

The principal findings with regard to the roles of work and psychosocial risk factors are:

High job demand, low job satisfaction, monotony, low social support, and high perceived stress are important predictors of low back musculoskeletal disorders.

High job demand and low decision latitude are the most consistent of these factors associated with increased risk for musculoskeletal disorders of the upper extremities.

In addition, in well-studied workforces, there is evidence that individual psychological factors may also predispose to risk, including anxiety and depression, psychological distress, and certain coping styles. Relative risks for these factors have been generally less than 2.0.

5. What is the incidence of such conditions in (a) the general population, (b) specific industries, and (c) specific occupational groups?

There are no comprehensive national data sources capturing medically defined musculoskeletal disorders, and data available regarding them are based on individual self-reports in surveys. Explicitly, these reports include work as well as nonwork-related musculoskeletal disorders without distinction; therefore, rates derived from these general population sources cannot be considered in any sense equivalent to rates for background, reference, or unexposed groups, nor conversely, as rates for musculoskeletal disorders associated with any specific work or activity. There are *no* comprehensive data available on occupationally unexposed groups and, given the proportion of adults now in the active U.S. workforce, any such nonemployed group would be unrepresentative of the general adult population. According to the 1997 report from the National Arthritis Date Workgroup (Lawrence, 1998), a working group of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, 37.9 million Americans, or 15 percent of the entire U.S. population, suffered from one or more chronic musculoskeletal disorders in 1990 (these data cover all musculoskeletal disorders). Moreover, given the increase in disease rates and the projected demographic shifts, they estimate a rate of 18.4 percent or 59.4 million by the year 2020. In summary, data from the general population of workers and nonworkers together suggest that the musculoskeletal disorders problem is a major source of short- and long-term disability, with economic losses in the range of 1 percent of gross domestic product. A substantial portion of these are disorders of the low back and upper extremities.

The Bureau of Labor Statistics (BLS) data, while suffering a number of limitations, are sufficient to confirm that the magnitude of work-related musculoskeletal disorders is very large and that rates differ substantially among industries and occupations, consistent with the assumption that work-related risks are important predictors of musculoskeletal disorders. BLS recently estimated 846,000 lost-workday cases of musculoskeletal disorders in private industry. Manufacturing was responsible for 22 percent of sprains/strains, carpal tunnel syndrome, or tendinitis, while the service industry accounted for 26 percent. Examining carpal tunnel syndrome alone, manufacturing, transportation, and finance all exceeded the national average, while for the most common but less specific sprains and strains, the transportation sector was highest, with construction, mining, agriculture, and wholesale trade all higher than average. These data suggest that musculoskeletal disorders are a problem in several industrial sectors, that is, the problems are not limited to the traditional heavy labor environments represented by agriculture, mining, and manufacturing.

The National Center for Health Statistics (NCHS) survey data provide added information on self-reported health conditions of the back and the hand. This survey presents estimates for back pain among those whose pain occurred at work (approximately 11.7 million) and for those who specifically reported that their pain was work-related back pain (5.6 million).

The highest-risk occupations among men were construction laborers, carpenters, and industrial truck and tractor equipment operators, and among women the highest-risk occupations were nursing aides/orderlies/attendants, licensed practical nurses, maids, and janitor/cleaners. Other high-risk occupations were hairdressers and automobile mechanics, often employed in small businesses or self-employed.

Among men, the highest-risk industries were lumber and building material retailing, crude petroleum and natural gas extraction, and sawmills/planing mills/millwork. Among women, the highest-risk industries were nursing and personal care facilities, beauty shops, and motor vehicle equipment manufacturing.

Questions from the NCHS survey on upper-extremity discomfort elicited information about carpal tunnel syndrome, tendinitis and related syndromes, and arthritis. Carpal tunnel syndrome was reported by 1.87 million people; over one-third of these were diagnosed as carpal tunnel syndrome by a health care provided and half were believed to be work-related. Tendinitis was reported by 588,000 people, and 28 percent of these were determined to be work-related by a health care provider. Over 2 million active or recent workers were estimated to have hand/wrist arthritis. The survey did not report these conditions by either occupation or industry.

6. Does the literature reveal any specific guidance to prevent the development of such conditions in (a) the general population, (b) specific industries, and (c) specific occupational groups?

A. Development and Prevention in working Populations

Because the majority of the U.S. population works, the data for the population as a whole apply to the 80 percent who are working. There is substantial evidence that psychological factors, in addition to the physical factors cited above (see response to Question 4), are significant contributors to musculoskeletal disorders. relevant factors are repetitive, boring jobs, a high degree of perceived psychosocial stress, and suboptimal relationships between worker and supervisor.

The weight and pattern of both the scientific evidence and the very practical quality improvement data support the conclusion that primary and secondary prevention interventions to reduce the incidence, severity, and consequences of musculoskeletal injuries in the workplace are effective when properly implemented. The evidence suggests that the most effective strategies involve a combined approach that takes into account the complex interplay between physical stressors and the policies and procedures of industries.

The complexity of musculoskeletal disorders in the workplace requires a variety of strategies that may involve the worker, the workforce, and management. These strategies fall within the categories of engineering controls, administrative controls, and worker-focused modifiers. The literature shows that no single strategy is or will be effective for all types of industry; interventions are best tailored to the individual situation. However, there are some program elements that consistently recur in successful programs:

1. Interventions must mediate physical stressors, largely through the application of ergonomic principles.

2. Employee involvement is essential to successful implementation.

3. Employer commitment, demonstrated by an integrated program and supported by best practices review, is important for success.

Although generic guidelines have been developed and successfully applied in intervention programs, no single specific design, restriction, or practice for universal application is supported by the existing scientific literature. Because of limitations in the scientific literature, a comprehensive and systematic research program is needed to further clarify and distinguish the features that make interventions effective for specific musculoskeletal disorders.

B. Development and Prevention in Specific Occupations

Occupations that involve repetitive lifting, e.g., warehouse work, construction, and pipe fitting, particularly when that activity involves twisting postures, are associated with an increased risk for the complaint of low

back pain and, in a few studies, an increased risk for lumbar disc herniation.

The prevalence of osteoarthritic changes in the lumbar spine (disc space narrowing and spinal osteophytes) is significantly greater in those whose occupations require heavy and repetitive lifting compared with age-matched controls whose occupations are more sedentary. Despite these radiographical differences, most of the studies show little or no difference in the prevalence of low back pain or sciatica between those with radiological changes of osteoarthritis and those with no radiological changes. Based on the current evidence, modification of the lifting can reduce symptoms and complaints. Specific successful strategies, which include ergonomic interventions (such as the use of lift tables and other devices and matching the worker's capacity to the lifting tasks), administrative controls (such as job rotation), and team lifting, appear successful. Despite enthusiasm for their use, there is marginal or conflicting evidence about lifting belts and educational programs in reducing low back pain in the population with heavy lifting requirements. Some examples of positive interventions include:

Truck drivers—Vibration exposure is thought to be the dominant cause for the increased risk for low back pain and lumbar disc herniation. There are some data to support the efficacy of vibrational dampening seating devices.

Hand-held tool operators—Occupations that involve the use of hand-held tools, particularly those with vibration, are associated with the general complaints of hand pain, a greater risk of carpal tunnel syndrome, and some tenosynovitis. Redesign of tools is associated with reduced risks.

Food processing—Food processing, e.g., meat cutting, is associated with a greater risk of shoulder and elbow complaints. Job redesign appears to reduce this risk, but this information is largely based on best practices and case reports.

7. What scientific questions remain unanswered, and may require further research, to determine which occupational activities in which specific industries cause or contribute to work-related musculoskeletal disorders?

The panel's recommended research agenda is provided in Chapter 12 of the report.

CHRONOLOGY OF OSHA'S ERGONOMICS STANDARD

August 1990—In response to statistics indicating that RSIs are the fastest growing category of occupational illnesses, Secretary of Labor Elizabeth Dole commits the Labor Department to ''taking the most effective steps necessary to address the problem of ergonomic hazards on an industry wide-basis'' and to begin rulemaking on an ergonomics standard. According to Secretary Dole, there was sufficient scientific evidence to proceed to address ''one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's.''

July 1991—The AFL–CIO and 30 affiliated unions petition OSHA to issue an emergency temporary standard on ergonomics. Secretary of Labor Lynn Martin declines to issue an emergency standard, but commits the agency to developing and issuing a standard using normal rulemaking procedures.

June 1992—OSHA, under acting Assistant-Secretary Dorothy Strunk, issues an Advanced Notice of Proposed Rulemaking on ergonomics.

January 1993—The Clinton Administration makes the promulgation of an ergonomics standard a regulatory priority. OSHA commits to issuing a proposed rule for public comment by September 30, 1994.

March 1995—The House passes its FY 1995 rescission bill that prohibits OSHA from developing or promulgating a proposed rule on ergonomics. Industry members of the Coalition on Ergonomics lobbied heavily for the measure. Industry ally and outspoken critic of government regulation, Rep. Tom DeLay (R–TX), acts as the principal advocate of the measure.

—OSHA circulates draft ergonomics standard and begins holding stakeholders' meetings to seek comment and input prior to issuing a proposed rule.

June 1995—President Clinton vetoes the rescission measure.

July 1995—Outspoken critic of government regulation Rep. David McIntosh (R–IN) holds oversight hearings on OSHA's ergonomics standard. National Coalition on Ergonomics members testify. By the end of the hearing, McIntosh acknowledges that the problem must be addressed, particularly in high risk industries.

—Comprise rescission bill signed into law; prohibits OSHA from issuing, but not from working on, an ergonomics standard. Subsequent continuing resolution passed by Congress continues the prohibition.

August 1995—Following intense industry lobbying, the House passes a FY 1996 appropriations bill that would prohibit OSHA from issuing, or developing, a standard or guidelines on ergonomics. The bill even prohibits OSHA from requiring employers to record ergonomic-related injuries and illnesses. The Senate refuses to go along with such language.

November 1995—OSHA issues its 1996 regulatory agenda which does not include any dates for the issuance of an ergonomics proposal.

December 1995—Bureau of Labor Statistics (BLS) releases 1994 Annual Survey of Injuries and Illnesses which shows that the number and rate of disorders associated with repeated trauma continues to increase.

April 1996—House and Senate conferees agree on a FY 1996 appropriation for OSHA that contains a rider prohibiting the agency from issuing a standard or guidelines on ergonomics. The compromise agreement does permit OSHA to collect information on the need for a standard.

June 1996—The House Appropriations Committee passes a 1997 funding measure (H.R. 3755) that includes a rider prohibiting OSHA from issuing a standard or guidelines on ergonomics. The rider also prohibits OSHA from collecting data on the extent of such injuries and, for all intents and purposes, prohibits OSHA from doing any work on the issue of ergonomics.

July 1996—The House of Representatives approves the Pelosi amendment to H.R. 3755 stripping the ergonomics rider from the measure. The vote was 216–205. Ergonomic opponents vow to reattach the rider in the Senate or on a continuing resolution.

February 1997—Rep. Henry Bonilla (R–TX) circulates a draft rider which would prohibit OSHA from issuing an ergonomics proposal until the National Academy of Sciences completes a study on the scientific basis for an ergonomics standard. The rider, supported by the new coalition, is criticized as a further delay tactic.

—During a hearing on the proposed FY 1998 budget for the National Institute for Occupational Safety and Health, Rep. Bonilla questions Centers for Disease Control head David Satcher on the scientific underpinnings for an ergonomics standard. Bonilla submits more than 100 questions on ergonomics to Satcher.

April 1997—Rep. Bonilla raises questions about OSHA's plans for an ergonomics standard during a hearing on the agency's proposed FY 1998 budget.

July 1997—NIOSH releases its report Musculoskeletal Disorders and Workplace Factors. Over 600 studies were reviewed. NIOSH concludes that ''a large body of credible epidemiological research exists that shows a consistent relationship between MSDs and certain physical factors, especially at higher exposure levels.''

—California's ergonomics regulation is initially adopted by the Cal/OSHA Standard Board, approved by the Office of Administrative Law, and becomes effective. (July 3)

October 1997—A California superior court judge rules in the AFL–CIO's favor and struck down the most objectionable provisions of the CA ergonomics standard.

November 1997—Congress prohibits OSHA from spending any of its FY 1998 budget to promulgate or issue a proposed or final ergonomics standard or guidelines, with an agreement that FY 1998 would be the last year any restriction on ergonomics would be imposed.

May 1998—At the request of Rep. Bonilla and Rep. Livingston, The National Academy of Sciences (NAS) receives $490,000 from the National Institutes of Health (NIH) to conduct a review of the scientific evidence on the work-relatedness of musculoskeletal disorders and to prepare a report for delivery to NIH and Congress by September 30, 1998.

August 1998—NAS brings together more than 65 of the leading national and international scientific and medical experts on MSDs and ergonomics for a two day meeting to review the scientific evidence for the work relatedness of the disorders and to assess whether workplace interventions were effective in reducing ergonomic hazards.

October 1998—NAS releases its report Work-Related Musculoskeletal Disorders: A Review of the Evidence. The NAS panel finds that scientific evidence shows that workplace ergonomic factors cause musculoskeletal disorders.

—Left as one of the last issues on the table because of its contentiousness, in its massive Omnibus spending bill Congress appropriates $890,000 in the FY 1999 budget for another NAS study on ergonomics. The bill, however, freed OSHA from a prohibition on the rulemaking that began in 1994. This point was emphasized by a letter to Secretary of Labor Alexis Herman from then Chair of the Appropriations Committee Rep. Livingston and Ranking member Rep. Obey expressly stating that the study was not intended to block or delay OSHA from moving forward with its ergonomics standard.

December 1998—Bureau of Labor Statistics (BLS) releases 1997 Annual Survey of Injuries and Illnesses which shows that disorders associated with repeated trauma continue to make up nearly two-thirds of all illness cases and musculoskeletal. disorders continue to account for one-third of all lost-workday injuries and illnesses.

February 1999—OSHA releases its draft proposed ergonomics standard and it is sent for review by small business groups under the Small Business Regulatory and Enforcement Fairness Act (SBREFA).

March 1999—Rep. Blunt (R–MO) introduces H.R. 987, a bill which would prohibit OSHA from using a final ergonomics standard until NAS completes its second ergonomics study (24 months).

April 1999—The Small Business Review Panel submits it report to OSHA's draft proposed ergonomics standard to Assistant Secretary Jeffress.

May 1999—The second NAS panel on Musculoskeletal Disorders and the Workplace holds it first meeting on May 10–11 in Washington, DC.

—Senator Kit Bond (R–MO) introduces legislation (S. 1070) that would block OSHA from moving forward with its ergonomics standard until 30 days after the NAS report is released to Congress.

—House Subcommittee on Workforce Protections holds mark-up on H.R. 987 and reports out the bill along party line vote to forward it to Full Committee.

June 1999—House Committee on Education and the Workforce holds mark-up on H.R. 987 and reports out the bill in a 23–18 vote.

August 1999—House votes 217–209 to pass H.R. 987, preventing OSHA from issuing an ergonomics standard for at least 18 months until NAS completes its study.

October 1999—Senator Bond offers an amendment to the LHHS appropriations bill which would prohibit OSHA from issuing an ergonomics standard during FY 2000. The amendment is withdrawn after it becomes apparent that Democrats are set to filibuster the amendment.

—The California Court of Appeals upholds the ergonomics standard—the first in the nation—which covers all California workers.

November 1999—Washington State Department of Labor and Industries issues a proposed ergonomics regulation on November 15 to help employers reduce ergonomics hazards that cripple and injure workers.

—Federal OSHA issues the proposed ergonomics standard on November 22. Written comments will be taken until February 1, 2000. Public hearings will be held in February, March, and April.

February 2000—OSHA extends the period for submitting written comments and testimony until March 2. Public hearings are rescheduled to begin March 13 in Washington, DC followed by public hearings in Chicago, IL and Portland, OR in April and May.

March 2000—OSHA commences 9 weeks of public hearings on proposed ergonomics standard.

May 2000—OSHA concludes public hearings on proposed ergonomics standard. More than one thousand witnesses testified at the 9 weeks of public hearings held in Washington, DC, Chicago, Illinois, and Portland, Oregon. The due date for post hearing comments is set for June 26; and the due date for post hearings briefs is set for August 10.

—The House Appropriations Committee adopts on a party line vote a rider to the FY 2001 Labor-HHS funding bill (H.R. 4577) that prohibits OSHA from moving forward on any proposed or final ergonomics standard. The rider was adopted despite a commitment made by the Committee in the FY 1998 funding bill to ''refrain from any further restrictions with regard to the development, promulgation or issuance of an ergonomics standard following fiscal year 1998.''

June 2000—An amendment to strip the ergo rider from the FY 2001 Labor-HHS Appropriations bill on the House floor fails on a vote of 203–220.

—The Senate adopts an amendment to the FY 2001 Labor-HHS bill to prohibit OSHA from issuing the ergonomics rule for another year by a vote of 57–41.

—President Clinton promises to veto the Labor-HHS bill passed by the Senate and the House stating, ''I am deeply disappointed that the Senate chose to follow the House's imprudent action to block the Department of Labor's standard to protect our nation's workers from ergonomics injuries. After more than a decade of experience and scientific study, and millions of unnecessary injuries, it is clearly time to finalize this standard.''

October 2000—Republican negotiators agree to a compromise that would have permitted OSHA to issue the final rule, but would have delayed enforcement and compliance requirements until June 1, 2001. Despite the agreement on this compromise, Republican Congressional leaders, acting at the behest of the business community, override their negotiators and refuse to stand by the agreement.

November 2000—On November 14, OSHA issues the final ergonomics standard.

—In an effort to overturn the ergonomics standard several business groups file petitions for review of the rule. Unions file petitions for review in an effort to strengthen the standard.

December 2000—House and Senate adopt Labor-Health and Human Services funding bill. The bill does not include a rider affecting the ergonomics standard.

January 2000—Ergonomics standard takes effect January 16.

—NAS releases its second report in three years on musculoskeletal disorders and the workplace. The report confirms that musculosketetal disorders are caused by workplace exposures to risk factors including heavy lifting, repetition, force and vibration and that interventions incorporating elements of OSHA's ergonomics standard have been proven to protect workers from ergonomic hazards.

Mr. NORWOOD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), my friend.

Mr. CUNNINGHAM. Mr. Speaker, in California we have an energy crisis. We have several small businesses going out just because of the costs of energy. We have restaurants that are on a very narrow margin. Those people employ workers.

My colleagues that are opposed to this are generally from a liberal philosophy of government control. If we fall out of line like the blacklisting that the union, the Clinton-Gore administration, put out last year, then we can control you. We can control your private profit. We can control education. We can control your business. If you do not comply, yes, we will send in the IRS or OSHA or EPA, and what we are saying is that, yes, that my colleagues would make people think that we do not want workplace safety, we are for the evil business. That is just not true.

We support the working families, and we want to give them tax relief, but my opponents, I would guarantee that over 90 percent of them that are opposed to this do not want tax relief, and they did not want the balanced budget and they did not want welfare reform, because they want government control.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, this issue is not new to any of us who have served in this body.

The Secretary of Labor for President George Herbert Walker Bush, a lady I have a great deal of respect for, said we must do our utmost to protect workers from these hazards of repetitive stress injuries.

We all know this is a problem. We are in our town meetings and our constituents come up to us with the braces on their arms. We have our case workers in our offices dealing with these issues day in and day out. Our workers are suffering.

And more importantly, our businesses know that they have some answers, they are out there working on this. Mr. Speaker, 3M, a big American company, has had a 58 percent decrease in lost time cases, 58 percent decrease. SunMicrosystems, a high tech company with repetitive injury claims, their claims went from $45,000 to $3,500.

My colleagues might say businesses are doing it, but do not tell us to do more of it. President Bush is going to tell us to do a lot more testing, because it works in Texas. We are going to hear that. Do not give us that argument on our businesses.

Finally, I have to say that we have been in this great Chamber since December 16, 1857, and had great debates, but today is one of the darkest days literally when the majority said they would rather have a dark Chamber than a Chamber filled with discussion and debate and differences. I hope we do much better in the future.

Mr. NORWOOD. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Georgia (Mr. NORWOOD) has 10 minutes and 15 seconds remaining, and the gentleman from California (Mr. GEORGE MILLER) has 5½ minutes remaining.

□ 1845

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

Mr. Speaker, just to keep the record straight, there is no doubt President Bush and Secretary Dole should be applauded for bringing up ergonomics in 1990, but there is absolutely no reason to suspect they would be for this rule.

Mr. Speaker, I am very pleased to yield 1½ minutes to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding me this time. I have been in meetings during most of the debate. But I did want to come to the floor and bring out one important point, and that is the impact of cost to small businesses in the event that this ergonomic thing is continued as proposed by the Clinton administration.

Any small business person would tell us today that their number one problem is even securing workman's compensation. It is very seldom that any major insurance company will insure any business for a period longer than 3

years. They come in, and they give one a rate that seems reasonable. Two years later, they raise that. Three years, they raise it out of the possibility of affordability by small business.

So I encourage my colleagues to think what is going to happen. Workman's compensation is going to at least double in cost to small business people, if, indeed, they can get it at all. There is a possibility, because of the extreme changes in coverage as proposed under this regulation, that it could even triple.

So when my colleagues are back in their district, think about addressing these small business people who are having to pay these exorbitant costs now, and think about the impact that it is going to cause if, indeed, we do not repeal this through this effort today.

So I plead with my colleagues to recognize what they are doing to small business people. We all are concerned about all workers. We all want them to have coverage. But if my colleagues put workman's compensation out of affordability range, they are doing a great disservice.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I rise to oppose this legislation. It is bad for workers. It is bad for America.

Mr. Speaker, I rise in strong opposition to the Disapproval Resolution for OSHA Ergonomics Rule, which threatens the health and safety of our nation's workforce.

Each year, more than 650,000 American workers suffer from work related musculoskeletal disorders caused by repetitive motion and overexertion.

These are hardly minor aches and pains. These are serious, disabling conditions that have extensive impacts on workers' lives, and are estimated to cost the American public something in the realm of $40–$50 billion a year.

The lives of workers who suffer from carpal tunnel syndrome, tendinitis, back injuries or other similar injuries, as a result of unsafe workplace conditions, are changed forever.

Frequently, they lose their jobs, become permanently unemployed, or are forced to take severe pay cuts to continue working. These injuries destroy lives and they destroy families—and it's simply unacceptable.

I want to emphasize to my colleagues that, as a scientist and a clinician, I am dogged in demanding strong, peer-reviewed science in making important public health decisions.

OSHA's ergonomics standard, issued on November 14, 2000, is critically important to working men and women. The standard is based on voluminous evidence, sound science and good employer practices and should not be repealed. This rule may not be perfect, but I can tell you that this rule is far better than the alternative.

This is a common sense measure to help prevent the suffering of American workers, while at the same time saving the American taxpayers billions of dollars.

I urge my colleagues to resist efforts to repeal this vital worker safety rule—and to oppose this resolution that prevents OSHA from implementing an ergonomic standard.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, every year, millions of hard-working Americans are injured on the job, men and women who do not have anyone looking out for them. They work two jobs, three jobs. Many do not have health insurance. Many make the minimum wage. They are meat packers, poultry workers, cashiers, assembly line workers, sewing machine operators. My mother was a sewing machine operator.

They do the jobs that Members of Congress do not want to do. They are the face that the Republican leadership today does not want us to see. They are the ones who will pay with their livelihood when we roll back these workplace safety rules.

In Connecticut, over 11,000 workers suffered workplace injuries in 1998. They were forced to miss one day of work. The cost to Connecticut's economy was $1 billion a year.

The President, the Republican leadership have decided that these workers do not deserve basic protections. The Wall Street Journal told us why yesterday. They said that the big industries that bankrolled the Bush campaign have now lined up looking for, and I quote, a return on their investment. That is what this is all about today. That is why we are rolling back worker-safety laws.

Stand with the people of America and not with the special interests. Vote against this bill today.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, it is not often that one gets to go to the House floor and actually vote on substantive legislation that will roll back regulation. It is equally a rare opportunity to stand and commend the Senate for doing the right thing before we get here. Today we get to do both. I appreciate this opportunity.

I stand in strong support of this legislation. There is never a good time to saddle business with the costs that this will saddle them with. Today and this time is a particularly bad time given the soft economy.

Mr. GEORGE MILLER of California. Mr. Speaker, if I might inquire as to how much time we have remaining.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from California (Mr. GEORGE MILLER) has 4½ minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 8 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, how many more people must be hurt before this Congress does what is right? Obviously, there are over 600,000 workers a year who get hurt because of ergonomic problems.

If we pass this resolution today, we are effectively saying we know one might get hurt and have injuries that last a long time, but we do not care. I am not willing to make that statement today.

This standard will help countless nurses, clerks, laborers, and, yes, factory workers. Factory workers like Ignacio Sanchez, my father, who worked for 40 years in the factory because he had to support seven children. These are the type of people my colleagues hurt today by passing this resolution.

The problem with the resolution is that it would not only revoke the current ergonomic standards, but it would prevent the Department of Labor from issuing future general standards. How can Congress prepare to debate a tax bill for the rich and yet hurt the working people of America? I ask my colleagues to vote against this resolution.

Mr. BOEHNER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. Norwood), chairman of the Subcommittee on Workforce Protections.

Mr. NORWOOD. Mr. Speaker, I would like to make it very clear to my friends on the other side of the aisle, as chairman of the Subcommittee on Workforce Protections, I care about the health and safety of workers just as much as they do. But this is a very bad rule coming from OSHA that could, indeed, hurt those same workers they want to protect.

Let us just take one simple hypothetical. Let us say an employee hurts themselves playing softball. They know that, under this regulation, if they claim this musculoskeletal disorder and can blame it on the work force, then they can take 90 days off with 90 percent of their pay. The injured patient then gets to the doctor and gets the doctor to say this softball accident really is work related. The employers call the doctor and say, wait a minute, this MSD was caused by playing softball. I know that. Two or three of our employees saw it. The doctor says, sorry, I cannot talk to you about this. It is against the law.

The OSHA SWAT team then comes in and says you have one MSD patient, you have one, therefore, you must make changes in your workplace, costing thousands of dollars for small businesses and perhaps millions for big businesses. Plus, you pay them 90 percent of the salary for 90 days.

This can force small businesses to go out of business when their workman's compensation premiums double with all the other additional expenses one adds on top of it.

Mr. Speaker, I want to hear OSHA explain to me how they are going to enforce these new ergonomic rules in the textile plants of Mexico and China. It seems we have trade agreements that allow these countries access to our textile market, so it would only be fair that those Mexican and Chinese mills should have to comply with these rules the same as American textile mills.

We do not at present require Mexican and Chinese friends to comply with the minimum wage. So it concerns me that OSHA is planning to let them off the hook on ergonomics as well.

I also want to see the OSHA plan for enforcement of these new ergonomic standards for the Canadian lumber industry. Under these new rules, it looks like it might be illegal for a logger to pick up a chain saw. I really want to know if our Canadian friends will have to operate under the same restrictions that we are.

See, my district has lost hundreds of jobs in the past few months to subsidized Canadian timber prices, while we have all but kicked our loggers out of the National Forests.

Now, I also have an even trickier question. When Mexican and Canadian truckers come driving their loads of textiles and logs down our interstate highways as called for by NAFTA, is OSHA going to enforce the same ergonomic standards on them as they do our Teamsters?

Mr. Speaker, every Member of this House and every union worker in America needs to recognize a terrifying reality about the implementation of these standards. These new rules include a total labor of compliance for every corporation who will move U.S. jobs across our northern and southern borders out of this country. Mr. Speaker, it appears our workers may face more of a danger from new OSHA regulations than they ever would from repetitive motions.

I urge rejection, I urge us all to disagree with this standard wholeheartedly. It is as bad as the one this House let the Labor Department pass 9 or 10 years ago on the blood-borne pathogen standard. I know how bad that one was because, in my other life, I had to live under that nonsense.

Please do not allow them to get away with this again. Let us come back and write real standards.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), a member of the Committee on Appropriations, Subcommittee on Labor, Health and Human Services and Education.

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, on whatever side of the issue, we all ought to be against this legislation on the floor today. To the new Members who come here, did they come here expecting to have no hearings, no consideration, no full debate on issues of consequence to hundreds of thousands and, yes, millions of Americans? Is that how we are going to run the House of Representatives? Is that the responsibility we owe in a democracy?

The gentleman from Georgia (Mr. NORWOOD) has been rolled on the Patients' Bill of Rights by his own leadership? Why do we come to the floor rolling us once again, and when I say ''us,'' not the Democrats and Republicans in the House of Representatives, but the thousands of people who might just want to come here and tell us how they believe, what they think, what their perceptions are.

The gentleman from Georgia (Chairman NORWOOD) said this, ''No reason to believe they,'' speaking of Libby Dole and George Bush, ''would be for this legislation.'' Of course there is no reason to believe, because we have not asked them. We have not asked any American to come in and tell us what should we do. That is not the way to legislate.

Reject this legislation.

Mr. Speaker, the final Workplace Safety Standard issued by the Occupational Safety and Health Administration on November 14, 2000, was the result of a 10-year public process initiated in 1990 by Secretary of Labor, Elizabeth Dole.

Use of the Congressional Review Act to repeal the Workplace Safety Standard is an extreme measure. Not only would it represent the first vote ever in Congress to take away a public health and safety protection, but it would also prevent OSHA from ever issuing other important worker health and safety measures.

Each year, U.S. workers experience 1.8 million work-related repetitive stress disorders. And every year 600,000 workers in America lose time from work because of repetitive motion, back and other disabling injuries.

According to the Bureau of Labor Statistics, 34 percent of all lost workday injuries are related to repetitive stress injuries. These injuries are often extremely painful and disabling; sometimes they are permanent.

Last year the Department of Labor estimated that the workplace safety rule would prevent about 300,000 injuries per year, and save $9 billion in workers compensation and related costs.

Due to riders and similar block-at-all costs tactics since 1995, the delay in implementing this rule cost $45 billion in workers' compensation and related costs, and allowed 1.5 million painful and disabling injuries that could have been prevented.

The problems are real, but so are the solutions. The time for delay is past.

The time to act is now. American's workers can't afford to wait.

I urge my colleagues to vote "no" on the joint resolution of disapproval.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, these workplace safety standards were not developed over night. They were discussed under a Republican administration. It took thousands and thousands of comments, 7,000 written comments. One thousand individuals came to hearings across the Nation. They were not developed overnight.

As a result, these regulations were promulgated, put forth, only nine pages to protect American workers. They have not even been put into effect yet. The Republican majority today, and President George W. Bush, want to throw out these workplace safety regulations before they have even been put into effect after 10 years of discussion and work. Vote no on this rule.

Mr. BOEHNER. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I would simply like to tell the gentleman from Maryland (Mr. HOYER) I do not look like I have been rolled, and I do not feel like I have been rolled; and we will get a patients protection bill out. But it will not do any good if my colleagues allow this standard to go through that OSHA is trying to put down on us.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, to my friend from Florida, some companies do help the employees and workers and some do not. That is why we have Federal legislation.

The young lady sitting to my left, this hard-working young lady, is relieved every 15 minutes, is replaced. She goes downstairs and transcribes.

So while someone just said that OSHA does not cover Federal employees, executive orders cover Federal employees. Know the law. Know the law right under our noses.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a direct attack on the separation of powers. It certainly is amazing to me that my colleagues have not taken the time to go and see what it is to be in the poultry factory, plucking legs and wings day after day and time after time, or being a high-tech worker. What an irony, it has taken 10 years to do this; and overnight, in 5 minutes, we are throwing it out.

□ 1900

But the main point my colleagues have missed is it is the employer that decides whether or not the worker is injured, not anybody else. My colleagues are in fact asking America to

suffer injury, if this is the legislative process of this House. If there is any mercy, mercy on the American people. Mercy on the American people. This is a disgrace. Vote against it.

Mr. Speaker, I rise in strong opposition of S.J. Res. 6, Disapproving Resolution for the OSHA Ergonomics Rule. The resolution being considered by the House today will adversely affect the American worker's right to be properly compensated when injured on the job. I vehemently oppose this action to repeal the Occupational Safety and Health Administration (OSHA) regulations regarding the ergonomics rule.

Under current law, Congress may repeal an agency's regulation by enacting a resolution of disapproval within 60 days of the rule being promulgated. S.J. Res. 6 disapproves the rule issued by OSHA of the Labor Department regarding repetitive-stress injuries and provides that the rule, announced in November, shall have no force, effectively repealing it.

The regulation addressed by this disapproval resolution was issued in the final days of the Clinton Administration by (OSHA) to prevent repetitive-stress injuries. Since the appropriations act for FY 2001 was not enacted by last November, the Clinton administration was given an opportunity to promulgate a final ergonomics rule.

The rule, promulgated last November by OSHA, generally covers all workers, except those in construction, maritime, railroad or agriculture, who are covered by other protections. The rule requires employers to distribute to their employees information about musculosketal disorders (MDSs) and their symptoms. The OSHA rule that the resolution disapproves took effect January 16, 2001, but most of the requirements of the rule are not scheduled to be enforced until October 15, 2001. Employers must also respond to employees' reports of MSDs, or symptoms of MSDs, by this date.

The rule requires—and for good reason—to take action to address MSDs and ergonomic hazards when an employee reports a work-related MSD and has significant exposure to ergonomics risk factors. Under the rule, it is the employer who determines if the MSD is work-related; if it requires days away from work, restricted work, or medical treatment beyond first aid; and if it involves signs or symptoms that last seven consecutive days after the employee reports them to the employer.

The employer must do a quick check to assess whether the employee is exposed to ergonomics risk factors, including repetition, force, awkward postures, contact stress and hand-arm vibration. The rule would allow workers to finally receive the compensation they deserve.

S.J. Res. 6 would effectively dismantle an effective solution to the most important safety and health problems that workers face today. The procedure being used to overturn the rule prevents any kind of reasoned debate about the merits of the ergonomics rule.

Let's look at the facts. Workplace practices cause millions of ergonomics injuries each year. OSHA's rule will prevent more than 4.6 million of these injuries in the first ten years and will benefit more than 100 million workers throughout the nation.

OSHA estimates that the ergonomics standard will cost American businesses $4.5 billion annually. But it will also save businesses $9.1 billion in worker's compensation costs and lost productivity each year. This is an economic argument often forgotten.

The current ergonomics standard is the long-awaited result of a 10-year process begun by former Labor Secretary Elizabeth Dole. This resolution is being considered under a procedure that prevents reasoned consideration of the merits of this ergonomics rule and prohibits amendments to that rule. The resolution was rushed through the Senate and was abruptly added to the House schedule by the GOP leadership—without adequate notice usually given to such important measures.

The recent National Academy of Sciences study proves conclusively that workplace practices cause ergonomics injuries and that ergonomics programs work to prevent and limit these types of injuries. This study simply confirms the results of numerous previous studies.

Mr. Speaker, if there are problems with the ergonomics rule, we should make changes to address those problems. But such changes could be made administratively—without throwing out the entire rule and, with it, any debilitating ergonomic injuries. Let us pause for a moment and remind ourselves of our obligation to provide full compensation of workers' injuries. I urge my colleagues to oppose the resolution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I said earlier this evening this was an assault on the American worker, and it is; but it is also an insult to the American worker that earlier today, rather than extend the debate so we could discuss the facts, so we could debate it back and forth, the House chose to rather stand in recess than have a debate in the people's House.

When we asked for a hearing in committee, there was no hearing forthcoming in the committee. When the Committee on Appropriations asked for a hearing, there was no hearing. Yet for years the Republicans have stalled this regulation by saying they wanted more evidence, they wanted additional studies. They stalled it right up until the last days of the Clinton administration. And then when President Clinton issued this regulation in the last days of his administration, they said, How could he do this at the last minute? Because they had been stalling him for 6 and 7 years to promulgate this regulation. This is like the people who kill their parents and then ask mercy from the court because they are orphans.

It is no wonder this regulation has been stalled. And now when it is finally in place to protect the American workers, they insult the American workers by overturning it in 1 hour.

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

Mr. Speaker, this really is a historic day in the people's House. This is the first time that the Congressional Review Act of 1996 is actually working its way through Congress and for the first time in the 10-plus years that I have been a Member of Congress that the Congress has stood up to the bureaucracy.

Yes, the gentleman from California is right, there are nine pages of regulations; but it took OSHA 600 pages to try to explain this to American businesses. And it would take any business owner in America a lawyer, a lawyer, to read through this to figure out exactly under what conditions the employer had to live by this regulation.

Now, we have heard a lot of debate today about the fact there is only 1 hour that we are going to have this discussion today. Now, all of the Members who have been here, more than those who were just here the last month and a half, know that we have debated this issue for 10 years; and for the last 6 or 7 years we have voted, the Congress, every year, to stop this and told OSHA to go back and take a look at it because it is too broad, it is too complicated, and it is too excessive on American workers and the people that they work for.

And what happened? The bureaucracy never listened. OSHA continued down their path of trying to shove this down the throats of the American people. This Congress today is standing up, finally, to the bureaucracy and saying, enough is enough; it is time to do something reasonable or not do it at all.

Now, why do I get a little excited about this? Well, let us go back. Let us go back to October when Congress voted again to make sure that this study did not go into effect. Four days after the election, the Clinton administration and OSHA decided they were going to proceed with this regardless of what the Congress thought. Why 4 days after the election? So it could take effect 4 days before the new administration came to office.

I do not think that is what the American people want. And I am proud of the fact that my colleagues today will stand up and tell the bureaucracy, enough is enough; that they are going to do things in a reasonable, responsible way or they will not do them at all.

Who are the people who are most concerned about their workers in this country? It is American small businessmen and small businesswomen who know that their workforce is the heart and soul of their business. The chances for them to succeed are based on their workers and the relationship they have with their workers. They are the ones that are interested in them.

We heard about the FedEx drivers with the bands around their waist, or the UPS drivers. Why do they wear

that? Not because of OSHA. Because their employer wants to make sure that they keep them healthy and on the job. How about the Home Depot worker? Same kind of waist band, and Amazon.com, we see them running around. How about the people at the Kroeger store who stock the shelves? Those companies are there looking out for their workers, as all employers are. And for Kroeger, as an example, when it comes to the checkout person and the height of that table they operate from and that cash register, that is all designed to protect those workers.

So I would ask all my colleagues today to stand up on this historic day and do what is right. Do what is right for American workers and do what is right for American business, and let us once and for all tell the bureaucracy here in Washington, enough is enough.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to this first attack from the Bush administration on the working people after the coup d'etat that took place in Florida.

Mr. Speaker, I rise in strong opposition to this resolution. Corporate America, President Bush and this Republican controlled Congress are abandoning the scientifically based worker safety protections that the Labor Department had finally put in place.

I would also like to point out that without the coup that took place this past November in Florida, we would not be having this debate. This is another perfect example of how much it really does matter which party is in power and which party cares about our nation's workers.

After years of struggle, the newly enacted worker protections are already under attack, and are about to be stamped out completely. Big business and their allies in Congress, through an undemocratic political maneuver, want to throw out 10 years of struggle and research to kill the standards that require employers to protect workers.

Remember, working men and women are the backbone of this country, and I cannot believe that this Congress is simply ignoring their safety.

OSHA was finally moving forward to develop a standard to prevent unnecessary injuries, and this bill would only cause those workers more pain.

I urge my colleagues to stand up for the workers of America and vote against this resolution.

Mr. CONYERS. Mr. Speaker, I rise today in support of federal employees, who after ten years of studies, scientific evidence and millions of injuries, have taken the evidence and acted to protect the public interest. I rise in support of the findings of the studies initiated by my Republican Colleagues, which found not once, not twice, but in three separate studies, that Musculoskeletal Disorders, which injure nearly 2 million people annually, are caused by ergonomics hazards in the workplace. I rise in support of the employees in my state and district who have suffered workplace injuries, and who have continued to suffer without the protection of an ergonomics standard which has been found to prevent those injuries. I rise to applaud the Clinton Administration's efforts to protect worker safety and the enactment OSHA's most significant rule to date. Unfortunately, this legislation is just another attempt by the Republican Party to eliminate the gains that the Clinton Administration gave to American workers.

If I were to tell you that 1,600 children were being injured at their schools every day, if 1,600 people were injured every day in car accidents, if 1,600 people a day were injured in any other fashion, we would have a national crisis on our hands. But when OSHA, the Department of Labor, the Centers for Disease Control, and three separate studies, find that 1,600 workers are injured so severely on the job every day, that they need time off of work, we not only turn our back on workers, but we attempt, for the first time ever, to rescind a rule issued by federal agencies. These 1600 injuries are preventable, my friends! These injuries are estimated to cost 20 billion dollars annually in workers compensation, while the actual cost to the economy is nearly 50 billion dollars. These injuries result in lost wages for working families and lost productivity for struggling small businesses. And it's preventable!

I also rise today in strong opposition to the method by which this legislation has come to the House Floor. The Congressional Review Act has never before been used to review a rule that our agencies have issued. It's never before been used. Ever. The Congressional Review Act is an extremist tool, a part of the Contract with America, and it's being used to tie the hand of our federal agencies, and of future Congresses, and to end any chance of ever protecting workers from preventable injuries. The method by which this bill has come to the House floor today, has left both sides unable to amend the legislation, bypassing long established House procedures, including review by the appropriate committee's. It's been rushed through by people long opposed to OSHA's ergonomics rule, and will result in permanent debilitating injuries to employees, and in billions of dollars of damage to our economy.

I encourage all of my colleagues to take a close look at the studies which opponents to this rule commissioned. They prove conclusively that ergonomic practices can prevent injuries and help improve the quality of life of all working Americans. I strongly discourage establishing this dangerous precedent, and ask that they vote against the Disapproval Resolution for the Ergonomics Rule.

Mr. CHAMBLISS. Mr. Speaker, I rise in strong support of the Senate Joint Resolution 6 to overturn the Occupational Safety and Health Administration's flawed ergonomics regulation. OSHA's Ergonomic rules are unnecessary, too costly to businesses, and may not accomplish the stated goal of improving worker safety.

The proposed regulation is expected to cost $4.5 billion to the economy according to OSHA, I believe the cost will far exceed that. Small, medium, and large businesses would incur billions of dollars in new costs. If allowed to go into effect the OSHA regulation will be the biggest, most onerous new government mandate industries have faced in years, and there is absolutely no concrete evidence that it would result in a greater reduction in injuries.

The problems with the OSHA ergonomics regulations are numerous. Musculoskeletal disorders are poorly defined with no differentiation between job injuries and those, which are pre-existing. It is impossible to ignore non-work-related factors, yet OSHA requires employers to do so. Furthermore, there is no medical standard for confirming injuries or a standard treatment protocol. Employees will also be left to determine whether to follow a federal OSHA requirement or state workers' compensation laws when any musculoskeletal disorder occurs.

Industries have done extensive research of employees and their worker safety records. The results of their research have shown that voluntary initiatives such as early intervention, job rotation, worker training, new equipment, and increased mechanization contribute to improving worker safety records.

Passing this resolution to rescind OSHA's ergonomics regulation will be a victory for workers and businesses in Georgia. We must ensure that workers have safe conditions in which to work while at the same time allowing businesses to prosper. The Clinton Administration's last minute, costly ergonomics mandate would have resulted in layoffs and higher prices for goods and services. I urge all of my colleagues to join me in supporting this resolution.

Ms. LEE. Mr. Speaker, I rise in strong opposition to S.J. Res. 6, the Disapproval Resolution for the OSHA Ergonomics Rule. This proposal will repeal ergonomic standards that protect millions of working men and women.

These ergonomics guidelines were issued in the final days of the Clinton administration by the Occupational Safety and Health Administration (OSHA) to prevent repetitive-stress injuries.

These guidelines are designed to prevent musculoskeletal disorders, such as back injuries and carpal tunnel syndrome, which constitute the biggest safety and health problem in the workplace. Such injuries account for nearly one-third of all serious job-related injuries.

In 1999, according to the Bureau of Labor Statistics, more than 600,000 workers suffered injuries caused by repetitive motion, heavy lifting, and forceful exertion. Ergonomics injuries affect every sector of the economy, including nurses, cashiers, computer users, truck drivers, construction workers, and meat cutters.

Women are particularly harmed by such injuries. Employees in data entry positions, assembly line slots, nursing home staffs and many other jobs face a heightened risk of workplace injury if implementation of the new ergonomics standard is halted.

A January 2001 National Academy of Sciences (NAS) study concluded that there is abundant scientific evidence demonstrating that repetitive workplace motions can cause injuries, and that such injuries can be prevented through ergonomic interventions.

OSHA developed a set of regulations to prevent extensive worker injuries. It is estimated that implementation of these regulations will

prevent more than 4.6 million injuries over the next decade and save employers $9.1 billion a year. If S.J. Res. 6 passes the House, OSHA will be barred from issuing comparable protections to protect workers.

Our workers need to be protected. The OSHA guidelines will prevent hundreds of thousands of serious injuries each year and spare workers the pain, suffering and disability caused by these injuries. If S.J. Res. 6 passes, our workers will have no safety mechanisms to protect them from being injured at the workplace.

We cannot gamble with our worker's health and safety. They should not have to suffer unnecessary injuries. We must move forward and implement OSHA's important protections that will prevent more workers from being hurt.

It is unfortunate that the Bush Administration is declaring war on working families by supporting this proposal. This Administration is pushing this bill in order to pay off the big businesses that supported their election.

But what about the working class who will suffer tremendous losses due to the passage of this bill?

This is the same week that the Republicans want to pass a tax cut to benefit the wealthy while at the same time abolish workplace safety standards for the working class! Where are the priorities our President and Republican leadership?

I strongly urge my colleagues to support our hard-working individuals by voting ''no'' on passage of this proposal.

Mr. BENTSEN. Mr. Speaker, I rise in strong opposition to S.J. Res. 6, the Disapproving Resolution for the ergonomics rule that the Occupational Safety and Health Administration issued to prevent workplace-related repetitive-stress injuries.

Today we stand poised, for the first time, to disapprove an agency rule under the Congressional Review Act (CRA). The target of this unprecedented effort is a rule that tries to address musculoskeletal disorders (MSDs). The rule requires employers to take actions to address MSDs and ergonomic hazards if and when the employer determines that an employee, who has significant exposure to ergonomics risk factors, has reported a work-related MSD injury. This process was commenced by former Labor Secretary Elizabeth Dole in 1990, during the first President Bush's administration, who noted at the time that there was sufficient scientific evidence to require OSHA to proceed to address ''one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's'' Here we are, over a decade later, still arguing about whether the OSHA has the authority to promulgate a workplace ergonomics rule.

It is important to stress two things. First, under the ergonomics rule, it is the employer, not the employee, who determines if the reported MSD is work-related. Employers may obtain the assistance of a health care professional in determining whether the MSD is work-related or employers may make the determinations themselves. Second, the ergonomics rule does not apply a ''one-size-fits-all'' approach that forces employers to establish comprehensive ergonomics program. Employers are given the flexibility to tailor their response to the circumstances of their workplace. Employers may use a combination of engineering, administrative and work-practice controls to reduce hazards. I suspect if the Agency put out specific requirements, they would be chided for being too inflexible and placing impractical burdens on employers.

Opponents of the ergonomics rule argue that the costs of complying with the OSHA ergonomics standard will be $100 billion. While I understand these concerns, and believe that the compliance burden of the ergonomics standard should be limited, especially on small businesses struggling to make a profit, I am also concerned that some workers may suffer undue stress and injuries from repetitive motions which could result in even greater costs. Studies have found that these disorders constitute the largest job-related injury and illness problem in the United States today. Employers pay more than $15–$20 billion in workers' compensation costs for these disorders every year, and taking into account other expenses associated with repetitive stress injuries (RSIs), this total may increase to $45–$54 billion a year. While thousands of companies have taken steps to address and prevent musculoskeletal disorders (MSDs) or RSIs, half of all American workplaces address ergonomics. The annual costs of this standard to employers are estimated to be $4.5 billion, while the annual benefits it will generate are estimated to be $9.1 billion.

Mr. Speaker, I rise in strong opposition to this shortsighted congressional action has ramifications far beyond treating the rule as if it had never taken effect. Disapproval prohibits OSHA from reissuing the same rule or a new rule that is ''substantially the same'' unless the new rule is specifically authorized by Congress. Given the political minefield OSHA had to cross the first time, history tells us that they won't soon be traveling that road again, leaving far too many American workers in workplaces that do not address a substantial workplace hazard.

Mr. LEVIN. Mr. Speaker, I strongly oppose the resolution pending before the House, which would disapprove the Department of Labor workplace safety rules related to ergonomics. In the strongest possible terms, I urge my colleagues to reject this measure.

There have been ten years of science and study on this issue. Each year, it is estimated that 1.8 million Americans suffer from workplace injuries, many of which result from overexertion or repetitive motion. Musculoskeletal injuries on the job cause 300,000 injuries each year. Workers in the meatpacking and poultry industries, auto assembly, nursing homes, transportation, warehousing, construction and data entry are among those most affected. Due to the demographics of these jobs, women are particularly at risk. Many of these injuries are serious enough to require time off from work, and cost businesses billions in workers compensation.

It speaks volumes that after years of delaying these workplace safety standards with the argument that more time and study were needed, the Republican Majority has rushed this resolution of disapproval to the Floor with little notice, no committee hearings, no possibility of amendment, and only one hour provided for general debate. It's also ironic that, should the House adopt the resolution before us today, a workplace safety rulemaking that began 9 years ago during the first Bush Administration will be derailed by the signature of George W. Bush.

If there are problems with the new ergonomics rules, they can be addressed through the regular process, through hearings, and perfecting changes. Instead, today we have a sledgehammer.

Republicans should not be putting the special interests ahead of the public interest. We've studied this and studied this for the last ten years. The results are in. It's time to protect Americans from these preventable injuries. In the interest of protecting millions of workers from debilitating injuries, Congress should reject the resolution of disapproval.

Mr. SCHAKOWSKY. Mr. Speaker, ergonomics may be a fancy-sounding name but the impacts on workers from ergonomic hazards, including repetitive stress injuries (RSIs), carpal tunnel syndrome and tendonitis are down-to-earth and serious. Working men and women who suffer from ergonomic injuries have difficulty accomplishing the simple tasks that we take for granted. They often cannot open a can of soup, cannot comb their hair, and cannot hug their children. All of us know someone who has suffered a repetitive stress injury. Many keep working, in pain, because they cannot afford to stop. Their injuries are serious, they are obvious, they are often life-long and—most importantly—they are preventable.

Every year, 600,000 workers suffer serious injuries because of ergonomic injuries (according to a 1999 BLS study). Many of those injured workers are women. In fact, while women are 46 percent of the workforce, they account for 64% of repetitive motion injuries, 69% of lost-work-time cases due to carpal tunnel syndrome, and 61% of lost-work-time cases from tendinitis. Ergonomic hazards are the cause of one-third of all serious job-related injuries, but half of injuries affecting working women. They cost our nation $45 to $50 billion each year in medical costs, lost wages and lost productivity.

I, along with my Democratic colleagues in the Illinois delegation, today released a report prepared by the minority staff of the Government Reform Committee. It found that, in 1998, 26,734 Illinois workers suffered injuries so severe that they missed at least one day of work. Of those injuries, 5,554 workers—more than 1 in 5—missed more than a month of work. The cost of Illinois' economy is over $2 billion a year.

Last November, after 10 years of study, 9 weeks of hearings, 11 best practices conferences, 9 months of opportunity for written comment, and years of legislative delays, ergonomic standards were finally issued to prevent injuries. The program standard issued last fall outlined the benefits from this rule: 4.6 million fewer injuries, protections for 102 million workers at 6.1 million worksites, $9.1 billion in average annual savings, and $27,700 savings in direct costs for each injury prevented. The cost: $4.5 billion a year. Half of the projected savings result from preventing 4.6 million injuries.

In January 2001, the National Academy of Sciences issued a Congressionally-mandated

study, giving the latest in a long line of confirmations that ergonomic injuries are a serious workplace problem and they can be prevented through standards to reduce ergonomic hazards.

There is practical evidence as well. At companies like 3M and the big three auto makers, ergonomic standards have not only helped reduce worker injuries, they have saved money and made the companies more productive.

Ten years ago, Labor Secretary Elizabeth Dole called repetive stress injuries "one of the nation's most debilitating across the board worker safety and health illnesses of the 1990's." We have delayed action for 10 years. Over that time, 6 million working men and women suffered needlessly. It is wrong that we let the 1990's go by without taking action. It would be unconscionable to allow RSIs to continue to plaque working families in the new millennium.

The Joint Resolution of Disapproval overturns last November's standards and prevents the Department of Labor from issuing any similar standard unless specifically authorized by Congress. The Bush Administration and its Republican supporters in Congress say that the rule costs too much. It is too costly to protect 102 million workers? This same Administration has proposed giving $774 billion to the richest one-percent of all Americans over the next 10 years.

I believe the November standards make sense in terms of workplace health and safety and economic productivity. But even if you believe that the employers need help to make ergonomic changes, why not take some of that $774 billion and use it to improve workplace safety? I simply do not believe that protecting workers is beyond our means.

ERGONOMIC INJURIES IN ILLINOIS

(Prepared for Representatives Rod R. Blagojevich, Jerry F. Costello, Danny K. Davis, Lane Evans, Luis Gutierrez, Jesse Jackson, Jr., William O. Lipinski, David Phelps, Bobby L. Rush, and Janice D. Schakowsky)

Minority Staff, Special Investigations Division, Committee on Government Reform, U.S. House of Representatives, March 7, 2001

EXECUTIVE SUMMARY

Ergonomic injuries, such as back problems, tendonitis, sprains and strains, and carpal tunnel syndrome, are a serious and expensive workplace problem affecting the health of hundreds of thousands of workers and costing the U.S. economy billions of dollars annually. In 1998, almost six hundred thousand workers suffered ergonomic injuries that were so severe that they were forced to take time off of work.

Ergonomic injuries account for one-third of all occupational injuries and illnesses and constitute the single largest job-related injury and illness problem in the United States. The National Academy of Sciences has estimated that the costs of ergonomic injuries to employees, employers, and society as a whole can be conservatively estimated at $50 billion annually.

The U.S. Department of Labor has worked for a decade to develop regulations to prevent ergonomic injuries. These regulations were finalized in November 2000. However, Congress is now considering repealing these regulations using the Congressional Review Act, a special legislative maneuver that has never been used before.

In order to estimate the impact of a repeal of the ergonomics rule on Illinois workers and on the state's economy, Reps. Rod R. Blagojevich, Jerry F. Costello, Danny K. Davis, Lane Evans, Luis Gutierrez, Jesse Jackson, Jr., William O. Lipinski, David Phelps, Bobby L. Rush, and Janice D. Schakowsky requested that the Special Investigations Division of the minority staff of the Committee on Government Reform conduct a study of ergonomic injuries in the state. This report, which is based on data obtained from the Bureau of Labor Statistics (BLS) and cost estimates prepared by the National Academy of Sciences, presents the results of the investigation.

The report finds that:

Thousands of Illinois workers suffer from ergonomic injuries. In 1998, 26,734 Illinois workers suffered ergonomic injuries that were so severe that they were forced to miss at least one day of work. Ergonomic injuries accounted for one-third of all occupational injuries that occurred in Illinois.

Many of these ergonomic injuries are severe, causing workers to miss significant time away from work. Of the 26,734 ergonomic injuries that caused workers to miss time at work, 5,554, over 20%, caused workers to miss more than a month of work. Almost 60% percent of the injuries were so severe that they caused workers to miss more than one week of work.

Ergonomic injuries cost Illinois's economy over two billion dollars each year. The analysis estimates that the total statewide cost of ergonomic injuries, including lost wages and lost economic productivity, was approximately $2.3 billion in 1998.

I. INTRODUCTION

Ergonomic injuries, such as back problems, tendonitis, sprains and strains, and carpal tunnel syndrome, are a serious and expensive workplace problem affecting the health of hundreds of thousands of workers and costing the U.S. economy billions of dollars annually. In 1998, almost six hundred thousand workers suffered ergonomic injuries that were so severe that they were forced to take time off of work. Ergonomic injuries account for one-third of all occupational injuries and illnesses and constitute the single largest job-related injury and illness problem in the United States. These injuries are painful and debilitating. Ergonomic injuries can permanently disable workers, not only reducing their ability to perform their job, but preventing them from handling even simple tasks like combing their hair, typing, or picking up a baby.

These injuries are also expensive. Employees lose wages because of these injuries, while employers are forced to pay billions in compensation and face high costs because of the loss of productivity from the injuries. The National Academy of Sciences has estimated that the costs of ergonomic injuries to employees, employers, and society as a whole can be conservatively estimated at $50 billion annually.

Both Republican and Democratic administrations have been concerned about ergonomic injuries for over a decade. In 1990, Elizabeth Dole, Secretary of Labor for President George H.W. Bush, found that ergonomic injuries were "one of the nation's most debilitating across-the-board worker safety and health issues" and announced that the Bush Administration was "committed to taking the most effective steps necessary to address the problem of ergonomic hazards. In June of 1992, President Bush's Labor Department began work to establish regulations to solve the problem of ergonomic injuries.

Under President Clinton, the Department of Labor continued to investigate the causes and potential solutions to ergonomic injuries. Last year the Department held nine weeks of hearings with more than one thousand witnesses. It sponsored 11 best practices conferences and allowed for nearly nine months of written comment from the public. It examined extensive scientific research, including a 1998 National Academy of Sciences study that found that ergonomic injuries can be caused by work and that workplace interventions can reduce the number and severity of these injuries. Finally, on the basis of this evidence, the Department concluded that ergonomic standards would reduce the number and severity of ergonomic injuries.

On November 14, 2000, the Department issued the final standards to reduce the occurrence of ergonomic injuries. Beginning in October of this year, covered employers must provide their employees with information about ergonomic injuries, how to recognize and report them, and a brief description of the new ergonomic standard. The employee is not required to take any additional steps unless an employee reports an ergonomic injury or persistent signs of one. If an employee reports an ergonomic injury or persistent symptoms, and the employee is exposed to ergonomic hazards, the employer must then take action to address the problem. This action could range from a "quick fix," if the injury is isolated, to implementation of a full ergonomics program.

The standards cover over six million employers and over 100 million workers. OSHA estimates that compliance will cost $4.5 billion annually, but that the standards will save approximately $9.1 billion annually and prevent roughly 4.6 million injuries over the next ten years.

Congress is now considering overturning these regulations using a special legislative maneuver, the Congressional Review Act (CRA), which has never been used before. The CRA, enacted in 1996 as part of the Republican Contract with America, allows Congress to repeal rules promulgated by executive agencies. The CRA also allows Congress to bypass many procedural requirements and repeal rules with very little debate.

On March 1, 2001, Senator Don Nickles (R–OK) invoked the CRA and introduced S.J. Res. 6, which disapproves the recently enacted ergonomics rule. If both the House and the Senate pass the legislation to overturn the regulation, and the President does not veto it, the ergonomics rule will be repealed. The Labor Department would then be permanently prevented from issuing any ergonomics rule that is "substantially the same" as the disapproved rule.

II. OBJECTIVE OF THE REPORT

This report was requested by Reps. Blagojevich, Costello, Davis, Evans, Gutierrez, Jackson, Lipinski, Phelps, Rush, and Schakowsky to estimate the incidence of ergonomic injuries in Illinois. While there have been analyses of the numbers of workers affected and the cost of ergonomic injuries at the national level, there have been few estimates of the extent of the problem at the state level. This report is the first congressional study to estimate the number of ergonomic injuries in Illinois, as well as the first to estimate the costs of these injuries.

III. METHODOLOGY

This analysis presents an estimate of the number of ergonomic injuries in Illinois, and an estimate of their cost. The data on the number ergonomic injuries was obtained upon request from the Bureau of Labor Statistics (BLS). BLS conducts extensive surveys of 220,000 private employees in 41 states,

and produces state and national estimates of the total number of workplace injuries and illnesses based on these survey results. The data obtained from BLS includes information on all musculoskeletal disorders—such as sprains and strains, back injuries, and carpal tunnel syndrome—that caused employees to miss at least one day of work. In addition to obtaining information on the total number of musculoskeletal injuries, the minority staff also requested and obtained more detailed data on the types and severity of injuries, the industries in which they occur, and the workers who are affected.

The report also estimates the cost of ergonomic injuries in Illinois. In order to estimate these costs in Illinois, the report relies upon the recent estimate by the National Academy of Sciences of the nationwide economic costs of ergonomic injuries. The economic costs estimated by the National Academy of Sciences include medical costs, lost wages, and lost productivity. In order to determine a statewide share of these costs, the report calculates the proportion of all U.S. ergonomic injuries that occur in Illinois. The report then uses this proportion to estimate the total economic costs in Illinois.

The cost figures in this analysis are estimates and are based upon several assumptions about the cost of treating ergonomic injuries and the lost wages and productivity due to these injuries. However, because the BLS data significantly underestimate the total number of injuries, it is likely that these estimates are significantly below the true cost of ergonomic injuries. According to the National Academy of Sciences, ''there is substantial reason to think that a significant proportion of musculoskeletal disorders that might be attributable to work are never reported as such.'' For example, a study in Connecticut found that only 10% of workers who suffered from work-related ergonomic injuries had filed workers' compensation claims, suggesting a high level of underreporting.

IV. FINDINGS

A. The Number and Severity of Ergonomic Injuries in Illinois

The Bureau of Labor Statistics indicate that ergonomic injuries are a severe problem in the state of Illinois. The data show that in 1998, 26,734 workers suffered ergonomic injuries that were so severe that they were forced to miss at least one day of work. Ergonomic injuries accounted for one-third of all occupational injuries that occurred in Illinois in 1998.

Many of these ergonomic injuries are severe, causing workers to miss significant time away from work. Of the 26,734 ergonomic injuries that caused workers to miss time at work, 5,554, over 20%, caused workers to miss more than a month of work. Almost 60% of the injuries were so severe that they caused workers to miss more than one week of work. These extended absences cause financial hardship for employees and increase costs for their employers.

Workers in some industries are at higher risk of ergonomic injuries than workers in others. Overall, workers in the manufacturing suffered the most injuries (7,303), followed by workers in the services sector (6,132 injuries), and workers in transportation and public utilities (4,731 injuries). Among industry divisions employing a significant number of Illinois citizens, the transportation and public utilities industry had the highest incidence rate of ergonomic injuries, 148 per 10,000 workers.

B. The Cost of Ergonomic Injuries in Illinois

Ergonomic injuries cost Illinois's economy millions of dollars each year. In 1998, workers' compensation insurance paid injured workers in Illinois $1.7 billion. The BLS data show that ergonomic injuries accounted for 33% of all workplace injuries in Illinois that year. If workers with ergonomic injuries received a proportionate share of the payments from workers' compensation, the cost of workers' compensation payments for Illinois workers that suffered ergonomic injuries in 1998 would be approximately $560 million.

Workers' compensation payments are only a part of the total economic cost of ergonomic injuries, however. Employers and employees must not only pay for medical treatment, but lose millions of dollars in lost wages and lost economic productivity. Overall, the National Academy of Sciences estimates that the total cost of ergonomic injuries to the U.S. economy is approximately $50 billion annually. In 1998, Illinois's private industry workers suffered 26,734 ergonomic injuries, which is 4.5% of all ergonomic injuries that occurred in the United States. If the state of Illinois bears a proportionate share of the nationwide economic costs of ergonomic injuries, this would mean that total costs due to ergonomic injuries in Illinois in 1998 were approximately $2.3 billion.

V. CONCLUSION

This analysis finds that ergonomic injuries present a severe health problem for Illinois's workers and a significant economic cost statewide. Over 26,000 Illinois workers suffered ergonomic injuries that forced them to miss work in 1998. These injuries were often serious, with almost 60% of the injuries causing workers to miss more than a week of work. The total cost of ergonomic injuries to employers and employees in Illinois in 1998 was approximately $2.3 billion.

Mr. CLAY. Mr. Speaker, I rise to urge my colleagues to support the OSHA Ergonomics Standard by voting no on the CRA resolution.

The importance of maintaining the Ergonomics standard as it relates to the health and well being of American workers cannot be argued. Each year, ergonomic workplace hazards cause over 1.8 million Americans to suffer crippling Musculoskeletal disorders, or MSDs. And of those injuries, 600,000 result in lost time from work.

Clearly, MSDs are the greatest single safety and workplace hazard confronting American workers today. But these types of injuries can be prevented simply by requiring employers to adhere to specific ergonomics workplace standards—and the OSHA rules do just that.

The long overdue OSHA ergonomics standard is supported by extensive scientific research and an exhaustive rulemaking record. We have the testimony of scores of scientific experts and hundreds of workers presented during numerous hearings on the matter—and they confirm that MSD injuries ARE serious, and they ARE caused by inadequate workplace environments, AND, they ARE preventable.

Since 1990, when then-Secretary of Labor Elizabeth Dole first promised to take action to protect workers from repetitive strain injuries, more than 6 million workers have suffered serious MSD injuries.

American workers have waited over ten years for this critical workplace protection and we must not make them wait any longer.

Every member of Congress has experienced first-hand the enormous pressure coming from the White House, the Republican leadership and business groups for us to use the Congressional Review Act to do away with these critical worker protection standards.

But while the Bush Administration says these rules place an unfair financial burden on corporations, it says nothing about the long-term health problems MSD's impose on American workers.

These new safety and health protections will prevent hundreds of thousands of serious MSD injuries each year and spare American workers the pain, suffering and disability caused by these debilitating injuries.

I urge every member of Congress to join with the scientific experts and safety and health professionals in support OSHA's Ergonomics standard, so all working people throughout this country can finally have the workplace protections they so urgently need and so justifiably deserve. For the sake and health of American workers, vote no on the CRA resolution.

Mr. SWEENEY. Mr. Speaker, As the former Labor Commissioner for the State of New York, I have a long standing and well known concern for workers rights and worker protection. I strongly believe that our workers are companies' best asset. Our workers are some of the best educated and most productive in the world and they deserve protection from unhealthy worker environments. For this reason I was pleased to see the U.S. Department of Labor work to address workplace injuries.

Unfortunately, the rule put forward by the Department of Labor is unnecessarily broad and overreaching. Rather than being limited to jobs that involve numerous repetitive motions or excessive lifting, OSHA has created a rule so enormous in its scope that it regulates every motion in the workplace. Additionally, specific parts of the proposal have been identified by small business as costly and troublesome; a charge I take very seriously. Furthermore, there are charges that many non-work related factors may increase the likelihood of injury, yet OSHA's standard holds employers accountable. Lastly, some critics say there is a lack of consensus in scientific communities as to the causes and proven remedies for repetitive stress injuries.

Two specific concerns prompt me to cast a vote of no confidence on the ergonomics rule. Besides the legitimate concerns I have already discussed, I am skeptical of regulations that are put into effect during the final days of an Administration that had eight years to promulgate them. Despite the obvious political aspects of these regulations, the idea that a rule can use a ''one size fits all'' approach to address the immensely complex ergonomics issue is foolhardy at best. Washington has tried this approach before and failed, time and time again. Secondly, the negative impact the 700 pages of regulations will have on small businesses is predictable. It will cost them time and money to decipher them, cost them more to implement, and cause many to simply close up shop. Small businesses are the engine that drives the economy, and the more difficult we make it for them to succeed through unnecessarily burdensome regulations, the more difficult it is for the economy to grow.

My vote of no confidence on the ergonomics regulations does not mean I oppose an

ergonomics standard; I just oppose this one. I plan to work with Labor Secretary Chao to ensure our workers are protected from unhealthy work environments. Secretary Chao has made clear in a letter to Members of Congress, ''Let me assure you that, in the event a Joint Resolution of Disapproval becomes law, I intend to pursue a comprehensive approach to ergonomics which may include new rulemaking, that addresses the concerns levied against the current standard * * * Repetitive stress injuries in the workplace are an important problem.'' I pledge to work with her to see a quality, common sense, workable ergonomics standard put in place to protect the valued workers of our nation.

Mrs. MINK of Hawaii. Mr. Speaker, the ergonomics rule adopted by the Occupational Safety and Health Administration (OSHA) ten years after first being proposed by then-Secretary of Labor Elizabeth Dole will protect 102 million American workers from injuries in the workplace.

The ergonomics rule is designed to protect workers from musculoskeletal disorders caused by highly repetitive, heavy and forceful work. The injuries that result account for nearly a third of all serious job-related injuries.

According to the Bureau of Labor Statistics, in 1999 more than 600,000 workers suffered serious workplace injuries caused by repetitive motion and overexertion. These injuries cost employers and employees $45 to 54 billion annually in compensation costs, lost wages and lost productivity.

The National Academy of Sciences, in a January, 2001 report mandated by Congress, found that in 1999 musculoskeletal disorders accounted for 130 million encounters with physicians, hospitals, emergency rooms and outpatient facilities.

The study concluded that there is a relationship between back disorders and manual material handling, heavy physical work, frequent bending and twisting and whole body vibration. Repetition, force and vibration are related to hand and arm injuries.

The NAS concluded that ''the weight of the evidence justifies the introduction of appropriate and selected interventions to reduce the rise of musculoskeletal disorders of the lower back and upper extremities. These include, but are not limited to, the application of ergonomic principles to reduce physical as well psychosocial stressors.'' Clearly, the $1 million NAS study mandated by Congress supports the ergonomics rule.

Consider the experience of the automobile industry. In 1994 Chrysler, Ford and General Motors and the United Auto Workers negotiated ergonomics programs in auto plants. The results: for workers, fewer and less severe injuries; for employers, gains in productivity, 1994. The Bureau of Labor estimates that in just 1 year, 69,000 work-related injuries were prevented in these companies. Of these, 41,000, or over two-thirds, were repetitive stress injuries.

OSHA estimates that 102 million workers in 6.1 million workplaces would be covered by the new ergonomics standard. Over ten years ergonomic problems in 18 million jobs will be fixed. Direct cost savings for each of these problem jobs is $27,000, including saving lost productivity, lost tax payments and the administrative costs related to workers' compensation claims.

The ergonomics rule is extremely important to women in today's workforce. Women make up 46 percent of the workforce, but account for 64 percent of repetitive motion injuries. Repeal of the ergonomics rule will have a disproportionate effect on women in the workplace.

Women account for 64 percent of repetitive motion injuries.

Women account for 69 percent of lost-time cases from carpal tunnel syndrome.

Women account for 61 percent of lost-time cases from tendinitis.

Annually over 180,000 women are injured due to overexertion.

According to the AFL–CIO, the top five jobs with the highest number of nonfatal injuries requiring time off are nursing aides, orderlies and attendants; registered nurses; cashiers, maids and housekeepers and assemblers.

Disapproving the ergonomics rule through use of the Congressional Review Act will preclude OSHA from ever again promulgating a rule on ergonomics. The Administration could amend, revise or even repeal the rule through the very same rulemaking process that led to the rule. Congress can effectively suspend the rule by prohibiting OSHA from spending any money to implement the rule. But by disapproving the ergonomics rule through use of the Congressional Review Act, OSHA will not be able to issue any ergonomics rule in the future. OSHA will never be able to implement any of the recommendations of the National Academy of Science as a result of the use of the Congressional Review Act.

I urge my colleagues in the interest of worker safety to please vote ''no'' on S.J. Res. 6.

Mr. OTTER. Mr. Speaker, OSHA's final ergonomic rules are flawed and based on assumptions and speculation. Even a study done by the National Academy of Sciences on ergonomics, which implied their support of OSHA's ergonomics regulation, called for more research and better statistics. We can't run agencies on assumptions, instead, agencies must govern on sound principles. And sound principles do not include holding employers responsible for employee injuries that may have occurred outside the workplace. That's simple unfair and unjust to small businesses across the country.

What we have here is another federal agency that doesn't trust the American people. In fact, small businesses, testifying before OSHA public hearings, suggested non-regulatory, educational and voluntary approaches to addressing ergonomic issues. However, OSHA ignored small business concerns despite the fact the American people and small businesses have voluntarily reduced injuries by 26% between 1992 and 1998.

OSHA estimated the ergonomics standard will cost employers $4.2 billion a year, but a Small Business Administration report estimated the actual cost of compliance would be as high as $42.3 billion. This cost will come out of American's wallets just because OSHA wanted to put this rule in place, even though they did so without listening to the people through a Congressionally-mandated analysis.

Mr. Speaker, along with the burden of another regulatory program, OSHA's program will invite a new wave of questionable claims and an increased number of lawsuits. Let us get back to common sense, leave it up to people in the workplace to decide, and vote for S.J. Resolution 6—a Measure of Disapproval for OSHA.

Mr. Speaker, I also submit the two letters attached for the RECORD, because they too state the case of OSHA's misguided efforts.

MICRON TECHNOLOGY, INC.,
Boise, ID, March 6, 2001.

Rep. C.L. ''BUTCH'' OTTER,
1st Congressional District, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE OTTER: I am writing on behalf of Micron Technology, Inc. regarding OSHA's recent rules creating an ergonomics program standard. As Vice President of Operations whose responsibilities include the safety of Micron's employees, providing a safe work environment is an essential part of my responsibilities. Micron currently has a quality ergonomics program and knows such a program can enhance workplace safety. However, the standard adopted by OSHA would have a negative impact on Micron and would actually inhibit our ability to provide the safest possible workplace for our employees. Therefore, we strongly encourage you to vote for the Joint Resolution of Disapproval of the Standard under the Congressional Review Act.

While the ergonomics rule may be well intentioned, it is seriously flawed. These flaws include:

The proposed regulations exceed the authority granted OSHA under the Occupational Safety and Health Act of 1970 which reads in part, ''Nothing in this Act shall be construed to supercede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.'' By creating a controversial new government mandated compensation program, OSHA exceeds its mandate of injury prevention and supercedes and negatively affects Idaho's worker's compensation law. Work restriction protection is, in effect, a federal workers compensation system which conflicts with state administered workers compensation.

State workers' compensation laws, would be undermined by OSHA's proposed regulations. The rule provides for compensation far in excess of that provided under Idaho's Workers' Compensation statues. The added compensation would leave such employees with little incentive to return to work following an accident.

The rule seems to state that the injury need not even be caused by the workplace in order for a worker to be compensated under the rule. Also the difficulty in diagnosing the cause or even confirming the existence of musculoskeletal disorders is well known. These facts confirm the rule is a clear invitation to fraud.

We are concerned that the regulation is ahead of the science and that individual solutions do not always work generally. We have learned through implementing our own program that for some employees, isolating workplace causes is straightforward. For others it is not, depending upon activities outside the workplace and unique physiology.

Even if the causal link between the injury and the workplace can be identified, abatement is sometimes not clear. Yet, the rule

now creates potential liability for the employer with no clear objective way to achieve compliance. This is not appropriate.

With a single-event trigger and the broad remedies mandated when such an event occurs, we will be forced to allocate limited resources to solve problems that may not really exist, diverting those resources from where they can be best used to provide the safest possible workplace.

Disputed claims would likely have to work their way through both the OSHA system and the states' workers' compensation system, greatly increasing the cost to employers. Since the OSHA rule does not establish a system for dispute resolution, it is likely that implementation of the rule would result in a flood of litigation that would inundate an already overtaxed federal court system.

The paperwork created by the standard is extremely burdensome and does not necessarily lead to increased safety.

As you can see OSHA's ergonomics program standard is flawed in virtually all aspects and will negatively impact jobs, safety, employee benefits, costs to consumers and profitability. It is incumbent on Congress to disapprove the rules and to consider more appropriate approach to reducing injuries in the workplace. If you have any questions regarding the ergonomics rule and its impact on my company, please feel free to contact me.

Sincerely,

JAY HAWKINS,
V.P. Operations.

IDAHO FARM BUREAU FEDERATION,
Pocatello, ID, March 6, 2001.

Hon. BUTCH OTTER,
Longworth House Office Building,
Washington, DC.

Attn: Todd Urgerecht, Legislative Affairs Director.

DEAR REPRESENTATIVE OTTER: The Senate is scheduled to begin debate on Joint Resolution of Disapproval (JRD) on the ergonomic protection standard on Tuesday, March 6, and vote on the resolution on Wednesday, March 7. The House may vote on the Senate-passed resolution on March 8, or March 9.

The Idaho Farm Bureau Federation urges you to support the Joint Resolution of Disapproval on the ergonomic protection standard.

Passage of the JRD would invalidate the ergonomic protection standard promulgated by the Occupational Safety and Health Administration in November 2000. OSHA would still be free to offer guidelines and enforce other OSHA requirements for workplaces to be free of recognized hazards. OSHA would be prohibited from re-introducing substantially the same regulation later.

Common Arguments Against a Congressional Review Act JRD and appropriate responses:

The National Academy of Sciences (NAS) study that employers supported and obtained funding for confirms the need for an ergonomics regulation.

False: The NAS study clearly shows the contradictory nature of the research on ergonomic injury and work-relatedness. NAS even acknowledges that ''psycho-social factors'' (like personal stress, whether one likes one's job or employer) are major contributors to workplace ergonomic injuries.

Employers are desperately seeking ways to overturn the regulation even though ''all the scientific evidence'' indicates it is needed.

False: OSHA rushed the ergonomic standard through at the 11th hour of the Clinton administration despite the equivocal NAS evaluation of the science. The American College of Occupational and Environmental Medicine was so concerned about the science supporting the ergonomic regulation that it withdrew its earlier support of an ergonomics standard once OSHA published it.

Passing a Joint Resolution of Disapproval will prevent OSHA from ever addressing the issue of workplace ergonomic injuries.

False: If Congress passes a JRD, the Congressional Review Act forbids OSHA from again promulgating a regulation that is ''substantially'' the same. OSHA would retain the right to issue guidance to employers to prevent ergonomic injuries, to promulgate best management practices, and even promulgate a future rule that is substantially different from the November 2000 regulation.

Thank you for your consideration of this matter.

Sincerely yours,

RICK D. KELLER,
Executive Vice President, CEO.

Mr. ENGEL. Mr. Speaker, I rise in opposition to the resolution to repeal the ergonomics rule on repetitive motion syndrome issued by the Occupational Safety and Health Administration (OSHA). OSHA has been working on the new regulations for the last 10 years and that work has produced a rule that will protect our nation's workforce from what then Secretary of Labor, Elizabeth Dole, called "one of the nation's most debilitating across-the-board worker safety and health illnesses in the 1990's."

The plain truth is that America's workers suffer thousands of injuries every day and millions of injuries every year. While not all injuries are unavoidable, we in Congress have a duty to protect our workers from unnecessary injury. The ergonomics rule will prevent thousands of injuries due to repetitive motion syndrome. It has been estimated that the new protections will prevent over four and a half million injuries over the next ten years and save employers and workers $9 billion each year. We cannot let this opportunity pass us by. The fact that the resolution would prevent similar regulations from being implemented in the future is unconscionable. Repetitive motion syndrome is a real problem that will not go away with the passage of this resolution.

Our workforce is suffering and we can ill afford to repeal this much needed rule and leave workers without any of the protections deemed necessary by OSHA. It is amazing to me that the Republicans have resorted to dusting off the rule book to use a technicality as a means of blocking this provision. What are we to say to the thousands of workers that will suffer from repetitive motion syndrome in the years to come if this rule is repealed. I don't think that those suffering will be heartened by the notion that this is political posturing at its best.

We cannot let this resolution pass. We must let the ergonomics rule take affect so that our workers will enjoy the safety and protection due to them. I urge all my colleagues to vote no on the resolution.

Mr. CROWLEY. Mr. Speaker, I rise today in opposition to the Congressional Review Act (CRA) resolution to repeal the ergonomics workplace safety standards.

Each year, one million workers in this country miss work as a result of the stress and strain of injury inflicted by hazardous work conditions. These individuals suffer from a variety of disorders, such as carpal tunnel syndrome, tendonitis and back injuries among others.

After ten years of public process initiated by former Labor Secretary Elizabeth Dole, the U.S. Department of Labor's Occupational Safety and Health Administration issued an ergonomic standard, which went into effect earlier this year.

During the entire time that the ergonomic standard was being considered, the Republican leadership of this body stalled any implementation of a standard. They claimed that the Department of Labor lacked any sound and scientific basis for its proposed ergonomic standard.

They continually demanded that we wait until a report by the National Academy of Sciences was issued before we promulgated any rule.

Well, the Academy of Sciences conducted an exhaustive two-year study focused upon the causation, diagnosis and prevention of musculoskeletal disorders and concluded that there is a direct causal relationship between the workplace and ergonomic injuries. In addition, they also concluded that ergonomic injury could significantly be reduced through workplace interventions.

This is good science. Just like the Republicans demanded! I feel good to support my GOP friends in demanding good science and now we have it!

But instead science is not the issues. This is just another attempt by the Republican Party to ignore the needs of the hard working Americans that make our country run each day.

Repealing the OSHA ergonomic ruling would impose a substantial economic burden in compensation cost, lost wages and productivity, totaling an annual loss of nearly 50 billion dollars.

American workers have been the driving force behind our economy for so many years. These men and women, people like the individuals I represent in Queens and the Bronx, New York deserve the right to work in safe ergonomically correct work environments where their health is not in danger.

Let's give the American people something that they will really see and reap the benefits from each day—safe-working environments.

This is not only good science, but good policy.

Mr. LANGEVIN. Mr. Speaker, I rise today to express my strong opposition to S.J. Res. 6. This resolution would effectively overturn ten years of scientific study, public debate and agency efforts, which have resulted in a comprehensive and historic rule to protect the health and safety of America's workers.

In 1990, when this process was initiated, Labor Secretary Elizabeth Dole expressed her concern that repetitive stress injuries constituted one of the most serious worker safety issues of the decade. Now it is a new decade, and we finally have a standard in place to prevent millions of injuries and create a safer environment in workplaces across the country. It would be a tragedy to dismantle all the progress that has been made and deny our workers the protections they deserve.

I understand the concerns of many business owners that compliance with the ergonomics

rule will impose an economic and administrative burden, and I am particularly sensitive to the potential impact of the rule on small businesses, which drive the economy of Rhode Island and many other states. However, OSHA estimates have shown that, while the new standard will cost business approximately $4.5 billion annually, it will likely save twice that much in worker's compensation and lost productivity each year.

I am committed to ensuring that the Department of Labor stands ready to offer any technical assistance businesses need in implementing the new standard in individual workplaces, and I would be willing to revisit this issue as we begin to develop a clearer picture of the actual costs and benefits of the rule. However, I am not prepared to reverse this landmark standard, which stands to benefit so many millions of hard-working Americans, before we have even given it a chance to work. Therefore, Mr. Speaker, I will vote against this ill-advised resolution, and I urge my colleagues to do the same.

Mr. STARK. Mr. Speaker, I am opposed to S.J. Res. 6 to repeal the Occupational Safety and Health Administration's ergonomics standard. Using the Congressional Review Act to overturn the OSHA ergonomics standard would be an extraordinary action, the first of its kind. It would be the first time in 30 years Congress reversed a legally established worker safety measure. It would be the first time CRA has been used to overturn any federal rule or regulation, much less one that was issued through ten years of public process.

The regulations, scheduled to go into effect this October, draw from the businesses that have successfully prevented ergonomic injuries or reduced their severity in the workplace. Repetitive injuries are one of the leading causes of work-related illness. More that 647,000 American workers suffer serious injuries and illnesses due to musculoskeletal disorders, costing businesses $15 to $20 billion annually in workers' compensation costs.

The standard—ten years in the making—could be overturned without any meaningful consideration of the facts and without workers having a chance to be heard. One hour of debate time is insufficient when it comes to the health and safety of the American worker. Don't be misled. Use of the CRA would not send the standard back to the drawing board. Rather, it would effectively prohibit OSHA from issuing a protective standard to address the nation's largest job safety program. This effort should be seen for what it is—an effort to kill any ergonomics standard once and for all.

Unfortunately, the ergonomics regulations are opposed by the majority party for the cost they would impose upon employers without regard for the value they would provide to the workforce and the long-term benefits to our economy. Basic safety in the workforce should be given, not some benefit that can be dropped at an employer's whim. I oppose efforts to delay or overturn regulations that would enhance safety in the workplace.

I urge my colleagues to vote ''no'' on the resolution before us today.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of S.J. Res. 6, The Ergonomics Rule Disapproval Resolution. I am pleased that this resolution has moved so quickly to the House floor, and I hope that it will soon be on its way to the White House to be signed by President Bush.

I have very grave concerns about the ergonomics regulations promulgated by the Occupational Safety and Health Administration (OSHA) under the Clinton Administration. As a Member of the Labor, Health and Human Services Subcommittee, I have worked for years to prevent OSHA from issuing these rules.

I support workplace safety, and I think that it is difficult to make the case that by supporting this resolution, I am an advocate of unsafe work environments. In fact, America's workplaces are safer than ever. Workplace injuries, sicknesses, and deaths have been declining for one hundred years because America's employers have market-based incentives to keep workplaces safe. Hazardous workplaces mean more lost workdays and high workers' compensation insurance premiums. Both of these factors translate to lost profits. There is no doubt that it is in every business owner's interest to promote a safe workplace. In addition to market incentives, I am also supportive of programs like the successful Voluntary Protection Program, which promote safety through cooperative means and education.

OSHA's risky ergonomics scheme is another effort to gore small business that must be stopped. This hastily enacted regulation consumes over 300 pages of fine print in the Federal Register, is accompanied by over 50,000 pages of supporting information in the docket, and has an 800-page index. OSHA gave American businesses just two months to comment (then added on an additional 30 days) on a regulation which is anticipated to cost billions of dollars to implement. I would argue that 90 days is barely enough time to read and digest the regulation, let alone provide comment. I am further concerned that the rules are so broad, confusing, and subjective that employers could never know if they are in compliance.

Beyond my basic concerns regarding the substance of the regulations themselves, I am outraged by the flawed process that was used to implement the regulation. With my support, language was included in the FY01 Labor HHS Appropriations bill barring OSHA from implementing the rule. An effort to strip this language from the bill failed on the House floor last June by a vote of 201–220. The same language barring the ergonomics rule was added to the Senate bill in an amendment on the Senate floor. Congress overwhelmingly supported delay of this rule. While we in Congress knew that President Clinton would not support our position, we were confident that President Clinton would have to negotiate with us.

Ultimately, Congress and the White House reached an agreement that no action would be taken on the ergonomics regulations, and that the issue would be left for the next Administration—be it a Bush Administration or a Gore Administration—to resolve. On November 14, 2000, while the Congress was in recess, President Clinton took matters into his own hands and moved ahead with the regulations, openly defying the will of Congress. This rush to implement the regulation showed the Congress that President Clinton had not negotiated in good faith. Furthermore, these rules were implemented to go into effect in January, just days before a new President would take office. The process made the new President unable to repeal the regulations. The process that President Clinton chose to put forth this regulation left this Congress with no option but to utilize the Congressional Review Act.

And so I stand here today, Mr. Speaker, because flawed regulations were put forth by a lame-duck President, against the will of Congress. These regulations were not based on sound science. They will cost businesses countless dollars, and unnecessarily destroy jobs. These regulations do not protect workers from injury. Instead, the cost to implement these rules puts workers at risk of being unemployed.

I am confident that no American workers will be injured as a result of the legislation that I hope will pass this House today. Congress has already received assurances from Secretary of Labor Elaine Chao that she will place a high priority on assuring worker safety and protection. I applaud her for her efforts, and I applaud the small businesses in my congressional district and across the country who have voluntarily made their workplaces safe, without the intrusion of the long arm of the federal government. I rise in support of S.J. Res. 6, and urge my colleagues to join me.

Mr. LAFALCE. Mr. Speaker, I rise today in strong opposition to S.J. Res. 6, a resolution disapproving and overturning the OSHA ergonomics standards that took effect earlier this year.

I oppose this resolution because I believe these standards provide businesses of all sizes with the flexibility to comply in an efficacious manner and will not only protect worker health but will also save American businesses billions of dollars in the long-term. Moreover, I am deeply troubled by this unprecedented use of the Congressional Review Act to undo a rule that goes to the heart of the Federal Government's mission to protect worker safety and health; a rule that is the product of 10 years of study by the Occupational Safety and Health Administration (OSHA), 11 ''best practices'' conferences, and a nearly 9-month public comment period; and a rule that is supported by thousands of scientific studies, including, most recently one mandated by Congress by the National Academy of Sciences.

Each year, there are 1.8 million workers who suffer from musculoskeletal disorders, and 600,000 men and women have injuries so severe they are forced to take off work. The Bureau of Labor Statistics in my home state of New York reported that more than 48,000 private sector workers had serious injuries from ergonomic hazards in the workplace, and an additional 18,444 public sector workers had injuries serious enough for them to lose time from work. Obviously, there is a serious problem here.

I urge Members to think beyond the workplace as well. Think of the mother suffering from carpal tunnel syndrome who is unable to open a jar of baby food for her son, or the father suffering lower back pain who can no longer play a game of catch with his daughter; the life-long friend who cannot take that annual fishing trip or golf outing with you anymore because of an on-the-job injury; or the

neighbors who after a career on the assembly line need your help to do yard work because they are no longer able to hold a rake to clean-up leaves or to bend over to plant flowers and pull weeds from the garden. These are the victims—family, friends, neighbors, and these are the everyday, pernicious consequences of repetitive stress injuries that not only affect a person's ability to work, but also their ability to live a normal life.

In January, when the Clinton administration issued regulations crafted by OSHA over the last decade to prevent work-related musculoskeletal injuries, such as carpal tunnel syndrome and other repetitive-stress injuries, working families across America cheered. Finally, protections would be in place to address what is easily one of the costliest and the most frequent workplace health threats.

Yet the business community, from small firms to large manufacturers, oppose this ergonomics rule with near unanimity. In my view, their decision is a mistake, a position arrived at due to disinformation and misunderstandings. Business owners should view the creation of an ergonomically friendly workplace like any other business investment, such as upgrading computer hardware and software or replacing outdated factory equipment with new, technologically sophisticated machines. Compliance with this OSHA rule is a short-term cost that will enhance both the safety and the productivity of America's workforce and lead to long-term benefits and profits for America's businesses.

I certainly understand how frustrating onerous and rigid federal regulations can be to businesses—large, medium, and small—but that is not the case here. These workplace safety regulations are neither unnecessary nor rigid. Worker compensation costs related to repetitive-motion injuries, and the costs related to these injuries in terms of worker health and quality of life, are reason enough to keep in place this effective regulatory solution to the most important safety and health problem workers face everyday. Moreover, reasonable flexibility for employers and protections against abuse by employees are built-in to the rules by OSHA—particularly the provisions allowing employers to determine whether an injury is work-related, and allowing employers to determine how best to reduce hazards and deal with ergonomic problems in their workforces.

I am also deeply concerned about the use of the Congressional Review Act in this instance and its ramifications on any and all ergonomics standards in the future. First, we will debate just for one hour a resolution that, if passed, would overturn a decade of research, studies, and hearings initiated by Republican Secretary of Labor Elizabeth Dole. This is no way to legislate. Second, the Congressional Review Act not only blocks the OSHA rule under consideration, but also blocks any subsequent ergonomics rule that is ''substantially'' similar. I can appreciate the desire by some to make changes to the ergonomics standard, but these changes should be made administratively. Most importantly, they should be based on sound science and on the legitimate concerns of both workers and businesses.

In closing, I urge all of my colleagues to join me in opposition to this outrageous, antiworker resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to support S.J. Res. 6, the Ergonomics Rule Disapproval Resolution.

Small business is the engine that drives our national and local economies. I am deeply concerned about the impact that this ergonomics rule would have for these reasons. Since the Department of Labor submitted the Occupational Safety and Health Administration (OSHA) rule on ergonomics on November 14, 2000, I have heard from many small businesses in my district concerned about the consequences of this rule on their places of business.

While many American businesses are committed to providing a safe workplace for their employees by improving safety standards and protecting their employees' health, they are particularly troubled by the ambiguous procedures and vague definitions that OSHA promulgated through the ergonomics rulemaking. The rule holds employers responsible for paying 80 percent of an employee's pay for 90 days should his or her job contribute to a musculoskeletal disorder (MSD). In addition, the OSHA rule is unprecedented in scope and is based on uncertain science, both in its treatment of alleged MSD and in their relationship to the workplace.

Presently, MSDs are poorly defined with no differentiation between on the job injuries and those which are pre-existing. It is impossible to ignore non-work-related factors, yet OSHA requires employers to do so. Furthermore, there is no medical standard for confirming injuries or a standard treatment protocol. The lack of scientific or medical standards will only add to the confusion.

Additionally, the OSHA ergonomics regulation may conflict with state workers' compensation laws. Employers will be left to determine whether to follow a federal OSHA requirement or state workers' compensation laws when any MSD occurs. The OSHA ergonomics rule overrides well-established state standards that set compensation levels for injured workers and determine whether or not a condition is work-related.

The National Academy of Science report concluded that ''None of the common musculoskeletal disorders is uniquely caused by work exposures'' and that further ''research is needed to clarify such relationships.''

By OSHA's own estimates, this ergonomic rule will cover over 102 million employees, 18 million jobs, and 6.1 million businesses and cost almost $100 billion a year to implement. And there are no guarantees or certainties that this rule will protect workers or have a positive and lasting impact on workplace safety. Furthermore, OSHA's rush to judgment in issuing this regulation to meet artificial deadlines exemplifies irresponsible governmental action.

I will continue to support common-sense protections for all workers. In addition, I will continue to support legislation to ensure that there are adequate workplace safety standards and rules for all workers. However, I do not believe that the OSHA ergonomics rule is the solution. For these reasons, I urge all my colleagues to support S.J. Res. 6.

Mr. BLUMENAUER. Mr. Speaker, we are being forced to vote today on this resolution of disapproval for OSHA's ergonomic standard. This is an all or nothing approach.

Our effort to bring about improved ergonomics for our nation's workers was started by Elizabeth Dole when she was George Bush, Sr.'s Secretary of Labor ten years ago. What we are attempting to address is the single largest workplace safety and health problem in the United States: the work-related stress and strain injury and disorders that cost the economy over $50 billion every year. Employers pay between $15 and $18 billion in worker's compensation costs alone for these injuries. We can do something about it.

The National Academy of Science backs the scientific basis for OSHA ergonomic standards. An exhaustive 2-year study conducted by 19 experts in the field found that there is a direct relationship between the workplace and ergonomic injuries, and ergonomic injuries can be significantly reduced through workplace interventions. Now the Republican leadership wants to ignore the very study it mandated. It is the wrong step to just overturn this rule. We need to take action to protect the health and safety of working families.

The OSHA standard is only 9 pages long, and it is written in plain English. To serve the needs of our workers as well as to prudently address costs and benefits, I urge a no vote on the resolution of disapproval for the ergonomics rule.

Mr. RUSH. Mr. Speaker, it is with great disappointment that I stand here today to voice my objection to Senate Joint Resolution 6, Disapproving Resolution for the OSHA Workplace Safety Rule. This resolution is shortsighted and against the public policy Congress has been espousing over the last 20 years.

There is no question that workplace injuries exist and are prevalent. Workplace injuries account for one-third of all occupational injuries and illnesses and constitute the single largest job-related injury and illness problem in the United States. In my home state of Illinois, in 1998, 26,734 Illinois workers suffered workplace injuries that were so severe that they were forced to miss at least 1 day of work.

Also, workplace injuries currently cost businesses billions. The National Academy of Sciences has estimated that the costs of workplace injuries to employees and employers, and society as a whole can be conservatively estimated at $50 billion annually. Again, in my home state of Illinois, the total statewide cost of workplace injuries, including lost wages and lost economic productivity, was approximately $2.3 billion in 1998.

OSHA's workplace standards would simply establish preventive measures in the workforce to decrease workplace injuries, injuries which employers pay for in workman's compensation payments.

For the last 20 years, under both Republican and Democratic majorities and Presidents we have preached the virtues of prevention and preventive care. We pay for pap smears, nutrition programs, glucose testing, all in the hope of catching medical conditions at an early stage before they become more costly chronic conditions.

The repeal of the workplaces standard is a 180-degree turn from that history of preventive services. It is estimated that the standard could save employers approximately $4.5 billion a year by helping keep workers healthy and productive.

Businesses and employees will pay for workplaces injuries in the future, they will pay through lost productivity and higher workman's compensation payments. By abandoning prevention, we are accepting a future of further injuries and greater cost.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong opposition to the repeal of valuable and beneficial workplace safety standards. We now stand on the edge of turning back a measure that would have significantly improved the lives of hundreds of thousands of working people, without even maintaining the pretense of a working together in a bipartisan manner. There are substantive and, perhaps most importantly, procedural grounds why I must oppose this.

This worker safety rule was not simply created over night. This vote today will in fact erase a process that was 10 years in the making. It was also based on a 2-year study by the nonpartisan National Academy of Sciences which concluded that there is a great deal of scientific evidence showing repetitive workplace motions cause injuries that can be prevented through ergonomic intervention.

I have serious problems with the way this issue was brought before us in the House. In this situation, the resolution was rushed to the floor with little or no warning, and this vote will completely eliminate the worker safety rule, using a little known, never before used procedure, the Congressional Review Act. This resolution also prohibits the Occupational Safety and Health Administration from issuing a similar rule to protect the safety of workers, which clouds the issue further. Eliminating the rule under these circumstances rolls back years of investigation and review, and will force the effort to improve worker safety to start over from scratch, where it began more than 10 years ago. A more proper course of action would be to allow the rule to be adjusted, rather than wipe it away all together.

For all the positive talk about bipartisanship that has been heard in recent weeks, we have seen remarkably little on this matter. Debate has been stifled, and instead of forging a compromise between both sides that allowed the rule to be adjusted, this vote was taken to completely eliminate the rule.

I believe that this repeal will be a serious blow to working people in the United States. These ergonomic standards were designed to curb repetitive motion injuries for American workers in a wide-range of professions, including nurses, cashiers, truck drivers, construction workers, meat cutters, and those who operate computers. These are all people who are especially susceptible to injuries—which are often times crippling—caused by repetitive motion, heavy lifting, and forceful exertion.

In 1999, it was estimated that more than 600,000 people suffered from such injuries, and they account for one-third of all serious job-related injuries a year, making them the leading safety and health problem in today's workplaces.

I believe these standards would have resulted in savings to the companies that have opposed them. This issue concerns people who, because of their injuries, are unable to work and provide for their families and for themselves, and that causes lost productivity, which results in economic loss for business and the country. In 1999, the Bureau of Labor Standards estimated that the cost of these injuries is $45–50 billion each year. These injuries account for perhaps a third of employers' costs under state worker compensation laws.

So despite abundant evidence pointing in the direction of needed ergonomic standards for workplaces, this rule has been repealed, and the safety of working people has been ignored.

Ms. HOOLEY of Oregon. Mr. Speaker, I reluctantly rise in opposition of this resolution.

Coming from Oregon, I represent an area of the country where small businesses and family farms are the backbone of our local economy. As such, I'm extremely sympathetic to the concerns of the men and women who own these businesses, many of whom have contacted me in the last couple of weeks. After all, you can't have jobs without businesses.

I know that the OSHA regulation which we're about to kill is going to have unintended consequences. Any time a business is faced with further government regulations you're looking at increased paperwork and having to deal with federal employees who, lets be honest, sometimes can be difficult to work with.

For example, just last week I talked with a friend who owns a small hotel. Anyone who's been to Oregon knows it's one of the most beautiful places in the world, and we're heavily dependent on tourism. This person was overwhelmed by the proposed standard and rightly worried that he'd wind up being fined or lose his business because Washington had implemented a better mousetrap for Oregon. He didn't know if his employees would be limited in the number of bags they could pick up or how many stairs they'd be limited in climbing and hadn't had any luck in finding out the answers to his questions from OSHA.

Now when you're in my position and you're trying to do what's best for your district and for everyone who lives and works there, it's impossible not to be affected by legitimate concerns about the cost and application of the ergonomics standard.

That said, even with the potential problems that are posed by this regulation, I can't in good conscience vote for this resolution.

That's because ergonomic injuries and the pain they inflict on hundreds of thousands of workers and retirees are not a feat of the imagination, and if we don't act, they're not going to go away.

In the past 4 years, there have been three comprehensive reviews of the science identifying the cause of these injuries. Their conclusions have been consistent: exposure to ergonomic hazards in the workplace causes injuries, and these injuries can be prevented through interventions in the workplace.

In fact, no less an authority than the National Academy of Sciences was ordered by Congress to report on ergonomics and whether the related injuries actually existed, and if so, if these injuries were preventable. For those of you who don't know, the Academy was created by Congress nearly 140 years ago to provide scientific and technical advice to our government. Since its inception, the Academy has made recommendations to our government that vary from using long-lasting metal for the name markers on fallen soldiers' tombstones to creating the U.S. Geological Service and the National Forest Service—both of which play an important role in Oregon.

Well, in its congressionally mandated report, the Academy of Sciences found there is ''clear and compelling evidence'' that musculoskeletal disorders (MSD's) are caused by certain types of work—and that those injuries can be reduced and prevented through workplace interventions. Add that report to the past 10 years in which the Department of Labor—in consultation with business, labor, and Congress—has worked to enact a fair, enforceable rule to protect America's workers from the real harm caused by ergonomic injuries.

But now, in the face of unrelenting pressure, we're not only about to cast aside 10 years of hard work, but Congress is about to prohibit OSHA from issuing a similar ergonomics rule in the future. And it's not just the 600,000 workers who every year are injured by repetitive motion that would suffer, but their families and their communities as well.

Thanks to carpal tunnel syndrome she acquired at her job at city hall, Mom might not be able to pick up her infant when he is sick or his older sister if she gets scared of the dark or correct homework because she can't hold a pencil. Dad might not be able to play catch with the kids or help them finish that science project because of the repetitive injuries he's suffered to his back after years of working the same saw at the local mill.

And because maybe Mom or Dad can no longer work the hours they used to or even stay in the same jobs, they can't buy as many groceries or another car or give their kids spending money to go see a movie with their friends or buy a comic book at the local mall.

So there's more to this issue that whether or not the OSHA regulation is confusing or that it will cost money to implement—in the long run, we know that employers will recoup the costs by providing a safe workplace and that consumers will have more money to spend.

While I certainly sympathize with the business owners and entrepreneurs who feel this rule infringes on their rights, the evidence is clear that by doing nothing we're not only harming millions of Americans, but harming our economy as well.

This is the biggest occupational health crisis affecting American workers today, and I urge my colleagues to allow OSHA to protect them from ergonomics injuries and to oppose this resolution.

Ms. KILPATRICK. Mr. Speaker, according to the National Science Foundation, over 1 million people suffer musculoskeletal disorders which cost the nation between $45 billion and $54 billion in compensation expenditures, lost wages, and decreased productivity. The National Science Foundation and other research institutions studied this issue and they came to the conclusion that these injuries can be reduced substantially with well-designed workplaces.

It was the Administration of President George H. W. Bush that established the relationship of ergonomically designed jobs and work-related illnesses in 1989. The results of a Labor Department study investigation found that flawed workplace designs is one of the leading causes of work-related illnesses and employers' costs under state workers' compensation laws. In response to these findings,

the Labor Department—under a different administration, the Clinton administration—issued a proposed ergonomic standard for public comment in 1994.

But Congress intervened in the rulemaking process. Congress adopted language in the fiscal year 1995 Labor Department spending bill that prohibited the Department from issuing a final standard. Subsequent prohibitions were congressionally imposed in fiscal years 1996 and 1998.

In October 1998, the National Academy of Sciences issued a report that identified a significant statistical link between workplace exposures and musculoskeletal disorders. OSHA issued a draft rule in 1999 and published a final rule by November 2000.

In the course of this issue's 10-year history, distinguished Members on the other side of the aisle have sought to kill this effort to promote workplace safety. We find ourselves here again debating an issue that threatens to expose millions of hard working Americans to workplace hazards due to jobs that require repetitive movements and muscular stress.

Supporters of this joint resolution advance the argument that if this resolution of disapproval is enacted, the Bush administration will pursue a comprehensive approach to ergonomics. It's hard to take that argument seriously when the other side has consistently and persistently opposed every effort by the Labor Department to issue an ergonomic standard.

Moreover, the interests that oppose the current ergonomic rule cite that the costs of complying with the standard are likely to be $90 or $100 billion. But they do not cite the cost savings to businesses in workers' compensation costs and lost productivity. According to OSHA, the estimates are that the standard will cost American businesses $4.5 billion annually, but it will also save businesses $9.1 billion in workers' compensation costs and lost productivity.

The special interests who support this resolution of disapproval are the same interests who argued that the Family and Medical Leave Act of 1993 would impose too much of a cost and administrative burden on employers. They were wrong then and they are wrong now.

The special interests who support this resolution of disapproval are the same interests who argued that increasing the minimum wage in 1996 would weaken the economy and reduce job growth. They were wrong then and they are wrong now.

The special interests that support this resolution of disapproval argue that the ergonomic standard is too burdensome and costly for employers to implement. They are wrong now and they will be proven wrong in the future.

How can an ergonomic standard be burdensome to an employer when the employer is vested with the responsibility of determining whether an employee injury is work related? It's not the federal government determining if the employee's injury is work related. It's the employer! How can the opponents of this standard honestly suggest that bureaucrats are imposing a one-size-fits-all approach to workplace safety when it is the employer who determines how best to deal with ergonomic problems in their workforce?

One can only conclude that supporters of the resolution of disapproval are the same forces who have little regard for workplace safety and are long-time opponents of the Occupational Safety and Health Administration.

If you support workplace justice, if you support the right of people to work in a healthy environment, if you support basic human decency, then I urge my colleagues to vote against this resolution.

Mr. COSTELLO. Mr. Speaker, I rise today to oppose S.J. Res. 6, a resolution to disapprove the ergonomics regulation promulgated by the Occupational Safety and Health Administration in January. I will vote to uphold this regulation because I believe that worker safety must be our first priority. This process was originated a decade ago during the first Bush administration, and there is more than sufficient evidence to show the devastating impact of these injuries on the workforce. In 1998 alone, ergonomic injuries caused 26,734 employees in Illinois to miss at least one day of work, and cost employees and employers in the State an estimated $2.3 billion.

However, I also understand the concern that the regulation may overreach in some areas. The best way to address this concern is to let the rule stand, and then work to modify it. The approach we are taking today threatens any future action on this issue, by not allowing a similar rule to be enacted at a later date. It is my hope that if this resolution passes Secretary of Labor Chao will, as she has previously stated, continue to pursue a comprehensive approach to ergonomics and that a regulation with wide support will be enacted in the near future to protect working men and women in Illinois and across the nation.

Mr. Speaker, the success of this resolution must not become a tremendous loss for workers across the country. I hope this body will continue to give this topic the attention that it deserves.

The SPEAKER pro tempore (Mr. HANSEN). All time for debate has expired.

Pursuant to House Resolution 79, the Senate joint resolution is considered as having been read for amendment, and the previous question is ordered.

The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 206, not voting 4, as follows:

[Roll No. 33]

YEAS—223

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Paul
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch

Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—4

Becerra
Oxley
Shows
Stupak

□ 1926

Mr. HORN changed his vote from ''yea'' to ''nay.''

Mr. SANDLIN changed his vote from ''present'' to ''nay.''

So the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEES ON RESOURCES, ARMED SERVICES, AND TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. HANSEN) laid before the House the following resignation as a member of the Committees on Resources, Armed Services, and Transportation and Infrastructure:

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: Effective today, I hereby resign from the Committees on Resources, Armed Services and Transportation and Infrastructure.

Sincerely,

DON SHERWOOD,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: I herewith resign my seat on the Budget Committee as a representative appointed by the Appropriations Committee

Sincerely,

JOE KNOLLENBURG,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: I herewith resign my seat on the Budget Committee as a representative appointed by the Appropriations Committee.

Sincerely,

ZACH WAMP,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. THUNE. Mr. Speaker, I offer a resolution (H. Res. 82) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 82

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Appropriations: Mr. Sherwood.

Committee on the Budget: Mr. Doolittle to rank after Mr. Hastings of Washington; Mr. LaHood and Ms. Granger to rank after Mr. Portman.

Committee on Education and the Workforce: Mr. Goodlatte to rank after Mr. Isakson.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1930

THE RIGHT TO VOTE IS FUNDAMENTAL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there is not a place that I have traveled either to my home State or elsewhere that the American people are not talking about the election of 2000. I believe that that is an issue that should be a priority for America, as well as it is for us to appreciate and commemorate and celebrate our Constitution. The right to vote is fundamental, and so I intend tonight and tomorrow to offer two pieces of legislation, one to establish a national holiday for Americans to vote during a Presidential year and, secondarily, an act that will study the issue of how do we design a system that counts every vote and allows every American to vote, the Secure Democracy Act.

Those legislative initiatives will substitute for H.R. 60 and H.R. 62. We will establish a generic national holiday every 4 years so Americans who work every day will have the privilege and opportunity for expressing their choices and their rights to express the decision of who will be President and who will be elected to this body in the coming years.

I ask my colleagues to join me in support of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the importance for ensuring the right to vote is a fundamental right guaranteed to every citizen of the United States. Many people were denied this fundamental right in the past presidential election partly because they were unable to vote due to work commitments.

The bill I am introducing tonight will substantially resolve this serious issue raised by last year's presidential election, the lack of time for people to vote or participate in the very important federal election process, due to employment commitments that keep many Americans from voting or acting as election day officials.

I firmly believe that the United States Constitution is not just there to protect me or people who agree with me, but it is there to also ensure that those who do not share my view also have equal access to the tools of democracy. My legislation would establish a National Election Day on the 2nd Tuesday of November, in presidential election years as a legal public holiday. I am now lending my full support to this new bill instead of H.R. 62, which I previously filed. I am now also removing my complete support from H.R. 62.

Mr. Speaker, this bill will forge a strong commitment to Democracy at home and abroad by making substantive changes to how future presidential elections must work in order to avoid the problems of the last presidential election.

It is my opinion that the larger threat to our national identity as a democracy and the sense of well being that Americans once had about the election process is the acceptance of a belief that citizens of this country do not have a voice in its governance. This is the greatest Achilles Heel that this nation has ever faced. Throughout history many nations and governments have ceased to exist because they failed to fulfill the true mission of government, which is to be responsive to the needs of citizens.

For this reason, I am introducing legislation to establish a National Election Day as a legal public holiday to ensure that the fundamental right to vote that is granted to every citizen of the United States is adhered to. I am asking my colleagues in Congress for their support in meeting the voting challenges that have been presented to our growing and diverse nation.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HANSEN). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WOMEN'S HISTORY MONTH

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

Mr. DAVIS of Illinois. Mr. Speaker, last month we praised our forefathers in observance of Presidents' Day and we also praised the contributions of African Americans in the development and continuation of this country. This month, as women's history gets underway, I rise to recognize some of our foremothers; women who dared to be first, who strove for equality and social justice for all; women who not only broke ceilings but shattered spheres in pursuit of rights that should have been inalienable; women whose contributions continue to pave the way and to inspire others.

Mr. Speaker, I am from Chicago, a city rich in women pioneers and trailblazers, both past and present. One such individual is Ida B. Wells who founded the first black female suffrage club in Illinois, as well as the first kindergarten in a black neighborhood. Wells was born in 1862, was a slave for the first 6 months of her life, and spent the remainder of her life fighting for civil and economic rights for African Americans.

Declaring that one had better die fighting against injustice than die like a dog or rat in a trap, Wells crusaded against lynching and segregation until her death in 1931.

Labor activist Sylvia Woods was a pioneer in civil rights. During World War II, she led the Union organization at Bendix Aviation. She spent much of the 1940s organizing United Auto Workers Local 330 and formulating the UAW resolution against sex discrimination. Following the war, she assisted women who were laid off in Chicago and co-founded the National Alliance Against Racism.

However, at present there are future history-makers that are making an impact on the lives of the citizens of Chicago and the Nation. Exemplary individuals from today include Addie Wyatt, Reverend Willie Taplin Barrow, Dr. Johnnie Coleman and Mrs. Mamie Bone.

Reverend Addie Wyatt has the distinction of having had active involvement with the three major movements of the 20th Century, labor, civil rights and women's rights. Her leadership roles in labor were international vice president of the United Food and Commercial Workers International Union and she broke ground as the first female local union president of the United Packing House and Allied Workers, and as international vice president of the Amalgamated Meat Cutters and Butcher Workmen of North America. Her founding roles in Operation Breadbasket and Operation PUSH, as well as her work with Martin Luther King, Jr., illustrate her commitment to civil rights. Her involvement in the women's movement has also generated a number of noteworthy achievements.

Reverend Wyatt is a founding member of the National Organization for Women, was even appointed by Eleanor Roosevelt to serve on the Labor Legislation Committee of the Commission on the Status of Women.

During her distinguished career, she advised Presidents Kennedy, Johnson and Carter and other important leaders on causes. She and her husband Claude currently serve as pastors emeritus of the Vernon Park Church of God in Chicago.

Reverend Willie Taplin Barrow is the co-chair of Rainbow/PUSH Coalition and is well-known for breaking barriers in a male-dominated profession. She is an ordained minister and on the Governor's Committee on the Status of Women in Illinois.

Another fine citizen is the Reverend Dr. Johnnie Coleman. Sometimes referred to as the first lady of the religious community, she is the founder-minister of Christ Universal Church where 4,000 people go to hear her words of wisdom and healing every Sunday.

To her credit, Reverend Coleman has several organizations in Chicago, the Universal Foundation for Better Living, Inc.; the Johnnie Coleman Institute; and the Johnnie Coleman Academy and a book of teachings entitled Open Your Mind and Be Healed.

Ms. Mamie Bone, as chairperson of the Central Advisory Council for the Chicago Housing Authority, fights regularly for residents. She serves as a member of the CHA Board of Commissioners and continues to champion the employment security and safety of public housing residents.

Of course, Mr. Speaker, I would also like to just highlight the activities and the involvement of Margaret Blackshere, who currently serves as President of the Illinois Federation of Labor. She is an outstanding labor leader, civic activist, former teacher, political activist and a fighter for the rights of working people all over America.

Margaret Blackshere, is currently the President of the Illinois AFL–CIO. A former classroom teacher, Blackshere has served on all levels of the Labor Movement from president of her local union in Madison to statewide vice president of the Illinois Federation of Teachers, to her current position.

Blackshere has a bachelor's degree in Elementary Education and a master's degree in Urban Education—both from Southern Illinois University-Edwardsville.

She has been a delegate to the Democratic National Convention, served as the director of the Illinois Democratic Coordinated Campaign in 1990 and 1992, and is a member of the Democratic National Committee.

Blackshere serves on various boards and councils including the United Way of Illinois, Voices for Illinois Children, White House Commission on Presidential Scholars, and the Illinois Skills Standard & Credentialing Council.

She is a member of American Federation of Teachers Local 763 and is a delegate to the National AFL–CIO Convention.

EDUCATION AND WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, as the Republican co-chair of the Congressional Caucus on Women's Issues, I am pleased to join the gentlewoman from California (Ms. MILLENDER-MCDONALD), the other co-chair of the Women's Caucus, and my other colleagues in celebrating March as women's history month.

Women accomplished so much in the 20th Century and I am fortunate and proud to co-chair the first Women's Caucus of the 21st Century. Let us hope that this century is productive for our daughters and granddaughters as it was for our mothers and us.

The last 100 years have seen women make important advancements in the area of public service. Not only did our predecessors gain the right to vote, but

in recent years we have been considered a decidedly important voting block. We now have more women serving in the House and the Senate than ever before, 61 women in the House and 13 in the Senate. I think we will keep seeing these numbers increase.

We have women serving as Supreme Court justices, governors, Attorneys General and in many other elected offices, but we still have a long way to go. For all the accomplishments that women have achieved in the 20th century, we should not be complacent. We still have a lot to do.

One of the areas where females have made important strides is in the area of education. Women currently make up over 50 percent of college freshmen in the country. To think that in 1872, over 100 years ago, only 97 educational institutions even accepted women.

The National Center for Education Statistics report that females are now doing as well or better than males on factors measuring educational attainment. Nevertheless, women continue to trail their male counterparts in the areas of mathematics and science. This is something that I hope, through my position on the House Committee on Science, to help rectify.

What is more, women are still underrepresented in doctoral and first professional degree programs, although, as the NCEC points out, women have made substantial gains in these areas during the last 25 years.

There are other areas of education where improvements need to be made, most notably in the area of school access for so-called disadvantaged students. A group of disadvantaged students whose needs are often overlooked are homeless children. Homeless children face unique problems when attempting to access a quality education. Some schools do not allow homeless children to register for classes without school or medical records. Others will not enroll children without a home address, and there is nobody in the schools whose job it is to help them.

As a result, homeless children wait days and even weeks just to get into the classroom. Obviously this has serious and negative consequences for their educational advantages.

Mr. Speaker, some may be wondering why I am talking about homeless children during this recognition of the achievements of women. Well, it is because, as data shows, educating homeless children is a women's issue. According to a Federal study released in 1999, 84 percent of parents or guardians of homeless children are female. The average homeless family is composed of a single mother in her twenties and two children under the age of 6. Single mothers are vulnerable to homelessness because of the high cost of housing for families, the high cost of child care and lack of housing assistance.

We must work together as women, as leaders in our community and as public servants, to find answers to the destructive cycles caused by homelessness and poverty. That is why I have introduced H.R. 623, the McKinney-Vento Homeless Education Act of 2001. This bill will ensure that all homeless children are guaranteed access to public education so that they can acquire the skills needed to escape poverty and lead healthy and productive lives. It will also strengthen the parental rights at a time when mothers of homeless children find themselves most vulnerable. It will help homeless mothers pay for school supplies and other emergency items that children need to participate in school, such as clothes, eyeglasses and hygiene products.

Many mothers have expressed gratitude through letters and cards for these items which they could not otherwise afford at such a difficult point in their lives. Working hard now to ensure a brighter future for all Americans is something that we as women learn the importance of during our struggle to gain equality in the 20th century. During the month of March, it is fitting that women take time to reflect back upon and celebrate our collective accomplishments over the last 100 years. We must use every opportunity to show how we are going to use the lessons learned in yesteryear's battles to eliminate illiteracy, increase educational opportunity for all and promote high academic achievements. If we do so, that would give women 100 years from now something to crow about.

CONCERN OVER PROPOSED CASPIAN OIL PIPELINE

The SPEAKER pro tempore (Mr. CANTOR). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House Floor today to voice my concern regarding the proposed Baku-Ceyhan pipeline, originating in the Azerbaijani capital of Baku, bypassing Armenia via Georgia and ending at the Turkish port of Ceyhan.

Over the last few years, despite the reluctance of major U.S. oil companies, the Clinton administration promoted the Baku-Ceyhan pipeline, which many experts are now questioning. Cato Institute analyst Stanley Kober recently noted at a foreign policy briefing that the pipeline, far from promoting U.S. interests in the region undermines them.

Another report by the Carnegie Endowment for International Peace knows that pursuit of this pipeline only exacerbated tensions between the United States and Russia and did little to advance U.S. interests.

Mr. Speaker, let me be clear today that I strongly oppose the current plans for this project that is expected to cost $3 billion.

□ 1945

It is my hope that the Bush administration will take into account these reports and thoroughly examine the need for this proposed pipeline route. I am not encouraged, however, by recent reports that the Bush administration, like the Clinton administration before it, seems to believe that the pipeline would provide the West with a greater amount of oil, thus cutting down on the U.S. dependence on Middle Eastern countries for oil. I am here today to say that this is not the case. In fact, with reserves estimated at approximately 2 to 3 percent of the world's total, experts note that Caspian oil reserves will have no significant impact on world oil prices.

The Bush administration also seems to be under the impression that by building a pipeline in this volatile area of the world, that strained relations between affected nations would begin to heal. Again, Mr. Speaker, I want to say that this is not the case. In fact, I believe that the pipeline could make relations in the region a lot worse. At the very least, we should wait until peace is achieved in the region. The presidents of Armenian and Azerbaijan just concluded a round of talks in Paris. It is my hope that a resolution to the Nagorno-Karabagh conflict will be found this year. We should focus our efforts and attention on the peace process instead of wasting our resources on a commercially nonviable pipeline.

President Bush's support for the Caspian oil pipeline was first announced several weeks ago by Ambassador Elizabeth Jones, special advisor to Bush on Caspian energy policy. At that time, Ambassador Jones said that the oil companies find the project commercially viable and that the project would only happen if "it is determined that there is money to be made there by commercial companies."

Mr. Speaker, I am baffled to hear that the ambassador believes this project would be profitable to the participating oil companies. American oil companies, after years of exploration, still have not found any commercially viable oil fields. Many, in fact, have pulled out.

Realistically, the only way that this plan can be feasible for these oil companies is if the United States Government and other governments subsidize the project. Amoco president Charles Pitman might well have said just that when he testified before the Senate Foreign Relations Committee 4 years ago. At that hearing Pitman said, and I quote, "I encourage Congress and the administration to promote the strategic interests of the United States by helping make the Baku-Ceyhan route economically feasible." Since these companies have already said that the project is not economically feasible on its own, the only way to make it feasible is with a substantial subsidy from the U.S. Government.

Mr. Speaker, let me turn to the other reason Ambassador Jones gave for the Bush administration's supporting this pipeline: the belief that it would bring sovereignty and economic independence to the Caspian states. While proponents of this pipeline argue that it would strengthen the economic independence of states like Azerbaijan and Georgia, it is also very probable as outlined in the Cato and Carnegie reports that the pipeline plan would bring more tension to the area, already beset by instability.

Mr. Speaker, Armenia, which is completely bypassed by this pipeline, already suffers at the hands of a dual blockade from the east from Azerbaijan and from the west from Turkey. Azerbaijan has used its influence to ensure that Armenia would not benefit economically from the pipeline. Ilham Aliyev, son of Azerbaijan's president and a vice president of the State Oil Company of the Azerbaijani Republic, told the Azerbaijani newspaper Baku Tura in early January, and I quote, ''Azerbaijan's position remains unchanged. The pipeline will not go via Armenia under any circumstances.''

This would explain why the pipeline, which avoids the most direct route from the oil fields to the Caspian to Ceyhan, would be brought through Armenia. In fact, the pipeline route takes great pains to avoid Armenia and Nagorno Karabagh. This is simply unacceptable, and the U.S. should not subsidize this plan in any way which serves to further isolate Armenia.

Therefore, Mr. Speaker, I request that the Bush administration reconsider this decision and withdraw any support for the Baku-Ceyhan pipeline. I ask the Bush administration to take a fresh and honest look at pipeline policy in the region and take steps to ensure that all countries of the Caucasus are included in east-west energy and trade routes.

PELL GRANT MATH AND SCIENCE INCENTIVE ACT, 2001

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

Mr. KELLER. Mr. Speaker, earlier today I filed legislation called the Pell Grant Math and Science Incentive Act of 2001, and I rise today to speak in favor of this piece of legislation. I would like to tell my colleagues about what it is, why we need it, and who is supporting it.

Under this bill, a low-income college student who qualifies for a Pell grant would be eligible for an additional $1,000 grant that he would not have to pay back if he has demonstrated a proficiency in math and science while in high school.

Let me tell my colleagues why this legislation is desperately needed. We have a problem with filling high-tech jobs in the United States right now. Currently, there are over 300,000 high-tech jobs that are unfilled in the United States because we just do not have the math-and-science-educated workforce to fill these jobs. This is costing businesses $4.5 billion a year in loss of productivity. Now, we do what we can to increase H1B visas. Currently there are over 100,000, so we go to foreign countries and allow their high-tech people in to fill these jobs, but yet we are still 300,000 jobs short. We desperately need college graduates trained in math and science.

I learned this firsthand when I held a high-tech conference in my hometown of Orlando, Florida. At this conference was 75 leaders from the education community, high-tech industry, and political leaders, as well as leaders from Congress. What I learned there was one thing: what is most important to the high-tech business folks is having a well-educated workforce that produces graduates from our local universities who have experience in math and science. It does not have to be a specific computer major, not a specific Internet major, but someone who can do trigonometry, calculus, and basic science.

I also went and met with Silicon Valley executives, and I learned from them that the reason they are in Silicon Valley is because of Stanford and Berkeley. They have a steady stream of high-tech workforce produced there. They told me that the main thing they need is math and science graduates.

Mr. Speaker, we have a second reason for this legislation. We have a desperate need for more math and science teachers in this country. We will need to hire over 2 million teachers in the next 10 years. The biggest shortage we have are math and science teachers.

According to a survey just completed of large city school superintendents, 97 school districts in the United States require more science teachers today, and 95 percent of the school districts need more math teachers today. So we desperately need to help those low-income folks who may not otherwise go to college, but who have the ability in math and science to open the door of college to them and to provide them with this additional grant.

Now, who supports this legislation? Well, President George W. Bush is one. President Bush campaigned on the platform of providing an extra $1,000 for first-year college students who have demonstrated proficiency in math and science. In fact, his position is laid out in detail on his Web site: www.georgewbush.com. A second key supporter is the gentleman from Michigan (Mr. EHLERS), who this House knows is one of the gurus here in terms of math and science education and is a strong supporter of this legislation.

Perhaps the best part of this legislation is that it pays for itself. Right now, companies pay over $100 million a year collectively to provide for H1B visas to provide a short-term solution for the lack of high-tech workers. We can take that money and use it to fund this Pell Grant Math and Answer Incentive Act and would not have to raise any taxes and yet fix the long-term problem with the short-term money here.

Mr. Speaker, I urge my colleagues to sign on as cosponsors for this important piece of legislation, and I urge all of my colleagues to vote for it. It will make a meaningful difference in the lives of our young people who need help going to college; it will make a meaningful difference in the lives of high-tech folks who need additional workers, and it makes good common sense.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3, ECONOMIC GROWTH AND TAX RELIEF ACT OF 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–12) on the resolution (H. Res. 83) providing for consideration of the bill (H.R. 3) to amend the Internal Revenue Code of 1986 to reduce individual income tax rates, which was referred to the House Calendar and ordered to be printed.

SITUATION WORSENS IN SOUTHERN SERBIA AND MACEDONIA

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

Mr. BEREUTER. Mr. Speaker, since late last year, we have received a spate of reports indicating that violence is on the rise once again in the southern parts of Yugoslavia, Macedonia, and especially in the Kosovo region. These reports are of special concern because the regions involved in this new outbreak of conflict lie immediately adjacent to the sector of Kosovo which is termed the ''area of responsibility'' for United States troops participating in KFOR, the NATO-led Kosovo peacekeeping operation.

Responsibility for most of the increased violence lies with the hard-line Albanian Kosovar nationalists, some of whom quite clearly participated in the so-called Kosovo Liberation Army, KLA, which is supposed to be disbanded. They are now pushing their extreme agenda through violence in the Presevo Valley, lying across the internal boundary that separates Kosovo from Serbia.

As part of the agreement that ended the NATO military air operations against Yugoslavia in June of 1999, a 5-kilometer ground safety zone, GSZ, was established along the internal boundary between Kosovo and Yugoslavia. The Yugoslavian military and

special police forces were prohibited from entering without expressed authorization by NATO.

The Presevo Valley contains several small cities and villages that are home to ethnic Albanians? Unlike their brethren in Kosovo, however, the Albanians of the Presevo Valley chose to remain outside the conflict which wracked Kosovo during 1998 and 1999. Although they certainly had legitimate grievances against the brutal regime of the former Yugoslavian leader, Slobodan Milosevic, the ethnic Albanians in the Presevo Valley rather than overwhelmingly seemed to prefer to settle their problems peacefully rather than through the violent means ultimately employed by the KLA.

Beginning in 1999, following the formal disbanding of the KLA, KFOR began receiving reports of the existence of a guerilla force calling itself by the initials UCPMB, the Liberation Army of Presevo, which was infiltrating across the Kosovo boundary into the GSZ in order to harass Serb police officers and intimidate some of the Serb residents of the Presevo Valley and thus caused them to leave the region.

In February of 2000, this Member led our House delegation to the NATO Parliamentary Assembly on a visit to Kosovo, and the commander of U.S. forces briefed us on the situation in the Presevo Valley. In fact, this Member climbed the heights of Kosovo to see the Presevo Valley below. At that time, he said to us that the situation with the so-called UCPMB was his single largest worry insofar as the safety of U.S. troops and other forces under his command were concerned.

Since last December, incidents in the Presevo Valley increased with several Serbian police officers reported to have been assassinated, and a joint U.S.-Russian patrol attempting to seal off the boundary came under fire by ethnic Albanians attempting to infiltrate from Kosovo. Last week, we learned of fighting in Macedonia along the border with Kosovo. Reports implicated a shadowy body calling itself the Liberation Army of Macedonia as being behind this most recent violence.

What is particularly disturbing about the involvement of Macedonian territory in what seems to be a new onset of a major conflict is that, in addition to Macedonia's enormous strategic significance, the Government of Macedonia, democratically elected last year, includes ethnic Albanians in its governing coalition; and Macedonia recently normalized its relations with Kosovo. Apparently, these democratic and popularly supported measures are unacceptable to the radical Albanian ethnics behind the renewed violence, because these progressive democratic steps undermine their goal of creating a ''greater Albania.'' They continue to have as their goal unification of all ethnic Albanians who inhabit Serbia, Macedonia, Kosovo, and Albania itself into a greater Albania.

The numbers of radical Albanian participants in these incidents in southern Serbia and Macedonia is, at present, small. What is of most concern, however, is that they seem to be receiving support and assistance from Kosovo and they have not been repudiated by the ethnic Albanian leadership in Kosovo.

Mr. Speaker, this Member is of the opinion that those supporting an extremist agenda within Kosovo are known to some of the leadership within Kosovo; and thereby, they could be denied the support that they are apparently receiving to use Kosovo as a base of operations.

The implications of a ''greater Albania'' for the region and for the United States and its allies in Europe are extremely grave. A wider war involving Macedonia, Bulgaria, Greece, and Turkey ultimately would be very serious. Our earlier intervention of Kosovo was aimed at stopping that problem.

Mr. Speaker, this deserves our attention.

We need to make it clear to the Albanian extremists that we will no longer tolerate their efforts to foment violent and ethnic discord in the region.

Mr. Speaker, NATO is at present considering measures to stabilize the situation, both in Macedonia and in the Presevo Valley. NATO Secretary General, Lord Robertson is visiting the Capitol today and tomorrow to meet with Members. This Member is inclined to support suggestions that, given the gravity of the current situation in Macedonia and on its border, Yugoslavian military forces be permitted to operate within the 5 kilometer ground safety zone in southern Serbia. Additionally, this Member strongly believes that we need to return an international preventive peacekeeping force to Macedonia similar to that which helped protect Macedonia from attack and destabilization several years ago. The governments of the Federal Republic of Yugoslavia, the Republic of Serbia and the Former Yugoslav Republic of Macedonia need to agree to a complete demarcation of the border between Macedonia and Serbia, and to measures to ensure its sanctity and security.

REVISIONS TO REVENUE AGGREGATES FOR FISCAL YEARS 2001–2005

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, Section 213(b)(1) of the conference report on the Concurrent Resolution on the Budget for Fiscal Year 2001 (H. Con. Res. 290) authorizes the Chairman of the House Budget Committee to reduce the revenue aggregates contained in the resolution if the July report of the Congressional Budget Office (CBO) estimates larger on-budget surpluses than those published in the agency's March report. CBO substantially increased its estimates of the surplus in its July report. Accordingly, I submit for printing in the Congressional Record revisions to the revenue aggregates for fiscal years 2001–2005 to reflect a portion of that increase in the surplus.

Revised Appropriate Levels of Federal Revenues in the Congressional Budget Resolution

[In billions of dollars]

Fiscal year	Federal revenues
2001	1,496.9
2002	1,519.8
2003	1,572.1
2004	1,619.1
2005	1,680.3

Questions may be directed to Dan Kowalski at 67270.

□ 2000

WHY HORRIBLE CRIMES ARE BEING COMMITTED

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

Mr. DUNCAN. Mr. Speaker, the terrible tragedy of the school shootings 2 days ago in California should be, and I believe is, of great concern to all Americans.

There are many reasons why these horrible crimes are being committed in several places by teenage boys, but I want to mention two major concerns I have.

I was a criminal court judge in Tennessee for 7½ years before coming to Congress trying felony criminal cases. I was told the first day that I was judge that 98 percent of the defendants in felony criminal cases came from broken homes.

I know that millions of wonderful people have come from broken homes, but almost all would say that family breakups made their childhoods much more difficult.

I know, too, that divorce is now a tragedy that has touched almost every family, and I know that many times it cannot be avoided. But I do not know of anyone who hoped beforehand that their marriage would end in divorce.

During my years as a judge, I went through approximately 10,000 cases, because 97 percent or 98 percent of the defendants pled guilty and apply for probation or other considerations. I would get 10-page or 12-page reports that went into the backgrounds and life histories of the defendants before me.

I would read over and over and over again things like defendant's father left when defendant was 2 and never returned, or defendant's father left to get a pack of cigarettes and never came back.

Unfortunately, millions of fathers have left their families, not realizing, I suppose, the great harm they are doing to their children.

Of course, many times it is the woman who wants the divorce, but this special order today is as much as anything a plea for families to try to stay together, if at all possible, at least until their children mature.

One of the greatest blessings you can give to any child, especially a small child, is a two-parent home.

I could not help but notice that the boy who did the school shootings in California came from a broken home and had recently been moved from one side of the country to the other.

The Federal Government bears a big part of the responsibility for all of these broken homes. Studies show that most marriages break up in arguments over finances, over money. For most of our history, government took a very low percentage of family income. In 1950, government took only about 8 percent to 10 percent. Today Federal, State and local taxes take almost 40 percent of the average family's income. Government regulatory costs that are passed on to the consumer in the form of higher prices take another 10 percent.

One Member of the other body said that today one spouse works to support the family while the other spouse has to work to support government.

Also, the giant Federal welfare state, which even former President Clinton described as a colossal failure, has helped contribute to the broken home situation. But if government at all levels would take less money from families, of course, it would not end divorce, but it would certainly mean that thousands of families that now split up would stay together.

Also, for families that have already broken up, I hope other family members will do all they can to fill the void in time and attention.

One article I saw about the boy who did the California shootings described him as a typical latchkey child.

Mr. Speaker, 2 years ago or 3 years ago, after another one of these tragic school shootings, I remember listening to the CBS national news and hearing the national head of the YMCA say that children in this country today are being neglected like never before.

I hope this is not true. But the YMCA has not released some statistics reporting that nearly 8 million children are left alone after school between the hours of 3:00 and 6:00, which just happens to coincide with the peak hours for juvenile crime.

The families need more money, so there will not be as many broken homes. We need to lower taxes at every level so that we can strengthen families, but children need a lot more than money. What they need most is love and time and attention.

My second concern is the movement towards bigger schools. I saw an article in the Christian Science Monitor a couple of years ago which said the largest school in New York City had 3,500 students. Then they broke it up into five separate schools, and their drug and discipline problem went way down.

Mr. Speaker, there are some exceptions, but in most places class sizes have been brought down to smaller or at least manageable size. However, going to bigger, more centralized schools meant that many young people felt like anonymous numbers or could not make a sports team or be a leader in some other school activity.

Also some very large high schools seem to have been breeding grounds for strange or even dangerous behavior.

Augusta Kappner, our former U.S. Assistant Secretary of Education, wrote recently in USA Today that good things happen when large schools are remade into smaller ones. She said incidents of violence are reduced; students' performance, attendance and graduation rates improve; disadvantaged students significantly outperform those in large schools on standardized tests; students of all social classes and races are treated more equitably; teachers, students and the local community prefer them.

Mr. Speaker, students are better off going to smaller schools even in older buildings than they are in these big, giant schools where they just feel like anonymous numbers.

WOMEN'S HISTORY MONTH

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

Ms. WOOLSEY. Mr. Speaker, I come to the floor tonight in celebration of National Women's History Month, the month of March.

I come here to salute the women in this country. This month is unique to me, particularly because Sonoma County, in my district, is the birthplace of the National Women's History Project, the nonprofit educational organization that is responsible for establishing Women's History Month.

In 1978, the Education Task Force of the Sonoma County Commission on the status of women, which I happened to be chair at that particular time, initiated a Women's History Week. Later in 1987, with the help of museums, libraries and educators across the country, the National Women's History Project petitioned Congress to expand the celebration to the entire month of March.

Mr. Speaker, a resolution recognizing Women's History Month was quickly passed with strong bipartisan support in both the House and the Senate. Although the month of March gained this distinction about 20 years ago, and a lot has happened since then, we still have a lot of work ahead of us.

When we celebrate women and when we look at women and children and the challenges ahead, we must do more for women and we must do more for families.

We must do more for our communities and for our Nation, and one place where we can start is by improving education.

Females make up slightly more than 50 percent of this country's population. Yet, less than 30 percent of America's scientists are women. In addition, the National Science Foundation reports that the jobs facing today's workers will require higher skill levels in science, math and technology more than ever before.

Quite clearly, there is no way that America can have a technically competent workforce if the majority of students, females, do not study science, math and technology. That is why I introduced a bill last Congress to help school districts encourage girls to pursue careers in science and math.

Although my bill is formally titled Getting Our Girls Ready for the 21st Century Act, it is really known as Go Girl.

Go Girl is designed to create a bold new workforce of energized young women in science, math, technology and engineering.

Last year, it was included as an amendment to two separate bills in the Committee on Science and the Committee on Education and the Workforce. This year I will be reintroducing Go Girl.

Along with improving early education, we must also invest in job training programs and initiatives that give women the tools they need to become self-sufficient.

Mr. Speaker, we all know that one of the best tools a woman can have is a quality education, since it is nearly impossible to get a good job without a strong educational background.

That is why I am working on legislation to allow education to count as work when we reauthorize the welfare to work legislation.

Mr. Speaker, this month, the month of March, encourages us to think about the progress women have made, and it reminds us to use every instrument in our power to continue to move forward. We must continue to dedicate ourselves to the jobs ahead. We must improve education for young girls and adolescents. We must invest in job training for women, ensure equal pay for equal work, and we must protect these rights, both in the United States and abroad.

It is said that a woman's work is never done, hence we are here tonight working in the middle of the night. Our predecessors knew the same thing in 1848.

Today, we know that with challenges ahead, we have our work cut out for us. We must continue so that we can get the job done.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. 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 am proud to stand here today as the Democratic cochair of the Congressional Caucus on Women's Issues, being the first cochair of this millennium, and happy to share this role with my friend and colleague, the gentlewoman from Illinois (Mrs. BIGGERT).

We will be submitting an education appropriation to address the role of education and our children.

Mr. Speaker, we are here today to celebrate March as Women's History Month and to highlight the extraordinary achievements of all women throughout our history, while recognizing the equally significant obstacles they have had to overcome along the road to success.

Women's History Month has progressed from Women's History Week, established in 1978, to coincide with International Women's Day, which we will celebrate tomorrow, March 8th.

It is during this time that we acknowledge American women of all cultures, classes and ethnic backgrounds who have served as leaders in the forefront of every major progressive social change movement, not only to secure their own rights to equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just civil society for all.

Women have played, and continue to play, a critical economic, cultural and social role in every sphere of our Nation's life by constituting a significant portion of the labor workforce working in and out of the home.

One of the most significant roles of women is that of mother, bearing children, nurturing and protecting their children.

In an effort to provide for the well-being of her children, a mother takes charge of all health and educational needs critical to the child's development. Thus tonight we will focus on women and education.

As a mother and grandmother, I am well aware of the importance of a quality education in the lives of young people and know that next to mother a teacher is probably one of the most influential persons in a child's life.

As a former educator and the only Member of Congress to serve on the National Commission on Teaching and America's Future, I have been committed to promoting quality teachers in our Nation's public schools.

Tonight I would like to discuss the issues of teacher recruitment, retention and professional development.

Mr. Speaker, it is widely recognized that investments in teacher knowledge are among the most productive means of increasing student learning. Despite our gains, much work still needs to be done. We need to ensure that all of this Nation's children are taught by well-prepared and well-qualified teachers who have access to ongoing professional development and lifelong learning opportunities.

The creation of more vigorous and rigorous professional standards for teachers is one methodology to address teacher preparedness. These standards ensure that teachers will know the subjects they teach and how to teach those subjects to children; that they will understand how children learn and what to do when they are having difficulty; and that they will be able to use effective teaching methodology for those who are learning easily, as well as for those who have special needs.

While new teaching standards may hold great possibilities for raising the quality of teacher preparation, these advances will have little impact on the Nation's most vulnerable students if school districts continue to hire teachers who are emergency credentialed and who are assigned to teach outside of their field of expertise.

According to the Journal of Teacher Education, students learn significantly less from teachers who are not prepared in their teaching area. Fields like mathematics, physical science, special education, and bilingual education are suffering from a shortage of teachers across different regions of this country.

These shortages occur in part because some States prepare relatively few teachers but have rapidly growing student enrollment. In my State of California, enrollments are projected to increase by more than 20 percent in that State by the year 2007.

In order to achieve the educational goals and success we hold for all of our children, we must develop strategies that do not trade off student learning for the hiring of unqualified teachers. In addition, we must be willing to provide qualified teachers, especially in the urban areas, with professional salaries and much needed training and services.

Mr. Speaker, we are proud to celebrate this month as Women's History Month.

We also need to create high quality mentor programs for beginning teachers and expand teacher education programs in high need fields so that individuals wishing to teach math, science and special education can obtain the training necessary to accomplish their goals. I am committed to ensuring that America's teachers are well trained, and well compensated. What goes on in classrooms between teachers and students may be the core of education, but it is profoundly shaped by the policies we propose and pass in Congress. We must support the work of teachers and school administrators and work together to strengthen America's educational system. It is my hope that together, we can develop innovative methods to ensure that there is a competent, caring, and qualified teacher for every child in the United States of America. Women across America let's celebrate this month and showcase the accomplishments of women.

□ 2015

RECOGNIZING FIVE CITIZENS FROM MARYLAND FOR THEIR FINE SERVICE TO OUR NATION

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

Mr. GILCHREST. Mr. Speaker, I rise today to call my colleagues' attention to the fine service to our Nation by five citizens from my Maryland Congressional district: Mr. John Williams of Elkton, Mr. Richard Noennich of Elkton, Mr. William Jeanes of Earleville, Mr. Donald H. Burton of Chesapeake City, and Mr. Emmett Duke of Chestertown.

Very often we go on with our busy lives and forget that every day our government is making decisions and plans that will affect our health, our lives and our future. Every day so many of us take for granted that someone else will take up the causes for which we care and serve as the watchdog over our Federal institutions. Often we are too busy to get involved and our government moves ahead without critical oversight from the people, leaving accountability to be sacrificed on the altar of convenience.

More than 4 years ago our government, emboldened by the neglect of its elected leaders, was determined to move forward on a public works project in Maryland to deepen the Chesapeake and Delaware canal that connected the Delaware River to the Chesapeake Bay. This particular project was both a disservice to the taxpayers and a sin to our fragile Chesapeake Bay. A proposal to spend over $100 million on this wasteful and unnecessary project was never challenged. Yet five men from opposite corners of the community and separate walks of life met by chance and formed an alliance in the name of injecting honesty and integrity into an intimidating government review process. Led by the guiding principle of truth and a commitment to public service, these patriots faced the air of entrenched special interest with little outside support and ultimately triumphed in their efforts.

After enduring years of ridicule by editorial writers, being stonewalled by government bureaucrats and marginalized by many of their own elected officials, they were recently vindicated in their work by the rightful collapse of the project when the

Corps of Engineers finally recognized that they were correct in their assumptions.

Throughout the entire experience, these five men did not forget that one thing that makes America so strong, that democracy only works when citizens stay involved. These five citizens committed thousands of hours and thousands of dollars to making sure that our institutions of government stay committed to the principles of democracy, that our government of the people, and by the people remain truly for the people. Long after many of us would have withdrawn in frustration and moved on, they never lost their sense of optimism about our system of government.

Mr. Speaker, I commend them for this optimism. I commend their perseverance, and I commend the example they set for our children and grandchildren.

In his recent inaugural address, our new President reminded us sometimes in life we are called to do great things, but every day we are called to do small things with great love. These five patriots showed that in the small things they did every day and the great accomplishment that resulted, they showed great love for their community and our country.

Mr. Speaker, I ask my colleagues to join me in thanking John Williams, Richard Noennich, Bill Jeanes, Don Burton and Emmett Duke for their service to our nation.

Ralph Waldo Emerson said in his essay more than a hundred years ago, Self-reliance, ''There is no peace without the triumph of principles.'' These men epitomize that statement.

CLOSE THE GUN SHOW LOOPHOLE

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

Ms. NORTON. Mr. Speaker, I hope that the Congress was awake today when there was another shooting, making two shootings in a week, yesterday California at a public school, two dead, 13 injured; today a Catholic school. It appears that there is one injury.

I am not sure if it takes these shootings to get congressional attention. I do give considerable credit to Senator MCCAIN and Senator LIEBERMAN who have been trying to close the gun gap since this Congress began, that is the gap that we left open at the end of the 106th Congress in spite of Colombine.

The Million Moms are still organizing at the grass roots. Members should be wary of letting another year go by of shootings and no action. I will have a Mother's Day resolution on the floor and I challenge the Congress to close the loophole before that resolution and before Mother's Day. We have come so very close and we must ask ourselves what advantage is it to us and our constituents to give an advantage to gun shows over licensed dealers in our district? Why should licensed dealers not get the respect, they who pay taxes, over gun shows who go without the same regulations; and why oppose closing the loophole when 90 percent would pass instantly. This is a question of congressional will.

I do not pretend that this is any panacea any more than the Brady Bill was, but everybody now knows what a considerable difference the Brady Bill made. It is some important difference that closing the loophole would make, and surely today we would recognize that with all of the rhetoric about protecting our children. This much we can do. We can close that loophole.

Mr. Speaker, I would like to lay the second amendment argument to rest once and more all. The Constitution does not bar reasonable regulation of gun ownership. How do I know that? In the District of Columbia and all over the United States, there are laws that forbid handguns altogether. Those laws were challenged decades ago and found constitutional. Why in the face of the fact that cities and localities regularly regulate guns do we hear constitutional arguments against closing the loophole. We need a national law. It is not good enough to have a law in New York and Atlanta and the District of Columbia because guns travel by interstate commerce like people, they travel on people and they travel in cars.

We must not wait for the next shooting because we know it will come, and it may even come if we close the loophole. But to the extent that we save the life of one child, and there are two dead tonight, by a law that closes the gun show loophole, we shall have done what was necessary for Members of Congress to do.

Mr. Speaker, I ask this body to act now, act before Mother's Day.

36-YEAR ANNIVERSARY OF MARCH ACROSS EDMUND PETTUS BRIDGE

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, my colleagues see on the floor of the House, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Alabama (Mr. HILLIARD).

Mr. Speaker, I rise this evening on a day of a very special and heroic event. In fact, I am somewhat overwhelmed because this has been a particularly difficult day. It caused me to see the importance of those many souls on March 7, 1965 who took the heroic step to walk across the Edmund Pettus Bridge in Selma, Alabama.

It was heroic because they were marching into danger unforeseen. The simple request was to allow people to vote, to be able to capture the essence of the Constitution; and in the Declaration of Independence we all are created equal. We had the good fortune this weekend, as I have done for the past 3 years, to join John Lewis, one of those along with Hosea Williams and Bernard Lafayette and many, many others on that fateful day, March 7, 1965 to begin that walk of no return.

We commemorated it, by our walk, and we walked tall. We saw media, we had throngs, and we were not beaten. Those 36 years ago, however, those individuals who were brave enough to do it, were putting their life on the line. They were beaten, beaten to unconsciousness. They were bloodied, but they were unbowed.

After what we have gone through in this last election year, this past weekend was even more riveting and more emotional. It showed me even more the sacrifice made for those of us who now stand here today.

The gentleman from Alabama (Mr. HILLIARD) returned home after being educated at Morehouse and finishing his law degree to serve his community. I pay tribute to him because he lived that life and fought that fight. We must never forget March 7, 1965.

We must never forget that bloody Sunday, we must never forget the courage of those who came back, Dr. Martin Luther King came back on, I believe, March 21, and we should commit ourselves, Republicans and Democrats alike, never to allow the fundamental right to vote to be diminished. That is why I propose a national holiday for all Americans to vote in Presidential years and the Secure Democracy Act that will establish the kind of systems that will allow all Americans to vote.

I believe this is extremely important as we acknowledge as well this month the celebration of women in America's history. So many women who shared their life with the civil rights movement, so many women who are our first teachers, so many women who braved obstacles to be able to serve their country in the United States military. Yet we still have many miles to travel.

Mr. Speaker, on behalf of those who wish to vote, on behalf of women, and as I close, on behalf of our children, for I join my previous colleague, the gentlewoman from the District of Columbia (Ms. NORTON) to say how many more times will we apologize to the parents of dead children.

We must in fact take the bravery of men and women who went forward in the civil rights movement and women who paved the way for those of us who stand here to pass real gun safety legislation, to hold adults accountable, to find ways to heal the broken hearts of children who find no other way to exhibit their anger than to take a 22 rifle and shoot 30 rounds of ammunition out of the 40 that the child secured.

When is this Congress going to be brave enough, similar to those men and women who took those steps across the Edmund Pettus Bridge some 36 years ago, willing to offer their lives so that America might be free and have the right to vote. When will we stand as Republicans and Democrats on behalf of our children to stop the bloodletting of children going to school and killing children because we have a love affair with arms. We know we can certainly protect the second amendment and protect our children as well.

LOWERING THE ELIGIBILITY AGE FOR THE EARNED INCOME TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to introduce a bill that lowers the minimum age for individuals without children to be eligible for the earned income tax credit.

In 1975, the earned income tax credit was established to provide aid to working parents with low incomes. In 1994, the credit was extended to include low-income workers with no children.

This credit provides struggling workers age 25 or over a financial boost by reducing their tax liability or providing an actual cash benefit.

But the earned income tax credit discriminates against younger workers. It is inherently unfair to deprive some the benefits of the tax credit simply because he or she is under the age of 25.

Congress justified the age requirement to prevent students, who are supported by their parents, from becoming eligible for the credit. Yet in our inner cities and rural areas many young men and women cannot afford to go to college. Upon high school graduation, they are thrust into the workforce. But many of the jobs available to them do not pay a living wage.

My bill helps these individuals by lowering the minimum age requirement of the earned income tax credit to 21 years of age.

I urge my colleagues to cosponsor this legislation.

36-YEAR ANNIVERSARY OF MARCH ACROSS EDMUND PETTUS BRIDGE

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

Mr. HILLIARD. Mr. Speaker, on the 36th anniversary of Bloody Sunday, I stand to say thanks to the Members of Congress from both sides of the aisle, the Republicans and Democrats, who came this past weekend to Alabama to participate in the reenactment of the march across the Edmund Pettus Bridge.

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Mr. Speaker, this journey was begun some 36 years ago. The journey for freedom and for the right to vote is still going on. It will not stop until every facet of our lives are free from prejudice and discrimination. But in order for that to take place, Mr. Speaker, each one of us must rededicate our lives to the proposition that all men are created equal and that they have certain inalienable rights.

Mr. Speaker, we as Members of Congress must make sure that we join the common man not only in rededicating himself to the principles of democracy, but we must make sure that our laws are in accordance with our democratic principles.

Mr. Speaker, the reenactment of the march across the Edmund Pettus Bridge is not just a celebration but it is a cause celebre. It is a time to remember and to reflect upon those persons who 36 years ago put their lives at the mercy of others who were opposed to them taking such action for the principle that everyone in our country should have the right to vote. It was an honor to participate in that reenactment with such greats as the gentleman from Georgia (Mr. LEWIS) and Bernard Lafayette, and others who participated at that time.

Mr. Speaker, all of us have our Edmund Pettus bridges to cross. We still discriminate in this country against the disabled, against gays, against people who may not speak in our native tongue. We still have a long way to go in our society to make sure that everyone has the opportunity to vote and to make sure that every vote is counted.

So it is not just remembering what took place; but, Mr. Speaker, we have to do something about the inequities that still exist in our society. The reenactment keeps the public aware of the past atrocities in our history. It keeps them reflecting on the fact that we still must fight for those things that are dear to our democracy. We hope that the reenactment will cause all of us to learn from the past but also to cause us to be able to profit from the mistakes of the past, to correct those problems of the past, to correct the problems of the present so that the future will be safe and secure for all to enjoy.

REMEMBERING THE 1965 MARCH ACROSS THE EDMUND PETTUS BRIDGE

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

Mr. LEWIS of Georgia. Mr. Speaker, like my colleagues, I rise today to pay tribute to the brave and courageous men and women and a few young children that attempted to march from Selma to Montgomery 36 years ago today, March 7, 1965.

Just think, Mr. Speaker, 36 years ago, in many parts of the American South, 11 States of the Old Confederacy, from Virginia to Texas it was almost impossible for people of color to register to vote. As a matter of fact, in a State like the State of Mississippi, in 1965 the State had a black voting-age population of more than 450,000 and only about 16,000 blacks were registered to vote. There was one county in Alabama, between Selma and Montgomery, Lowndes County, where the county was more than 80 percent African American; yet there was not a single registered African American voter in the county. In the little county of Selma, only 2.1 percent of blacks of voting age were registered to vote.

People of color not only had to pay a poll tax, they had to pass a so-called literacy test. Interpreting sections of the Constitution of the United States, the constitution of the State of Alabama, the constitution of the State of Georgia and the State of Mississippi, there were black men and women teaching in colleges and universities, black lawyers and black doctors being told they could not read or write well enough. On one occasion, a black man had a Ph.D. degree in philosophical theology and he flunked a so-called literacy test. On another occasion, a man was asked to give the number of bubbles in a bar of soap.

The drive, the movement for the right to vote came to a head in Selma, Alabama. For many months people had gone down to the courthouse to be turned back. They were arrested. Some were jailed. On March 7, 1965, about 600 black men and women, and a few young children, attempted to march from Selma, Alabama, to Montgomery, to the State capital, to dramatize to the Nation and to the world that people of color wanted to register to vote. They were beaten with night sticks, bull whips, trampled by horses, and tear gassed.

That day became known as Bloody Sunday. There was a sense of righteous indignation all across America when people saw what happened to these 600 men and women and young children in Selma. Eight days later, after what became known as Bloody Sunday, President Johnson came to this hall and spoke to a joint session of the Congress, and he started that speech off on March 15, 1965, by saying: ''I speak tonight for the dignity of man and for the destiny of democracy.'' President Johnson went on to say: ''At times, history and fate come together to shape a turning point in man's unending search for freedom. So it was more than a century ago at Lexington and at Concord. So it was at Appomattox. So it was last week in Selma, Alabama.''

And in that speech on March 15, 1965, President Johnson condemned the violence in Selma, introduced the Voting Rights Act; and before he closed that speech he said over and over again: ''And we shall overcome.'' The Congress passed the Voting Rights Act,

and it was signed into law on August 6, 1965, 36 years ago.

Because of the courage of these men and women and these young children, Mr. Speaker, we have witnessed a nonviolent revolution in America, a revolution of values, a revolution of ideas. Because of this march, because of this attempted march, we are on our way toward the building of what I like to call the ''beloved community,'' toward the building of a truly interracial democracy. By marching, by standing up, these young men and women, these young children, on March 7, 1965, and the Members of Congress back in 1965, helped to expand our democracy, helped to open up the democratic process and let hundreds of thousands and millions of our citizens come in.

We live in a better country. We live in a better place because a few men and women and a few young children got in, what I call, the way to make America different, to make America better. Today, Mr. Speaker, I stand here to salute these brave men and women, men and women, with courage, who dared to sail against the wind on March 7, 1965.

CONCERNED ABOUT A TAX CUT BILL BEFORE A BUDGET BILL

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

Mr. BOSWELL. Mr. Speaker, I come tonight at this late hour troubled somewhat about an event that I think needs some attention. I kind of hesitate talking about it after those wonderful words said by the gentleman from Georgia (Mr. LEWIS) about a very important thing. This is on another subject; but I appreciate what the gentleman said tonight, and I want to thank him for it.

Tomorrow, according to our majority leader, we are going to be dealing with the first round of our tax bill, and I am concerned about that. A few days ago President Bush came up to Nemacolin and talked to our caucus, and we enjoyed that visit very much. We appreciated it. And in the process we asked him, Can we see a budget first? Can we see the budget? For me, that was very real, because before I came here there was a time when I was in our State legislature and had a very significant role to play in working up a balanced budget and getting our State out of bondage and out of debt. So I am very conscious of that. So we appreciated him saying that.

So he sent the document, as he said he would. I thank him for that. I did not expect it to be a perfect thing. It does not have to be, because we have the legislative process. So the document came and we laid it side by side with what our staff has, and I have had for some bit of time, and things just do not quite jive in the sense of what it does for agriculture and what it does for education and some of the things I am very concerned about, the construction in some of our research centers and so on. I think it needs some attention.

I thought, well, that is okay, we have a process. The gentleman from Iowa (Mr. NUSSLE), along with the ranking member, the gentleman from South Carolina (Mr. SPRATT), will bring us a document that we can look at, and it will have the refinement of their work, and that will be good, it will be helpful. But that is not going to happen, so I am told, and that is wrong. It is very wrong.

I just have to reflect on what we do in our own families. I travel across my district; and when families sit at the table and talk about what they are going to do with their resources, they want to pay off their debts, if they are planning a vacation, they have to be sure that they have things in order; that the kids are ready for school, they have their clothes, all those things. They see their budget before they spend that which they may not have to spend.

County and city government, I have dealt a lot with them. In our States they have to deal with property tax. That is how they run most of county and city government. Everybody would like to have relief from property tax, me too; but they would not think of declaring a property tax relief until they considered the needs of the budget for that entity. They just would not think of it. Yet here we are about to embark on this.

In 1981, 20 years ago, when the tax bill of that day was passed, I was talking to my accountant, Mr. Chuck Church, down in Des Moines, Iowa, he is a CPA there, and we discussed this. We thought, well, this is pretty good, but then we started thinking about some of the other things that could take place. Now, I bring this up for comparison, budget first, because things are much different than it was 20 years ago.

Twenty years ago, we only had $1 trillion in debt. Now we have $5.7 trillion. The service of the debt now is quite a contrast. If we made a mistake then, we had the strength and so on to recover from it. Do we today, if we make a mistake? I do not know. I am concerned about it. I do not think that in those days they were thinking about the baby boomers coming on. They are coming. Now they are just 8 years away before they start entering into the fray, and we have to deal with that. Twenty years ago they were not giving that much attention. And I think that needs attention.

So we need the budget first, and I want to say to the American people tonight and whoever else is listening in their offices or wherever, common sense says show the budget. Like the little lady said on advertising some years ago, ''Show me the beef.'' Show us the budget so we can see where we are at and so we can go forward with good sense and make the progress we need to make.

We all would like to have tax relief. I want tax relief. The money we have here is not our money. It is the people's money. We all know that. If we have more than we need, then we ought to send it back. But we ought to deal with the realities of where we are at and not jeopardize Social Security and Medicare and defense and agriculture, and a number of things that are very, very high priorities to us. We ought to think of it and be sure that we have the budget first.

So here we are tonight, Mr. Speaker, at this point, a few hours away from taking it up, and I would hope we would give some consideration to what we have talked about.

□ 2045

THE FLORIDA VOTE

The SPEAKER pro tempore (Mr. CANTOR). Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, first of all let me thank the gentleman from Georgia (Mr. LEWIS), the gentleman from Alabama (Mr. HILLIARD) and the gentlewoman from Texas (Ms. JACKSON-LEE) for their discussion tonight over the fight to get the right to vote. I want to take that a step forward to discuss the fight to make sure every vote counts.

Before I begin, I want to talk a bit about the coup d'etat. I know those are strong words, Mr. Speaker, but that is what happened in Florida, on November 7, because, without a doubt, more people, not just in the United States, went to the polls and voted for Al Gore, more people in the State of Florida went to the polls and voted for Al Gore. In fact, I represent Duval County, the Third Congressional District of Florida, where 27,000 votes were thrown out, 16,000 of them African Americans, 22,000 overvotes, 6,000 undervotes, that have never been counted.

I was particularly disturbed last week when the Miami Herald, and I have got to give credit, if you read the article, they did not say that Al Gore lost Florida, but the media went in and talked about the election and indicated that in four counties, four counties, if the recount was done, that Bush would have won. But I knew for a fact they were not talking about Duval, because we just started counting the votes, the undervotes in Duval Monday. We have been in court. And so we are still counting the undervotes in Florida, over 100,000 votes that were not counted, not one time.

Let me discuss what an undervote is. An undervote is like if you come from Duval County and you have those old machines and the machines spit the vote out so they were not counted. I asked the leadership of this House, when were we going to have a hearing on the illegal activities that occurred in Florida, the illegal activities that occurred on November 7. The response was that next week we are going to have a hearing on profiling, racial profiling.

Now, I really think that is very important, but that has nothing to do with the election in Florida and what happened in Duval County and in Seminole County, where people went in to the supervisor of elections and filled out forms, and in Martin County, where they went in to the supervisor of elections and took forms out and where the Secretary of State in the State of Florida took $4 million of taxpayers' money, subcontracted to a firm in Texas to identify felons, and many that were identified and kicked off of the roll had never been arrested.

Yes, there were a lot of criminal activities that occurred in Florida on November 7. I cannot move forward because we are debating tomorrow a tax cut as if someone had a mandate on November 7. That is what is disturbing to me. The issue that we discussed today, turning back the clock for American workers, we would not be discussing those items if we did not have that coup to take place in Florida.

Mr. Speaker, my people in Florida want to know, when in Congress are we going to have a hearing on the illegal activities that took place in Florida during the election and after the election?

Mr. LEWIS of Georgia. Mr. Speaker, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. I thank the gentlewoman for yielding. We are not in the majority, so we cannot set the time and place of the hearing. It is my hope that we will have a hearing, that the leadership of the Congress, the leadership of this House will hold hearings on what happened in Florida. The right to vote, and the right to have your vote counted, is the heart and soul of our democratic process.

We just had a discussion a few moments ago about how people suffered, people struggled, people that I knew died for the right to vote. I will never forget in June of 1964, three young men, Andy Goodman, Michael Schwerner, white, Jewish from New York; and James Chaney, black, from Mississippi, were arrested, jailed by the sheriff, then taken over to the Klan where they were beaten, shot and killed because they were there to help people register to vote. Then Jimmy Lee Jackson in Alabama and others.

Ms. BROWN of Florida. This is round one, Mr. Speaker. We will continue this discussion.

C–SPAN, ERGONOMICS, THE PRESIDENT'S TAX CUT AND PATIENT PROTECTION LEGISLATION

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

Mr. GANSKE. Mr. Speaker, this morning started out with a breakfast that I and other Members and past Members of Congress had with Brian Lamb, who is the head of C–SPAN, the chief executive officer of C–SPAN. I must give a lot of credit to C–SPAN, because it is bringing democracy into millions and millions of homes every day and has opened up the political process more than ever before. Sometimes I will give a special order and I will invariably hear from home from some of my constituents and very, very frequently I will hear from my colleagues here in Congress on a comment on what I spoke about. I know that other Members who take part in special orders find the same thing. A major reason for that is because of the coverage by C–SPAN, a real service. Mr. Lamb is a gentleman and I think a patriot for selflessly giving up of his time and tremendous work and energy to provide a service for citizens around the country and a service that also helps us do our business here. Because there will be innumerable nights when I will be working in my office and there will be coverage here on the floor or during the daytime when we are all tied up in committee meetings and other things, and we get to follow what is going on on the floor via the coverage from C–SPAN.

I think tonight is a good example of the type of diverse comments that are covered, especially after regular order and during what is called special orders, about the only time that Congressmen and Congresswomen have to speak at any length of time is during this time.

Mr. Speaker, we have 435 Members of the House. We can fill every seat in this room. And because there are so many of us, the rules of the House make it so that when we debate an important issue, there is a limited amount of time. We do not have the luxury of only having 100 members like they do in the Senate where the Senators can speak for extended periods of time and develop completely ideas. And so what frequently happens is that during a debate on an issue like today when we spoke about workplace regulations on ergonomics, we will have a set period of time for debate, it will be divided between both sides, the Republicans and the Democrats, and then, because so many Members want to speak on an issue, like will happen tomorrow when we debate the tax cut, there is only a very small amount of time that is allotted to each Member. And so, unfortunately, frequently the volume is turned up and the thought does not get very well developed, and we end up sometimes, I am afraid, with some shouting on the floor and more partisanship than we need to see. And basically we are talking from soundbites. And so I very much appreciate the chance that we have on evenings like this to address some issues in a little more depth, and I think it is really, really important that we maintain the opportunity to do that.

I have learned a lot tonight in sitting on the floor and listening to fellow Members. We have just had the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Alabama (Mr. HILLIARD) and the gentleman from Georgia (Mr. LEWIS) talk about an event that happened 36 years ago. Unfortunately probably most Americans do not know what happened at the Edmund Pettus Bridge, but it was really, really important to a lot of people after it happened.

Mr. Speaker, it will not be long before you and I are not around, or any of us are around, and hardly anyone will remember any of us very long. But there is a saying that is engraved by Robert Kennedy's gravestone that I think is appropriate, and it is why we all work in public service and why at home we work for our families. It is not that there is any expectation that we are going to be famous or that we are going to be remembered for any period of time, it is just that if you toss that small pebble into the ocean, you will make a little splash, and it will create a little wave, and if enough other people do that, you will create a current, and a current adds to a current and collectively you can make a difference just like those men and women did 36 years ago that resulted in millions and millions of people getting the right to vote. I really appreciate the comments tonight that we have had from our colleagues.

We do not always agree. I do not agree that in Florida there was any evidence that any fraud took place. And so I would take issue with statements that were made tonight in that regard. But my plea to Mr. Lamb is that we are allowed to continue to have special orders broadcast. I think it is important. We can communicate with our colleagues back in the office buildings after hours, or sometimes even in their apartments here on Capitol Hill. We can communicate with constituents. And it gives us our only chance here in the House to talk about an issue in some depth without having to shout soundbites.

So tonight, Mr. Speaker, I want to talk about a couple of issues. Earlier

today, the House dealt with the proposed new workplace regulations on repetitive-type injuries, or the ergonomics rule. When I was on the floor earlier today and wanted to speak on this, I was given 1½ minutes to talk on this complex issue. So I looked at my speech and I tried to pare it down and sure enough I ran out of time right at the end. So I am going to speak a little bit about that, because it is an awfully important issue, to workers, to employers, and really to our economy.

Tomorrow we are going to be debating a tax cut bill. So today I went to the floor, here on the floor, I ran into the chairman of the Committee on Ways and Means, and I asked the gentleman from California (Mr. THOMAS) if I could have some time to speak on the tax cut. Well, he thought that maybe I could have a minute or two, but he had an awful lot of people on his own committee who wanted to speak. So tonight I am going to develop a little bit further my thoughts on a tax cut.

We have before us in Congress a very important issue on patient protection, and how people are treated by their HMOs. Goodness, Mr. Speaker, I can remember about 3 years ago now this coming to the floor and we had 1 hour of debate on each side, which meant that everyone who wanted to speak got about 1 minute or 2 minutes, so tonight I am going to spend a little bit of my time on that, too.

Mr. Speaker, I applaud yesterday's vote in the Senate on the proposed ergonomics rule in which 56 Senators to 44 voted that the proposed regulations were inappropriate and that we should do them again.

□ 2100

I applaud the House of Representatives in taking a similar position today.

Mr. Speaker, prior to coming to Congress, I was a reconstructive surgeon who treated a large number of patients with upper extremity musculoskeletal disorders, some of which were disease processes like carpal tunnel, cubital tunnel, tendonitis.

Mr. Speaker, I am not a spokesperson for these organizations; but I am the only Member of Congress who is a member of both national hand surgery societies, the American Society for Surgery of the Hand and the American Association of Hand Surgery; the only Member of Congress who has actually treated patients with ergonomic diseases. Like hand surgeons around the country, I share OSHA's concerns about the health and safety of workers and I am dedicated, as all hand surgeons are, to helping prevent and reduce workplace injuries.

Repetitive stress injury is poorly understood. The diagnosis is made far too commonly and the implications of that diagnosis are far-reaching for patients, employers, employees, and third party payers. Like OSHA, I and thousands of other hand surgeons recognize the need to pay close attention to musculoskeletal aches and pains and to appropriately diagnosis and treat musculoskeletal disease in a timely fashion. However, I believe that OSHA's new ergonomic rules are not founded on, ''a substantial body of evidence.'' I agree with the National Research Council that more study is important.

Mr. Speaker, we need a better understanding of the mechanisms that underlie the relationships between causal factors and outcomes. We need to clarify the relationships between symptoms, injury, injury reporting and disability on the one hand and work and individual and social factors on the other.

We need more information on the relationship between the degree of different mechanical stressors and the biological response in order to understand what is known as a dose response relationship, and then to define risk.

Mr. Speaker, we need to clarify the clinical course of musculoskeletal disorders.

Now, as someone who has treated a lot of patients with this problem, I can say that it is not always easy to distinguish various aches and pains from musculoskeletal disorders. Unfortunately, Mr. Speaker, the older we get the more often we all end up with aches and pains, but we do not all have ergonomics, ergonomic-type diseases or disorders.

It is paramount, Mr. Speaker, to the patient's welfare and future in the workforce to make the correct diagnosis. If a patient is told that he or she has a musculoskeletal disease, quote/unquote, it can actually encourage a disease mentality where one may not have existed before.

This regulation that the House tonight just rejected, in my opinion, could have actually harmed patients. For instance, OSHA describes ''observable'' physical signs that would constitute, quote, ''a recordable musculoskeletal disease,'' unquote, that would have to be reported by the employer.

Now, some of those signs that OSHA talks about that the employer is supposed to look for are things like decreased grip strength or decreased range of motion. Mr. Speaker, all hand surgeons know that those types of tests can be very subjective. How does one know how hard somebody is trying to grip? How does one know if they are cooperating fully with a full range of motion? This is something, that according to these regulations, is supposed to be done by the employer.

I am troubled that in those regulations the truly objective type of findings, the things that can be reproduced without a patient's subjective input, things like atrophy, reflex changes, electrodiagnostic abnormalities and certain imaging findings, these were not the things that were required by the employers to report. The MSD symptoms in the rule do not require objective verification in order to be recordable. So, in my opinion, that places much too much responsibility on both the worker and on the employer to make a correct diagnosis.

This gets to be a problem because of this: Mr. Speaker, we know that in the general population about 2 to 10 percent of the public can have bodily complaints as a manifestation of psychosocial disorders and, Mr. Speaker, in my opinion it is more common to see that in a group of patients when one is dealing with work-related musculoskeletal disorders, and especially when one is dealing with worker's compensation.

Dealing with these patients in order to help them continue to be productive members of society, for their own welfare, is a real art. It requires an optimistic approach. It requires reassurance. One needs to be very careful that they do not set in motion expectations by the patient that they may not be able to get back to work.

I am afraid that that proposed rule, which fortunately the House tonight decided to send back to the drawing board, would have instantly made millions of individuals eligible for extensive treatment with up to 6 months' paid time off, and I will guarantee, Mr. Speaker, that that regulation would not have helped those individuals in the long run.

So let me repeat, I share OSHA's concern about health and safety, and now that this rule is off the table here is what I think we should do: We should support a national research agenda on work-related injuries, especially repetitive stress-type injuries. We should collect the necessary scientific data. We should then incrementally implement standards. We should test-control on-the-job pilot programs of the proposed new rule's various parts, instead of just jumping into a stack of regulations that high.

Mr. Speaker, we need to be very careful in the development of the diagnostic criteria and the clinical guidelines for employers, workers and health care professionals in the evaluation and management of musculoskeletal diseases in the workplace.

So because of the action both the House and the Senate have taken and on the assumption that President Bush will sign what we did today, we are going back to the drawing board. We have had assurances from the new Secretary of Labor that she wants to work on this. I think it is very important that when new regulations come back to us that they are done right.

TAX CUTS FOR ALL IS THE FAIR THING TO DO

Mr. GANSKE. Mr. Speaker, tomorrow we are going to have a vigorous debate on the floor on a tax cut, and I am going to vote for that tax cut. We should cut taxes because we are collecting surplus taxes, because the Tax Code should be more fair, and maybe, Mr. Speaker, most urgently because the economy would benefit from a responsible tax stimulus.

Mr. Speaker, I think it is very important that we act expeditiously. Just last week Federal Reserve Chairman Greenspan reiterated his support for using the increasing tax surplus for tax relief. In testimony before the House Committee on the Budget, Mr. Greenspan noted that a surplus of this size allows the government to significantly cut the Federal debt while providing tax relief. Greenspan testified that the economy is slowing down. According to the Bureau of Economic Analysis, real gross domestic product has slowed from 8.3 percent in the fourth quarter of 1999 to only 1.4 percent in the fourth quarter of the year 2000, last year.

The Consumer Confidence Index has fallen 5 consecutive months. Unemployment increased by 300,000 in January. Manufacturing has experienced a severe downturn with 65,000 job losses in January, with the biggest loss in the auto industry. In December 2000, there were 2,677 mass lay-off actions, quote/unquote, the highest since the Labor Department started collecting that data in 1995.

Mr. Speaker, according to the Congressional Budget Office we have a $5.6 trillion tax surplus. Of this, $2.6 trillion lies in the Social Security trust fund and is off-limits. Another $400 billion is off-limits in the Medicare budget. So the usable surplus is about $2.6 trillion.

The tax relief bill before the House of Representatives tomorrow would provide tax savings to taxpayers of $958 billion over 10 years. It provides immediate tax relief by reducing the current 15 percent tax rate on the first $12,000 of taxable income for couples, $6,000 for singles. The new 12 percent rate would apply retroactively to the beginning of 2001 and would also be the rate for 2002. The rate would then be reduced further to 11 percent in 2003 and 10 percent in 2006.

The reduction in the 15 percent tax bracket alone provides a tax reduction of $360 for average couples in 2001, this year, or $180 for singles, and it increases to $600 for couples in 2006. The House bill reduces and consolidates rate brackets. By 2006, the present law structure of five rates, which is 15 percent, 28 percent, 31 percent, 36 percent and 39.6 percent, would be reduced to four rates of 10 percent, 15 percent, 25 percent and 33 percent. I believe that that is a more fair Tax Code.

Currently, the top income tax rate, 39.6 percent, is 2.64 times larger than the bottom rate, at 15 percent. Under our bill, which we will be debating tomorrow, the top income rate, 33 percent, would be 3.3 times the bottom rate. So proportionately it would be bigger than what we are currently dealing with.

Some have argued that we cannot afford a tax cut and say that it would unfairly provide the greatest benefit to high-income taxpayers. Mr. Speaker, that is just not the case. The rate reductions and the marriage penalty relief portions of the Bush plan would, according to the Joint Committee on Taxation, show that the wealthiest 1 percent of taxpayers who are currently paying 31.5 percent of income taxes would receive 22 percent of the total reductions called for.

Those earning more than $80,000 per year, or the top 10 percent, who pay 64 percent of income taxes would get 47 percent of this tax cut.

□ 2115

But lower- to middle-income earners would get a proportionately larger tax cut. Those making $50,000 to $75,000 per year who are currently paying 12.6 percent of income taxes would get 17 percent of the benefit, and those earning $30,000 to $50,000 per year who are currently paying 7 percent of income taxes would receive 12 percent of the tax cut we are going to vote on tomorrow.

Now, Mr. Speaker, I also support marriage tax relief and death tax relief, but the House is dealing with the rate reductions first because the economic effects of rate reductions would be felt sooner. It may not be that people are going to get tomorrow some additional money in their pocket, but they know it will not be too soon and they will factor that in to economic decisions that they are making now. I think that with the current economic slowdown, which is why the Federal Reserve has lowered interest rates twice in the month of January, and is why most Fed-watchers believe that interest rates will be lowered sooner, that our economy needs that stimulus. However, it is beyond the power of the Federal Reserve to lower taxes, and that is why Fed Chairman Alan Greenspan has made an appeal to Congress to lower taxes.

Mr. Speaker, I think it is very important to give the economy a boost now in order to try to avoid a further economic downturn. That is why the rate reductions in the lower brackets are accelerated and would be retroactive in the tax relief bill that the House is going to vote on tomorrow. That tax relief bill that we are going to vote on tomorrow is the responsible thing to do. In my opinion, those who vote ''no'' on that bill tomorrow will be the risk-takers.

CURRENT STATUS ON PATIENTS' BILL OF RIGHTS

Mr. GANSKE. Mr. Speaker, let me speak for just a little bit about the Patients' Bill of Rights and where we are.

This continues to be a problem that is affecting millions of people, literally every day, the problem about being treated fairly by their HMOs. I want to point out that some HMOs are being fair to their patients, but it is also fair to say that some are not. This cuts across all brackets, all groups of people, Republicans, Democrats, men, women. Just about every day, somebody comes up to me and tells me a story about the kind of problems they have had. Just a few days ago, a woman in Des Moines, Iowa, came up to me nearly in tears. She has had breast cancer. She has gone through chemotherapy. She needs a test that her doctor recommended, but her HMO refused. She has been, as she said, on an emotional roller coaster trying to get this medical test done. So she went through an appeals process. She thought it was authorized. She was up, she was happy, and then the rug was pulled out from underneath her because then her HMO turned her down.

Mr. Speaker, a woman who has had breast cancer and who has had chemotherapy and who has been through a lot, and she has carried this fight with her HMO by herself, she told me, you know, GREG, I have never asked my husband to do this, but the other day, I said to my husband, you are just going to have to carry the load for me on this. That HMO has just worn me out. I do not have the energy to fight them anymore. Will you do this for me? And, of course, he answered yes.

This is part of the problem that we have seen all along. It is the bureaucracies in some HMOs that delay and delay and delay needed and necessary medical care; and after a while, a patient gets beaten down, or maybe they just pass away, and then it is not the HMO's problem anymore.

Well, about a month ago, a bipartisan group of Senators and Representatives who have worked on this for years, myself included, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), Senator MCCAIN, Senator SPECTER, Senator EDWARDS, Senator KENNEDY, a number of us, and that is just a short list, we have all worked together to put together a truly bipartisan bill to finally, after 5 or so years of battling the HMOs who have delayed and delayed and delayed, trying to get us worn down, well, we are not worn down. We are going to continue fighting for this. We put together a bipartisan bill and we put it in the docket on the Senate side and here. We laid down a mark. We took portions of work that has been done by other people interested in this issue, Senator NICKLES, we incorporated language from his bill; substitutes that were here on the House floor 2 years ago. We took language from the Goss-Coburn-Shadegg bill; wherever we could, wherever we could see that there were similarities; we took other pieces, pieces

from other bills, we combined them together, and we think we have the best work product out there, something that continues to allow employers, especially across State lines, to set up a uniform benefits package under ERISA so that they are not subject to State-mandated benefits. We allow that to continue. However, we also say, we ought to have to provide certain services, many of which are no longer controversial, like emergency care and not gagging doctors from telling patients what they need, but primarily, the bill sets up a process so that if there is a dispute on a denial of care, that the patient has a process, a fair process through which they can go to appeal that, both internally and then to an external independent appeals process. We modeled our legislation after what was passed in Texas a number of years ago. The HMOs at that time said the sky would fall, premiums would skyrocket, that there would be a plethora of lawsuits. None of that has happened, as has been documented by statements by President Bush all during the Presidential campaign. Our bill is modeled after that.

So we are coming down to this in terms of trying to get a resolution on this. What is the scope of the bill? We feel that everyone in the country should be covered with a floor of certain protections. We feel, however, that it was inappropriate and wrong for Congress 25 years ago to usurp from the States the ability to oversee medical judgment decisions by health plans. So if there is a negligent action that results in irreparable harm to the patient, then that would be dealt with on the State side, and I should point out that about 30 some States have already enacted significant tort reform in that.

So what we are basically doing in this bill is codifying a decision that the Supreme Court has already made called P. Graham v. Hedrick which sets up that distinction. Contractual decisions stay on the Federal side in Federal court. It does not matter if a patient needs a liver transplant. It does not matter if it is medically necessary if in the contract it says, we do not provide liver transplants. That is a contractual item and would be handled on the Federal side. However, if the HMO has made a medical judgment-type decision that then results in an injury, then that is no longer a contractual issue. Now we are getting into the practice of medicine and the determination of medical necessity, and that is where then a patient can go through the appeals process, ultimately to an independent panel, and that panel's decision would be binding on the health plan. We think that is a fair resolution.

Basically what we have done in the bill is we have done a new bifurcated Federal-State structure from what we did that passed the House where we simply said a medical judgment decision goes to the State and we remained silent on the provisions that stayed on the Federal side as it related to contract.

We continue to feel that the employer protections in our bill are solid. There are about 300 endorsing organizations for the Norwood-Dingell-Ganske bill that passed the House 2 years ago, and these organizations are supportive of the Ganske-Dingell bill now, the McCain-Edwards bill. All of these organizations have employees. The structure of these organizations is also one of an employer-employee relationship. They have all looked at the legal ramifications as has some of the leading ERISA law firms in the country, and the employer protections are solid. If an employer has not entered into the medical decision-making process by the health plan; let us say you are a small business in a west Texas town, and you have 10 employees and you provide health insurance to them and, by the way, the health plan or the HMO that you have chosen is their health plan too. Okay. If that HMO makes a decision that is medically negligent, and the employer, you the employer had nothing to do with that decision, you are not liable under our bill. Period, you are not liable.

Mr. Speaker, I do not know employers who want to get involved in medical decision-making for their employees. Number one, their employees would consider that a violation of their privacy. Number two, the employers do not want to get anywhere near that, so they do not. And if they are not in there meddling, they are not liable under our bill. I do not know how many times we can say this. I do not know how many distinguished law professors around the country we can get to say that, yes, that is the truth. Under the plain meaning of the language of your statute, that is what it says. And then the business coalitions will then purchase full-page ads and say that it is not the way it is. For goodness sake. We have had some of the leading constitutional and ERISA scholars in the country look at that.

Look, when I was in medical practice, just like a number of my colleagues, not only were we professionals treating patients, but we also ran a business. We have employees. Those employees get health care, usually covered through the practice. And I say to my colleagues, I do not know any physicians that enter into the medical decision-making of their employees. That is between the employee and the HMO. They do not want to get anywhere near that, and they are protected, just like any other small businessperson would be. Some say, some of the businesses say, well, we have a self-insured plan. Maybe this will make us more liable. They looked at that down in Texas. Those self-insured plans are run by third-party administrators, they do not micromanage like HMOs; their risk is very, very small, and when they ask their actuaries, what difference would this make in the premiums we should be charging, they get a minuscule amount that is about the equivalent of a Big Mac per month.

□ 2130

Mr. Speaker, I think we have a great bill. This bill has gone through a number of modifications in our attempt to take a step towards the opponents of our bill and address their concerns, but every time we do that, Mr. Speaker, the opponents to this take a step back.

It is the proverbial old moving goal post. Finally, Mr. Speaker, as I am going to make an appeal to my colleagues to sign on to this bill, we have a lot of cosponsors, bipartisanship cosponsors in the House already.

But there are a couple of things in this bill that should be particularly enticing to my Republican colleagues, because we have an extension of medical savings accounts in the bill that is in the House. We have 100 percent deductibility for the self-employed in this bill in the House.

Those are things that Republicans have wanted for a long, long time, and the Democrats, who have negotiated in good faith, but may not be exactly where they are in a couple of those things or at least on the medical savings accounts issue, but in their spirit of cooperation and compromise, they said, all right, if we think it is important, they will accept it in the bill and they did.

Mr. Speaker, I am going to close tonight coming back around to where I was before, and that I sincerely hope that Mr. Brian Lamb on C–SPAN is watching tonight. This is the only opportunity a number of us who are not members of leadership ever get to come to the floor of the House of Representatives and for anything other than a sound bite speak on an issue and try to express our ideas in some depth.

Mr. Speaker, I see that we are now joined by a distinguished couple of colleagues from Texas. I am about done, but first I will yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Iowa (Mr. GANSKE) for yielding to me and I would like to say that I have enjoyed listening to the gentleman's dissertation regarding the Patients' Bill of Rights. And as a Texan, I would say as an Iowan the gentleman has gotten it exactly right. And I do not understand either how some groups can continue to be as opposed as they say they are when the facts of the matter regarding lawsuits are exactly like the gentleman from Iowa (Mr. GANSKE) has stated.

I, for one, appreciate the gentleman's leadership on this issue, and we as cosponsors of the legislation will look

forward to sooner, if not later, getting this legislation on the floor and passed and on the way to the Senate and on to the President.

Mr. Speaker, I appreciate the gentleman's leadership on this issue.

Mr. GANSKE. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for his comments.

Mr. Speaker, I notice two other colleagues, the gentleman from Texas (Mr. TURNER) and the gentleman from Texas (Mr. SANDLIN) who have been stalwart in the Patients' Bill of Rights fight. The gentleman from Texas (Mr. TURNER) in fact, worked on it as a State legislator.

Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER), if he would care to make a comment.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Iowa (Mr. GANSKE). I want to commend the gentleman, first of all, on his leadership on this issue.

The gentleman has truly been a courageous Member of this Congress to try to lead this House to adopting the Patients' Bill of Rights that all of us here have supported. It really represents, I think, the best opportunity for our new President to try to change the tone in Washington and to be able to move the Patients' Bill of Rights forward as the first piece of truly bipartisan effort.

Mr. Speaker, I think it certainly is within our grasp, and I think that the efforts that the gentleman has made have blazed that trail. And as the gentleman mentioned, I was fortunate to be able to carry one of the first Patients' Bill of Rights in the country in Texas in 1996. And, of course, it was not until court rulings determined that our State protections really did not apply to all patients enrolled in managed care, that we had to deal with that here in Washington.

Mr. Speaker, I thank the gentleman for his leadership on that issue.

Mr. GANSKE. Mr. Speaker, I notice the gentleman from Texas (Mr. SANDLIN) and I want to thank him for his great work that he has done on patient protection. The gentleman from Arkansas (Mr. BERRY) has done a wonderful job on this issue, too.

We have truly worked together in a bipartisan fashion, and I look forward to the day when we can all be together in a signing in the Rose Garden.

SO-CALLED ECONOMIC GROWTH AND TAX RELIEF ACT

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, tonight we Blue Dogs are going to take a few minutes to discuss tomorrow's vote regarding the so-called Economic Growth and Tax Relief Act, and we are going to do our best to explain to all who are listening and to our colleagues and to others why we believe that it is a terrible mistake to bring a tax bill to the floor of the House before we first pass a budget.

Last week, President Bush submitted a budget blueprint outlining how he proposes to fit his tax and spending priorities in an overall budget framework. We welcomed this proposal as the first step in the budget process.

Unfortunately, this House tomorrow is being asked to short circuit the budget process by bringing legislation to the House floor implementing the tax cuts before Congress has had an opportunity to consider the entire budget. Now, a careful reading of the 1974 Budget Act will find that we cannot do that. It is against the rules of the House to bring a major spending bill or a major tax cutting bill to the floor of the House before we get a budget.

Tomorrow my colleagues will hear that technically speaking this is not breaking the budget rules, because technically we are still operating in the year 2000 budget and, therefore, technically this is not against the House rules.

We are going to enjoy hearing the explanation as to why technically we can break the House rules. Many of my colleagues felt like that with January the 20th coming that we had gotten passed the playing on words of definitions of what various words are, and that we thought we were ready for some straight talk, but we are going to hear from the leaders of this House tomorrow that technically we are going to be legal with the rule and the consideration of this bill.

Mr. Speaker, some of us believe that that is not a positive action. In fact, we believe very strongly that even if it is technically correct, that we ought to live up to the spirit of the budget law, and that is when we will find the Blue Dogs standing shoulder to shoulder bipartisanly with the majority in this House in dealing with the budget process, which will include tax relief.

We have no argument whatsoever that in the budget of this year and over the next 5 years that significant tax relief is in order, and will and are prepared to vote for it, but that is not what we are going to do tomorrow.

Being in the minority when we are overrun, when decisions are made by the leadership that we are going to bring a tax bill onto the floor, we are not going to have bipartisan consideration, it is going to be the bill that the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, and the leadership have selected, and that is going to be the bill that we are going to vote on, there is nothing we can do about it, unless we have some of the same kind of bipartisan support that we were talking about with the gentleman from Iowa (Mr. GANSKE) a moment ago. When we find ourselves in substantial agreement and when we have that kind of action on the floor of the House, we truly will be bipartisan, but that is not what we are going to do tomorrow.

Mr. Speaker, the President's plan is an important voice in this process, but it is not the only voice. There are a lot of questions that remain about his budget. We have an honest disagreement about some of his priorities and questions about how he will pay for all of his priorities as identified in his budget without borrowing from Social Security and Medicare. And how many times, Mr. Speaker, in the last several weeks and months, how many times, to those who were here last year, have we voted on lockboxes after lockboxes after lockboxes in which we have stood 400 strong saying we are not going to touch Social Security and Medicare?

Let me issue a little bit of a warning to my colleagues who are going to vote for this tax cutting bill tomorrow, be careful when playing with fire because your fingers may be burned. Examine the budget. Examine the proposals. Examine the projected surplus. Take a good, hard look at where my colleagues are headed with the strategy that my colleagues are following.

We in the Blue Dogs are going to be attempting tomorrow in the short period of time to make our point as strongly as we can possibly make it.

We should not pass the tax cut bill tomorrow. We should first pass a budget. Ironically, ironically, the House Committee on the Budget has scheduled a hearing tomorrow afternoon during the time we are going to be debating the tax cut. The purpose of the hearing is to give Members an opportunity to testify about their interests regarding the fiscal year 2002 budget.

At the very time that Members of this House are being given our first opportunity to offer our input into the priorities for our national budget on behalf of the people we represent, we are being asked to vote on a major portion of the President's budget.

Now, we object to that very strongly, and I will conclude my remarks by saying I was here in 1981. I was one of the Democrats that helped pass the Reagan revolution. Knowing what I knew then, knowing what I know now, I would have voted the same way then based on what I knew then, but that is why I will be opposing this action tomorrow with every ounce of strength at my disposal, because I believe it to be wrong.

Mr. Speaker, I believe that we are in danger of going down the same path we went down in the 1980s in which we increased our national debt by $4 trillion because we cut taxes first, but never got around to restraining our spending.

We believe very strongly that we should put in place a budget that restrains spending; that caps discretionary spending; that makes all of the

priority interests that a majority on both sides of the aisle can agree to, then we should proceed with a tax cut, and it is a part and a component thereof.

No matter how my colleagues color it, we will hear tomorrow, we will hear, we heard today, people saying it was the Congress that spent the money.

I got a fax today from a fine gentleman out in Nevada that says, it is great. We heard you. You ought to have a budget first. It makes sense to the American people, but the reason tax cuts must be passed hastily is because waiting for a budget to pass would give you and your cohorts the opportunity to spend enough money to reduce or remove the tax cut.

Let me remind this gentleman, this body is now in the control of the Republican Party. The Senate is in the control of the Republican Party, and the White House is in control of the Republican Party. Therefore, anyone that fears that spending is going to get out of control means that the majority is going to get out of control, and I do not believe that for a moment, but seemingly you do. That is the message you are sending to the American people.

I repeat, we are for significant tax cuts, but as my colleagues will hear tonight, this much ballyhooed $5.6 trillion surplus is not real. It is not real. My colleagues will hear some facts from the gentleman from Mississippi (Mr. TAYLOR), and I hope my colleagues listen carefully.

Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding to me. It is a pleasure to join all of our Blue Dog Democrats on the floor here tonight to talk about what we think is the critical issue of the moment here in the House of Representatives, and that is the fact that we are faced tomorrow with a vote on a major tax cut when this House has yet to follow established procedure under the Budget Act, and try to come to grips with a budget prior to acting on tax cuts.

Frankly, no American household and no business in this country would dare suggest that that is the right way to proceed, because at your house and mine and in your business and mine, the first thing we always know we are supposed to do is to establish a budget first. And until you have established a budget, you do not know how much you can spend on that remodeling of that new sun porch on the back of your house. You do not how much you can spend on that summer vacation. You do not how much you need to set aside for your children's education. That is what a budget is all about.

This House of Representatives, contrary to the spirit of the Budget Act, which requires this Congress to pass a concurrent budget resolution with the Senate before we act on tax cuts is going to bring a major tax cut to this floor tomorrow, apparently, solely to generate momentum for the President's $1.6 trillion tax cut.

Why are they doing it? I am not sure. The truth of the matter is, the Senate has already let it be known, as the Majority Leader of the Senate, that the Senate will adopt a budget prior to acting on tax cuts.

□ 2145

So frankly, we believe as Blue Dog Democrats committed to fiscally responsible policies that this House, too, should have a budget prior to a tax cut.

The Blue Dog Democrats as a group, the 33 members, voted unanimously to call for this House to act on a budget first prior to taking votes on any tax cut. We have advocated from the beginning that we can afford a tax cut and we want the biggest tax cut possible, but we do not know how big it should be until we first have the debate and have the votes on a budget.

Now we all know that the President says that his tax cut will fit within his budget. He says we are going to cut spending so that it grows no more than 4 percent a year. Senator DOMENICI said the other day that he thought that was a little bit tight, he would suggest perhaps 6 percent irrespective of what the President said is his goal. We all know that at the end of the day, it is what the Congress votes collectively to support and the President signs that becomes the fiscal policy and the budget of this country.

So we believe that the right thing to do is to have that debate, talk about the competing priorities and then make a decision on a tax cut that fits within that budget that the Congress has agreed upon.

Frankly, right now the President's tax cut seems a whole lot like trying to fit a size 11 foot into a size 6 shoe because there are a lot of competing interests that this Congress from various quarters will have an interest in. For example, this Congress has unanimously agreed that we should no longer spend the Social Security and Medicare surpluses for anything other than Social Security and Medicare. That takes some of this estimated future surplus off the table.

Mr. Speaker, most of the Members of Congress believe that we need to strengthen national defense. There are some that support a national missile defense system. There are some in this House who share our views that education should be strengthened and to do that may require us to put some additional money into public education. There is a vast array of competing priorities.

Most of us do not want to pass on the national debt that was accumulated over 30 years of deficit spending to our children so we would like to see the national debt paid down. All of these competing goals will be considered when this Congress gets down to debating and determining what the budget of this Congress will be. Then we will know how big a tax cut we can afford. So we are going to work very hard all day tomorrow to continue to send the message to this House that it is a budget first that we need to adopt, then let us vote on the biggest tax cut that that budget will allow.

We also understand that it is very dangerous to be basing these big tax cuts on these 10-year projections of what the surplus may be. The President suggested in his State of the Union speech the other night that the American people have been overcharged and they are due a refund. Well, that sounds pretty good. The truth of the matter is none of us have been overcharged yet because the surplus we are talking about trying to give back to the American people has not arrived yet. It is projected to arrive under certain assumptions over the next 10 years.

Those assumptions can be questioned. The economic projections may not turn out to be true. It presumes about a 3 percent annual growth rate in the gross domestic product. We heard Alan Greenspan the other day testify before Congress that at the present time the national growth rate is zero. I suppose if the national growth rate stays at zero for a few more months, the Congressional Budget Office will need to go back to the calculator and recalculate the estimated surplus because they based it on some assumptions that may not turn out to be true.

The bottom line is this: We want a tax cut as big as we can afford, but we also want to save Social Security and Medicare for the retired baby boomers when we know significant strains will occur on both of those systems. We want to pay down the national debt rather than pass that debt on to our children. We want to be sure that we get the benefits of a lower national debt which will result in lower interest rates which in many ways is equally as good as a tax cut because it puts money in the back pockets of every American who is trying to get a home mortgage, trying to buy a car, trying to borrow money to send their kids to college, trying to borrow money to expand their business.

Lower interest rates will come, according to all economists who have spoken on this issue, if we pay down the national debt. I would say to you if you owe $100,000 on your home mortgage, if we could reduce interest rates 2 percent which is what some economists estimate would happen if we paid down the national debt over the next 10 years, that would mean $2,000 in interest savings to you. That is a bigger tax break than any of these tax cuts which

are being talked about would give an average American family.

We have a lot to discuss and a lot of priorities to put on the table, and it is going to be the collective judgment of this Congress when they vote on a budget that determines the balancing of those priorities and until we have that budget, we really cannot say with any certainty how big a tax cut we can afford.

That is our message and we believe the American people understand the importance of fiscal responsibility. They understand the importance of strengthening national defense, preserving Medicare and Social Security, being sure that we pay down the debt and do not pass it on to our children. We want to be sure if today we pass a tax cut, it does not mean that our children are going to end up paying for it tomorrow.

That is fiscal responsibility, that is what the Blue Dog Democrats, the 33 members of our coalition have worked for since the inception of the Blue Dog coalition. I am proud to be here tonight with my colleagues who work for fiscal responsibility.

Mr. STENHOLM. I yield to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I want to commend the gentleman from Texas (Mr. STENHOLM) for the fine work that he has done on this issue and for leading the Blue Dogs and for his comments tonight, along with the gentleman from Texas (Mr. TURNER). They have done such an excellent job, there is very little left to speak about.

The Blue Dogs believe that the American people are entitled to a tax cut. We believe that we can afford a tax cut, and we support tax cuts for the American people.

The question is the $1.6 trillion tax cut proposed by the administration too much. On the other hand, is it too little? Could it be just right? We just do not know, and we do not know because we do not have a budget, we do not have a spending plan. We have absolutely no way to judge this tax cut.

We do have the opportunity to look at the numbers proposed by CBO and by the administration. And let us look at that for just a moment and see where we are. The CBO 10-year baseline surplus is $5.644 trillion.

When you take off the Social Security surplus and the Medicare surplus, that is $2.5 trillion and $0.4 trillion. That is an available on-budget surplus of $2.7 trillion, and I think it is important that we make a distinction between the available on-line budget surplus, $2.7 trillion, versus the 10-year baseline surplus of $5.644 trillion.

Now, let us look at the true cost of the Bush tax cut. The estimate of revenue lost from the basic tax package by the administration is $1.6 trillion. The cost of making the provisions retroactive to 2001 is $100 billion. The cost of interference from the AMT tax, $300 billion; cost of extending expiring tax credits, $100 billion; promised tax cuts not in the plan, $100 billion; additional interest payments on the public debt, $400 billion. The total cost of keeping the President's tax promises, all of the promises made thus far, the total cost is $2.6 trillion.

This means that nearly the entire 10-year projected surplus will be used up by the administration's tax cut. Now, it is important that we notice that that is a projected surplus over 10 years. This is not money that we have in hand. We do not have a surplus of cash in hand. This is money that is projected to increase over a 10-year period.

Where, oh where is the budget. We were promised that we would have a budget prior to voting on tax relief. Also the rules require it. For some reason the United States House of Representatives is not going to follow the rules. I thought we got over the technicalities and our friends on the other side of the aisle last year, talking about legal technicalities, now seem to be in support of that. It is totally irresponsible to enact these tax cuts at the present time without a budget because how can we address Medicare and the problem of Medicare as the baby boomers retire and go on Social Security and qualify for Medicare payments? What are we going to do in America for prescription drugs. How can we look our seniors in the eye and tell them we passed massive tax cuts and now that you need relief, we have spent the money? How can we tell the farmers facing drought, facing ice storms, we cannot help you, we spent the money?

How can we tell our children in education, how can we tell our children, we cannot close the digital divide, we cannot have smaller classrooms, we cannot modernize our schools, we cannot help with education, you know why, we spent all of the money because the administration tax plan uses up the entire 10-year projected surpluses?

There is a way to do it. The way to do it is to spend Social Security surpluses. Social Security is a solemn promise we made to senior citizens. In my district in Texas, I have many senior citizens. In fact, I have the highest median age of any district in Texas.

Social Security is the one program that the government has enacted that has had the most effect of our senior citizens and has pulled more senior citizens out of poverty than any other action in the history of the United States of America. How can we tell them that we are going to spend that money that was accumulated from a lifetime of work, how can we tell them that we are going to spend that money with tax cuts now.

Tomorrow we are going to talk about across-the-board tax cuts. Let us talk about what that means. Across the board. That seems to indicate that everybody shares. It is across the board. Everybody gets the benefit. Is that what it is? Absolutely not.

Most people would be surprised to hear that across the board does not include them. If people at home today looked to their left, their right, in front of them and behind them, called their friends on the phone, they are not going to find anybody that benefits from across-the-board tax cuts because the truth is that 44.3 percent of the cuts go to the richest 1 percent of the people. Everyone does not share in this tax cut. Very, very few do.

Now, what is the best tax cut we can afford. What is the best thing we can do for the American people? We can pay down the debt in this country. We have a balanced budget, but that means that our income matches our out-go for this year. The best tax cut for America is to reduce interest rates. The way to reduce interest rates is to pay down the debt.

The Blue Dogs have a very good plan, a simple plan. We say take Social Security completely off budget. Do not consider that in our financial sheets, do not spend that money. Take it off budget. Take the remaining operating surplus, take 50 percent of that and immediately put it on the debt of the country. Pay down our debt just like our farmers and families and businesses do. Pay our debt. Take the interest that we save by paying our debt, and put that into Medicare and Social Security and make sure that we keep our commitments. Take the other half of the surplus, use 25 percent for tax cuts, we can do that. We can look at estate tax and the marriage penalty and capital gains; we can look at the rates. We want to take 25 percent and give the American people a tax cut. They deserve it; we can afford it. Then take 25 percent and apply in priorities such as agriculture, education, prescription drugs, things that we know we must invest in in this country. That is the fiscally responsible thing to do.

The Blue Dogs are committed to a 50–25–25 plan, and we have seen some movement in the U.S. Congress toward that plan. Let us be responsible.

Please, Mr. President; please, administration; please, our friends on the other side of the aisle, send us a budget. Let us know what we are working with. Do not ask us to cut a revenue stream when we do not know what we are going to spend our money on. Let us operate like every family farm in America, like every business.

□ 2200

Everyone has to know what their budget is before they determine what their expenses will be and what their revenue stream is.

Herbert Hoover, he of fiscal fame, once said, ''Blessed are the young, for they shall inherit the national debt.''

We do not need another Herbert Hoover. We refuse to be Herbert Hoovers on this side of the aisle. We need to pay down the national debt and keep a fiscally responsible financial policy in this country.

So our message is clear from the Blue Dogs: we support tax cuts. We can support many of the tax cuts proposed by the administration, but we can only support those tax cuts after we receive a blueprint for spending, a budget for the United States of America. Let us follow the rules set in the United States House of Representatives. Let us get a budget. And when we get a budget, we will work with the administration, work with our friends on the other side of the aisle, we will get tax relief for America and have a fiscally responsible policy.

GENERAL LEAVE

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the topic of this special order.

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

There was no objection.

Mr. STENHOLM. Mr. Speaker, I now yield to the gentleman from Mississippi (Mr. TAYLOR). A lot of talk tonight has already been made about surpluses, debt and deficits. I hope everyone will pay particular attention to the facts about to be presented by the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman for this opportunity, and I want to invite my Republican friends to join this debate. I think it is important that some of the statements that have been made this week, this year, about this large surplus be addressed tonight.

In fact, tonight I have the greatest of medical respect for one of my colleagues, who is a doctor, the gentleman from Iowa (Mr. GANSKE). I have actually changed my vote on the House floor a couple of times on medical matters based on conversations with him. But the gentleman from Iowa said something tonight that is totally out of line. He spoke about a $5 trillion surplus. I heard it with my own ears. So if I heard him wrong, I would invite him to please come correct me.

There is no $5 trillion surplus. What we have in this Nation is a $5,735,859,380,573.98 debt. That is as of the end of last month. We hear from so many of our colleagues that the debt is being paid down; the debt is being paid down. I think the President even said it. But the truth of the matter is that the total debt outstanding, as of September 30 of the year 2000, just 5 months ago, the last day of the last fiscal year, was $5,674,178,209,886.86. That means that the debt, just since September 30 of last year, has increased by $61,681,170,680.12 cents.

That is the reality that the President did not mention in his State of the Union address. That is the reality that my friends who talk about projected surpluses choose to ignore. Because the reality is this Nation is horribly in debt, and almost all of this debt has occurred in our lifetime. Our Nation was less than $1 trillion in debt when the vaunted Reagan tax cuts took place. They talked about how it grew the economy and the Nation was so much better for it. Well, if the Nation was so much better for it, why were we twice as deep in debt at the end of the Reagan administration as when we started?

Who do we owe this money to? A lot is owed to banks. A third is owed to foreign lending institutions. But let me tell my colleagues the real kicker, because this involves every single person listening tonight if they have ever worked in their life, or if their spouse has worked. Our Nation owes the citizens of the United States who have invested their hard-earned money into the Social Security Trust Fund $1.7 trillion.

The lockbox that so many of my friends talk about, that they are so proud that they voted for, if we were to open that lockbox that allegedly protects our Social Security, all we would find in it is a slip of paper that says, ''We owe you $1.7 trillion.'' There is not a dime in it. It has all been spent on other things to disguise the true nature of the debt.

We hear a lot about the Medicare Trust Fund. And again Congress has voted repeatedly for a lockbox. We have a lockbox so we are protected. If we were to open that box up we would find a piece of paper that says, ''I owe you $229.2 billion. That is right now. That is today. That is money that was taken out of paychecks with a promise that it would be set aside to pay for benefits when the time came to pay for them.

Incidentally, this was done during the Reagan Presidency. In the first year of the Reagan Presidency they cut income taxes, much like we are talking about doing tomorrow, at three different times during the Reagan Presidency, with a Republican Senate and a Democratic House. We keep hearing it was the Democrats that did this. They had the White House and they had the Senate. And of course everyone knows the Senate is more powerful than the House. That is why House Members run for the Senate. Senators never run for the House. It is just understood. So they controlled the White House, which is two-thirds, because a veto is worth two-thirds vote in both Houses. They controlled the Senate, which is where the real power is, and that is why everyone runs for the Senate, not for the House. Yet somehow the Democratic House gets blamed for these things.

During that time they raised taxes on Social Security and they raised taxes on Medicare for the average working Joe by 15 percent. Fifteen percent. Big guys got a tax break, because income taxes, which is what came out of their paycheck, went down. The little guys, like the folks I represent in Mississippi, their taxes went up. It is even worse. Because if one of those little guys happened to be self-employed, if he was a pulpwood hauler, if he was a shrimper, if he was an oysterman, if he was his own boss and his own employee, his taxes on Social Security and Medicare went up by 33 percent. That was due to the Reagan tax increases, with a Democratic House and a Republican Senate. It is only fair we point this out.

It gets worse. One of the guys who is talking about this big surplus and, therefore, we can have a tax break, is none other than Alan Greenspan. Alan Greenspan was the chairman of the commission that came up with this plan in 1983, to take money out of people's paychecks with the promise it would be set aside, and he knows it was not. Now he is telling us we have all kinds of money for tax breaks. Mr. Greenspan's statement in 1983 does not match his statement today. I wish he would come to the House floor and tell me which one is the truth.

It gets even worse than that. Back then they recognized that we have a changing demographic system in our country. We are getting old. I am one of them. We used to have, when my dad was a teenager, about 19 working people for every one retiree. By the 1950s, it had dropped to about 10 working Americans for every one retiree. Tonight it is about three working Americans for every one retiree. In just a few years it will be two working Americans for every retiree. So in the 1980s they told the American people that they were going to start taking money out of things like Social Security, like Medicare and, yes, the military budget to fund future benefits.

They told the guys in the military back then, we are going to start taking a percentage of the budget every year and we will set it aside and we will lock it up, and they said it would be there to pay for their retirement. So if there was a lockbox, which I have never heard the President talk about for the military trust fund, and if those retirees could open it up, they would find another piece of paper. What we are going to tell those guys who defended this Nation in World War II, who defended this Nation in Korea, who defended this Nation in Vietnam, in Desert Storm, and all the wars since then and all the wars that will be? There is an IOU in there for $163.5 billion. It is an IOU.

There is not one penny in that fund. Although all these years, since the early 1980s, funds have been taken out of the Department of Defense budget that could have gone for new ships,

could have gone for new planes, could have gone for better housing, and could have gone for better pay. The promise was made that we would take this money and set it aside. It is not there. All there is right now is an IOU.

How about the folks who work for us? I am proud of the opportunity to be a Congressman. I am incredibly proud that I have had the opportunity to make things better. We put together budgets, we make laws, but the day-to-day function of the government is actually handled by all those Federal employees out there that make things work. We collect money out of their paychecks with the promise that it will be there for their retirement pay. Same story. Happened in the 1980s. Because we recognized we have changing demographics, so we had better collect the money now, while we have a fairly large workforce and a fairly small number of retirees, and set it aside for the year 2035 when we are down to almost one to one workers-to-retirees.

So since the early 1980s, they have pulled $501.7 billion out of Federal employees' paychecks, all these nice people here tonight, all those Capitol policemen guarding us, all those folks working for NASA and the agencies that are out there trying to make our lives better. They have pulled that out of their paychecks with the promise they were going to set it aside and it would be there for their retirement. But if we were to open that bank account tonight, we would find an IOU for $501.7 billion. How can the President, how can the majority leader, the Speaker of the House say there is a surplus? How, with a straight face, do they look the American people in the eye and say there is a surplus when this is our true debt?

A lot was made of the surplus last year. Everyone said about a $239 billion surplus. But if we take the time to look where it was, it was in things like money collected from Social Security, money collected from Medicare, money collected from the military retirees, from our Federal employees, from the highway system, and the airline system. All the times when we told people we were going to take this money out of their airline ticket, out of their fuel taxes and their paychecks and we were going to set it aside, and they trusted us to spend it on those things that we told them we would, that is only surplus.

When we take those monies aside that are collected for a specific purpose and promised for a specific purpose, it was an $8 billion surplus left over. Eight billion. Not $230 billion, $8 billion. But it gets even worse than that. Because if we really take a good look at that $8 billion, we can discover that one of the tricks the Republican Congress played was to delay the pay of the troops from September 29, which they would have gotten it under normal circumstances for many, many years in the past, to October 1.

Everybody knows Congressmen make big money. I am one of them. If my pay gets delayed by a couple of days, I will do okay. I will figure it is not that big a deal. But if I was an E4 with two kids, and my pay was delayed from a Friday to a Monday, that means a weekend of scrounging around in the couch looking for pennies and nickles to get enough money for baby formula or for diapers, because they are living hand to mouth. It is estimated that anywhere from 6,000 to 13,000 of them are eligible for food stamps. So what does the Republican Congress do to tell those folks we appreciate them? Well, they became the only people in the Federal Government whose pay was delayed. Not Federal employees, not Congress, just the military.

Why did they do it? Because that pay period moved from the last fiscal year to this fiscal year. We did not save a dime, but that $2.5 billion pay period went from September to October, and it made that $8 trillion surplus look a little bigger. Because when we pull that $2.5 billion out, it is only a $5.5 billion surplus.

Now, if I found that one trick, what if I really had the time to study the budget and find all the other tricks? I think I could tell the American people that there was not a surplus. But let us say there was an $8 billion surplus. What does that mean compared to this cumulative debt? Eight billion dollars, compared to this, is like a fellow who, after 30 years, finally breaks even at the end of one year. He has $1,000 left over, and he says, My, God, let us go have a good time, totally ignoring the fact that he is $686,000 in cumulative debt. That is what the ratio is.

So I have a real simple question for the President, a real simple question for Mr. Greenspan, who again was involved in raising Social Security taxes and Medicare taxes, and who now says we have all this money left over despite this huge deficit. If they believe what they say, about we can do it after the trust funds, why do they not endorse the amendment I offered in the Committee on Rules today, which says we can only have these tax breaks in years when we fulfill the financial obligations to Social Security, to Medicare, to our military retirees, and to our civilian employees?

□ 2215

If you really think the money is out there and you are sincere about those things, I will give you the chance to call a press conference tomorrow morning and say, ''Yep, there's enough money to do it.'' I do not think you will. Because I think they are more concerned with tax breaks than with paying our bills. What the shame about that is, think of the guys who died on the beaches of Normandy. Think about every generation of Americans, from the horrible things that happened to the men who signed the Declaration of Independence, to the kids who died in Vietnam, to the kids who died just this weekend, the National Guardsmen down in Georgia. Do you know what the difference between us and all those other generations is? If we continue down this path, we will be the first generation of Americans ever to leave the Nation worse than we found it, because we have done the easy thing every time rather than the right thing.

I as a father have taken the steps to see to it that my kids do not inherit my debts. Do you not think that it is time that our Nation takes the step to see to it that our kids do not inherit this generation's debts? I think the opportunity to start is tomorrow. That is why I laud what the Blue Dogs are doing. That is why I laud what those conservative Republicans who really do care about debt reduction are going to do tomorrow.

Mr. TURNER. Mr. Speaker, I want to say that the gentleman from Mississippi has made a very excellent presentation and probably revealed the best kept secret in Washington, and that is that there are no trust funds. Most folks think that in business, where if you have a pension fund, there is some money sitting over there earning some interest and invested in some good investments, earning interest and earnings for the folks that are going to be drawing on that pension fund someday. But in Washington there is no Social Security Trust Fund, there no government retirees' trust fund, there is no military retirees' trust fund, there is no Medicare Trust Fund. It is a pay-as-you-go system.

Mr. TAYLOR of Mississippi. Despite the promises made by Ronald Reagan and Alan Greenspan in the 1980s when they raised individual taxes by 15 percent on working Americans to pay for these things. The gentleman is exactly right. If I may, and I know everyone else wants to speak so I am going to be real quick. It is even worse than that, because in their attempts to disguise the true nature of the public debt, within 8 days of the Bush administration taking over the running of this country, a report that had been coming out monthly for decades called the Monthly Statement of the Public Debt of the U.S. right here that shows that our Nation was over $5.7 trillion in debt. Within 8 days of the President taking over, they changed the name. It is no longer the Statement of Public Debt, it is the Statement of Treasury Securities.

Most of us are from the South. Most of us know what coffee houses and truck stops are like. We all could imagine going into one in Texas or one in Mississippi or Alabama or Arkansas and going up to one of those guys and saying, ''How would you like some public debt?'' I think everybody would say,

''No, thanks, I don't want any.'' But if you asked most of the guys we know if they would like some Treasury securities, there is a pretty doggone good chance that they would say, ''Yeah, I'd like some. That sounds like a good deal.'' It is all part of the scam. I resent it as an American. I hope every American resents this. I hope they resent the fact that the Social Security Trust Fund has been plundered, that the Medicare Trust Fund has been plundered, that the military retirement trust system has been plundered and that the Federal employees' retirement system has been plundered. And I do not think we ought to be doing anything until we pay those systems back.

Mr. STENHOLM. I thank the gentleman from Mississippi for those remarks. I will guarantee that that will not be the last time that this House will hear it this week, next week and the week after that. And I hope that the leadership of this Congress will pay attention to the gentleman from Mississippi, because he has in fact taken the real heart of the argument that we Blue Dogs are making tonight and that we will take to the floor tomorrow.

Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. BERRY. I thank the gentleman from Texas for yielding. I want to thank him and the gentleman from Mississippi and all the other Blue Dogs for their leadership in this matter.

I think it is quite obvious, Mr. Speaker, that the Blue Dogs are in favor of cutting taxes but we are not in favor of buying lottery tickets with our children's future. We think we should have a budget first. If you took the financial condition of this country, as the gentleman from Mississippi just so adequately pointed out, and a financial plan that we have today, that this country has to a banker, any banker in the United States or anyplace else where there is a responsible banker, they would just throw you out of their office. They would either declare you crazy or tell you to get out because they have got better things to do.

Throughout the campaign, in the State of the Union, for the last year, this House has been putting the Social Security and Medicare Trust Funds in a lockbox. Ever since I have been here, we have been talking about that. We have been talking about paying off the debt. We have promised the American people that we are going to protect our children, we are going to protect Social Security, we are going to protect Medicare, we are going to provide a prescription drug benefit for our seniors, we are going to provide a good education for our children, we are going to provide for a good national defense, we are going to have a solid agriculture that has a good safety net. And we are going to have these lockboxes. Over and over we talk about the lockboxes and over and over we vote to put this money in the lockboxes. And now we find out that it does not even exist. Yet we are going to vote tomorrow without even having a plan as to how we are going to accomplish these things.

As the gentleman from Mississippi just so adequately pointed out, the surplus is projected just like we project the weather. The debt is real. It really exists. We can count it to the penny. I am proud to be a Blue Dog. There are only 33 of us. But we stand strong and we stand tough against making bad fiscal decisions and irresponsible fiscal decisions. I think we all want to have as large a tax cut as we possibly can afford. But none of us want to buy lottery tickets with our children's future.

In the last paragraph of the Declaration of Independence, the last thing that is there before the men signed it, and they all knew they were putting their lives on the line when they signed it, they said that they pledged their lives, their fortunes, and their sacred honor to the future of this country and to that declaration. I would challenge the Members of this Congress today to stand strong as those men did and do the right thing for the children of this country and the future of this country.

Mr. STENHOLM. Mr. Speaker, I yield to the gentleman from Kansas (Mr. MOORE), the cochair of the Blue Dog Budget Task Force.

Mr. MOORE. Mr. Speaker, about 3 weeks ago I was invited along with 19 other Members of the House and five United States Senators to the White House to meet with President Bush and Vice President CHENEY. This was a chance for President Bush to talk to us about his proposed $1.6 trillion tax cut and try to hear from us about our views on this tax cut and to find out where the Congress might stand. When it was my turn to speak to President Bush, I said to him, ''Mr. President, I know that you know Governor Bill Graves of Kansas. I'm from Kansas.''

He said, ''Yes, he's a friend of mine.''

I said that I read an interview with Governor Graves in the Associated Press about a week before I came to the White House and that Governor Graves I thought was very candid in talking to the reporter and he was talking about tax cuts and revenue shortfalls and education funding in the State of Kansas. The governor said during this interview, when he was talking about tax cuts that had happened in Kansas about the last 3 or 4 years, ''If I had known then what I know now, I would have done some things differently.'' He is not here right now but if he were here, I think he would say that I am accurately representing what he said. Basically what he was saying was, ''We cut taxes too much and now we're having great difficulty in Kansas in trying to come up with the money to fund education.''

In fact that very morning on the front page of the New York Times, and I showed a copy to President Bush, there was an article that mentioned Kansas by name and 15 other States and the governors were meeting talking about the same situation in each of those 16 States, where there were projected revenues, there were shortfalls and they were having problems funding vital services in each of those States.

What we are talking about here is a Congressional Budget Office projected surplus of $5.6 trillion over 10 years. And President Bush is now saying we have enough to fund a $1.6 trillion tax cut. Yesterday afternoon I got a call from the Director of the Office of Management and Budget, Mitch Daniels. Mr. Daniels said to me, ''Congressman, can you be with us on this tax cut?'' I suspect prior to the time he called me he knew that I had voted last year for estate tax relief and for marriage penalty tax relief.

I said, ''I want to be direct with you.''

He said, ''Please do.''

I said, ''I have a couple of concerns about this tax cut and projected surpluses.'' I said, ''Number one, there is not a budget. And I think we should have a budget before we implement or enact a new tax cut.'' This is last Sunday. I said, ''Number two, I'm going to Washington on Monday so I can vote on this tax cut bill.'' And I said that I was watching the weather last night and they were projecting in Washington, D.C., a 12-inch snow. I was very concerned with that projection that I might not make it back to Washington for the tax vote. As it turned out, the projection, only 24 hours in advance, was very wrong and there was no snow to speak of. And now we are talking about projections on economic conditions 5 and 10 years out. And if a projection for a weather forecast can be that wrong, 12 inches wrong in only 24 hours, think what can happen to economic and financial projections 5 and 10 years out.

The people in Kansas and the people around this country I think live by three very simple rules, they are not written down, they are just common sense and people know innately and understand these rules. Number one, don't spend more money than you make. Number two, pay off your debt; and, number three, invest in basic needs in the future. The basic needs for a family are food and shelter and health care and education and transportation. The basic needs for a Nation are national defense and Social Security and Medicare, and a highway system, things of that nature that we all would agree on. And people out in the country wonder why Congress cannot learn to live by the same budgeting and financial rules that American families do. We have the opportunity for the first time in a whole generation, after 30 years of deficit spending, to do the right financial and fiscal thing, the

right thing fiscally for our country, and, that is to live within our means and to start to pay down our national debt.

They have already told you, some of the other speakers here this evening, about the benefits. But one that they did not mention is this. In 1999, the third largest category of expenditure by our United States Government after defense and Social Security was interest on the national debt, $230 billion. If we start to do the right thing, we can pay down that figure and we can reduce that figure and live within our means. I think we should do that, Mr. Speaker, for our children. We have placed a $5.7 trillion mortgage on their future. We owe it to them.

Mr. STENHOLM. Mr. Speaker, I yield to the gentleman from Tennessee.

Mr. TANNER. Mr. Speaker, I want to thank the gentleman from Texas and the other Members who have been here tonight to talk about this. We have heard a lot of talk about the fact that we think we need a budget first and we say that because, as one of the speakers said, that is the only way you have a business plan for the country, it is the only way you have a budget for a family, is to put this in some semblance of order. But the real question is why do we say we need a budget, a universe within which to work on these competing interests, whether it be paying down debt, tax cuts, increased spending for the military. The reason that we do is because we want to do the right thing for the children of this country in terms of fiscal discipline.

As the gentleman from Mississippi said, if we do not get a handle on this now, we will be the first generations of Americans to actually leave this country worse than when we found it.

So why do we say we need a budget first? First of all, we want to protect the trust funds that the gentleman from Mississippi talked about. Those are solemn promises and all we have to give to back them up right now are IOUs. The second thing we think we ought to do and we must do is pay down the national debt. Why is paying down the national debt important? There are 280 million people in this country. We have a total debt, according to the government, of $5.7 trillion, thereabouts.

□ 2230

Of that, $3.4 trillion is publicly held debt. That means that each one of us owe $12,140 apiece, per person. That means for a family of four that is going to get this $1,600 in 5 years that they have talked so much about, that means their share of the public debt is $48,600.

Now, Mr. Speaker, that just includes the publicly held debt of $3.4 trillion. If one adds the other debt, the Social Security debt and the things the gentleman from Mississippi (Mr. TAYLOR) talked about, we have a $20,300 per person debt on our head when we are born as American citizens. For a family of four, that is $82,000.

The proposal that has been put to us from the White House proposes $590 billion less in debt reduction from now until 2005 during this President's term than present law provides. Do we know what that means to a family of four? It means their share of this debt that we have will increase unnecessarily by $8,000.

Where I come from, as the gentleman from Kansas (Mr. MOORE) said awhile ago, one of the things we think about in Tennessee is do not spend more money than you make but pay your debts. If you have some extra money coming in and you owe somebody, you do not go buy a new car and leave that somebody that you owe still waiting for their money. You go and pay them because that is the thing to do.

If we do not keep our eye on the ball and continue to pay down this debt, then I will be ashamed to say, but I will have to admit, that I was one of the first generations of Americans who left this country worse than when we found it.

We do not know what it is going to do to national defense. There are some defense needs in this country that all of us know about, not the least of which is our obligation to the military retirees, our obligation to the men and women who are giving us their productive years that are in the uniform service of this country. They need more pay allowances. We need to modernize their equipment.

Agriculture, a nation that cannot feed and clothe themselves internally is at risk to whatever extent that food supply is interrupted. Agriculture is truly a national security concern. So when people say well, all you guys are doing down here is whining about the fact that you are not in the process, that this process has left you behind and you are whining about it. Well, let me just say this: The process that we put in place with the Budget Act and the process by which we govern ourselves is the only thing that separates this country from a dictatorship or from communism or anything else. You do not have to worry about process if you live in a dictatorship. You do not have to worry about process if you live under communism. There is none.

Process is important, and that is why we are here to try to get some process in place so that we can intelligently make some decisions, if that is possible, make some decisions that are going to leave this country better, not worse, than when we leave here.

Mr. STENHOLM. Mr. Speaker, for our cleanup hitter for tonight, one of our newer Blue Dogs from California, fastly becoming one of the leaders for a fiscally conservative budget, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, this year we will have a large tax cut. We will have a large tax cut that provides tax relief to every taxpayer, that addresses estate and marriage penalties as well. That we know for a certainty. The question, of course, of how large and who will be the primary beneficiaries is as yet undetermined, but we know that we will have the largest tax cut that we can afford.

Will we have a solvent Social Security system? Will we have Medicare with a prescription drug benefit? Will we have an adequate educational system? Will we pay down the national debt? These questions we do not have an answer for. Now, why is that? Why is that that we can say with absolute certainty right now we can have a massive tax cut but we cannot say whether Social Security will continue? We cannot say whether Medicare will be solvent? What does this say about our priorities as a nation? It says we do not put Social Security first. We do not put Medicare first. We do not put the needs of our children first.

Now, why is this? Why are we going forward with no budget? Why are we going forward with a bill that could have a major impact in this country for 25 years with no budget? Why is it so important that we act on this right now? Well, the argument that is made is that we need to spur the economy right now. Well, let us set aside the fact that even Alan Greenspan says that the use of fiscal policy in the form of tax cuts does little to affect the immediate condition of the economy. Let us say that we agreed with that philosophy. Why does that mean that we take action on a bill right now that will affect us in 5 to 10 years? If we are concerned about spurring the economy now, let us do something to spur the economy now. Let us not make a decision about expenditures 5 to 10 years from now that will have no effect on today's economy.

No, we are taking action right now on a bill that will have an effect on the next generation. We are doing it without a budget in place. We are doing it on the basis of projections we know are incredibly speculative. We are doing it at a time where the interest on the debt we pay every day is a billion dollars; a billion dollars a day we pay in interest on the national debt.

No, we are going to ignore the promises both parties made during the last campaign of paying off the debt by 2012 or 2013. That is out the window. We are going to ignore the promises made by both parties during the campaign of providing prescription drug benefits to seniors. We are going to ignore our promises to set aside Social Security and Medicare. No, we are going to pass this bill right now and then we are going to worry later to see if we can afford it.

Now I am just a freshman in this institution, but even a freshman can see this is no way to budget for a nation or

a family. In families across America, people have very basic principles: Pay your bills; live within your means; provide for your family's future; provide for your country's future. This process does not meet that very basic standard.

Let us have a budget first. Let us have a budget that we can be proud of, not only today, tomorrow and this year. Let us have a budget that we can be proud of 10 or 20 years from now, because what we are doing this week, make no mistake, will affect this country for the next quarter of a century. I do not want to look back on my period in Congress and say that one of the first acts that we did when I entered the Congress was something that set this country back on the path of deficit spending, increased national debt, that we did the fiscally irresponsible thing. Let us have a budget first.

Mr. BOYD. Mr. Speaker, today we are going to set the course for the nation for the next decade. The President is betting the farm on a two trillion tax cut based on ten year economic projections. I would like to talk to my colleagues a little bit about these projections. As we all know, these projections are prepared twice a year by the Congressional Budget Office, once in January and once in July. In six short months the Congressional Budget Office changed its ten year estimate of the surplus by one trillion dollars.

While this is very good news for those who want the largest possible tax cuts or new spending programs based on the surplus, it troubles me greatly that we are prepared to risk the balanced budgets we have enjoyed over the last four years on estimates which can change so drastically in a six month time frame. My concern is that what the Congressional Budget Office gives today, it can take away tomorrow.

If you look closer at the projections, it becomes even more problematic. Almost 70% of the 5.6 trillion dollar surplus does not materialize until after 2006. What will the economy look like in 2006? What problems will face our nation in 2006 that need to be addressed? Will the 505 billion dollar surplus that is estimated for 2006 really be there? Saying this is a certainty is like predicting what the weather will be like five years from now. Allocating the vast majority of the non Social Security surplus for a tax cut in this situation is like betting the family farm on a roll of the dice.

Even the Congressional Budget Office warns about using its estimates, the same report that projects a 5.6 trillion dollar budget surplus also states, "The longer-term outlook is also unusually hard to discern at present. Many commentators believe that major structural changes have created a "new economy," and that belief influences the economic projections described in Chapter 2. However, CBO's projections, like those of other forecasters, are based on very limited information about just a few years' increased growth of productivity and strong investment in information technology. Projections of those recent changes as far as five or 10 years into the future are highly uncertain."

This is why I believe it is important that we treat the projected surplus as a projection, not reality. A possibility, not a guarantee. Because of the uncertainty surrounding the projected surplus, I have promoted a responsible plan developed by the Blue Dog Coalition. Under our budget proposal, 50% of the projected non-Social Security surplus is set aside for debt reduction, 25% is set aside for tax cuts, and 25% is set aside for priority spending like education reform, strengthening our national defense, and a medicare prescription drug plan.

This plan puts the emphasis where it should be—on paying down our nation's 5.7 trillion dollar national debt. It also has the added advantage of a cushion if the surpluses do not materialize. 50% of the projected surplus is not allocated to new spending programs or tax cuts, if the Congressional Budget Office is wrong, then the worse thing that can happen is that we would have not reduced the debt by the amount expected. In contrast, under the President's and Republican Leadership's plan, if the Congressional Budget Office is wrong, then we will very quickly have to use the Social Security and Medicare surplus to pay for the tax cuts we enact today.

My colleagues, we are gambling with our future and our children's future today. What the Republican leadership is forcing upon us is wrong. No family or small business owner that I know would spend a huge chunk of his money without knowing what their budget would be first. I urge you to reject this risky plan and work with the Blue Dogs to develop a budget first, which honestly addresses all of our common priorities and will provide the largest tax cut we can afford. By developing a budget that balances substantial tax cuts with realistic spending levels and a serious commitment to paying down the national debt, we will be ensuring a strong economic future for our country and our children.

THERE SHOULD BE NO DEAL FOR THE ALLEGED SPY HANSSEN

The SPEAKER pro tempore (Mr. GRAVES). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for half the time remaining before midnight.

Mr. MCINNIS. Mr. Speaker, I am looking forward to addressing some of the comments made here in the previous moments. There are 10 or so of my colleagues so I have plenty of stuff that I would like to visit with in regards to that. First of all, though, there are a couple of other issues I want to address this evening. One of the issues regards the suspected spy Hanssen who was arrested not very long ago. Of course, all of us in these Chambers know exactly what that story is all about.

I also wanted to talk next, move from there, into the tax cut, the tax program. I intend fully to address some of the comments that have been made. I certainly plan to take exception with some of the doctrine of fear comments made by the gentleman from California and so on, but if we have time I then want to move from that into the death tax and address what some of the multibillionaires in their ad in the New York Times said. I should point out that these people who signed that ad, who support a death tax, who believe that death is a taxable event in this society, those multibillionaires who signed that ad have already formed their foundations. They have already done their estate planning so that they do not feel the pain that all the rest of us are going to feel if we happen to fall in that bracket and we are not that wealthy to provide for that kind of estate planning.

In my opinion, those people in that ad, not many Members on the floor, not my colleagues but those people in that ad represent the height of hypocrisy, and I hope that some have an opportunity to read my comments that I hope to get to this evening.

Let us talk, first of all, about the spy. I was very, very discouraged to read probably at the end of last week that in the negotiations, if these negotiations take place, for a plea bargain with this spy, who sold out his country and who sold out his country not with one transaction but has been selling out his country for many, many years, with secrets of substantial damage to this country, that one of the items that is mentioned as kind of a dangle, some kind of incentive in front of this spy, is to go ahead and let this spy, the accused spy, to go ahead and let him keep his pension.

He is not yet entitled to his pension. He was 5 weeks off from receiving his pension, this Hanssen guy. His pension is going to be about $60,000 a year.

Now, to me, allowing this alleged spy, and I keep using the word alleged but I think the evidence is very clear the situation we have, but we do have a society that one is innocent until proven guilty, but the fact is that we have American soldiers, in fact the gentleman from Mississippi (Mr. TAYLOR) spoke earlier about some of the people who have given their lives in service to this country, and those people's total life insurance policy does not equal in many cases one year of this alleged traitor's pension of $60,000 a year. It is fundamentally unfair, it is unsound, for either the FBI or the Justice Department to consider as one of the terms of their plea negotiations to offer this alleged spy his pension that he was 5 weeks away from collecting.

Do not forget that while he was accumulating this pension, it was at the very time he was selling our country out to our enemies. He was selling them out to Russia. He sold us out. So he is being paid on the one hand and he is selling us out on the other hand, and now as if we have not been bruised enough we have some people out there apparently discussing, well, let us go ahead and let him have his pension.

Granted, some people have said we have sympathy for his family. His family was not involved in the spying. I

agree with that. The family of this alleged spy must be going through some very horrible times. It is clear that the evidence supports the fact that the family had no knowledge of what was going on with their father and this husband. That fact, that sympathy aside, one does not reward, and I am sorry about the circumstances to the family but that is the consequences of misbehavior, one does not reward one of the worst spies in the history of this Nation by going ahead and saying we are going to go ahead and give you $60,000 a year for the rest of your life based on your service to the United States Government.

So if any of my colleagues here have an opportunity to have a discussion with either the Department of Justice personnel or FBI personnel, I hope you bring this up about this pension.

Now let me move into some of the comments that were made. First of all, I take strong exception with the gentleman from California who introduces what I call a doctrine of fear. Let me say that, first of all, the comments that were being made by the Blue Dogs, as they call themselves, many of those comments I thought were fundamentally sound and there are a lot of areas that I agreed with. I have a great deal of respect for the Members who have previously spoken, but I do not think the approach to take is the approach of fear.

Let me give you a few quotes: This Congress does not put the need of children first. Give me a break. Show me one Congressman, one Democrat Congressman, show me one Republican Congressman, that in their heart and their mind they intentionally do not put the children first.

In my career here in the United States Congress, even with the Congressmen on the other side of the aisle that I have disagreed with the strongest, I have never found a Congressman who I felt did not care about children, who did not want to put children first.

To stand up here in front of Members and say we do not want to put children first, come on. That does not get us where we need to go.

Let me move on. Massive tax cut. Compare the so-called massive tax cut with tax cuts of the past, including with President Kennedy.

Let me move on from there. Ignore promises to seniors. To me, I take as strong an exception with that comment as I do ignore the children or do not put the children first. It is a real good way to get people shaken up. It is a good way to introduce the doctrine of fear. It is a good way to put a lot of scratch on the radar by saying we are ignoring seniors or we are not putting children first.

I think those are unfortunate comments that are being made.

Obviously, and properly so, the people who spoke ahead of me had that hour unrebutted so they got to speak for a whole hour unrebutted. So the reason I am going through this is trying to rebut some of those things, and I intend to make a case and present my case on its own.

Let me say that the fallacy of the comments that I heard that were previously given, again, I would agree with the principle of these statements if one condition was met, just one condition was met, and where the fallacy of these good colleagues of mine comes into place is that they are assuming that the money not utilized for a tax refund to the workers of this country, who pay taxes, they are assuming that that money automatically will go to reduction of the debt.

□ 2245

Therein is the entire danger. There is no assurance at all. In fact, if we look at the history of the United States Congress, when we leave a dollar on the table here in this room, within moments that dollar is going to go into further and future government spending. It is our poor history, and I say ''poor'' as to many, many decades of poor management. It is the poor history of financial management that dollars here are not utilized to reduce the debt if they are left laying around; they are utilized to increase government spending.

Now, let me say to my colleagues that that is not necessarily a weak Congressman, and I say this generically, a weak Congressperson. It is not necessarily a weak Congressperson or a Congressperson who has evil in their eyes to go out and spend this money because it is sitting around. We are under intense pressure. Every one of my colleagues, every one of us on this floor is under intense pressure; and for the freshmen that have just come aboard, you wait until the pressure you are going to see.

Just today in my office, and, by the way, it is not very often we have people that come to our office with bad projects; it is not very often that a decision is going to be real easy to say, that is a rotten project, why would we ever consider funding that. Most of the projects that come into our offices, including the projects that come into my office on a typical day like today, are good projects. They are easy projects. We get a lot of pressure out of our districts to spend money on those projects. Generally they are good projects and as the freshmen will find out, generally are decisions that are not going to be ones between good and bad programs, they are going to be decisions between good and good programs.

Today alone from my own district I had a group that came in and said, we need $500,000 for the study of a floodplain. Good expenditure. We had a flood last year. The space program, people who are in on the space program, I do not know how many billions they wanted, but they certainly wanted hundreds of billions of additional dollars, and they say, because you have a lot of good people in your district, Congressman, that are dependent on the space industry, and we understand that the President wants to hold this spending down to 4 percent, but we need to go into space. Well, I do not necessarily disagree with that. I think space, when properly managed, that program over at NASA is an expenditure that is worthwhile, but that is hundreds of millions of dollars. By the time this day was out, I sat down with my staff previous to these comments. I think we calculated the request today was just under $1 billion. That is about 10 hours of meetings. Well, I did not spend 10 hours with constituents, maybe 5 hours with constituent meetings today, and I got just under $1 billion of requests. That is not just one day of the week we see them. We see constituents all week long.

The key is here, my agreement is with the Blue Dogs that we should try and reduce that debt; but the fact is that we have to get that money to the reduction of the debt and not to the spending.

I heard a lot of criticism about lock boxes. That is our effort. When we leave money around for Social Security, when we leave money around for Medicare, that is our effort, of somehow trying to control future Congresses by saying, it is locked away from spending. The theory of what the Blue Dogs have said this evening will work if they can just figure out how to keep it from being spent on additional government spending, and that is the difficulty.

If I might say to the gentleman, let me explain the situation that we are in. I would be happy to yield to the gentleman under normal circumstances; but unfortunately, because I was granted my time after 10 o'clock, at 10:30, as the gentleman knows, I do not have a full hour, they split the hour, so my time is limited to 45 minutes, so as I get towards the end of my comments, I would be happy to yield to the gentleman, because I think it is appropriate. But I do have a great deal of information to cover.

Mr. STENHOLM. Mr. Speaker, if the gentleman would yield, we have the second 41 minutes and we will be glad to yield to the gentleman back on our time for any time that he needs.

Mr. McINNIS. Mr. Speaker, what is the gentleman requesting for yield time right now?

Mr. STENHOLM. I thank the gentleman for yielding.

Mr. McINNIS. No, no, no, excuse me. I did not yield yet. I wanted to know what the request for yielding was. Do you want a minute or 3 minutes? What are you asking for?

Mr. STENHOLM. Mr. Speaker, I was asking to make a comment regarding a statement that the gentleman just inferred that the Blue Dogs were talking about lock boxes, and I wanted to clarify the spending.

Mr. MCINNIS. Mr. Speaker, I yield to the gentleman.

Mr. STENHOLM. I thank the gentleman for that. We support the lock box concept. Our concern is that in the President's budget, he is going to be using some $500 billion of the Medicare lock box, Medicare tax set-asides for purposes of which we request, and we believe we agree with the gentleman on that. I just want to make sure that the gentleman did not intentionally misspeak. We are not down-playing lock boxes; we are saying we ought to set aside Medicare, Social Security, and the gentleman from Mississippi's comments regarding military retirement and civil service retirement, we ought not to be spending that for any purpose, including giving it back to people who have paid their taxes. It ought to go to the lock box.

Mr. MCINNIS. Mr. Speaker, with all due respect to the gentleman, I appreciate him clarifying that, but just so the gentleman has an understanding where I am coming from, if the gentleman would care to look at the record, he will see numerous references and criticisms of the lock box theory.

My purpose here is not an attack on the Blue Dogs, because after the gentleman's comments, apparently we agree on the lock box issue. But that is our mechanism, to try and put in some kind of control in the future so that when we reserve money for reduction of the debt, it actually goes to reduction of the debt and not spending. Also, I should say about the Blue Dogs, frankly, that during my years in Congress here, it is the Blue Dogs on the Democratic side of the aisle who have been the most restrained on excessive spending and who have led that side of the aisle. So this is not intended to be a criticism, but is intended to say to my colleagues that the lock box is the best tool we have been able to come up with at this point in time.

Now, perhaps the gentleman from Mississippi, who I will yield to here in a minute, because I am going to refer to some of his comments, and perhaps he would like to reserve his request for a yield of time until I am finished.

Mr. TAYLOR of Mississippi. Mr. Speaker, if I may.

Mr. MCINNIS. Mr. Speaker, the gentleman may not. I am not going to yield. Let me finish about the comments that the gentleman made, and then I will be happy to yield for a limited period of time because of my limited time this evening. Again, you have 10 over there, I have one here.

Let me say that in regard to the gentleman's comments from Mississippi, he spoke very eloquently, but he said that during his lifetime, a great deal of that debt was accumulated during his lifetime. I might add that a great deal of that debt was accumulated during his congressional tenure as well. I am not sure that the gentleman from Mississippi intended this, but he said that Greenspan said there is all kinds of money for a tax cut. I have heard Mr. Greenspan speak on a number of occasions. I think the gentleman's quote of Mr. Greenspan is inaccurate. I have not read in any report of his comments, and I have not witnessed in person any of his comments where he quotes: we have all kinds of money for tax cuts. In fact, Mr. Greenspan has been very conservative in his approach for tax cuts. He has put it on the strategy and agreed with the strategy that George W. Bush has put forward, and that is, we need it in combination with, one, we have to reduce the interest rates, we have got to control spending, which Mr. Greenspan comes back to time and time again, and then the tax cuts have a place in there. He has not made those kinds of statements that we have all kinds of money for tax cuts.

Mr. TAYLOR of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. Mr. Speaker, I would also correct the gentleman in saying that it was either Greenspan or Bush in his comments, I did not quite catch which one the gentleman quoted, let us go have a good time. I do not remember, and I do not see anything. I see that George W. Bush takes this budget very, very seriously; and I think the gentleman agrees with me.

My only point here is this budget and these tax cuts and our debate tomorrow, especially as I address the Blue Dogs, who I think, in my opinion, on the gentleman's side of the aisle I think carry the most substance, at least with my point of view. I think it is very important for us to work in a constructive fashion, that we not let emotion take it too far and we make the kind of statements such as the fear tactics that I addressed earlier about some of these comments that were made by some of the other people.

Now, if the gentleman would like to speak for a minute, I would be happy to yield, in fairness.

Mr. TAYLOR of Mississippi. Mr. Speaker, a couple of points. Number one, I was deeply disappointed when Mr. Greenspan was repeatedly quoted by Republicans as being the person who they say, well, now he is for tax breaks. I am glad to hear this Republican say he did not think he said that. It is a fact that Mr. Greenspan was in charge of that commission that led to the 15 percent increase in Medicare and Social Security taxes, with the promise that money would be set aside. So Mr. Greenspan, more than anyone else, should know that it has not.

The third thing is when the gentleman said, let us go have a good time. I was using the analogy of a person who, for the first time in 30 years, has money left over at the end of the year and it amounts to $1,000; but he ignores the fact that he is $686,000 in debt. That is where our Nation is with an $8 billion surplus at the end of 1 year for the first time in 30 years. The analogy is our Nation does not have $1.6 trillion to give away in tax breaks.

Mr. MCINNIS. Mr. Speaker, reclaiming my time, the gentleman has gone on a little bit beyond the rebuttal that was appropriate, but let me make it clear. I am not saying that Mr. Greenspan did not agree with tax cuts. Obviously, he did. My disagreement was the gentleman's quote of Mr. Greenspan, which I have back there. I took it verbatim, I say to the gentleman; and I just wanted to correct that, because I think that the quote had a bit of emotion put into it and was taken out of context.

I want to be sure that this evening, because I think the plan that the Blue Dogs presented this evening was a very well-presented program; but I think in fairness, we need to present this with as much emotion put aside as we can. Therefore, I would like to address a couple of the issues in regards to the plan offered by George W. Bush.

First of all, let me tell my colleagues, my district is in the State of Colorado; and in the 1970s, Colorado faced, of course, in a much smaller proportion, a budget surplus and the surplus actually did occur. Now, I know that some of my colleagues that have previously spoken criticize projections into the future. I want all of us to know, and I also heard someone say, you do not spend money you do not have. I happen to agree with that, although most citizens in America do spend money they do not have. They buy a home. I would guess that most of my colleagues who are here on the floor this evening probably are in debt and actually owe more money than they are making right now. It is because they can manage that debt. It is a manageable debt, and that is one of the things that I think we ought to take a look at. What kind of discipline exists? I would venture to say that my colleagues here personally probably have more discipline because they are not under the kind of political pressure to spend their personal income that we face here to spend the taxpayers' income.

In the State of Colorado when we had this surplus and, by the way, when one buys their home, let me step back just for a moment, when you buy your home, you base the purchase of your home on your own future projections. Nobody has figured out accurate projections, very accurate, in my opinion. If they did, they would be very, very wealthy people. But when you go out as an individual and you buy a home, your wife and you, you sit down and

you say, okay, here is what we project our income is going to be over the next 30 years, here is what we think we can afford in a mortgage, and probably the first payment you make every month outside of groceries for your family is to pay on that mortgage. Now, that is not to say that you should ignore your mortgage. There are consequences if you do ignore your mortgage; and frankly, the gentleman from Mississippi, I think, stated pretty well some of the consequences of ignoring the mortgage.

The problem is in this particular body, in the other body, in this political process, because of the demands of our constituents, we have to exercise a special kind of discipline. In Colorado, we had those surplus dollars in the 1970s. We were so concerned that we would end up spending that money on good programs, that we felt it was necessary, we felt we met the fundamental needs of the State of Colorado. I say ''we,'' I was not in the legislature at the time, but our legislative leaders then did a tax refund in the State of Colorado.

Do my colleagues know what would have happened in Colorado when 6 years later we ran into an economic downturn, had we not returned that money to the taxpayers? That money was not sitting in a bank account accumulating interest. That money was spotted by every special interest group in the State of Colorado, and those special interest groups, regardless of which side of the aisle it came from, they wanted to spend that money; and they would come to us, they would come to our legislative leaders and say, look, we have a great program. You have the money in the bank. How can you justify to the voters that you are not going to spend more money? And what would have happened in the downturn is we would have had many, many more commitments, had we not returned that money, and our downturn in Colorado in the early 1980s would have been much more severe than it was.

I think that the President in his approach and in his budget takes that into consideration. The President is not proposing, by the way, to return all of the projected surplus. This bill that we passed in regards to the President's tax cut, which is a part of the budget, and remember that, in my opinion, if we allow the budget to come on this floor first, before we commit to dollars for a tax cut, the dollars that we would commit to a tax cut will be already spent for additional spending in new programs.

□ 2300

Mr. Speaker, that is the difficulty on this floor, and in the next 3 weeks trying to take that money that we intend, and we can use the money that you would like to give for a tax cut, being able to hold that aside from being spent is going to be extremely difficult. That is why we have to commit early on, in my opinion, to a tax cut.

What the President has done on his budget is he has broken it out basically into a couple, 2 or 3, requirements in his budget. The first requirement, Social Security. We must put aside money to fund Social Security.

The same thing with Medicare. The President also addresses the debt. Clearly, we are in complete agreement.

I am in complete agreement with the Blue Dogs. I am in complete agreement with most of the Republicans that we need to reduce that debt. That is good fiscal management to reduce it in a planned way, but reduce that debt. The difficulty is between the point where the surplus exists and being able to move it.

Let me demonstrate here. S for surplus, and over here for the debt reduction. There is another big S that falls in between them. What does that big S represent? It represents spending.

President Bush does not ignore spending. President Bush does not come forward in his budget and say no more spending. In fact, what President Bush does is he comes out and says he is going to be more generous than most families in America, I would venture to say, are going to be in their own family budgets next year.

President Bush has come forward and said you may increase the budget. I want a budget, and I will present a budget that will increase spending by 4 percent, that is a 4 percent increase. Most families in America will not see a 4 percent increase in their personal income next year.

What President Bush has said is that an 8 percent or a 9 percent increase that the Congress, along with the administration, that this government has gotten used to, is not going to happen, because we have an economy that is on the edge.

We do not have an economy that technically is in a recession yet, but we have an economy that is headed into a slowdown. And the way to address the slowdown, according to President Bush, and I completely agree with him, really is three legs on a stool.

The stool needs each one of those legs. The first leg is you have to reduce spending or control spending. I will describe a little more about that later.

The second leg is you got to reduce interest rates. We are seeing Alan Greenspan responding. By the way, the criticisms of Alan Greenspan this evening, I did not hear many of those criticisms when the stock markets were hitting all time highs last year. I did not hear any of my colleagues frankly taking the floor and criticizing Alan Greenspan.

The third thing that we have to do on this stool to stabilize this economy is put some money back into the workers who are producing out there.

You have people in our society who are not producing. Those are not the people we are trying to put money back into their pockets. We are trying to go to the producing American out there, the American who is paying taxes. We are trying to put money back in their pockets, because our belief is putting those dollars back in the workers pockets is going to help a lot more to pull this economy out of its slowdown than leaving those dollars in Washington, D.C. to be spent by the government through a bureaucratic maze.

That is exactly what President Bush is attempting to do, and I think he has a very logical plan under which to do it.

In his speech, which, by the way, many of my colleagues stood and applauded, the President's budget funds America's priorities. Again, President Bush is not ignoring children. President Bush is not ignoring senior citizens. He is not ignoring Medicare. He is not ignoring Social Security. He is not ignoring the military, but, by the way, he is not going to just sign a blank check.

He wants justification. The Secretary of Defense, Mr. Rumsfeld, is putting a study on military. He understands what our basic needs are, and his budget will fund America's priorities, but there has to be priorities.

Let me tell my colleagues if we spent money on every good program that comes in front of us, we would be broke in a week. We have to have priorities. Of course, taking priorities means that some are priorities, some are not. So you become unpopular with some people.

This President is willing to stand tall and say we cannot fund everybody. I am sorry, we cannot be Santa Claus. We have got an economy that is having a tough time. We have some fundamental needs that must be funded, and the President's budget funds it.

Next, the President provides the largest debt reduction in history. And here the Blue Dogs ought to be standing up applauding George W. Bush. And I should say, in fairness to the Blue Dogs, that at several points their key point was reduction of the debt, so I think they actually agree with George W. Bush.

What I am saying though, however, to people such as the Blue Dogs, somewhere we have to be able to control spending so that those dollars there will be some dollars left for that tax cut.

Here President Bush does not ignore, under any circumstances, the reduction of the Federal debt. In fact, he considers it a very high priority, and he provides the largest debt reduction in the history of this country.

Finally, it provides fair and responsible tax relief. This tax relief is not intended to go to people who do not

pay taxes. If you do not think you pay enough taxes, take a look at how many taxes you pay. Take a look at when you stop at the gas pump what you pay for a gallon of gasoline, what you pay when you go to the hardware store. Take a look at your tax bill next time you buy a car or a refrigerator or a TV.

It was mentioned by the Blue Dogs over here, take a close look at what your employees' and employers' taxes are. Take a look at your income tax, your State income tax, your Federal income tax. Take a look at your municipal tax. Take a look at your county tax. Take a look at special districts. Some of those needs are necessary.

We have to have tax in our system, but at some point in those numbers, do you not think that we can find, especially when we have an economy right on the edge, do you not think we can find a little bit, a few pennies on the dollar to go back to the taxpayer so that that taxpayer can also fund some of the priorities of their family?

Let us take a look, as we go through this budget, as the President explained it.

The President's budget, as I mentioned, pays off historic amounts of debt. It provides the fastest, largest debt reduction in history, $2 trillion over 10 years.

It reduces the government debt to its lowest share of the economy since World War I. We are serious about reducing this debt. Clearly we have to do it.

By the way, it is the Republicans who continually carried that balanced budget amendment. We understand that, and there are a number of conservative Democrats, and the Blue Dogs fit in that category, who agree with the reduction of this debt.

Let us go on. Responsible tax relief, uses roughly one-fourth of the budget surplus to provide the typical family of four paying income taxes $1,600 in tax relief.

I heard someone the other day saying this proposed tax cut only means a couple hundred bucks, or it only means a dollar a day. I heard that the other day I think in the Committee on Ways and Means.

Let me tell you something, when people get 300 bucks or $365, that may only be a dollar a day but to a lot of my constituents, $365 in your pockets instead of the government's pockets makes a difference of a bicycle for your kid, maybe you could go down and buy a new TV.

It makes a difference. Do not let people dilute the impact of a tax cut by saying it only means a dollar a day.

Let us proceed on here. It improves health care. The President's budget will improve health care. It doubles funding for NIH, that is the National Institute of Health, medical research on important health issues like cancer, the largest funding increase in NIH's history. It creates more than 1,200 new community health centers to make health care more accessible.

This President understands the terrible viciousness of cancer. This President is committed to a budget for the National Institutes of Health to take that issue on. This is one of those priorities.

This President is not taking the money from the fight on cancer and giving it back to the taxpayers. In fact, this President is going to the workers and to the taxpayers and saying I think it is a priority to take more of your taxpayer dollars and to fight to take on this issue of cancer.

It protects the environment, protects the environment, providing for the largest increase in conservation funds in history. Of course, we all take great pride in our districts, but my district is one of the most beautiful districts in the Nation. It is geographically larger than the State of Florida. It is the Rocky Mountains of Colorado.

Those land and water reservation conservation dollars are important dollars for us out there. This realizes that the President realizes a commitment to our environment in that kind of funding.

It preserves Medicare. It spends every dime of Medicare receipts over the next 10 years for Medicare and Medicare alone.

□ 2210

Those Medicare dollars are going for Medicare and Medicare alone. Again the President has said, look, there are certain dollars we cannot put into the tax refund, into the tax cut. We have to fund priorities. Medicare is a priority. It strengthens defense and our military by improving their quality of life. He talks about the new weapons, and defense is a priority for President Bush. Again, he is not using that money to filter or waste it away in other spending. He is not giving that money to our taxpayers, he is saying that money needs to go into defense.

Improving education. I think this President will go down in history, President George W. Bush, as the education president. He cares about that. Reading is a big issue. His wife is a teacher. Laura Bush has spent more time in a classroom than most of my colleagues. I think everybody on this floor cares about education. I have never met a Congressman who does not care about education. This President lists it as one of his highest priorities. He says that if we want better education, we had better be able to pay for it.

George W. Bush wants the strongest military in the world. He wants it maintained, but he is not going to sign a blank check. He wants accountability. He wants accountability in defense, in education, in Social Security, et cetera, et cetera. But that is not to say he is not willing to spend the dollars. You prove that those dollars are going to go to the improvement of our education, and you are going to have those dollars, and his budget allocates for it.

Social Security, it protects Social Security. Let me say my approach, I heard a couple of comments from two separate Members who said that we are on route, we are on track to turn this country over in the worse shape than any other generation in the history of this country. That for the first time in the history of this country, this generation is going to turn this country over to the next generation in worse shape than they found it.

Mr. Speaker, I could not disagree more. I am an optimist. I think that we live in the greatest country in the world. I think there are more things going right than wrong. Clearly our focus is to deal with problems. It is kind of like being a fireman. Firemen deal with fires, so pretty soon you may think that the only thing that happens is fires, but it is not. When you look and put it in its proper proportion, there is more going right.

Sure it is easy to criticize education and criticize this and that, but take a look at what is going right and if we work together as a team, if we come together and understand, number one, we have an economy that is headed for a slowdown. We do not need to bring up emotional statements like somebody does not care about children. How many of your constituents do not care about education or seniors? Put that garbage aside. Every one of your constituents cares about education and seniors.

The question is priorities, and the President has three basic priorities. Number one, you have got to take care of the priorities of this country. Number two, you have got to have, and let me put my chart back up here, you have got to provide for debt reduction. It is a priority with this President. Number three, you need to provide some money back to the people who gave that money. Do not forget, it is a very easy job when you talk about money back here in the government, and by the way, the city of Washington, D.C. is the biggest government-funded city in the history of this country.

The fact is that we do not get our money by going out with some capitalistic idea of going out and working, our funding is done by taking that money out of the workers' pockets, out of the taxpayers' pockets and transferring it to Washington, D.C. for redistribution. That is how the money comes back here.

What the President is saying is wait a minute, in all of these priorities, maybe one of our priorities, not the top priority, not the only priority, but maybe one of our priorities ought to be

consideration for those people who have to go out and create that money. The people who go out and get their money, not because it is transferred in their pocket, but because they go out and work for it and they earn it. Here it is transferred through tax mechanisms.

I think it is fair and reasonable for the President to say we need to commit a certain part of my budget to a tax cut. I also think that it is reasonable, to my colleagues in the Blue Dog group, I think that they would agree or I think it is very reasonable to say we had better commit some dollars to this tax reduction now because if you do not put those dollars aside, over the next 3 or 4 months which it will take us to produce a budget, last year we did not get one until almost Christmas, but if you do not put that money aside now, there is not going to be money left for those workers out there.

I understand the position let us get a budget first. That is an easy argument to make. When you make that argument, you cannot assure those workers out there that there are going to be dollars to go in their pockets.

Let me say in conclusion, I enjoyed the discussion here tonight and listening to my colleagues. I look forward to future discussions and would be happy to engage in a special orders with the people from the Blue Dogs, but I think it is important that we tell both sides of the story which is exactly my purpose in rebuttal this evening and also in discussing the Bush plan.

Mr. Speaker, next time I speak I intend to talk about the death tax, the question of whether death should be a taxable event, and I intend to go into some of the issues regarding the budget.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker if the gentleman from Colorado would wait, we offered some additional of our time because you were generous to give some of your time.

We would like to continue some discussion, I know that the gentleman from Mississippi (Mr. TAYLOR) would, and also I appreciate very much the tenor of their talk tonight and respect that they have paid to the Blue Dogs and some of the things we agree on, and I return the favor to the gentleman from Colorado.

I found most of what he said I totally agree with, and I believe he will find that is the Blue Dog position, but I do not believe the gentleman intentionally misspoke regarding the President's budget and the utilization of Social Security and Medicare trust funds. I know he did not intentionally, and all I say is if the gentleman will carefully examine the President's budget, I believe he will find that there is a double counting of the Social Security and Medicare trust funds because I believe the gentleman and I will agree that those moneys that are now being paid in by the hard-working men and women today, everybody paying into the Social Security trust funds, those moneys are already obligated.

When the baby boomers begin to retire in about 4 years, and it really hits in 2011, the Social Security trust fund has big problems in paying off. Therefore, it as has been proposed in the President's budget, we choose to reduce the debt by the Social Security trust fund moneys and that is all, then we truly are not making any progress towards fixing Social Security.

SO-CALLED ECONOMIC GROWTH AND TAX RELIEF ACT OF 2001

The SPEAKER pro tempore (Mr. GRAVES). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. TURNER) is recognized for 41 minutes.

Mr. TURNER. Mr. Speaker, it has been a pleasure to hear the gentleman from Colorado express his points of view, and I believe there are many areas where we find common ground, particularly in the commitment to try to hold down the level of government spending. I think we share a commitment to reducing the Federal debt, although I think the Blue Dogs have a more aggressive debt repayment schedule than does the President under his budget plan.

I notice that the gentleman from Colorado started off his remarks tonight talking about fear, and I picked up, during the gentleman from Colorado's presentation, a little fear expressed on his part, one that I think is shared by many Members of Congress and perhaps drives some of the actions that we see taking place here; and that fear that was expressed by the gentleman was the fear that we might continue to have greater government spending and for that reason we need to pass a tax cut before a budget I believe I heard the gentleman say.

□ 2320

I would simply suggest to the gentleman that under the budget act that this Congress is governed by, we have, by law, said that the process that we will follow is to pass a concurrent budget resolution before we consider taxes and spending programs. So even though it may be a fear that if we do not do the tax cut first we will have greater spending later, the current law says that we should do it just the opposite.

Now, I also would add that I think it is important for us to understand that simply having the fear of greater spending if we do not have a tax cut really historically has not proven to be very successful. Because during the early 1980s, when the Reagan tax cuts went into place, we also found that the Congress and the President decided to increase spending, particularly on national defense. And the largest deficits occurred during those years when we were both cutting taxes and increasing spending on defense. So, unfortunately, though it is a worthy objective to say that if we simply cut taxes first we will reduce spending, the truth is Congress has not chosen to follow that pattern.

In fact, we accumulated over 30 years a $5.6 trillion national debt, because for 30 years straight the Congress and the Presidents that served during that time always spent more money every year than they took in. So the choice, when we do not have money coming in to the Treasury, is twofold: we can cut spending or we can go back in to deficit spending. And the pattern has been more the latter than the former.

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

Mr. TURNER. I yield to the gentleman from Colorado.

Mr. MCINNIS. Mr. Speaker, I will let the gentleman finish, but I wanted to comment just very briefly because I think there is a little confusion here.

I am not for putting forth the proposition that by giving a tax cut would reduce spending. What I am saying is that at least in my tenure on this floor, that if we do not allocate those funds for a tax cut, those funds will be consumed in the budget negotiations that take place here.

Obviously, I think the President himself has said spending will increase at a rate of 4 percent. It may come in a little above that. I am saying at this point, if we are really going to have a tax cut, we better reserve those dollars. I happen to believe that my colleagues in the Blue Dogs would stand by for that tax cut, but there are a number of people on both sides of the aisle who would like to expend those funds.

And then I would like to address the other gentleman from Texas. I am completely in agreement with him on Social Security. On an actuarial basis, they are bankrupt. On a cash-flow basis, there is a lot of excess cash coming in. As we know, the reason on an actuarial basis that we are bankrupt is because the typical couple pulls out $118,000 more than they put in. I do not disagree with the gentleman at all in that regard.

I do have questions and issues of debate as to whether or not we have a double factor in there and look forward to future discussions. I intend to yield back to the gentleman and to not come back to the microphone. I thank my colleague for the courtesy.

Mr. TURNER. Reclaiming my time, Mr. Speaker, I thank the gentleman for his remarks, and again we commend him on his presentation. I really do hope, however, that we will all at least come to the point where we will agree as a House, as a legislative body, that

the budget act that we are governed by, requiring a concurrent budget resolution before we have tax cuts or enact appropriations for spending will be the pattern that this Congress will follow.

Unfortunately, the leadership in this House has chosen to do it another way, because tomorrow they will bring to this floor a major tax cut before this House has adopted a budget. The Blue Dogs intend tomorrow to be heard on that subject because we think it is important to have a budget first.

It is also true, as the gentleman from Colorado stated, that the President, in his budget plan, does reduce national debt. Our objection simply is that it does not reduce national debt as fast as we think it should be reduced. In fact, in an editorial in USA Today, the writer of that editorial acknowledged that the President is reducing debt, but he says that anyone looking closely at the President's budget will see that he does not retire debt as fast as current law would provide. And, in fact, the President's debt repayment schedule under his rough outline of a budget will reduce less debt than current law to the tune of $590 billion over the next 5 years.

The Blue Dog budget plan reduces the debt at a faster rate than the President's budget does. Our plan is very simple. We say take the Social Security and the Medicare surpluses that will accumulate over the next 10 years and set them aside for Social Security and Medicare only. Whatever other surplus there is in the general operations of our government, then set aside 50 percent of that on-budget surplus for debt repayment. That means that the Blue Dog budget plan reduces debt at a faster rate than the President's plan.

We further say set aside 25 percent of that on-budget surplus, outside of Social Security and Medicare, for tax cuts. And the final 25 percent should be reserved for priority spending needs, to take care of increased needs in the area of national defense, education and other priorities this Congress and this President may agree upon.

In our judgment, that is a fiscally responsible approach to the forecast of budget estimates that we all know are merely forecasts, that may not arrive. In fact, we know that if the estimate of growth in Federal spending goes down only one-tenth of 1 percent, about $300 to $400 billion of the estimated surplus for 10 years disappears. That is how tenuous the estimated surplus figure really is.

And so Blue Dogs simply say, let us pay down the national debt, let us have meaningful tax cuts for the American people, and let us preserve Social Security and Medicare for the future. And why do we say let us have a budget first? Because if we have a budget first, we have to address each of those issues that I mentioned and take the available Federal revenues that we hope will appear over the next 10 years and we have to fairly allocate them to those various priorities. To simply say let us bring a tax cut to the floor, it is a feel-good vote, let us do it, let us move on down the road, it will all work out, is not the way we would run our household budgets or our business budgets; and it is certainly not the way we should run the people's budget here in Washington.

So I am hopeful that at the end of the day this Congress will have a budget debate. And, after all, just because the President says that spending will only go up 4 percent, just because the President says that we are going to be able to make all this work out does not mean that is the way the law is going to read at the end of the day.

And when the gentleman from Colorado (Mr. MCINNIS) says that he thinks we ought to pass the tax cut first and then the budget, he is expressing a fear, a fear that his own majority party, who controls this House, who controls the Senate, and who now controls the White House, cannot be fiscally responsible. I submit to my colleagues that as long as the Republicans are in charge, they are going to be the ones ultimately that determine the size of the spending bill for the Federal Government for this next year. And to simply say that there is some projection out here of future surpluses that we all hope are going to arrive, and to make a decision today to spend all of those surpluses on the tax cut the President has proposed, is irresponsible. The truth of the matter is, if they do not show up, we will be back in deficit spending.

A fellow in overalls at a town meeting stood up after I had made a long-winded presentation about all these Federal budget numbers, and he said, ''Congressman, how can you folks in Washington say you have a surplus when you have a $5.5 trillion debt?''

□ 2330

It caught me a little bit off guard, because the point was well made and certainly well taken. Only in Washington can you owe $5.5 trillion in publicly held debt and in debt owed to the Social Security and Medicare and other trust funds of the government that have been taken all these many years and spent on other things, only in Washington can you also say you have a surplus.

The debt we owe is real. It is here now. The surplus we are talking about has not yet arrived. It may not arrive. What would you do at your household if you owed money to the tune of $100,000 and somebody said, ''Well, we think you're going to have an increase in your pay over the next few years.'' Would you ignore the debt and start spending the surplus? No. You would try to pay down the debt that you owe. Keep in mind, the Blue Dogs do not apologize because the size of our tax cut is little bit smaller than the President is talking about. The truth of the matter is, if you look at the tax cut proposals on, for example, the marginal rate side of the tax cut, sure the President over the long term has a little larger tax cut for those in the upper income brackets. The Democratic proposal has larger tax cuts for those in the middle income brackets. But the truth of the matter at the end of the day, the Blue Dog plan is not only to cut taxes but to pay down debt, because we know and economists tell us that paying down debt will put more money in the back pocket of American families than any of the tax cuts that we are talking about today, whether it is the President's, the Blue dogs' or any other group in this House or in the Senate. Economists say interest rates across the board would go down over the next 10 years approximately 2 percent if we pay down the national debt.

If you are struggling to buy a new home and you have borrowed $100,000 at the bank and we can get interest rates down for you 2 percent, you will save $2,000 a year. Who gets $2,000 a year even under the President's tax cut? Well, I guess the very wealthy do. I suppose by looking at the numbers, if you are a wealthy lawyer making half a million dollars a year under the Bush tax cut, you get $15,000. But under the Bush tax cut if you are a waitress making $20,000, you will no longer have to pay $200 in taxes. Your taxes will be zero. As I think the President has often pointed out, the waitress gets a 100 percent reduction in her taxes and the rich lawyer only gets a 50 percent reduction when the truth of the matter is the lawyer gets $15,000 and the waitress gets $200. But how can we help the waitress? If she is trying to buy a home for her family and we can get interest rates down 2 percent so that when she goes into that bank or that mortgage lending agency and she applies for that $100,000 loan, the interest rate quoted to her will be 2 percent lower and she will save $2,000 a year because this Congress decided to be fiscally responsible and pay down the national debt and reap the benefits that come from that kind of fiscal responsibility. That is what the Blue Dogs are for. And at the end of the day, our plan will put more money in the back pockets of an average American family than any tax cut that is being talked about today.

I am very hopeful that we can at least have an opportunity to have a fair debate on priorities and a fair debate about a budget before we have to vote on major tax cuts that may jeopardize our efforts to bring fiscal responsibility and restraint and debt repayment to the American people.

I really think that tonight, the debate that we are having, though there are only a few Members in the Chamber tonight, is the kind of debate that we

need to be having in the full daylight with the Members of the House here on a budget resolution for this House. I have even read in some of the publications here on the Hill that the Budget Committee is going to make a special effort this year to have a realistic budget, because the truth of the matter is that many times, the Congress even after passing their budget has spent more money than the budget allowed. This year, the spirit seems to be different in the House Budget Committee. I am very hopeful that the House Budget Committee will pass a realistic budget, one that this Congress will live within, and one that will allow us to have meaningful tax cuts and significant debt repayment over the next 10 years. This is our goal. This is what we are working for. I think at the end of the day, we can find that the American people will benefit from fiscal conservatism.

It is really unusual to be in a position of having to be the voice of fiscal responsibility when for so many years we had support from the Republican side of the aisle for the same goals. It turns out that the Blue Dog Democrats have now been identified in this body as being the strongest deficit hawks, the most fiscally conservative and those committed to greater fiscal responsibility than any group in the House. I think it is really significant that this message be heard. That is why we are here tonight, at 11:35 Eastern Time talking about this issue that we all believe so strongly in.

There have been several good editorials that have been published in recent days about this issue. It seems that more and more people across this country are beginning to question the path that has been charted by the leadership in this House which will lead us tomorrow to a vote on a major tax cut before we have a budget. More often than not in my conversations with my constituents, I hear the healthy skepticism that exists among people all across this country about cutting taxes based on a 10-year projection of a surplus. In fact, it was suggested to me the other day that perhaps this Congress and this administration could be characterized as somewhat arrogant for even suggesting that we cut taxes based on a 10-year estimate. Because the truth is, even if the estimate, perchance, turned out to be correct, this President and this Congress would have passed the last tax cut that could be passed by any Congress or signed by any President for the next 10 years. Perhaps that alone would suggest that perhaps we should look at a shorter time frame. When I served as a member of the Texas legislature, the House and the Senate there, I served on the Finance Committee, we met biennially, once every 2 years. What we did is project the State revenues for the next 2 years, projected our State spending needs, and adopted a budget accordingly. And if we had extra money projected for the 2-year period, we could pass a tax cut. We did not talk about 10 years out. Perhaps most legislators understand how foolish it really is to spend money that you do not even have yet. Only in Washington do we project for 10 years and then somehow declare that it is engraved in stone on a wall and we can spend it today. I think that we as a Congress should acknowledge that of the tax cut that we are talking about being given to the American people next year, that the surplus is so small next year that only 5 percent of the total tax of $1.6 trillion the President proposed is even being granted next year. And to grant more would put us back into deficit spending, because two-thirds of this surplus occurs in the second 5 years of this 10-year projection. Only one-third occurs in the first 5 years. And in the shorter term, very little surplus exists for any tax cut.

Now I am not belittling the fact that the tax cut proposed gives a $56 billion tax cut next year, but $56 billion is only 5 percent of the total tax package that is being talked about. It was suggested the other day that perhaps what we ought to be doing is simply passing a short-term tax cut, coming back in 2 years, taking another look at where we are financially, passing another one, giving the next Congress after that the good fortune of being able to vote for a tax cut. But, no, in Washington the playing field has been defined for us, because the Congress in 1992 said that the Congressional Budget Office should project the financial estimate for 10 years.

□ 2340

Once we did that, then I guess we opened the door to start spending the money, whether it is by tax cuts or spending or whatever means we want to use to dispose of it today, based on an estimate of what might occur over the next 10 years.

So the Blue Dog Democrats are here tonight. We are working hard to convey the message of a budget first and we are asking for fiscal responsibility.

Mr. Speaker, I am pleased to yield to our fellow Blue Dog colleague, the gentleman from Mississippi (Mr. TAYLOR.).

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER) for yielding.

Mr. Speaker, again, I will ask every American who listens to the debate tomorrow, listen for this number, $5,735,859,380,573.98. You will not hear one proponent of the tax cut admit to the American people that that is how far in debt we are, and almost all of that debt has occurred since 1980.

I will give you another number you will not hear. You will not hear about the $1,070,000,000,000 that this Nation owes to the people who pay into the Social Security trust fund. You will not hear about the $229,200,000,000 that this Nation owes to the Medicare Trust Fund. You will not hear about the $163.5 billion that we owe to the military retirees, and you will not hear about the $501.7 billion that we owe to the public employees retirement system.

I have to be a little bit disturbed about what my friend, the gentleman from Colorado (Mr. MCINNIS), said tonight. His statement was that we have to cut taxes because they cannot stop spending.

Now I admire many of my Republican colleagues, but they asked for the opportunity to govern and they promised the American people if they were given the opportunity to govern they would stop wasteful spending. So what he is saying, I guess, is that that promise was not true; that they cannot control spending.

Let me make a point to the gentleman from Colorado (Mr. MCINNIS). Cutting revenues has never stopped spending. It only increased the amount of money that was borrowed.

When Ronald Reagan made the same pitch in the early 1980s to cut revenues because it would stop spending, the debt was less than a trillion dollars. It is now $5.7 trillion.

Let us remember that Ronald Reagan's veto was worth two-thirds of the House and two-thirds of the Senate; just as George Bush's veto will now be worth two-thirds of the House and two-thirds of the Senate.

If President Bush sees some wasteful spending, I encourage him to veto the bill, and I will work with him to prevent the override of that veto. Do not tell me that you have to increase the national debt, pretending there is an imaginary surplus, so you can give your contributors a $1.6 trillion tax break, because it is not there. We do not have a surplus until we pay back what we owe to Social Security, which is a trillion dollars; until we pay back what we owe to Medicare, which is $229 billion; pay back to those people who served our Nation for 20 years or more and our Reservists who served our Nation for 20 years or more, the $163 billion. We do not have a surplus until we pay back to our civil servants the $501.7 billion that has been taken out of their paychecks. You do not have a surplus to give away in tax breaks.

I know these are astronomical numbers, and I know the typical American has just got to be dumbfounded with them, and I think skepticism is a good thing. So let me say where you can look to see this, because these are all straight out of the monthly statement of Treasury Securities.

Just a month ago, that was known as a monthly statement of public debt but the Bush administration, in order to disguise the true nature of the debt, changed the title of that from public

debt to Treasury Securities; but it is the same thing.

So I would encourage you to go to www.publicdebt.treas.gov. I encourage you to go to table 1, page 1, monthly statement of Treasury Securities of the United States, February 28, 2001; go to table 4 page 10; go to table 3, pages 7 and 8.

That is where these numbers come from. I am dealing in reality. The Blue Dogs are dealing in reality. The people who are for these tax cuts are dealing in projections, and we are $5.7 billion in debt because of rosy projections, not people dealing in reality.

Mr. TURNER. Mr. Speaker, I would ask the gentleman from Mississippi (Mr. TAYLOR) does he happen to know how much interest we are paying on this national debt?

Mr. TAYLOR of Mississippi. I am so glad the gentleman asked that. We constantly hear people say, stop the wasteful spending. Doggoneit, you all can balance the budget if you just cut out the wasteful spending. Some people say it is food stamps to the tune of about $30 billion a year. Some people say it is foreign aid to the tune of about $13 billion a year.

I guess everyone has something they think we ought to do away with. National Endowment for the Arts I voted against, $100 million a year.

The most wasteful thing this Nation does is to squander $1 billion a day each and every day on interest on the national debt. We did it yesterday. We did it the day before that, the day before that. We will do it tomorrow and we will do it every day for the rest of our lives if we do not retire this debt.

That is what the interest payment is. It is more money than we spend on defense. It is more money than we spend on Social Security. It is more money than we spend on veterans health care. It is more money than we spend on anything.

It is squandered. It does not educate a child. It does not build a highway. It does not defend our Nation. It is squandered. It tends to go to the wealthiest Americans, the very people who will get the biggest benefit of this tax break.

Mr. TURNER. I had heard a few months ago that the interest payment on the national debt was the third largest category of Federal expenditures. Is that correct? I think Social Security and perhaps national defense might have been a little bit ahead of payment of interest on the debt.

Mr. TAYLOR of Mississippi. For the record, for the fiscal year 2001, the Treasury has already spent $144 billion on interest on the national debt. That is the first 5 months of this year. Contrast that with fiscal year 2000, the Treasury spent $362 billion on interest. That is almost a billion a day. That is 20 percent of every dollar that was spent.

By comparison, the military outlays total $281 billion, $81 billion less than we pay on the interest. Medicare outlays were $218 billion, $144 billion less than we spent on interest on the national debt.

Again, Mr. Speaker, again Senate Majority Leader, Mr. President, please come tell me that there is a surplus, because you are dealing with projections and I am dealing with reality. The people of America are now $5.7 trillion in debt from rosy projections. The debt is real. The interest payments on the debt are real. What we owe to Social Security, what we owe to Medicare, what we owe to the military retirees, what we owe to our own civil servants is real.

Let us pay our bills first before we start making new promises.

Mr. TURNER. Mr. Speaker, I would say to the gentleman from Mississippi (Mr. TAYLOR), in addition to the absolute waste that is represented by a billion dollars a day that we pay in interest on this huge $5.7 trillion national debt, there is going to come a point in time, is there not, where those debts are going to have to be repaid, those IOUs the gentleman talked about earlier this evening that represents the lockbox trust funds, that those monies are going to have to be paid? I mean, in Social Security, for example, is there not going to be a requirement, an absolute requirement, that some day those funds be repaid to that trust fund?

Mr. TAYLOR of Mississippi. In the 1980s, the Reagan administration, with a Democratic House, Republican Senate, increased by 15 percent payroll tax on working Americans toward Social Security and Medicare, because they realized, because of the demographic change, with fewer and fewer working people, more and more retired people taking money out, fewer people putting money in, that by 2014 the money that was being paid in on an annual basis to Social Security would no longer pay the money that is being taken out.

So with Alan Greenspan as the Chair of a commission, they recommended, it passed through Congress, an increase on payroll taxes with the idea being that the money would be collected now while we have a relatively large workforce, set aside to pay those benefits then for Social Security, for Medicare, for military retirees, for civil service retirement.

The problem is that money was spent, every penny of it. What we are trying to change and what we will have an opportunity to change tomorrow, I hope, if the Committee on Rules makes it in order, is to say that the provisions of this tax bill tomorrow only take place in years where we fully fund our annual obligation to Social Security, to Medicare, to military retirement and civil servants.

□ 2350

If that does not happen, then the tax increase does not take place. I happen to think that is totally in keeping with the President's vow and promise that he made to Congress. He mentioned Social Security by name, he mentioned Medicare by name. He did not mention our military retirees, he did not mention our civil servants, but I am sure he would want to protect their funds as well.

Mr. TURNER. Mr. Speaker, reclaiming my time, so the gentleman says that 13 years from now, in 2014, we start paying more Social Security benefits than we have income into the Social Security Trust Fund and payroll taxes, and at that point in time is when we need to have that debt paid down so that the money will be available for the Social Security recipients.

Mr. TAYLOR of Mississippi. Mr. Speaker, if the gentleman will yield, the promise made during the Reagan years was that that $1 trillion would be set aside. That promise was never kept in the Reagan years, it was never kept in the Bush presidency, it was never kept in the Clinton presidency. The question is now whether this President will honor that promise made almost 20 years ago. The promise was never kept for the Medicare trust fund. The question is whether or not this President will honor it. The promise was never kept to our military retirees. The question is whether or not President Bush will help us keep that promise. The promise was never kept to the civil service retirees. The question is whether or not President Bush will help us keep that promise.

Now, my promise to President Bush is, I will help him keep that promise. I think keeping our word to all of these groups is more important than making new promises to other Americans, because a great Nation is only as good as its word. That is why last year we worked so hard to get our health care benefits that were promised to military retirees, and I thank my colleagues for helping on that. It is now time to keep our word on these matters.

Mr. TURNER. Mr. Speaker, let me ask this question of the gentleman. After 2014, 13 years from now, when the Social Security system begins to experience the retirement of those of us who are in that baby boomer category, what happens, as I understand it, is not only do we see in 2014 more money coming out of Social Security and benefits than goes in and Social Security payroll taxes, but that is just the tip of the iceberg. Because I read the other day that the Social Security service has already estimated, based on the number of folks that will be retiring in the years ahead, that 50 years from now, that the drain on the Social Security Trust Fund will be so great, that to have enough money going into the system 50 years from now to pay the benefits, to which people who will then retire will be entitled, will require a payroll tax of 50 percent of payroll.

Now, the gentleman knows and I know and everybody here knows that we are never going to have a 50 percent payroll tax. Nobody could stay in business if they had to pay a 50 percent payroll tax. But to pay benefits that will be due by current law to the beneficiaries that will be retired 50 years from now, a lot of our children in that category, we need a payroll tax of 50 percent? I think what it says to me is that the talk about a surplus over the next 10 years really hides the true financial picture of the Federal Government, because not only does Social Security face a crisis in the years ahead, but Medicare does too. Is it fair, I ask the gentleman, to say we have a surplus when, in fact, if we look at a longer period of time, we probably have a deficit again because the demands on the Social Security system and on the Medicare system are so tremendous?

Mr. TAYLOR of Mississippi. Mr. Speaker, I would say to the gentleman, I pointed out that this is the debt right now. We have heard our colleagues say that CBO projections say that we are going to have a lot of money left over. Let me tell my colleagues the real CBO projections.

Today we owe the Social Security Trust Fund $1 trillion. The CBO projection is that 10 years from today, even without the Bush tax breaks, which will deprive about $1.6 trillion out of revenue, we will owe Social Security $3 trillion, 65 billion. I told the gentleman how we owed money to Medicare, to military retirees, to civil service retirees. It projects, the CBO, even without the tax breaks, that we will owe them $2.2 trillion 265 billion, and contrary to what our colleague from Colorado said, even without the Bush tax breaks, if we do not start getting serious about cutting spending, living within our means, that 10 years from now, our Nation will be $6 trillion, 721 billion in debt.

Mr. Speaker, there is no person on earth who can convince me, who can convince my colleague, that there is a surplus now or that there will be a surplus then, when we are $5.7 trillion in debt now, and the CBO projections that they keep talking about predict that our Nation will be $6 trillion, 700 billion in debt then.

Mr. TURNER. Mr. Speaker, it seems to me that this debate comes right back down to where the gentleman from Tennessee (Mr. TANNER) said we were in his remarks earlier this evening. The question that must weigh on the minds, I hope, of every Member of this Congress is, are we going to leave this country in better shape for our children than we found it? And it seems to me, I say to the gentleman, that in order to do that, we are going to have to exercise some significant fiscal discipline over the years ahead.

I really commend the gentleman on the presentation he has made. As I said to the gentleman earlier, he exposed, once again, the best kept secret in town up here, and that is that there is really no trust fund. And when we lock box the trust fund, all we have lock boxed is an IOU that some day is going to have to be paid by the taxpayers of this country, back into those trust funds so that the recipients of Social Security in the years ahead and the beneficiaries of the Medicare program in the years ahead will be able to have the commitment that we made to them honored and made good, and that is going to take a tremendous amount of effort on the part of this Congress and future Congresses. I hope that we have the wisdom to begin now to prepare for those very, very dire days when the baby boomers retire and the demands on Social Security and Medicare could literally overwhelm this government.

Mr. TAYLOR of Mississippi. Mr. Speaker, I think the first place we have to start is with the legislation I introduced last week, with a constitutional amendment that honors the promise that was made to Americans, a constitutional amendment that protects the Social Security Trust Fund, a constitutional amendment that protects the Medicare trust fund, a constitutional amendment that protects our public employees' retirement system, a constitutional amendment that protects our military retirement system. I introduced it last week. I would invite the gentleman from Texas (Mr. TURNER) and every Member of Congress to coauthor it. I would invite every American to demand that their Congress keep the promises that were made to them, and start with a constitutional amendment that says from this day forward, we will stop stealing from Social Security and we will stop stealing from Medicare and we will stop stealing from military retirement, we will stop stealing from the civilian retirement, and our highest priority is going to be to pay back those funds that have already been taken.

Mr. TURNER. Mr. Speaker, it sounds like to me if the gentleman's constitutional amendment had been the law in the Federal Government, that the trust funds of the Federal Government would be just like the trust funds that I am familiar with from my service in the Texas legislature. Because at the State level, and I suspect in every State in the union, when they set up the State employees' retirement trust fund and the teacher retirement system trust fund, the legislature actually puts dollars into those funds that are truly locked away and invested over time in real assets that are earning interest and increasing the value, the cash asset value of those trust funds. But because in Washington, we created trust funds that we allowed the government, the Congresses of years past to borrow from to do other things, what we are left with in Washington is trust funds with no cash, with no investment value, other than the fact that they hold an IOU, a Treasury obligation that does earn interest, but ultimately can only be paid through the taxing power of the Federal Government, because there is really no money there to pay the benefits that are guaranteed to the Social Security recipients, to the Medicare recipients, to the Federal employees who retire, to the military retirees. It is the taxing power of the future that will have to be used to honor those commitments.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. SHOWS (at the request of Mr. GEPHARDT) for March 6 and today on account of a death in the family.

Mr. SKELTON (at the request of Mr. GEPHARDT) for March 8 on account of attending a funeral.

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. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. DAVIS of Illinois, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. UNDERWOOD, for 5 minutes, today.
Mr. SKELTON, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Ms. MILLENDER-MCDONALD, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Mr. BACA, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Ms. KILPATRICK, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mrs. MINK of Hawaii, for 5 minutes, today.
Mr. HILLIARD, for 5 minutes, today.
Mr. LEWIS of Georgia, for 5 minutes, today.
Mr. JEFFERSON, for 5 minutes, today.
Mr. CLYBURN, for 5 minutes, today.
Mr. BOSWELL, for 5 minutes, today.

The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:

Mr. BEREUTER, for 5 minutes, today.
Mr. NUSSLE, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, today.
Mr. TANCREDO, for 5 minutes, today.
Mr. GILCHREST, for 5 minutes, today.
Mr. JONES of North Carolina, for 5 minutes, March 8.

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

Ms. BROWN of Florida, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, March 8, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1123. A letter from the Acting Assistant Secretary of Defense, Reserve Affairs, Department of Defense, transmitting notification that the Angel Gate Academy Program Report, directed by Senate Report 106–298, to be submitted by February 15, 2001, will be turned in late; to the Committee on Armed Services.

1124. A letter from the Acting Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Clarification of WIC Mandates of Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (RIN: 0584–AC51) received March 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1125. A letter from the Secretary, Department of Health and Human Services, transmitting the 2000 annual report on the Loan Repayment Program for Research Generally, pursuant to 42 U.S.C. 2541—1(i); to the Committee on Energy and Commerce.

1126. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report on the National Institutes of Health (NIH) AIDS Research Loan Repayment Program (LRP) for FY 2000; to the Committee on Energy and Commerce.

1127. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report on the National Institutes of Health (NIH) Clinical Research Loan Repayment Program for Individuals From Disadvantaged Backgrounds (CR-LRP) for FY 2000; to the Committee on Energy and Commerce.

1128. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report on the National Institute of Child Health and Human Development (NICHD) Contraception and Infertility Research Loan Repayment Program (CIR-LRP) for FY 2000; to the Committee on Energy and Commerce.

1129. A letter from the Associate Bureau Chief, Wireless Telecommuncations Bureau, Federal Communications Commission, transmitting the Commission's final rule—Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934 [WT Docket No. 97–192] received February 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1130. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia [Transmittal No. DTC 034–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1131. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1132. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination regarding certification of the 24 major illicit drug producing and transit countries, pursuant to section 490 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

1133. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2000, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1134. A letter from the Administrator, Environmental Protection Agency, transmitting the Fiscal Year 2000 Annual Report; to the Committee on Government Reform.

1135. A letter from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting a report on Year 2000 Commercial Activities Inventory; to the Committee on Government Reform.

1136. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting a report on the Northeast Multispecies Harvest Capacity and Impact of Northeast Fishing Capacity Reduction; to the Committee on Resources.

1137. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B Helicopters [Docket No. 2000–SW–16–AD; Amendment 39–12096; AD 2001–02–11] (RIN: 2120–AA64) received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1138. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Cortez Bridge (SR 684), Cortez, FL [CGD07–01–013] received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1139. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Stickney Point Bridge (SR 72), Sarasota, Sarasota County, FL [CGD07–01–011] received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1140. A letter from the Acting General Counsel, Small Business Administration, transmitting the Administration's final rule—New Markets Venture Capital Program: Delay of Effective Date (RIN: 3245–AE40) received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

1141. A letter from the Chairman, International Trade Commission, transmitting a report entitled, ''The Economic Impact of U.S. Sanctions With Respect to Cuba''; to the Committee on Ways and Means.

1142. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104—107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

1143. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the Board's appeal letter to the Office of Management and Budget regarding the initial determination of the fiscal year 2002 budget request; jointly to the Committees on Transportation and Infrastructure and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 83. Resolution providing for consideration of the bill (H.R. 3) to amend the Internal Revenue Code of 1986 to reduce individual income tax rates (Rept. 107–12). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MCGOVERN (for himself, Mr. SHAYS, Mrs. MCCARTHY of New York, Mr. FROST, Mr. NADLER, Mr. CLEMENT, Mr. PASCRELL, Mrs. MORELLA, Ms. VELÁZQUEZ, Mr. ISSA, Mrs. KELLY, Mr. FILNER, Ms. MCKINNEY, Mr. DAVIS of Illinois, Mr. INSLEE, Mr. MICA, Mrs. TAUSCHER, Mr. MEEHAN, Mr. CONYERS, Mr. WEINER, Mr. SERRANO, Mr. CROWLEY, and Mr. KING):

H.R. 906. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the costs of employers in providing certain transportation fringe benefits for their employees; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 907. A bill to amend title 49, United States Code, to promote air carrier competition, to establish consumer protections for airline passengers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS:

H.R. 908. A bill to terminate the participation of the Forest Service in the Recreational Fee Demonstration Program and to offset the revenues lost by such termination by prohibiting the use of appropriated funds to finance engineering support for sales of timber from National Forest System lands; to the Committee on Agriculture, 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. CRANE (for himself, Mr. MATSUI, Mr. ENGLISH, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. RANGEL, Mr. WELLER, Mr. SAM JOHNSON of Texas, Mr. COLLINS, Mr. RAMSTAD, Mr.

McNULTY, Mr. HULSHOF, Mr. SHAW, Mr. NUSSLE, Mrs. JOHNSON of Connecticut, Mr. PORTMAN, Mr. McINNIS, Mr. HOUGHTON, Mr. LEWIS of Kentucky, and Mr. HERGER):

H.R. 909. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself and Mr. SANDERS):

H.R. 910. A bill to amend the Public Health Service Act to provide for emergency distributions of influenza vaccine; to the Committee on Energy and Commerce.

By Mr. BARCIA (for himself, Mr. LAMPSON, Mr. CRAMER, Mrs. KELLY, Mr. KNOLLENBERG, Mr. SANDLIN, Mr. PASTOR, Mr. ROYCE, Mr. PASCRELL, Ms. HOOLEY of Oregon, Mr. FROST, Mr. McHUGH, Mr. FOLEY, Mr. SHIMKUS, Mr. COMBEST, Ms. GRANGER, Mr. REYES, and Mr. SHAW):

H.R. 911. A bill to authorize the President to award a gold medal on behalf of the Congress to John Walsh in recognition of his outstanding and enduring contributions to the Nation through his work in the fields of law enforcement and victims' rights; to the Committee on Financial Services.

By Mr. DELAHUNT (for himself, Mr. LAHOOD, Mr. CONYERS, Mr. BASS, Mr. SCOTT, Mr. BOEHLERT, Mr. ABERCROMBIE, Mrs. EMERSON, Mr. ALLEN, Mr. FOLEY, Mr. BALDACCI, Ms. HART, Ms. BALDWIN, Mr. HOUGHTON, Mr. BARRETT, Mr. KING, Ms. BERKLEY, Mr. McHUGH, Mr. BERMAN, Mrs. MORELLA, Mr. BLUMENAUER, Mr. PETRI, Mr. BONIOR, Ms. PRYCE of Ohio, Ms. BROWN of Florida, Mr. QUINN, Mr. BROWN of Ohio, Mr. RAMSTAD, Mr. CAPUANO, Mr. SCARBOROUGH, Ms. CARSON of Indiana, Mr. SHAYS, Mrs. CHRISTENSEN, Mr. SMITH of New Jersey, Mr. CLAY, Mr. UPTON, Mr. COYNE, Mr. WALSH, Mr. CROWLEY, Ms. DEGETTE, Ms. DELAURO, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINCHEY, Mr. HOEFFEL, Ms. HOOLEY of Oregon, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LAFALCE, Mr. LAMPSON, Mr. LANTOS, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Mr. LUTHER, Mr. MARKEY, Mrs. McCARTHY of New York, Ms. McCARTHY of Missouri, Ms. McCOLLUM, Mr. McDERMOTT, Mr. McGOVERN, Ms. McKINNEY, Mr. McNULTY, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. MOAKLEY, Mr. MOORE, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. POMEROY, Mr. PRICE of North Carolina, Ms. RIVERS, Mr. RODRIGUEZ, Mr. ROEMER, Ms. SANCHEZ, Mr. SANDLIN, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. STARK, Mr. STUPAK, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of Colorado, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, and Mr. WYNN):

H.R. 912. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGEL (for himself and Mr. BRADY of Pennsylvania):

H.R. 913. A bill to amend title XVIII of the Social Security Act to provide for coverage of expanded nursing facility and in-home services for dependent individuals under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. SHAW, Mr. CUNNINGHAM, Mr. HILLEARY, Mr. BONILLA, Mr. HUNTER, Mr. STUMP, Mr. COLLINS, Mr. DOOLITTLE, and Mr. OSE):

H.R. 914. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accomodation or a commercial facility, that an opportunity be provided to correct alleged violations; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. NEAL of Massachusetts, Mr. ENGLISH, Mr. KANJORSKI, Mr. CAMP, Mr. ARMEY, Mr. McGOVERN, and Mr. FROST):

H.R. 915. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to intercity buses required under the Americans with Disabilities Act of 1990; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 916. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. SERRANO, Ms. BROWN of Florida, Mr. BONIOR, Mr. FRANK, Mr. BLAGOJEVICH, Mr. OWENS, Mr. CUMMINGS, Mr. McDERMOTT, Mr. FARR of California, Mr. CAPUANO, Mr. HILLIARD, Mr. JACKSON of Illinois, Mr. MATSUI, Mr. COSTELLO, Mr. McNULTY, Mr. THOMPSON of Mississippi, Mr. RUSH, Ms. VELÁZQUEZ, Ms. JACKSON-LEE of Texas, Mr. McGOVERN, Mr. PAYNE, Mrs. MINK of Hawaii, Ms. SCHAKOWSKY, Mr. EVANS, Ms. WATERS, Mr. WYNN, Mr. FILNER, Mr. REYES, Ms. NORTON, Mr. STARK, Mr. NADLER, Ms. McKINNEY, Mr. FATTAH, Mr. CONYERS, Ms. BALDWIN, Mr. RODRIGUEZ, Mr. KUCINICH, Mr. GEORGE MILLER of California, Mr. JEFFERSON, Ms. WOOLSEY, Mr. MALONEY of Connecticut, Ms. LEE, Ms. PELOSI, Mr. STRICKLAND, Mr. TOWNS, Ms. ROYBAL-ALLARD, Ms. MILLENDER-McDONALD, Mr. ORTIZ, Mr. BACA, Mr. CLAY, Mr. MOAKLEY, Mrs. JONES of Ohio, Mr. LIPINSKI, Mr. ENGEL, Mr. HOEFFEL, Mrs. CHRISTENSEN, Ms. KILPATRICK, Ms. CARSON of Indiana, Mr. DEFAZIO, Mr. GONZALEZ, Mr. HINCHEY, Mrs. NAPOLITANO, Mr. PHELPS, Mr. BRADY of Pennsylvania, and Mr. GREEN of Texas):

H.R. 917. A bill to provide for livable wages for Federal Government workers and workers hired under Federal contracts; to the Committee on Government Reform, 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. HALL of Ohio (for himself, Mr. WOLF, Ms. McKINNEY, Mr. RANGEL, Ms. DELAURO, Mr. EHLERS, Mr. LANTOS, Mr. ABERCROMBIE, Mr. CAPUANO, Mr. HALL of Texas, Ms. BALDWIN, Mr. BENTSEN, Mr. BROWN of Ohio, Mr. CROWLEY, Mr. EVANS, Mr. FRANK, Mr. HILLIARD, Mr. LAHOOD, Mr. GEORGE MILLER of California, Mr. MOAKLEY, Mrs. MORELLA, Mr. NADLER, Ms. RIVERS, Mr. SANDERS, Mr. SERRANO, Mr. CLAY, Mr. MEEKS of New York, Mr. McGOVERN, Mr. FILNER, Mr. UDALL of Colorado, Mr. STARK, Ms. MILLENDER-McDONALD, Ms. PELOSI, Mr. SNYDER, Mr. TANCREDO, Mr. COYNE, Mr. CONYERS, Mr. PETERSON of Pennsylvania, Mr. LARSEN of Washington, Mr. ACKERMAN, Mr. SABO, Mr. HINCHEY, Ms. CARSON of Indiana, Mr. WAXMAN, Mrs. ROUKEMA, Mr. ENGEL, Mr. OLVER, Mr. MARKEY, Mr. CUMMINGS, Mr. FALEOMAVAEGA, Mr. McDERMOTT, Mr. ANDREWS, Mr. JEFFERSON, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. BAIRD, Ms. VELÁZQUEZ, Mr. DOYLE, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. WYNN, Mr. TOWNS, Mr. FORD, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. RUSH, Ms. BROWN of Florida, Mr. OWENS, Mrs. MEEK of Florida, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. BISHOP, Ms. NORTON, Mr. SMITH of New Jersey, Mr. DELAHUNT, Ms. WATERS, Mr. LUTHER, Mr. PAYNE, Mr. CLYBURN, and Mr. MEEHAN):

H.R. 918. A bill to prohibit the importation of diamonds unless the countries exporting the diamonds into the United States have in place a system of controls on rough diamonds, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, 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. KELLER (for himself and Mr. EHLERS):

H.R. 919. A bill to amend the Higher Education Act of 1965 to provide scholarships to students who have demonstrated proficiency in mathematics and science courses before graduating high school; to the Committee on Education and the Workforce.

By Mr. LAMPSON (for himself, Mr. FARR of California, Mr. RODRIGUEZ, Mr. DUNCAN, Mr. TURNER, Mr. GONZALEZ, Mr. FROST, and Mrs. MORELLA):

H.R. 920. A bill to establish the Federal Elections Review Commission to study the nature and consequences of the Federal electoral process and make recommendations to ensure the integrity of, and public confidence in, Federal elections; to the Committee on House Administration.

By Mr. LEWIS of Kentucky:

H.R. 921. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 922. A bill to amend the Internal Revenue Code of 1986 to reduce to age 21 the minimum age for an individual without children

to be eligible for the earned income credit; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. POMEROY, Mr. RILEY, Mr. THUNE, Mr. GANSKE, Mr. SIMPSON, Mr. MOORE, Mr. HINCHEY, Mr. KIND, Mr. ISTOOK, Mr. THORNBERRY, Mr. BEREUTER, Mr. JOHNSON of Illinois, Mr. HOSTETTLER, Mr. COMBEST, Mr. MCHUGH, Mr. SESSIONS, and Mr. KENNEDY of Minnesota):

H.R. 923. A bill to amend the Internal Revenue Code of 1986 to exclude from net earnings from self-employment certain payments under the conservation reserve program; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. TIERNEY, Mr. MCGOVERN, Mr. CAPUANO, and Mr. MARKEY):

H.R. 924. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain stipends paid as part of a State program under which individuals who have attained age 60 perform essentially volunteer services specified by the program; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. MOAKLEY, Mr. TIERNEY, Mr. FRANK, Mr. MCGOVERN, Mr. CAPUANO, and Mr. MARKEY):

H.R. 925. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain real property tax reduction vouchers received by senior citizens who provide volunteer services under a State program; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. TIERNEY, Mr. FRANK, Mr. MCGOVERN, Mr. CAPUANO, Mr. OLVER, and Mr. MARKEY):

H.R. 926. A bill to amend the Internal Revenue Code of 1986 to clarify that employees of a political subdivision of a State shall not lose their exemption from the hospital insurance tax by reason of the consolidation of the subdivision with the State; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. MORAN of Virginia, and Mr. FRANK):

H.R. 927. A bill to provide for a tax reduction in the case of low economic growth; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RIVERS:

H.R. 928. A bill to amend the Internal Revenue Code of 1986 to increase the income limitation applicable to heads of household for purposes of the Hope and Lifetime Learning credits and the interest deduction on education loans; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 929. A bill to amend the Harmonized Tariff Schedule of the United States to provide separate subheadings for hair clippers used for animals; to the Committee on Ways and Means.

By Mr. SUNUNU (for himself, Mr. WELLER, Mr. DEMINT, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, Mr. TOOMEY, Mr. CALVERT, Mr. SHADEGG, Mr. OSE, Mr. BASS, Mr. FOLEY, Mr. TANCREDO, Mr. SCHAFFER, Mr. CANNON, Mr. CHAMBLISS, Mr. GREEN of Wisconsin, Mr. COX, Mr. SOUDER, Mr. KOLBE, Mr. OTTER, Mr. KIRK, and Ms. HART):

H.R. 930. A bill to modify the annual reporting requirements of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. TANCREDO (for himself, Mr. PAYNE, Mr. LANTOS, Mr. WOLF, Mr. WATTS of Oklahoma, Mr. PITTS, Mr. CAMP, Mr. EVANS, Mr. WELDON of Florida, Ms. PELOSI, Mr. MCNULTY, Mr. WHITFIELD, Mr. LEWIS of Kentucky, Ms. RIVERS, Mr. BISHOP, Mrs. TAUSCHER, Mr. KUCINICH, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. DOOLITTLE, Mr. LAMPSON, Mr. UPTON, Mr. HEFLEY, and Mr. CLEMENT):

H.R. 931. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on International Relations.

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

H.R. 932. A bill to provide scholarships for scientists and engineers to become certified as science, mathematics, and technology teachers in elementary and secondary schools; to the Committee on Science.

By Ms. WATERS (for herself, Mrs. CHRISTENSEN, Ms. SCHAKOWSKY, Ms. LEE, Mr. FRANK, Mr. BROWN of Ohio, Ms. PELOSI, Ms. JACKSON-LEE of Texas, Mr. CONYERS, and Mr. SANDERS):

H.R. 933. A bill to require certain actions with respect to the availability of HIV/AIDS pharmaceuticals and medical technologies in developing countries, including sub-Saharan African countries; to the Committee on Ways and Means, 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 Ms. JACKSON-LEE of Texas:

H.R. 934. A bill to amend title 5, United States Code, to establish election day in Presidential election years as a legal public holiday, and for other purposes; to the Committee on Government Reform.

By Mrs. NORTHUP (for herself, Mr. BONILLA, Mr. AKIN, Mr. BACHUS, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BLUNT, Mr. BOEHNER, Mr. BUYER, Mr. CANTOR, Mr. COLLINS, Mrs. CUBIN, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DELAY, Mr. DOOLITTLE, Mr. HASTINGS of Washington, Mr. HERGER, Mr. HILLEARY, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. KELLER, Mr. MILLER of Florida, Mr. NORWOOD, Mr. PAUL, Mr. RAMSTAD, Mr. PORTMAN, Mr. SCHAFFER, Mr. SKEEN, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. WAMP, and Mr. GOODLATTE):

H.J. Res. 35. A joint resolution disapproving the rule of the Occupational Safety and Health Administration relating to ergonomics; to the Committee on Education and the Workforce.

By Mr. SCHIFF (for himself, Mr. GILMAN, Mr. LANTOS, Mr. ROHRABACHER, Mr. ACKERMAN, Mr. ENGLISH, Mr. BERMAN, Mr. SIMMONS, Mr. ENGEL, Mr. BONIOR, Mr. DAVIS of Florida, Ms. BALDWIN, Ms. PELOSI, Mr. OLVER, Mr. FARR of California, Mr. STARK, Ms. KAPTUR, Mr. MCDERMOTT, Mr. CLEMENT, Mr. MCNULTY, Mr. DICKS, and Ms. MCCOLLUM):

H. Con. Res. 52. Concurrent resolution condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime; to the Committee on International Relations.

By Mr. BALDACCI:

H. Con. Res. 53. Concurrent resolution directing the Clerk of the House of Representatives and the Secretary of the Senate to compile and make available to the public the names of candidates for election to the House of Representatives and the Senate who agree to conduct campaigns in accordance with a Code of Election Ethics; to the Committee on House Administration.

By Mr. CHAMBLISS (for himself, Mr. YOUNG of Alaska, Mr. NORWOOD, Mr. ROSS, Mr. DEAL of Georgia, Mr. RILEY, Mr. PICKERING, Mr. GRAHAM, Mr. SHOWS, Mr. BISHOP, Mr. COBLE, Mr. REHBERG, Mr. NETHERCUTT, Mr. CALLAHAN, Mr. PETERSON of Pennsylvania, Mr. LEWIS of Georgia, Mrs. CUBIN, Mr. GARY MILLER of California, and Mr. BALDACCI):

H. Con. Res. 54. Concurrent resolution expressing the sense of Congress regarding the importation of unfairly traded Canadian lumber; to the Committee on Ways and Means.

By Mrs. TAUSCHER (for herself, Mr. HOUGHTON, Mr. ROEMER, Mr. UPTON, Mr. KIND, Mr. CASTLE, Mr. DAVIS of Florida, Mr. GREENWOOD, Mr. FORD, Mr. MORAN of Virginia, Mr. ISRAEL, and Ms. SANCHEZ):

H. Con. Res. 55. Concurrent resolution to express the sense of Congress regarding the use of a safety mechanism to link long-term Federal budget surplus reductions with actual budgetary outcomes; to the Committee on the Budget.

By Mr. WELLER:

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day; to the Committee on Government Reform.

By Mr. THUNE:

H. Res. 82. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. NEY:

H. Res. 84. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Seventh Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GRAHAM introduced a bill (H.R. 935) to authorize the Secretary of Transporation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessell *Tokeena;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

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

H.R. 24: Mr. GOODLATTE.

H.R. 25: Mr. HINCHEY and Mr. LANTOS.

H.R. 28: Mr. UDALL of Colorado and Mr. GUTIERREZ.

H.R. 42: Mr. SOUDER.

H.R. 51: Mr. CALVERT, Mr. UNDERWOOD, Mr. STRICKLAND, Mr. GILCHREST, Mr. SMITH of New Jersey, and Mr. ISAKSON.

H.R. 65: Mr. LEWIS of Kentucky.

H.R. 68: Mr. MOORE and Mr. WHITFIELD.

H.R. 80: Mr. RUSH and Mr. STEARNS.

H.R. 82: Mr. RUSH.

H.R. 99: Mr. NORWOOD and Mr. HEFLEY.

H.R. 100: Mr. WELDON of Pennsylvania, Mr. WOLF, and Mr. COX.

H.R. 101: Mr. WELDON of Pennsylvania, Mr. WOLF, and Mr. COX.

H.R. 102: Mr. WELDON of Pennsylvania, Mr. WOLF, and Mr. COX.

H.R. 103: Mr. ISSA.

H.R. 105: Mr. STUMP, Mr. PETERSON of Pennsylvania, Mr. OTTER, Mr. NORWOOD, and Mr. LEWIS of Kentucky.

H.R. 115: Mr. CUNNINGHAM.

H.R. 116: Mr. PAYNE, Mrs. CHRISTENSEN, Mr. RUSH, Mr. SAWYER, Mr. BARCIA, and Mr. BONIOR.

H.R. 117: Mr. BONIOR.

H.R. 123: Mr. JONES of North Carolina.

H.R. 129: Mrs. JO ANN DAVIS of Virginia.

H.R. 134: Mr. GREEN of Wisconsin and Ms. WOOLSEY.

H.R. 143: Mr. BARRETT, Mr. STUPAK, Mr. CONYERS, Mr. VISCLOSKY, Mr. RAMSTAD, Mr. BONIOR, Mr. BROWN of Ohio, and Mr. PETRI.

H.R. 219: Mr. LAHOOD.

H.R. 267: Mr. CANNON, Mr. ROSS, and Mr. TIBERI.

H.R. 281: Mr. GOODE, Mr. COYNE, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. QUINN, Mr. CAPUANO, Mrs. KELLY, Mr. TOWNS, Mr. WELLER, Mr. ENGEL, Mr. LAHOOD, and Mr. BRADY of Pennsylvania.

H.R. 285: Ms. HOOLEY of Oregon, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, and Mr. FRANK.

H.R. 292: Ms. HOOLEY of Oregon.

H.R. 303: Ms. SCHAKOWSKY, Mr. LEWIS of Kentucky, Mrs. MALONEY of New York, and Mr. SUNUNU.

H.R. 336: Mr. FROST.

H.R. 356: Mr. LAHOOD and Mr. FILNER.

H.R. 361: Mr. FATTAH.

H.R. 365: Mr. BAIRD.

H.R. 384: Mr. WALSH.

H.R. 425: Mr. FATTAH.

H.R. 428: Ms. HOOLEY of Oregon, Mr. OXLEY, Mr. BAKER, Mr. LAMPSON, Mr. PETERSON of Minnesota, Mr. STENHOLM, Mr. UNDERWOOD, Mr. BARTLETT of Maryland, Ms. CARSON of Indiana, Mr. HALL of Texas, Mrs. NORTHUP, Mr. KENNEDY of Rhode Island, Mr. CROWLEY, Mr. REYES, Mr. BONIOR, Mr. CANNON, and Mr. SWEENEY.

H.R. 435: Mr. DEAL of Georgia, Mr. BURR of North Carolina, Mr. GREEN of Wisconsin, Mr. CLEMENT, Mr. LEWIS of Kentucky, and Mr. SESSIONS.

H.R. 460: Ms. CARSON of Indiana and Mr. PAYNE.

H.R. 488: Mr. HOLT, Mr. LUTHER, Mr. PASCRELL, Mr. ENGEL, Ms. ESHOO, and Ms. MILLENDER-MCDONALD.

H.R. 496: Mr. DOOLITTLE.

H.R. 497: Mr. SCHAFFER and Mr. HEFLEY.

H.R. 498: Mr. LATHAM, Mr. BAKER, Mr. CHABOT, Mr. LARSON of Connecticut, Mr. PETERSON of Pennsylvania, Mr. SKELTON, Ms. SLAUGHTER, Mr. RUSH, Mr. TAYLOR of North Carolina, Mr. SPENCE, Mr. HOBSON, Mr. PLATTS, Mr. FARR of California, Mr. SNYDER, Mr. SHOWS, Mr. CAPUANO, Mr. GALLEGLY, Mr. HOEFFEL, Mr. JONES of North Carolina, Mr. MCDERMOTT, Mr. COYNE, Mr. KLECZKA, and Ms. MILLENDER-MCDONALD.

H.R. 499: Mr. SHAYS.

H.R. 513: Mr. SOUNDER, Mr. TAYLOR of North Carolina, and Mr. BRADY of Pennsylvania.

H.R. 527: Mr. ENGLISH, Mr. HOUGHTON, Mr. WAMP, Mr. DUNCAN, and Mr. RYUN of Kansas.

H.R. 544: Ms. RIVERS, Mr. MCNULTY, Ms. PELOSI, Ms. HOOLEY of Oregon, Ms. MCKINNEY, Mr. ABERCROMBIE, Mr. SOUDER, Mr. JEFFERSON, Mr. CUMMINGS, Mr. CAPUANO, Ms. NORTON, Mr. BLAGOJEVICH, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Ms. VELÁZQUEZ, Mr. MCDERMOTT, Mr. STARK, and Mr. GUTIERREZ.

H.R. 548: Mr. GOODE, Mr. TURNER, Mr. KELLER, and Mr. DAVIS of Florida.

H.R. 557: Mr. ENGLISH.

H.R. 570: Mrs. MORELLA, Mr. WAMP, and Mr. BOEHLERT.

H.R. 577: Mr. WAMP.

H.R. 590: Ms. WOOLSEY.

H.R. 594: Mr. MCDERMOTT and Ms. LOFGREN.

H.R. 606: Mr. PASCRELL, Mr. ISRAEL, Mr. SESSIONS, and Mr. FRELINGHUYSEN.

H.R. 609: Ms. WOOLSEY.

H.R. 611: Ms. WOOLSEY, Mr. WU, and Mr. SANDERS.

H.R. 612: Mr. PASCRELL, Ms. ROYBAL-ALLARD, Mr. HUTCHINSON, Mr. SHAYS, and Ms. RIVERS.

H.R. 613: Mr. GREEN of Texas, Mr. ORTIZ, and Mr. ROEMER.

H.R. 634: Ms. CARSON of Indiana, Mr. FROST, Mr. BALDACCI, Mr. FLAKE, Mr. SOUDER, Mr. SMITH of New Jersey, Mr. FLETCHER, Mr. HAYES, Mr. REYNOLDS, Mr. TOOMEY, Ms. PRYCE of Ohio, and Mr. HERGER.

H.R. 668: Mr. ISAKSON, Ms. RIVERS, Ms. DELAURO, Ms. NORTON, Mr. EVANS, Mr. ABERCROMBIE, Mr. TRAFICANT, and Ms. HART.

H.R. 680: Mr. BONIOR.

H.R. 681: Ms. ROYBAL-ALLARD.

H.R. 683: Mr. GUTIERREZ, Mr. LANTOS, and Mr. LAMPSON.

H.R. 688: Ms. CARSON of Indiana.

H.R. 710: Mrs. JO ANN DAVIS of Virginia, Mr. MCHUGH, Mr. LANTOS, Mr. COSTELLO, Mr. WOLF, Mr. ETHERIDGE, Mr. NEY, and Mr. ROSS.

H.R. 713: Mr. WYNN and Ms. CARSON of Indiana.

H.R. 716: Mr. STEARNS, Mr. REYNOLDS, and Mr. HAYWORTH.

H.R. 744: Mr. ABERCROMBIE and Ms. PRYCE of Ohio.

H.R. 755: Mr. SCHIFF, Mr. GONZALEZ, Mrs. TAUSCHER, Mr. FRANK, Mr. PAYNE, and Mr. SIMMONS.

H.R. 770: Mr. MEEKS of New York and Ms. BALDWIN.

H.R. 821: Mr. BALLENGER, Mr. BURR of North Carolina, Mrs. CLAYTON, Mr. HAYES, Mr. JONES of North Carolina, Mr. ETHERIDGE, Mr. MCINTYRE, Mrs. MYRICK, Mr. PRICE of North Carolina, Mr. TAYLOR of North Carolina, and Mr. WATT of North Carolina.

H.R. 823: Mr. RANGEL.

H.R. 862: Mr. GALLEGLY and Mr. GUTIERREZ.

H.R. 876: Mr. MCINNIS and Mr. SHAW.

H.R. 877: Mr. WAMP.

H.R. 886: Ms. HART and Mrs. JONES of Ohio.

H.R. 887: Mr. PASCRELL and Ms. HART.

H.R. 891: Mrs. MINK of Hawaii.

H.J. Res. 8: Mr. KELLER and Mr. WAMP.

H.J. Res. 20: Mrs. JO ANN DAVIS of Virginia and Mr. RILEY.

H. Con. Res. 17: Ms. SCHAKOWSKY, Mr. MCGOVERN, Ms. RIVERS, Mr. DOGGETT, Ms. PELOSI, Mr. MATSUI, Ms. MCCARTHY of Missouri, Mr. RANGEL, Mr. CLAY, Mr. NADLER, Mr. MCDERMOTT, Mr. ALLEN, Mr. WEXLER, Mr. SHERMAN, Mr. BRADY of Pennsylvania, and Mrs. HARMAN.

H. Con. Res. 23: Mr. CALVERT and Mr. LEWIS of Kentucky.

H. Con. Res. 25: Mr. ENGLISH and Mr. FOSSELLA.

H. Con. Res. 26: Mrs. BONO.

H. Con. Res. 30: Mr. FOSSELLA, Mr. GILMAN, Mr. SENSENBRENNER, Mr. RYUN of Kansas, Mr. SCHROCK, Mr. KIRK, Mr. PITTS, Mr. MANZULLO, Mr. FLAKE, Mr. OSBORNE, Mr. GIBBONS, Mr. FLETCHER, and Mr. SAM JOHNSON of Texas.

H. Con. Res. 41: Mr. MCGOVERN, Mr. SMITH of New Jersey, Mr. LEACH, Mr. ROHRABACHER, and Mr. DAVIS of Florida.

H. Con. Res. 47: Mr. SCARBOROUGH.

H. Res. 18: Ms. JACKSON-LEE of Texas, Ms. VELÁZQUEZ, Mr. BONIOR, Ms. KAPTUR, Mr. LAFALCE, Mr. LEWIS of Georgia, Mrs. NAPOLITANO, Mr. BRADY OF PENNSYLVANIA, Mr. PAYNE, Mrs. TAUSCHER, Mr. ABERCROMBIE, Mrs. MORELLA, Mr. MCDERMOTT, Mr. FILNER, Mr. SERRANO, Ms. NORTON, Mr. BACA, Ms. DELAURO, Mr. DAVIS of Florida, and Mr. TOWNS.

H. Res. 23: Mr. BRADY of Pennsylvania, Mr. REYES, and Mr. HOLDEN.

H. Res. 26: Ms. MCKINNEY, Mr. BRADY of Pennsylvania, Mr. STARK, and Mr. MCGOVERN.

H. Res. 48: Mr. NADLER and Mr. SMITH of New Jersey.

EXTENSIONS OF REMARKS

TRIBUTE TO THOMAS W. READY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment to congratulate a remarkable gentleman, Thomas W. Ready, for his outstanding leadership and dedication to his country and the State of Colorado. Tom is a long time resident of Pueblo, Colorado, where his hard work and vision have taken the GOP to new heights in the community. What's more, Tom has had an outstanding career as a Dentist in the Pueblo area, a career that is now coming to a close. Tom's contributions to the citizens of Colorado are great in number and deserve the recognition of Congress.

Tom is a wonderful model of the ideal citizen. Tom was born in Pueblo, Colorado in 1944, where he spent his formative years. Tom attended college at the University of Nebraska in Lincoln, and later pursued his graduate work at the Washington University School of Dentistry in St. Louis, Missouri. After graduating with a degree in dentistry in 1970, Tom was drafted into the United States Army and assigned to the Army Dental Corp at Fort Jackson, South Carolina. While serving his country in the military, Tom had the opportunity to represent South Carolina at the 1972 Republican National Convention in Miami.

Tom has not only had an exceptional career in the Armed Services, but he's also been highly active in his community. After obtaining the rank of Major, he returned to Colorado and set up a private dental practice in Pueblo. Later, he started a longhorn ranch just up the road from Pueblo in Beulah. In Colorado, Tom remained active in the Republican Party, where he became precinct chairman for the Republican Party in Beulah. Tom has continued to be a prominent force in the Republican Party ever since, working on numerous Republican campaigns and holding an array of positions. He's been the Chairman of the 3rd Congressional District several times, as well as Vice Chairman, Treasurer and a member of the State Executive Committee. He was elected Chairman of the Pueblo County GOP where he's served with great distinction the last 10 years.

When Tom began as Chairman of Pueblo County, the party was troubled with debt and facing a countywide Democratic advantage of 3.5 to 1. Under Thomas' tutelage, the Party has brought its fiscal house in order and 3 of 5 Representatives in the area are currently Republican. The success of the GOP is in no small way attributable to Tom's hard work.

In July of 2000, Governor Bill Owens appointed Tom to the Colorado State Parks Board. In addition, Tom currently serves as the campaign Treasurer for my friend U.S. Senator BEN NIGHTHORSE CAMPBELL.

For all these reasons, and many more, Tom deserves the commendation of this body. It is with this, Mr. Speaker, that I say thank you to Tom for his dedication and service to his community over the years and congratulate him on an outstanding career. He has worked hard for our community and for our great state.

REINTRODUCTION OF THE ''CODE OF ELECTION ETHICS''

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BALDACCI. Mr. Speaker, most campaign reform efforts are focused on the financing aspect. This is an important issue, and I am a strong proponent of moving forward with meaningful campaign finance reform. However, while the American people are tired of the abuses in our campaign finance system, they are equally tired of the negative campaigns that seem to have become the norm. I strongly believe that the tone and content of campaigns has an impact on public trust in government and citizen participation in the electoral process.

For that reason, I am reintroducing legislation that would encourage congressional candidates to abide by a ''Code of Election Ethics.'' It is based on the Maine Code of Election Conduct, which was developed in 1995 at the Margaret Chase Smith Library in Skowhegan, Maine with the assistance of the Institute for Global Ethics. In the past three elections, most Maine candidates for Congress and Governor have signed a Code, pledging to conduct ''honest, fair, respectful, responsible and compassionate'' campaigns. The Code has worked well, and Maine voters have benefited from generally positive issue-based campaigns. Maine's voter participation rates consistently have been among the highest in the nation.

Similar Codes have been used in other states, including Washington and Ohio. My legislation would make the Code available to candidates nationwide and would require the Clerk of the House and the Secretary of the Senate to make public the names of candidates who have agreed to the Code. The Code of Election Ethics will serve as a reminder to candidates, and provide the public with a yardstick by which to measure candidates' performance.

Something must be done to enhance people's confidence in government and faith in our democracy. I believe this bill is a step in the right direction, and I hope that many of you will add your support to this effort to improve the quality of congressional campaigns.

TRIBUTE TO VERNON COX

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Vernon Cox. Mr. Cox was born in Kansas City, Kansas, in 1928, and passed away on January 14, 2001, in Kentfield, California.

Essentially a quadriplegic for much of his adulthood, he devoted his own life to improve the lives of the poor, the sick, the disabled. He worked for greater economic opportunities for minorities. As a member of the Marin County Human Rights Commission, he fought to eliminate bigotry. He also added his most influential voice to protect our environment and was one of the founders of the environmental education program at the College of Marin.

As a co-founder of the Marin Center for Independent Living Mr. Cox was instrumental in providing housing, employment, access to public transportation, and recreation for the disabled, and served on the Golden Gate Bridge District's Disabled Access Committee. He advocated for employment opportunities for women, minorities, and other groups as a member of the Marin County Affirmative Action Advisory Committee. He served on a seemingly endless number of commissions, committees, panels, and boards, and all from his wheelchair.

Mr. Speaker, we have lost a great man. We have lost an irreplaceable member of our community. He will be sorely missed by all of us who value the dignity of every individual and cherish the diversity of our great nation. Vernon Cox was a true hero.

TRIBUTE TO STANLEY L. DODSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a remarkable citizen, Stanley L. Dodson, for his continued dedication to the people of Colorado. Stanley is being honored by Glenwood Chamber Resort as their 2001 Citizen of the Year. Stanley has had a long and distinguished career and it is obvious why he is receiving this honor. Stanley's contributions to the citizens of Colorado are great in number and deserve the recognition of Congress.

Stanley is a great role model and an outstanding citizen. Stanley has not only had an exceptional career in the engineering field, but he's also been highly active in his community. Stanley started his career after graduating from the University of Colorado at Boulder

with a degree in Civil Engineering and Business Administration in 1941. During his college years, Stanley became the formidable leader that has won him recognition today. Stanley has always had the gift of leadership, from his time as senior class high school president and valedictorian to president of the PI Kappa fraternity to holding numerous board positions.

Most significantly, Stanley also served his country during World War II. In 1942, he was commissioned as an officer in the United States Naval Reserves, where he was able to further his education in engineering at numerous training schools. After serving his country with distinction, Stanley focused his energies and efforts on working for the Colorado State Highway Commission. Appointed by Governor Love in 1965, he later became Chairman of the Commission in 1973. During his career, he was a model of service, focusing his time and personal resources on the betterment of his state and community.

Stanley is a pillar of the Glenwood Springs community. His accomplished career addressing the transportation issues of the State of Colorado over the past 55 years has earned him the honor Citizen of the Year. Beyond his important work in the transportation sector, Stanley is also being honored for his great work on various local causes. Stanley has won numerous awards acknowledging his commitment to the community. In 1991, the Alumni Association of the University of Colorado at Boulder gave Stanley the ''Alumni Recognition Award.'' In that same year, the Glenwood Springs Chamber Resort Association honored him with its first ''Lifetime Achievement Award''. For all these reasons, and many more, Stanley deserves the commendation of this body.

It is with this, Mr. Speaker, that I say thank you to Stanley for his dedication and service to his community over the years and congratulate him on an outstanding career and on this distinguished honor. He has worked hard for our community and for our great state. He is clearly deserving of the honor of being named Citizen of the Year.

Stanley, we are all very proud of you and grateful for your service.

IN HONOR OF VERA GILLIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to recognize a woman from my home State of Ohio who in many ways exemplifies the qualities of our greatest citizens. On March 11, Vera Gillis will celebrate her 70th birthday. Throughout her life, Vera Gillis has served as an example of how hard work can touch the lives of others.

To say Vera Gillis is still going strong would be an understatement. This year, Vera will run her church's rummage sale and tutor numerous students from overseas. Vera Gillis also exemplifies compassion as she brings the Eucharist to those who aren't able to attend Mass every week. This year, she will welcome home her children who will come from as far away as Maine, Massachusetts, California, Florida, Washington, D.C. and Belgium to celebrate her birthday.

Throughout her life, Vera has consistently worked to make day-to-day life more meaningful and enriching by bringing people together with her overwhelming enthusiasm and wonderful sense of humor. She has served as the unofficial neighborhood ambassador since the early 1960s when her growing family moved to Westlake. Vera made sure everyone knew each other, even if it was just getting together at her house for an annual Christmas party. Now a grandmother of six, Vera has always made her home a special place for children. Not only did she teach Spanish gratis to the students at Holy Trinity Elementary School, she also taught the neighborhood kids how to swim, go Christmas caroling and even put on musical shows.

She has been a steadfast and dear companion to her ever-growing circle of close friends. As an active member of Holy Trinity Church and its affiliated school in Avon, Ohio, Vera has contributed much more than even the 20 years of playground duty would indicate. Despite the many changes and the enormous growth in Westlake and Avon as suburbs, one of the constants has been the sense of community that results when people like Vera live there. Always quick to share a smile or kind words, Vera Gillis has helped to bring her community together.

One of Vera Gillis' most notable achievements has been her dedication to teaching English as a Second Language and American Citizenship classes. Her never-ending patience and enjoyment in bringing people from such diverse countries as Denmark, Poland, and Japan together is truly remarkable. Rather than just instructing people in the English language or American history, she shows people how to be neighbors, friends, and citizens. I would like to thank Vera for her commitment and service to the people of the State of Ohio. My fellow colleagues, please join me in wishing Vera Gillis a very happy 70th birthday.

100 YEARS OF ACCOMPLISHMENT—A CELEBRATION OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'S 100TH BIRTHDAY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BOEHLERT. Mr. Speaker, last night I had the honor to participate in the celebration of the 100th birthday of the National Institute of Standards and Technology (NIST). As I noted in my remarks at the event, NIST was one of the very first and one of the most important actions Congress took at the beginning of the 20th Century.

NIST was established to help bring rationality to the profusion of standards that were plaguing this country at the turn of the last century. As to its future, it could be anything from looking at the molecular structure of ceramics or the security of our computers or guidance to a small manufacturer on how to update operations. We are indebted to NIST for what it has done in the past as I am sure we will be for what It provides us in the future.

Mr. Speaker, I doubt that very many people are aware of NIST, its history and its importance to the nation. Since I touched on many of these points in my address last night, I insert the full text of my remarks for the information of my colleagues at this point in the RECORD.

STATEMENT ON NIST ANNIVERSARY, MARCH 6, 2001

It's a delight and a privilege to join with you this evening to celebrate the 100th birthday of the National Institute of Standards and Technology. And I have to say that the timing of this event is auspicious for me, in particular. It's great to be assuming the chairmanship of the House Science Committee as NIST is celebrating its centenary because the existence of NIST is concrete proof that Congress can get some things right when it comes to science and technology policy.

Establishing NIST was one the very first and one of the most important actions Congress took at the dawn of the 20th Century—a century that was to see technology and standardization change our world as never before. And we are still reaping the rewards of that foresight as we begin the 21st Century.

I have to note, though, that while NIST is richly deserving of tonight's gala; the festivities are a little out of character for NIST, which from the start has gone about its business in an unassuming, even inconspicuous way. Even the law that created the laboratory didn't have a name—it was known by the rather plain and workaday designation, ''the Act of March 3, 1901''—a date that has lived in neither infamy nor fame, a date that no schoolchild has been forced to memorize.

Given NIST's ''nose-to-the-grindstone'' work ethic, its stream of consistent productivity without fanfare, its focus on the essential but largely invisible foundations of modern technology, one might think that a good title for a history of NIST's first century would be ''One Hundred Years of Solitude.''

But how extraordinarily misleading that would be—because the actual secret of NIST's success has been its ''partnerships''—partnerships with the private sector, partnerships with other federal agencies and laboratories, partnerships with state and local governments. NIST is well known to the people who keep our economy healthy, and it's NIST's ability to work with just about anybody that has kept it fresh, vital and valuable—as fundamental a key to American prosperity as it was the day it was created.

NIST is a worthy and needed partner because its mission is problem-solving. NIST was established to help bring rationality to the profusion of standards that were afflicting the United States at the turn of the last century—a profusion that could have tragic consequences when, for example, major fires could not be extinguished because of varying standards for hoses and hydrants. And that problem-solving ethos has been maintained to this very day—whether NIST is probing abstruse questions about the molecular structure of ceramics, or helping to ensure the security of our computers, or providing guidance to a small manufacturer on how to update his operations through the Manufacturing Extension Program.

And we also still draw on NIST's expertise to solve problems that are endemic to the

economy as a whole—with the Advanced Technology Program, for example, which has helped a wide variety of companies pass through the so-called ''valley of death'' that can prevent good research ideas from becoming good processes or products.

But tonight's focus is not on the past—although NIST's record accomplishment provides plenty of cause for celebration. We're really here to make a downpayment on the future by showing all the current and former directors and staff at NIST how grateful we are for their dedication, their imagination and their insight. Working steadily and fruitfully outside the limelight, they have enabled our nation's reputation for technological progress to shine.

Now it's hard to know what the technology of tomorrow will look like. History is littered with embarrassingly misguided predictions—a few of them even uttered in hearings before the House Science Committee. But I think it's safe to say that, whatever the technology of the future is, NIST will have played a role in its creation, enhancement or propagation.

So I want again to thank everyone who has made NIST a success and to pledge to all of you that I will do my best to ensure that NIST continues to set the standard for what a federal lab should be.

TRIBUTE TO FRANK R. MASCARENAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. McINNIS. Mr. Speaker, it is with great sadness that I now honor an extraordinary human being and great American Frank R. Mascarenas. Mr. Mascarenas was loved and admired by many. He was an educator, an active force in the life of youth in his community, and first and foremost, a loving family man. Sadly, Frank died on January 25 surrounded by friends and family. As family, friends, and former students mount this loss, I would like to honor this great man.

Mr. Mascarenas was an individual that served his country, state, and nation well. For most of his life, Frank worked as an educator, Frank began his teaching career in 1959 in Cortez, CO, after having served his country for eight years in the U.S. Army. In addition to being an outstanding teacher throughout the course of his career, Frank was also dedicated to sports and to coaching. He began coaching in Cortez at the same time he began his teaching tenure. As an educator and a coach, he helped to improve the quality of life in his community.

Frank grew up in Montrose, CO, where he was well known and widely admired. He was raised by his grandmother, Manuela Lovato, and aunt, Cecilia Trujillo. He graduated from Montrose High School and then earned his bachelor of arts degree in education after attending Ft. Lewis College and Adam State College. Frank married his life partner and beautiful wife Carolyn Leech in the summer of 1958. Frank and Carolyn have three children—a son Mark, and daughters Stacey and Kelli.

After teaching and coaching in Cortez until 1981, he took his talents to Rangely where he again had a dramatic impact on the community's youth. In 1991, Frank joined the ranks of Palisade High School where he had a famed coaching tenure. While at Palisade, Frank was an integral part of a remarkable run that brought Palisade four consecutive state championships. This historic championship run was fitting punctuation for Frank's successful career as a coach and educator. Like those great Palisade football teams, Frank was a champion in the truest meaning of the word. More than just winning football games, though, Frank helped instill lifeshaping virtues in both his players and students alike.

Mr. Speaker and fellow colleagues, as you can see, this extraordinary human being truly deserves our gratitude for his service to our community. Frank R. Mascarenas may be gone, but his legacy will long endure in the minds of those who were fortunate enough to know him. Colorado is a better place because of Frank Mascarenas.

Our thoughts and prayers are with his wife, Carolyn, and his children, Mark, Stacey, and Kelli, during this difficult time. Like these loved ones, western Colorado will miss Frank greatly.

VILLAGE OF PINECREST CELEBRATES FIFTH ANNIVERSARY OF INCORPORATION INTO MIAMI-DADE COUNTY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, this year marks the fifth anniversary of the incorporation of the Village of Pinecrest, of which I am a proud resident, as the County of Miami-Dade's twenty-ninth municipality. It is with great pleasure that I congratulate Mayor Evelyn Langlieb Greer, the Village Council, and all the residents of Pinecrest on five productive and successful years as part of one of the nation's largest counties.

Mayor Langlieb Greer's leadership and that of the Council has certainly been instrumental in making the Village of Pinecrest one of the best and most rewarding places to live in South Florida. Its schools, some of the best in the County, its parks and recreational areas, and its convenient location make Pinecrest one of the most desirable residential areas in Miami. My family and I are honored to call this community home and I commend the Mayor and the Council for working so hard to ensure that it remains one of the best places to live.

The residents of Pinecrest should also be proud to have Village Manager Peter Lombardi, Assistant Village Manager Yocelyn Galiano Gomez, and their staff working to ensure that the Village policies and laws are smoothly implemented and administered. Without their dedicated service and that of Police Chief John Hohensee, Operations Manager Michael Liotti, and all of Pinecrest's police officers, truly our Village's finest, Pinecrest would not be the safe and wonderful place that it is.

The sense of community and hometown atmosphere is enhanced and complemented by the many benefits of the surrounding greater Miami area. I have lived in Pinecrest for many years and never cease to marvel at the beauty and comfort of this area.

I ask my Congressional colleagues to join me in congratulating the Village of Pinecrest and wishing much continued success to: Vice Mayor Cindie Blanck, and Councilmen Barry Blaxberg, Leslie Bowe, and Robert Hingston.

DROP IN MEDICARE IMPROPER PAYMENTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. STARK. Mr. Speaker, yesterday the Department of Health and Human Services (HHS) reported that improper Medicare payments to doctors, hospitals and other health care providers declined in fiscal year (FY) 2000 to an estimated level of 6.8 percent. This level compares with an error rate of approximately 8 percent in FY 1999. The error rate has fallen by roughly half since it was first estimated at approximately 14 percent in FY 1996.

The FY 2000 payment error rate represents improper payments of $11.9 billion out of total payments of $173.6 billion in the traditional fee-for-service Medicare program. This improper payment amount compares with improper payments of $13.5 billion in FY 1999 and $23.2 billion in FY 1996.

The Health Care Financing Administration (HCFA) met its target for reducing the Medicare error rate to 7 percent in FY 2000 and continues to take steps to meet its FY 2002 goal of 5 percent.

Mr. Speaker, this continued decline in the Medicare error rate demonstrates the success of all the actions that HCFA has taken to reduce billing errors in Medicare over the past five years. According to the Inspector General, the significant, sustained improvement reflects HCFA's improved oversight, its efforts to clarify Medicare payment policies, and its insistence that doctors and health care providers fully document the services that they provide. Other factors have been new initiatives and resources to prevent, detect and eliminate errors and fraud in Medicare.

Mr. Speaker, many criticized HCFA when the payment error rate was 14 percent and demanded that HCFA reduce it.

Now many criticize HCFA for the actions it has taken to reduce payment errors and for insisting that providers file claims accurately. I say that we should praise HCFA for its efforts to reduce Medicare payment errors, and we should ensure that HCFA does not diminish its efforts to reduce those errors still further. We should not be satisfied with payment errors in Medicare.

To achieve further reductions in Medicare payment errors, we must reduce the complexity of Medicare payment rules and improve provider education and information, but we must continue to insist on accuracy in claims filing. We must increase the resources available to HCFA to help providers file their claims properly and to monitor claims to ensure correctness. We must also provide the resources

to upgrade HCFA's claims processing systems and other information technology systems, without which we cannot hope to continue to reduce errors in Medicare payments.

It is important to understand that the error rate does not measure the level of fraud in Medicare, although some errors could be the result of fraud. Instead, the error rate measures the percentage of payments made by Medicare that were not supported by documentation by providers or that otherwise did not meet Medicare payment requirements.

According to the Inspector General, virtually all of the claims examined in the audit were paid correctly by Medicare based on the information that providers submitted in the claims. The error rate was calculated by examining a statistically valid sample of Medicare claims, and auditors reviewed the medical records supporting the claims with the assistance of medical experts. The sample findings were then projected over the universe of Medicare fee-for-service benefit payments.

TRIBUTE TO JIMMIE WILLIAM LLOYD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize an outstanding citizen and a remarkable leader, Jimmie William Lloyd, the now former Chairman of the Republican Party in Fremont, Colorado. During his tenure, Jimmie took the GOP to new heights. Despite being diagnosed with cancer in 2000, Jimmie never lost his focus and was able to complete his term as Chairman. As Chairman, Jimmie led the party to election victory in every local office, with the largest voter turnout in recent history. For his service to the party and the American people, I would now like to pay tribute to this great American.

Jimmie was born on November 23, 1930 in Poland, Ohio. His family later moved to Tulsa, Oklahoma in 1932. Oklahoma remained his home while he pursued his education, culminating at the University of Tulsa where he earned a bachelors degree. Jimmie continued his education while serving his country in the United States Air Force. He graduated from the Aviation Cadet Basic Navigator School in Houston, Texas in 1953. He later earned the rank of Second Lieutenant in the United States Air Force Reserves. Jimmie's distinguished service to his country continued while serving eight years on active duty, two of which were as a Navigator Bombardier on B–36's, and three years as a Pilot on KC–97s. Altogether, Jimmie served his country faithfully for twenty two years in both the Air Force Reserves and the Air National Guard, piloting everything from C–119's to F–100's.

Jimmie used the practical knowledge he gained in the Air Force to educate future generations about aerospace science and flying. He established an Aerospace Science program in the Tulsa Public High Schools. In addition, he commanded a Cadet Civil Air Patrol Squadron, and he has instructed high school students on flying Cessna O–2 Bird Dogs and Piper PA–18 Supercubs. Jimmie and his family moved to Florence, Colorado in 1983, where he later retired from the United States Air Force Reserves in 1990. While faithfully serving his country for 22 years, he has earned numerous awards and commendations. He has received the Distinguished Service Medal, Outstanding Unit Medal with Oak Leaf Cluster, Good Conduct Medal, National Defense Medal with Star, Vietnam Service Medal, U.S.A.F. Longevity Medal with Oak Leaf Cluster, Reserve Longevity Medal, Oklahoma Distinguished Service Medal, Oklahoma Outstanding Service Medal, and Cold War Certificate of Recognition.

Jimmie has a supportive family that has followed his lead in serving our great country. All three of his sons have served in the United States Armed Services—one in the Air Force, one in the Navy, and one is a graduate of the United Air Force Academy. Behind all of these accomplished men is one remarkable woman, Myrna Faye Pugh. Jimmie and Myrna have been married for 46 years.

In addition to being an outstanding family man and serving with great distinction in the U.S.A.F., Jimmie has been active in the Republican Party for over fifty years, serving in many volunteer positions. He served as Fremont County Chairman in 1999–2000, was elected to the Florence City Council, and was named to the Limited Gaming Advisory and Airport Advisory Committees. He's been a member of the Retired Officers Association, a member of the Numismatic Association, a member of Safari Club International, as well as an avid sportsman.

Throughout his life Jimmie has devoted himself to the cause of his country. Of all the many accolades that Jimmie has commanded, the one he is most proud of is standing in the Oval Office with his 92 year old father, his three sons, and the Honorable JOEL HEFLEY, where he presented a silver boot jacket to President Ronald Reagan.

As Jimmie moves on to new pursuits, Mr. Speaker, I would like to thank him for his remarkable work. In my opinion, Jimmie will long be remembered as a servant for both the Republican Party and for his Country. For this service, America is deeply proud and forever grateful.

PERSONAL EXPLANATION

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BALDACCI. Mr. Speaker, due to the blizzard in New England, I was unavoidably detained in my District and unable to get back to Washington yesterday to vote on rollcall votes 26 and 27. Had I been present, I would have voted "yea" on each vote, and I ask that my statement appear in the RECORD at the appropriate point.

IN HONOR OF CAMP RAMAH IN THE BERKSHIRES

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to Camp Ramah in the Berkshires. For over 35 years, this prestigious institution has provided hundreds of children in the New York and New Jersey area with the opportunity to explore their creative, academic, athletic and spiritual nature in a nurturing and motivating atmosphere.

Located on beautiful Lake Ellis, Camp Ramah in the Berkshires combines educational and recreational activities that leave a lasting impression on its campers, reminding them long after their camp session ends to strive for the best in every aspect of their lives.

There are not many places where a child can windsurf, take a computer class, learn how to develop pictures and act in his or her own play all in the same day. But at Camp Ramah in the Berkshires, it happens every day. Taking advantage of their surroundings, campers go on overnight hikes, rock climbing excursions, and sailing trips while also learning about the very environment they are enjoying. Classes on photography, woodworking, drama, music and dance serve as a creative stimulus. The experienced and dedicated staff act as teachers, counselors and role models, helping to shape children into responsible, attentive, caring adults.

What further sets apart Camp Ramah in the Berkshires from other summer camps are the Jewish values that pervade the entire camp experience. Campers have 45-minute periods dedicated to Judaic Studies 5 days a week and also undertake week-long projects in Hebrew. Campers join together for Shabbat meals and services, improve their understanding of the Hebrew language, and learn how to prepare traditional Jewish meals.

Although a child may leave Camp Ramah in the Berkshires after just a few weeks, the camp experience never leaves the child. By the end of the summer campers have forged new friendships, pushed their limits and return home more confident, more knowledgeable and stronger in their faith.

I wish Camp Ramah in the Berkshires continued success and am confident that the future holds nothing but excellence for the institution and its community.

TRIBUTE TO JOHN P. SHEELAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. McINNIS. Mr. Speaker, it is with great sadness that I now honor an extraordinary human being and great American, Captain John P. Sheelan of the Pueblo police force. Mr. Sheelan was described as one of the "best-liked officers on the force" who demonstrated both remarkable valor and compassion everyday. "He was pretty well-liked community wide, he had that kind of personality. I

don't know anyone who didn't like John,'' said by Police Chief Ron Gravatt in a recent Pueblo Chieftain article. Sadly, John died in February in a motorcycle accident. As family, friends, and colleagues mourn this profound loss, I would like to honor this truly great American.

Mr. Sheelan was an individual that served his country, state and nation well. John was never too far from the outdoors, something that he loved. He was an avid weightlifter, but his true passion was his motorcycle. Tragically, John's life was cut short while embarking on the activity that he loved.

John was a long time Pueblo resident who was well known and widely admired. ''John loved kids. On the beat, he liked to stop and talk to the kids,'' recalls Captain John Barger about his close friend. John has served his community for over three decades. As a police officer, he was dedicated to protecting the people of Pueblo, and as a community member he was committed to the betterment of society. John held numerous positions at the department, where he spent about 15 years as a detective investigating many of the department's highest profile cases. John was a highly skilled member of his profession.

Mr. Speaker and fellow colleagues, as you can see, this extraordinary human being truly deserves our timeless gratitude for his service. John P. Sheehan may be gone, but his legacy will long endure in the minds of those who were fortunate enough to know him. Colorado is a better place because of John Sheelan.

The nation's thoughts and prayers are with his wife, Pamela, and his children, Lori, Kelli, Clay and Brock, and his colleagues at the Pueblo Police Department. Like these loved ones, the Pueblo community and the State of Colorado will miss John greatly.

TRIBUTE TO HAL SHOUP

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. OXLEY. Mr. Speaker, Hal Shoup, one of the key leaders in the advertising industry, a man who is both a professional colleague and good friend of mine, is retiring and moving to his mountain top home in Marshall, Virginia.

Hal is not actually a native of my home state of Ohio. He spent the first few years of his life in Michigan, but spent much of his professional career as the head of one of the largest advertising agencies in Cleveland, Ohio. As president of Liggett-Stashower, he played a major part in the rejuvenation of downtown Cleveland and was involved is the social and cultural rebirth of the area.

When he moved to Washington in 1989 as Executive Vice President of the AAAA's office, he brought with him the same reputation for integrity and humor that made him such a leader in Cleveland. I should add, he also brought with him the same very effective golf game.

Hal has been an insightful and thoughtful industry spokesman and a highly respected representative of the advertising agency business. I would like to extend to Hal Shoup warm congratulations on his retirement.

A TRIBUTE TO DR. MACK ROBERTS OF WAYNE COUNTY, KENTUCKY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. ROGERS of Kentucky. Mr. Speaker, I use this extraordinary means to sadly inform the House of the passing of a great American, a patriarch of Wayne County, Kentucky, and a family friend.

Mr. Speaker, long after other doctors had stopped making house calls, Dr. Mack Roberts kept making his rounds. While other doctors were delivering babies in hospital rooms and administering vaccinations in sparkling new clinics, this humble man, known to his patients simply as ''Doc'', took his skills to the dusty roads in one of the most rural areas of the Nation—a four-county region of southeastern Kentucky.

A beloved physician, Dr. Mack Roberts, of Monticello, Kentucky, died Monday at St. Joseph's Hospital in Lexington, Kentucky, at the age of 97.

Dr. Roberts provided medical care to patients throughout Kentucky's Wayne, Pulaski, Clinton and McCreary counties for 61 years, going to remote hills and hollows to deliver babies, provide vaccinations, and care for generations of family members. When there was no hospital at all in Wayne County, Dr. Roberts and his wife, Alma Dolen Roberts, opened their home on Main Street in Monticello to the sick and injured for treatment. They accepted patients at all hours of the day and night, sometimes turning their home into a makeshift emergency room. No patient was ever turned away.

Dr. Roberts grew up amid his large family in rural Wayne County in frontier-like surroundings, beginning in a log house. This Member was born at home only two or three miles from the same place. The Roberts and Rogers families have been close all the while. I especially remember Dr. Roberts' father, Rhodes Roberts, presiding over the Sunday School classes in the small, weatherboard, rural Elk Spring Valley Baptist Church, from my earliest memories. A much younger Dr. Mack Roberts would be quietly participating in the church activities. Later, my father, O.D. Rogers, assisted Dr. Roberts and others in raising the money to construct the new (and present) home for the church.

Dr. Mack Roberts earned a degree from Cumberland College in 1926 and his medical degree in 1932 from the University of Louisville College of Medicine. He came home to Wayne County to serve as county health officer, where the job of vaccinating children against common diseases became a personal crusade. He opened his private practice in Monticello in 1939.

He once told an interviewer that the most important medical instrument he could imagine was his Jeep, which he used to make house calls to patients across the region's most remote areas. He would take the Jeep as far as the road would take him, then sometimes climb atop a mule or a horse to travel the rest of the way.

But there was a time when these house calls took on an element of danger. During his years as a county health officer, he remembered that he would sometimes travel with an escort because some folks who saw him coming down the road thought he might have been a Federal agent looking for moonshine whiskey stills.

Over the years, ''Doc'' Roberts delivered 4,250 babies—about 90 percent of them delivered in the patients' home. For his work, he charged what the patient could afford, and sometimes that meant no payment at all. ''One time I delivered a baby and the man offered me two gallons of moonshine,'' he has been quoted as saying. ''I'm sorry now I didn't take it.''

His career has been fondly remembered in two books chronicling his life. One book, entitled ''Doc'', was written by his great-nephew, the Rev. Howard W. Roberts, and published in 1987. Another book, written by his wife, Alma, was recently published under the title ''House Calls: Memoirs of Life with a Kentucky Doctor.'' As recently as last fall, ''Doc'' and Alma Roberts made public appearances to sign the memoir.

Dr. Roberts retired from his practice on July 1, 1993, just before his 90th birthday. Since that time he has served as a director of the Monticello Banking Company. His wife; three daughters, Helen Dreese of Flint, Michigan, Ann Looney of Paris, Tennessee, and Marilyn Drake of Monticello; a brother; a sister; four grandchildren and two great-grandchildren survive him.

Mr. Speaker, Dr. Mack Roberts had frequently said that he was put on this Earth for a reason: to serve the Lord and to serve his fellow man. It was a basic and abiding principle that he carried with him throughout his 97 years. His selfless devotion to his community, his patients and his family has left an indelible legacy for the people of Kentucky and the Nation.

We mourn the passing of this fine physician and community leader, whose life serves as an example for future generations of Kentuckians and Americans to follow.

RECOGNIZING THE GENEROSITY OF A LIVING ORGAN DONOR

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. LUCAS of Kentucky. Mr. Speaker, I rise before you today to recognize Lisa Cooney of Park Hills, Kentucky. On January 11th of this year, Lisa generously donated one of her kidneys to Andy Thelen, a resident of Lakeside Park, Kentucky.

Andy was born twenty-eight years ago with one polycystic kidney and one underdeveloped kidney. At the time, the doctor told his parents he wouldn't live more than a month. Andy defied the odds from day one receiving a kidney transplant at eighteen months from another eighteen-month-old baby in California who had died in an accident. That kidney allowed him to lead a relatively normal life for twenty-six years. But when that kidney

began to fail, Andy and his family embarked on a race against time to find another kidney donor.

Everyone in Andy's family was tested, but no one was a suitable donor. As Andy's name languished on a transplant list for a year and a half, his mother summed up her despair when she said, ''How do you turn to somebody else and say, 'Will you give up part of yourself and your life for my son?' ''

And then one day two years ago, Andy met Lisa Cooney through his sister-in-law. After they met, Lisa felt compelled to get tested to see if she might be a suitable donor—and miraculously, she was. Two months after their surgery, I am pleased to say that both Lisa Cooney and Andy Thelen are doing well. Andy returned to work on March 5th and reports that he is feeling great.

As a news anchor for WLWT Eyewitness News 5 in Cincinnati, Lisa has a unique opportunity to raise the public's awareness of the urgent need for organ donors. In addition, Lisa and Andy's experience serves to highlight the advances in transplant technology that enabled Andy to receive a kidney from a living donor.

I rise today to commend Lisa Cooney. Her courage and compassion should serve as an inspiration to us all. I ask my colleagues to join me in wishing both Lisa Cooney and Andy Thelen a long and healthy life.

INTRODUCTION OF H.R. 911, A BILL TO AWARD THE CONGRESSIONAL GOLD MEDAL TO JOHN WALSH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BARCIA. Mr. Speaker, I am proud to rise today to introduce, along with 17 of my colleagues, a bill that will recognize John Walsh, a true American hero, for his efforts in fighting crime, reuniting families, and bringing criminals to justice.

In February of 1988, ''America's Most Wanted'' premiered on seven local television stations across the United States. Since then, the show has profiled more than 1,500 fugitives, leading to the capture of over 1,000 of them. His weekly profiles of missing children on ''America's Most Wanted'' have led to the reunion of thirty missing children and their families.

Leading this aggressive attack on crime has been John Walsh, a man who has taken his own personal tragedy—the abduction and murder of his six-year-old son Adam—and used it as the inspiration to rededicate his life to helping children and to making America a safer place.

When six of the seven recent Texas prison escapees were apprehended (with the seventh committing suicide before being caught) in the foothills of the Rocky Mountains this past January, authorities were as quick to give credit as they were in making the capture. El Paso County (Colorado) Sheriff John Anderson noted that a ''couple who had become acquainted with some of the escapees saw a segment on them on 'America's Most Wanted' on Saturday night and wondered whether their new friends were some of the escapees.'' The couple subsequently tipped off the authorities and the captures were made soon thereafter.

The drama that played out was something that most of the people of Woodland Park, Colorado had never seen before, but one that people who are familiar with ''America's Most Wanted'' and host John Walsh's commitment to law enforcement have seen time and time again. And though best known for his work on ''America's Most Wanted,'' John Walsh's work with law enforcement agencies throughout the nation is equally notable. In 1988 he was named the U.S. Marshals ''Man Of The Year,'' and two years later received the FBI's highest civilian award. He is the only private citizen to receive a Special Recognition Award by a U.S. Attorney General. And he has been honored in the Rose Garden four times by three different presidents. John Walsh has sacrificed his personal safety for the safety and security of all Americans.

In addition, his hard work aided the passage of the Missing Children Act of 1982 and the Missing Children's Assistance Act of 1984, the latter of which founded the National Center for Missing and Exploited Children.

Mr. Speaker, John Walsh's tireless efforts have helped to raise a level of awareness of crime and victims here in the United States, and I urge all of my colleagues to join me in supporting this legislation and commending John Walsh for his enduring contributions to law enforcement and the safety and well-being of our nation's children.

PERSONAL EXPLANATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. JONES of North Carolina. Mr. Speaker, on rollcall Nos. 26–27 I was unavoidably detained. Had I been present, I would have voted ''yea.''

DR. SHAWN CASEY RECEIVES 12TH SWINGLE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Dr. Shawn M.J. Casey, who will be honored with this year's W. Francis Swingle Award by the Greater Pittston Friendly Sons of St. Patrick on March 17.

Frank Swingle was a well-known and respected figure in academia, in many charitable and fraternal organizations and in the arena of public oratory. Dr. Casey will be the twelfth recipient of this award, which is given each year to the individual who best honors the memory of the late Professor Swingle by his career, communal and personal achievements.

Dr. Casey was born and raised in Pittston Township, graduated from Wyoming Area High School in 1987, and received his bachelor's of science degree in biology and chemistry from Wilkes College in 1990. He served as vice president of the student government at the University of Pittsburgh School of Dental Medicine from 1990 to 1994 and earned his doctorate there in 1994.

For the past six years, Dr. Casey has served the families of the area at his office in Pittston Township. During that time, he has also worked to promote good health in the area by presenting lectures on various dental products and helping to establish the Colgate Smile of the Game at the Wilkes-Barre/Scranton Penguins home games.

His community involvement also extends to his service as past president of the Pittston Township Lions Club, a member of the executive board of the Pittston Area Family Center, a member of the Avoca Ancient Order of Hibernians and a third-degree member of the John F. Kennedy Knights of Columbus in Pittston. He is also a member of St. John the Evangelist Church in Pittston.

As a member of the Greater Pittston Friendly Sons of St. Patrick, Dr. Casey was named Grand Marshal in 1997 and in 1992 was a golden donor for the Jack Brennan Scholarship Fund in memory of his father.

Dr. Casey is the son of the late George T. Casey and Suzanne Walker Malloy. His maternal grandparents are Anna Walker and the late Frank Walker, and his paternal grandparents are the late Marion Newcomb Casey and the late Thomas Casey.

He currently resides in Hughestown with his wife, the former Michele Wysokinski, and their 3-year-old son, George.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the good works of Dr. Shawn Casey and the honor he will soon receive, and I wish him all the best in his future endeavors.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. GREEN of Wisconsin. Mr. Speaker, on Rollcall No. 26, on H.R. 724, I was detained in route to Washington by air traffic delays. Had I been present, I would have voted ''yea.''

CHRISTIAN PRIESTS ABDUCTED AND BEATEN IN INDIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BURTON of Indiana. Mr. Speaker, I was distressed to recently hear that two priests were abducted and beaten in India. On January 4, according to a report in India-West, the priests, known as Simon and David, were abducted from the village of Zer in Rajasthan and taken to the neighboring state of Gujarat, where they were beaten.

Unfortunately, this is just the latest in a series of attacks on Christians in the so-called

"world's largest democracy" which has been going on since Christmas of 1998. It follows the murders of other priests, the rape of nuns, church burnings, attacks on Christian schools and prayer halls, the burning deaths of missionary Graham Staines and his two sons while they slept in their jeep by Hindu militants chanting "Victory to Hannuman (a Hindu god)," and other incidents.

After one incident that involved the rape of nuns, the VHP, which is part of the pro-Fascist RSS (the parent organization of the ruling BJP, hailed the rapists as "patriotic youth" and denounced the nuns as "anti-national elements." BJP leaders have said openly that everyone who lives in India must either be Hindu or be subservient to Hinduism. It has even been reported that the RSS has published a booklet on how to implicate Christians and other religious minorities, such as Sikhs and Muslims, in false criminal cases. The Indian government has killed more than 200,000 Christians in Nagaland. This pattern of religious tyranny and terrorism is apparently what India considers religious freedom.

It is not just Christians who have suffered from this kind of persecution, of course, but it seems to be their turn to be the featured victims. Sikhs, Muslims, and others have also been persecuted at the hands of the Indian government. Over 250,000 Sikhs have been murdered by the Indian government. Two independent investigations have shown that the massacre of 35 Sikhs in the village of Chithi Singhpora was carried out by the Indian government. The evidence also seems to show that the Indian government is responsible for the recent massacre of Sikhs in Kashmir. In November, 3,200 Sikhs, who were trying to get to Nankana Sahib in Pakistan on a religious pilgrimage, were attacked by 6,000 police with heavy sticks called lathis and tear gas. only 800 of these Sikhs made it to the celebration of the birthday of Guru Nanak.

It is the BJP that destroyed the Babri mosque and still seek to build a Hindu temple on the site. Now BJP officials have been quoted as calling for the "Indianization" of Islam, according to Newsroom Online. The Indian government has killed over 70,000 Muslims in Kashmir since 1988. In addition, Dalits (the "black untouchables"), Tamils, Manipuris, Assamese, and others have seen tens of thousands of their people killed at the hands of the Indian government.

Mr. Speaker, in light of this ongoing pattern of state terrorism against the peoples living within its borders, it is appropriate for America, as the leader of the world, to do what we can to protect these people and expand freedom to every corner of the subcontinent. The best way to do this is to stop American aid to India and to support self-determination for all the peoples and nations of the subcontinent.

Mr. Speaker, I insert into the RECORD an India-West report regarding the beating of these two priests. I commend it to all my congressional colleagues who care about human rights.

[From India-West, Jan. 12, 2001]

TWO CHRISTIAN PRIESTS ABDUCTED AND BEATEN

JAIPUR (Reuters)—Two Christian priests were recovering in hospital Jan. 5 after being abducted and beaten in a tribal village in western India, police said.

They said the priests, identified only as Simon and David, were abducted from Zer, a village in Rajasthan's Udaipur district, Jan. 4 and forcibly taken to the neighboring state of Gujarat where they were beaten.

Anand Shukla, an Udaipur police chief, told Reuters the two abductors had been identified. One was a Zer villager and the other a resident of Gujarat.

The priests suffered minor injuries and were admitted to a hospital in Bijaynagar in Gujarat, Shukla said.

No motive was given for the attack, but Gujarat has in the past been the scene of violent attacks on Christians, who make up about two percent of India's billion-strong population. Right-wing Hindu organizations have been blamed for the attacks.

Hindu leaders deny the charge. They say forced religious conversions by Christian missionaries are responsible for unrest in tribal areas.

A TRIBUTE TO LYNDA DIANE MULL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. LANTOS. Mr. Speaker, I wish to pay tribute to Lynda Diane Mull, a dedicated advocate for our nation's two million migrant and seasonal farmworkers. Diane has recently resigned her position with the Association of Farmworker Opportunity Programs (AFOP) after 20 years of dedicated service.

AFOP is a national federation of farmworker service, employment, and training providers who serve migrant and seasonal farmworkers in 49 states and Puerto Rico. AFOP's members are funded by the Department of Labor to provide direct services—jobs, training, housing, English classes, emergency assistance, and other vital services—to farmworkers through a network of more than 300 field offices located throughout rural America. As AFOP's Executive Director Diane helped build the organization into one of the nation's leading farmworker advocacy groups, as well as a leader in the fight to end abusive child labor, particularly in rural areas, in this country and around the world.

Mr. Speaker, I have worked closely with Diane for many years in our attempt to protect farmworker children who toil in our nation's agricultural fields. As you know, hundreds of thousands of children who harvest fruits and vegetables are exposed to working conditions that many adults cannot endure. Hundreds of thousands of young people's immune systems are being placed in great risk of harm from toxic fertilizers and pesticides.

Diane's career began as an Information/Education Specialist for North Carolina's Department of Human Resources, Division of Mental Health, where she coordinated community mental health, drug, and alcohol education for mental health centers and hospitals. In 1978, Diane began her efforts with farmworker programs, taking a position as a Job Development Specialist for Telamon Corporation. Late in 1978, she became Program Coordinator for Telamon's Georgia farmworker program, supervising seven field offices, and in late 1980 she was selected as Telamon's State Director for the West Virginia program.

Diane was appointed Executive Director of the Association of Farmworker Opportunity Programs (AFOP) in 1981. At AFOP, she helped educate Members of Congress about the plight of the nation's farmworkers, as well as their employment and training needs. She worked tirelessly to improve resources to help the poorest of the poor.

Seven years ago, Diane conceived and helped establish AFOP's AmeriCorps National Farmworker Environmental Education Program which has provided pesticide safety training to nearly 220,000 farmworkers in order to protect them from the dangers of toxic chemicals. The program has also enhanced the work skills and leadership abilities of more than 450 AmeriCorps members—many of them young people from farmworker families who have received over $1 million in education awards.

Diane Mull has been active on numerous boards, commissions, federal advisory committees, and panels dealing with farmworker issues, including the National Child Labor Coalition, the National Children's Center on Childhood Agricultural Injury Prevention, the U.S. Department of Labor's National Stakeholders Forum, and others. She has been named to four federal advisory committees: the U.S. Department of Labor's Migrant and Seasonal Farmworker Employment and Training Federal Advisory Committee, the Environmental Protection Agency's Children's Health Protection Federal Advisory Committee, the U.S. Department of Health and Human Services' Regional Coordinating Council on Migrant Head Start, and the U.S. Department of the Treasury's Advisory Committee on International Child Labor Enforcement. Diane also founded and is the co-chair of the Children in the Fields Campaign, the domestic and international campaign to end the worst forms of child labor in agriculture.

Over the years, Diane has worked tirelessly to publicize farmworker issues, even as she waged her own successful battle against cancer. She was instrumental in bringing about the Associated Press's five-part 1997 series entitled, "Children for Hire," which played a dramatic role in bringing our nation's child labor problem to the public's attention. She also worked closely with Dateline NBC's "Children of the Harvest," which aired in 1998. Most recently, she assisted Seventeen Magazine with its article "We Are Invisible," which included one of Diane's many photos depicting child labor in agriculture.

Diane Mull has received numerous awards in recognition of her contributions. In 1991, she was awarded the first National Award for Professional Staff Development by the National Association of Workforce Development Professionals. In 1994, she participated at the Commission on Security and Cooperation in Europe's Human Dimension Seminar in Warsaw, Poland representing the interest of U.S. migrant workers and the non-governmental organizations that serve them. In 1996, Diane was inducted into the National Farmworker Advocates Hall of Fame, and in June 1998, she spoke at a briefing on child labor before the International Labor Organization (ILO) in Geneva, Switzerland.

In 1999, Diane founded the International Initiative to End Child Labor (IIECL), a non-profit

organization whose sole mission is to end the most exploitative forms of child labor in the United States and around the world. In that same year, through Diane's voluntary efforts, IIECL received three grants working in partnership with AFL–CIO's American Center for International Labor Solidarity, the National Consumers League, and the International Labor Rights Fund.

Throughout her career, Diane has testified on numerous occasions before both the House and Senate, and submitted hundreds of statements and testimony to the executive and legislative branches of the federal government on behalf of farmworkers and farmworker organizations. More recently, she addressed the First International Symposium on Micro-Enterprise in Obregon, Mexico in 1999 addressing child labor and youth employment issues. She returned to Mexico in August 2000 to complete a country survey on child labor in agriculture for the International Labor Rights Fund.

In November, Diane left AFOP to take a new position at Creative Associates working with the United States Agency for International Development. She will oversee the development of innovative basic education programs to prevent child labor around the world. Additionally, she will brief Congress and USAID on international child labor developments, as well as provide training and technical assistance about child labor to U.S. AID global, regional, and mission-level staff in Asia, Latin America, Africa, and Europe.

Mr. Speaker, I invite my colleagues to join me in expressing our gratitude to Diane for her two decades of service on behalf of our nation's migrant and seasonal farmworkers. We wish her great success in her continuing work to prevent abusive child labor.

HONORING UNSUNG HEROES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 07, 2001

Mr. ENGEL. Mr. Speaker. I rise today to honor three people who have dedicated their professional careers to fighting for better lives for the children and families of our nation's capital. Each week, all of us come to this revered institution to continue the greatest exercise in democracy and freedom the world has ever known. And yet, in the shadow of the Capitol itself are families and children whose lives we cannot imagine. There are children who are not able to contemplate the beauty of democracy and freedom because they are only concerned with surviving another day with enough food, with proper shelter, and without being a victim of abuse.

Luckily, there are many people who are using their formidable talents to provide a better life for these children and their families. On Monday, March 6, the Bar Association of the District of Columbia honored three special individuals as ''Unsung Heroes.'' I would like to take this opportunity to also honor these people.

Alec I. Haniford Deull has been a lawyer in Washington DC for nearly a decade. After graduating from the Washington College of Law at American University, magna cum laude, Mr. Deull opened his own practice in 1993. For his entire professional career as an attorney, he has represented clients in child abuse and neglect cases. He also represents children in special education court actions. He is widely respected for his passionate advocacy on behalf of his clients. Mr. Deull is also working to train the next generation of children's advocates, often taking on numerous interns from local law schools.

Juliet J. McKenna is now the Executive Director of the District of Columbia chapter of Lawyers for Children America, a wonderful organization. This organization trains lawyers in private practice who are volunteering their time as guardians ad litem in child abuse and neglect cases. Before joining Lawyers for Children America, she spent two years in the District's Office of the Corporation Counsel in the Abuse and Neglect section of the Family Services Division. Ms. McKenna is a bright and enthusiastic young woman who only graduated Yale Law School in 1995, but has already earned a reputation as an outstanding advocate.

Finally, upon graduating from Northwestern University School of Law, Anthony R. Davenport joined the Office of the General Counsel of the District of Columbia Department of Human Services and then the Office of the Corporation Counsel. In all, he spent eight years working for the people, families and children of the District. For the past six years, Mr. Davenport has been a solo practitioner specializing in litigation concerning the rights of children and families. He has spent countless hours working to provide a better future for children and families across this city.

These are three extraordinary people. I ask that all my colleagues join me in recognizing and honoring these people for their contribution to making our nation's capital a better place for children and families.

HONORING PASTOR CLINTON M. MILLER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. TOWNS. Mr. Speaker, I rise to honor the Reverend Clinton M. Miller of Brooklyn, New York. This weekend Reverend Miller will be installed as the new pastor of the Brown Memorial Baptist Church in Fort Greene. Reverend Miller has worked towards this goal since the moment he realized that he wanted to dedicate himself to religion and I am pleased to acknowledge his achievement.

Reverend Miller was born and raised in Brooklyn. He received his high school diploma from the Bishop Loughlin Memorial High School and a Bachelor's Degree from Southern Connecticut State University. While in college, at the age of 19, he heard the call to pastor. This led him to Yale University's Divinity School where he received a Master's Degree. After being ordained by the American Baptist Churches and the United Missionary Association of Greater New York, Clinton began what would become an apprenticeship at the Abyssinian Baptist Church. Rev. Clinton taught in the New York City Public School System until he became a fulltime youth minister at Abyssinian Baptist Church. As a youth minister, Reverend Miller developed a wide array of youth programs, including Sunday evening services, Summer Day Camp, basketball teams and counseling services. In addition, he held a weekly bible reading for seniors.

Mr. Speaker, Rev. Miller has had the opportunity of being exposed to the highest quality of spiritual training and guidance under one of the most renowned ministers in the nation, Rev. Dr. Calvin O. Butts; Rev. Miller believes in a fresh approach to teaching the scripture; he believes in utilizing the tools of the congregation; he believes in using the parish to benefit the community; and he was a student of Abyssinian's renovation effort. As such, Rev. Miller 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 man of faith.

CLARIFICATION OF THE HI TAX

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing, along with Messrs. TIERNEY, FRANK, MCGOVERN, CAPUANO, OLVER and MARKEY, legislation to clarify that the employees of a political subdivision of a State shall not lose their exemption from the hospital insurance tax by reason of the consolidation of the subdivision with the State.

This issue has arisen because in 1997 Massachusetts abolished county government in the State, assumed those few functions which counties had performed, and made certain county officials employees of the State. Specifically, the law provided that the sheriff and all his personnel ''shall be transferred to the commonwealth with no impairment of employment rights held immediately before the transfer date, without interruption of service, without impairment of seniority, retirement or other rights of employees, without reduction in compensation or salary grade and without change in union representation.''

However, the issue of whether or not these consolidated employees were required to pay the Medicare portion of the FICA tax needed to be clarified. Federal law creates an exemption from this tax for state and local employees who were employed on or before March 31, 1986 and who continue to be employed with that employer. The law is written so it is clear that consolidations between local entities, and consolidations between State agencies, do not in and of themselves negate the grandfather rule. However, the issue of a consolidation between a political subdivision and a State is not directly addressed and I doubt it was thought of during the consideration of the federal law.

The Internal Revenue Service has taken the position that a State, and a political subdivision of a state, are separate employers for purposes of payment of the Medicare tax and

therefore any grandfathered employees merged in a consolidation between a State and a political subdivision lose the benefit of the grandfather rule even if such employees perform substantially the same work.

In a Sixth Circuit Court case, Board of Education of Muhlenberg Co. v. United States, the Court ruled on this general issue in terms of a consolidation of boards of education in Kentucky. The plaintiffs in this case argued that the consolidation of school districts did not create a new employer or terminate the employment of any teacher, and the Court agreed that Congress did not intend that exempt employees who have not been separated from previously excluded employment should lose their grandfather and be forced to pay the HI tax. While this case did not go to the issue of the consolidation between a State and a political subdivision, the logic indicates that this issue matters less than the overarching issue of whether the employees continue in the same or essentially the same positions. In Massachusetts this is clearly the case.

Therefore, Mr. Speaker, I urge the Congress to enact this legislation to clarify that local employees do not lose the benefit of the grandfather rule merely because they have been consolidated with a State government.

THE MEANING OF THE ALAMO

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. DELAY. Mr. Speaker, this week we celebrate one of the defining moments in American history. It was 165 years ago yesterday, that almost 200 Texicans laid down their lives to ensure that Texas achieved her independence. It happened at The Alamo. And the road from Mexico City to the Alamo runs through Laredo, the place where I was born. So, I came into this world only a few steps away from the footprints Santa Anna left on his march north.

And let me tell you, on the night of March 5, 1836, things were going downhill fast for the Alamo's defenders. The Mexican Commander, General Antonio Lopez de Santa Anna, had the Texicans in the Alamo right where he wanted them. And everything was on the line.

Santa Anna's forces had cut all the roads leading to the village of Bexar in what's now San Antonio, where the Alamo is still standing. He'd turned back a relief column that tried to make its way to help the Alamo's vastly outnumbered defenders. And with each passing hour more of Santa Anna's army arrived.

There's a standard military rule-of-thumb, which advises that an attacker had better have a three-to-one advantage when assaulting a properly defended objective.

Well, there weren't enough Texicans in the Alamo to property man the walls. As a military fortification, the Alamo left a lot to be desired. Its walls were incomplete and the Texicans had to throw up fences and earthworks to complete their perimeter. In fact, that day one Texican would have to fight off more than ten enemy soldiers. Tall odds.

But the men of the Alamo knew it was time to stand and fight. As a strategic asset, the Alamo was better than nothing. That's because the Texicans had nothing else in place to slow Santa Anna's advance toward the eastern settlements where talk of independence had taken hold.

If Texicans didn't stop him at the Alamo, Santa Anna could very well have carved a path of destruction across the state that effectively deprived its people of the means to resist and the will to continue their struggle for Independence. Had Santa Anna made his way across Texas, there might not have been anything left to fight for.

The upshot is that conquering the Alamo appealed to Santa Anna's ego even though it did little to accomplish his military objective of suppressing the Texas Revolution. He needed to eradicate the passion for independence within every Texican, not simply defeat an army in the field.

Viewed in that light, taking the Alamo was for him an indulgence not a military necessity. He fancied himself as the Napoleon-of-the-west and he dreamed of decisive battles to elevate his standing.

And if Santa Anna had simply swept by the Alamo and pushed on to the settled fertile valleys and ranches further east, he'd have preserved the strength of his force. And if he didn't ultimately succeed in ending the dream of an independent Texas, he'd have extracted a far higher price from the Texicans he fought. So, even though all hands were lost at the Alamo, their sacrifice saved other lives that would have been lost beating back an unwounded Mexican Army of Operation.

Santa Anna himself was a dangerous and daring adversary. He wasn't anyone to be taken lightly. He'd fought his way to the top of the Mexican military through a series of wars, including the fight for independence from Spain. Santa Anna knew a thing or two about fighting. He was a charismatic and compelling leader who issued orders that he knew would be obeyed. His army was disciplined and far better equipped than any comparable units then fighting for Texas.

But we're taught that pride comes before the fall, and Santa Anna's pride was his Achilles'heel. Santa Anna did not begin his campaign with respect for his opponents. He considered the Texicans fighting for Independence as an ill-disciplined rabble that would be defeated by the first whiff of grapeshot that he sent over their heads.

Before he marched north to Texas, Santa Anna even boasted to a group of visiting Frenchmen and Englishmen that defeating Texas was just the first step in his plans for North America. He actually said he'd conquer the U.S., haul down the Stars and Stripes and hoist the Mexican flag over this very building: The Capitol. Well, that's quite a boast, and I know what ol' Sam Houston must have said when he heard about it:

"That'll be the day. He'll have has his hands full right here in Texas." And so he did.

Eventually, Santa Anna did learn to respect Texas, but a lot of men had to die first.

And sitting here today, we ask ourselves: Why did they die? What were they fighting for? And is the country around us today worthy of their sacrifice? Some questions we can answer. Some will be answered for us.

They weren't eager to die. They wanted to live out their years in a free Texas. Time and again, Alamo commander William Travis appealed for reinforcements and only once did 30 men answer the call by riding through the Mexican lines to join their fellow Texicans.

In his famous letter to "the People of Texas and all Americans in the World", that he wrote with the Alamo surrounded and Santa Anna gathering strength, Travis made a last appeal for additional defenders.

This is what he told Texas:

"The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot and our flag still waves proudly from the walls. I shall never surrender or retreat. I call on you in the name of Liberty, of patriotism and every thing dear to the American character, to come to our aid with all dispatch. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his own honor and that of his country. Victory or Death."

The men at the Alamo died because they believed that some things are more important than life itself They knew that faith, family, and freedom were worth fighting for. And they also knew that, if they had to live without true independence, their lives wouldn't be worth living.

They wanted the protections of a legitimate Constitution. They wanted their individual rights to be honored. They believed in the idea of self-government. They insisted that government respect their right to own private property. They chafed under tariffs and demanded free trade. They fought for democracy as the surest path to freedom.

And it's true that the issue of slavery motivated some of the men at the Alamo. We must acknowledge that some of the men at the Alamo owned slaves and they were fighting for the right to keep them. History proved them wrong on that point. And that painful truth should not diminish the greater principles that all of the Texicans at the Alamo fought for. Just as our Founders did great things despite their flaws, so too did the Alamo's defenders ennoble themselves by the way they ended their lives.

The most dramatic moment was still yet to come. It happened when William Travis gathered his command in the courtyard of the Alamo and leveled with his men about the fix they were in. They had three options, he told them.

They could surrender, but they had all seen the red flag Santa Anna had flown. It meant no quarter. They would all be executed.

They could make a break for it and try to fight their way through the Mexican lines. But this option was also doomed to failure because they would be fleeing across open country and Santa Anna's cavalry would butcher them easily.

And they could instead defend the Alamo and, by dying in place, inflict enough casualties on the Mexicans to weaken Santa Anna's army. Travis chose the hard path.

"My own choice is to stay in this fort, and die for my country, fighting as long as breath shall remain in my body. This I will do even if you leave me alone," Travis said. But the choice was up to each of them, he said. Then

he used his sword to draw a line across the courtyard.

"I now want every man who is determined to stay here and die with me to come across this line. Who shall be the first?"

And one by one, the men who died at the Alamo all came across.

Now, some people will tell you that Travis' last speech was fiction. They'll say it's melodramatic and too full of grand gestures. They'll say it's wishful thinking on the part of dreamers and romantics. But I believe that Travis did draw that line in the sand.

If you read his letters and consider the convictions of those men holed up with him in the Alamo, I believe you'll come to the same conclusion. Travis knew exactly what he was doing and his men knew their precise and painful destiny. And they stepped across that line in the sand and stayed just the same. Because independence is worth it.

And that's why men rode off from their families to join a motley band of committed patriots, who without training, without supplies, and without much hope for success gambled everything on God and Texas.

And they won even as they spent their lives so dearly on the walls of the Alamo.

And the debate goes on today. Some men don't believe that any principle or conviction is worth the political capital to draw a line in the sand. But other men still do. And it's with those like-minded men and women that I'll throw in my lot.

Some things are still worth fighting for, and we'd better never forget it. Because if enough of us ever do forget, we'll have squandered our birthright to freedom and we'll be the unworthy beneficiaries of those proud Americans who came before us.

The Alamo's defenders, like our Founding Fathers before them, gave everything to put unstoppable events in motion. Their deaths were the birth pains of greatness.

"Victory or Death," became Victory in Death. And that victory was the offspring of the courage needed to make the simple yet difficult choices that so often determine history. May we never forget that freedom demands sacrifice. God bless the men who died at the Alamo. And God bless America.

CITIZENS FROM THE 9TH DISTRICT OF TEXAS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. LAMPSON. Mr. Speaker, I rise today to honor local citizens from the 9th District of Texas who were chosen during Black History Month for their work. While the dedication of African-American leaders is well-known throughout the United States, local citizens, right here in the Southeast Gulf Coast region, are just as important to ensuring equal rights for all Texans. Last month I asked members of the communities in the 9th District to nominate individuals for my "Unsung Heroes" award that gives special recognition to those unsung heroes, willing workers, and individuals who are so much a part of our nation's rich history. Recipients were chosen because they embodied a giving and sharing spirit, and had made a contribution to our nation.

These individuals have not only talked the talk, but they have walked the walk. They have worked long and hard for equal rights in their churches, schools, and in their communities. While their efforts may not make the headlines every day, their pioneering struggle for equality and justice is nevertheless vital to our entire region. This region of Southeast Texas is not successful in spite of our diversity; we are successful because of it.

Please join me in recognizing and congratulating these community leaders for their support of bringing Justice and equality to Southeast Texas. It is leaders like, these men and women that continue to be a source of pride not only during Black History Month, but all year long. The winners of this year's "Unsung Heroes" award are:

Mrs. Myrtle Giles Davis, Mrs. Mattie Dansby Ford, Mr. William Andrew Harris, Mr. V. H. Haynes, Mr. Tony Johnson, and Mrs. Annie Mae Shanklin.

Mr. Speaker, the recipients of the "Unsung Heroes" award are dedicated and hardworking individuals who have done so much for their neighbors and for this nation as a whole. Today, I stand to recognize their spirit and to say that I am honored to be their Representative.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. MOORE. Mr. Speaker, I accidentally failed to record my vote on roll call #27, to suspend the rules and pass H.R. 727, legislation to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to the CPSC. As I indicated in the statement I had placed in the RECORD as a part of the debate on this measure, I support H.R. 727 and intended to vote in favor of it.

A TRIBUTE TO HOSEA WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. TOWNS. Mr. Speaker, I rise today to ask my colleagues to join me in praising the work and life of Hosea Williams as a civil rights leader. For the past 40 years, he has worked with civil rights issues, helping to make a change for black people in America.

Mr. Williams came from a difficult past. At age 13 he was forced to leave his community to escape a lynching mob that wanted to punish him for socializing with a white girl. When the United States entered World War II, he enlisted in the army and became a staff sergeant in an all-black unit of Gen. George S. Patton's Third Army, working as a weapons carrier. He suffered an injury during an attack and had to spend a year in a British hospital.

Mr. Williams returned to the United States where he finished high school at 23. He proceeded to earn his bachelor's degree from Morris Brown College in Georgia, with a major in Chemistry; and then received his master's degree from Atlanta University. He then became the first black research chemist hired by the federal government below the Mason-Dixon line.

Dissatisfied with the discrimination faced by black people in his community Mr. Williams began giving speeches in a downtown park on his lunch break. He was eventually arrested and jailed. When he was released he took a year leave from the United States Department of Agriculture to do civil rights work and never went back.

The latter portion of Mr. Williams's life was spent fighting for civil rights. He worked as a field general for the Dr. Rev. Martin Luther King Jr. in the civil rights battles of the 1960's. Before joining with Dr. King he worked with National Association for the Advancement of Colored People and helped to run the Southern Christian Leadership Council's actions in St. Augustine.

Mr. Williams made sure not only to work with the issues abroad but also to work with his community. Serving on the Atlanta City Council and later as the De Kalb County commissioner he worked to improve the conditions at companies and help the poor.

Today, I ask my colleagues to join me in honoring the late Hosea Williams for his hard work and dedication on behalf of the poor and disadvantaged and for his extraordinary contributions to civil rights.

SENIOR CITIZEN PROPERTY TAX VOUCHERS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, today I introduced legislation, along with six of my colleagues from Massachusetts, to alter the federal tax treatment of real property tax reduction vouchers received by senior citizens for volunteer work.

Approximately 42 towns in Massachusetts have implemented a program to ease the problem senior citizens, who live on fixed incomes, face due to rising property taxes. These towns have allowed senior citizens to perform volunteer work for their town in exchange for a voucher that reduces their property tax by up to $500.

Specifically, my legislation would exclude from gross income vouchers issued by a government unit to offset real property taxes, and received by senior citizens, in exchange for volunteer work. The legislation also exempts these vouchers from employment taxes, and senior citizens who are at least 65 are eligible.

Mr. Speaker, this legislation enhances an important and creative program being implemented in many towns in Massachusetts. We devote a lot of effort around here to help make sure retirement does not sink senior citizens deep into poverty, and that they have basic health services. This very modest proposal

takes a small step in helping seniors remain in their homes despite rising property taxes. A step, I hope, we can take this year.

TRIBUTE TO SHONDA RIGGINS OF SOUTH CAROLINA

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BROWN of South Carolina. Mr. Speaker, today I would like to recognize the dedication and hard work of the Myrtle Beach Area Chamber of Commerce Employee of the Year. Shonda Riggins, a guest service representative at the Hampton Inn located at 48th Avenue North in Myrtle Beach, South Carolina, has displayed over a ten year period how deserving she is of this award. Ms. Riggins is ail astute employee who is known for her dependability, generosity, and great southern hospitality. The type of service that Ms. Riggins provides to the guest of the Hampton Inn goes beyond the call of duty. She has proven herself to be an asset to the tourist industry and indispensable to the Hampton Inn.

Examples of Ms. Riggins exemplified service include her handwritten personal postcards to every guest, top-scoring in professional and friendly phone-skills, and a perfect attendance that is also at the top of the charts. Her appearance is always impeccable and she wears, with pride, all of her service pins and buttons. Ms. Riggins is a team player who has shown that she is willing to help in all aspects at any time. This includes such tasks as assisting during hurricane seasons, covering shifts of co-workers, and always being able to keep her cool so that she can help out in whatever way possible.

Over the years Ms. Riggins has received numerous awards and recognition for her continuing great service to the Hampton Inn. This award, though, is an esteemed honored that Ms. Riggins is extremely deserving of. I would like to thank her for her continuing hospitality and support to the tourism industry that is so important to Myrtle Beach. As a thriving part of South Carolina, Ms. Riggins has proven herself to be indispensable to the true meaning of southern hospitality. As the Representative of the First District of South Carolina, I must say that this type of dedication and hard work is refreshing and appreciated to the upmost degree.

THE SCIENCE TEACHER SCHOLARSHIPS FOR SCIENTISTS AND ENGINEERS ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. UDALL of Colorado. Mr. Speaker, I am introducing today the Science Teacher Scholarships for Scientists and Engineers Act. The bill is cosponsored by my colleague Mr. WU, and I appreciate his support.

The bill would authorize a program of one-year, $7500 scholarships to those with bachelors degrees in science, mathematics, or engineering, or those nearing completion of such degrees, to enable them to take the courses they need to become certified as K-12 science or math teachers.

From a series of Science Committee hearings last year about the state of science and math education, and from talking to constituents, students, and educators at home, it has become clear to me that we need to improve science and math education in this country.

In particular, I've come to understand that poor student performance in science and math has much to do with the fact that teachers often have little or no training in the disciplines they are teaching. While the importance of teacher expertise in determining student achievement is widely acknowledged, it is also the case that significant numbers of K-12 students are being taught science and math by unqualified teachers.

Not only do we need to ensure a high quality of science and math education for our students, but we also need to ensure there is sufficient quantity of trained teachers available to teach them. The bill I am introducing today would begin to address the shortage of qualified science and math teachers by providing an incentive for individuals with the content knowledge to try teaching as a career.

Most students emerge from college with a heavy debt load—and studies have shown that average debt has tended upward, since college tuition costs have been increasing faster than inflation. So scholarships would be particularly beneficial for those considering entering the teaching field where starting salaries are relatively low.

Mr. Speaker, to keep economic growth strong in the long-term, we need continued innovation. But innovation doesn't happen by itself—it requires a steady flow of scientists and engineers. My bill can begin to help provide this steady flow and ensure that our future workforce will be prepared to succeed in our increasingly technologically based world. With estimates of 240,000 new science and math elementary and secondary teachers needed over the next decade, we must work to provide the incentives now to bring these teachers into our schools.

For the information of our colleagues I am submitting a summary of the bill.

SCIENCE TEACHER SCHOLARSHIPS FOR SCIENTISTS AND ENGINEERS ACT

SUMMARY

This bill would authorize a program of one-year, $7500 scholarships to those with bachelors degrees in science, mathematics, or engineering, or those nearing completion of such degrees, to enable them to take the courses they need to become certified as K–12 science or math teachers. Such awards would be made through competitive, merit-based procedures.

The purpose: To ensure not only high quality of science and math education but also a sufficient quantity of trained teachers available to teach them.

BACKGROUND

The Science Committee held a series of hearings in the 106th Congress on various aspects of math and science education. From these hearings it became clear that student performance in these areas is weak and that no single factor is the key to improving student performance. But the testimony did suggest that a necessary, if not sufficient, condition for improved student performance is teachers with both good content knowledge and pedagogical skills. Current problems in the realm of math and science teaching are difficulties in attracting and retaining math and science teachers and deficiencies in the training of new teachers and in professional development activities for existing teachers.

WHAT THE BILL DOES

Authorization: The bill would authorize the director of the National Science Foundation to make awards to institutions of higher education to provide scholarships to those with bachelors degrees in science, mathematics, or engineering, or those nearing completion of such degrees, to enable them to take the courses they need to become certified as K-12 science or math teachers. Such awards would be made through competitive, merit-based procedures. The bill would authorize $20 million to be appropriated to NSF for each of the fiscal years 2002, 2003, and 2004.

Eligibility: Institutions of higher education offering bachelors degrees in science, math, and engineering and coursework toward teacher certification are eligible to apply for awards under the program. Individuals provided scholarships shall be undergraduate students majoring in science, math, or engineering who are within one academic year of completion of degree requirements or graduates of bachelors or advanced degree programs in science, math, or engineering.

Requirements for Application: Each scholarship application would include a plan specifying the course of study that would allow the applicant to fulfill the academic requirements for obtaining a teaching certification during the scholarship period.

Work Requirement: As a condition of acceptance of a scholarship under this Act, a recipient would agree to work as a science teacher for a minimum of two years following certification as such a teacher or to repay the amount of the scholarship to NSF.

TRIBUTE TO HIS BEATITUDE MAR NASRALLAH BOUTROS CARDINAL SFEIR, MARONITE PATRIARCH OF ANTIOCH AND ALL THE EAST

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. RAHALL. Mr. Speaker, today at a Congressional Luncheon hosted by myself and Rep. RAY LAHOOD, and attended by many Members of the House, we had the privilege of hearing remarks made by His Beatitude Mar Nasrallah Boutros Cardinal Sfeir, Maronite Patriarch of Antioch and all the East. This is the Patriarch's first visit to the United States since 1988, and he is here on the occasion of the elevation of the first American born Maronite Bishop Ralph Shaheen.

While in the United States, the Patriarch expressed his vision of peace for Lebanon and the Middle East Region.

Lebanon, the homeland of my grandfathers and its people, cherish the same values of democracy, respect for human rights, independence and sovereignty cherished by the people of America. That is why the Patriarch, the

church and the people and government of Lebanon have supported the Middle East peace talks of the past, and hope for a resumption of those talks in the near future.

Mr. Speaker I submit the words of His Beatitude, the Maronite Patriarch of Antioch and All the East be entered in the RECORD, so that my colleagues will be enabled to hear his urgent plea on behalf of a continued alliance between the United States and Lebanon.

I am honored to be here among members of the legislative body which makes laws for the United States and which have an influence on the whole world. I thank you for all the support you have given and are giving to Lebanon and its people. I wish to speak about Lebanon, a country of 10,000 square kilometers and 4 million people, but a country whose historical roots extend more than 6,000 years. It is the country where the alphabet was invented by the Phoenicians, who spread its knowledge not by war, but through trade and human interaction.

Lebanon is a peace loving country which wants to live in peace with all its neighboring countries, including Syria and Israel. As a matter of fact, the Maronite Church and the Lebanese people cherish the same values of democracy, respect for human rights, independence and sovereignty cherished by the American people. The entry of the Syrian troops into Lebanon in 1976 was done without the request or permission of anyone, as stated by former President Hafez al-Assad in his speech of July 20, 1976. This was also noted by former Secretary of State Henry Kissinger in his book. From that time Syria has established its hegemony over Lebanon.

While we have always advocated good relations between Syria and Lebanon, true international relations are possible only when the countries involved relate to each other on an equal footing. They cannot be established if one country dominates the other. Within the country, the people of Lebanon seek to be democratic, where Christians and Moslems live in peaceful co-existence, unless an outside element provokes a conflict. We seek human and religious values—faith in God, justice, equality, respect for human rights.

Lebanon stands in the Middle East between Israel and Syria, and has suffered difficulties for a quarter of a century—17 years of war, thousands of victims, and terrible destruction. The Taef Agreement of 1989 was supposed to bring an end to the war. The United States was a principal sponsor. However, Taef has been implemented only partially and in a discriminatory fashion. As a result, Lebanon has yet to recover its institutional foundations. If the cannons are silent, anxiety still remains. The country suffers from a succession of crises due to the political situation in Lebanon, in which Lebanon lacks sovereignty, independence, and freedom in its decision-making.

The South of Lebanon is still in a state of instability. A large number of its citizens are either in exile, displaced or in prison, leaving their families in dire straits. The Israeli-Palestinian negotiations raise the question of the final settlement of the Palestinian refugees, who have a right to a just solution. However, no agreement should be made at the expense of the Lebanese people. Imposing on tiny Lebanon a large foreign population would have dire demographic effects, since Lebanon already has the highest population per capita in the region. It destabilizes the balance between Christians and Moslems, and even among the Moslems themselves.

It is in the interest of the United States to help Lebanon for the following reasons:

(1) Lebanon seeks to be a democratic country and to enjoy freedom.

(2) Lebanon has always had one face toward the East and the other toward the West. It possesses the culture of both East and West.

(3) The credibility of the United States requires that it help Lebanon, and to liberate it from all foreign troops, according to the Taef Agreement, sponsored by the United States.

(4) There is a large number of Lebanese immigrants in the United Sates who have achieved success in the higher levels of business and politics, and thereby can make an impact on the American political system.

(5) Christian influence is diminishing in the Middle East and in Lebanon which has always been a stronghold of Christianity. If there were no more Christians there, this would be a catastrophe for Christianity, but would also undermine respect for human rights.

I know that you have the same view as we, namely, that there should be no outside hegemony over Lebanon, even after the departure of non-Lebanese troops. Lebanon should remain an oasis of democracy, freedom, human values, and respect for human rights. Again, thank you for your welcome and support. May God bless you in your important work.

A TRIBUTE TO BARBARA YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Mrs. Barbara Young for her exceptional contributions to health care and education for the people of New York. For over 30 years, she has been contributing to the education and health care industry.

Mrs. Young received a Bachelors degree in Community Health from Jersey State College; received her Masters from Hunter College City University of New York; and acquired her Nursing Home Administrator's license from Hofstra University.

During her professional career, Ms. Young, moved up from Staff Nurse in Neonatal Intensive Care to Vice President of Nursing. Ms. Young, has gone out of her way to help people and be particularly supportive to young minority men whom she feels, need someone to stand up for them and be supportive. She has devoted most of her professional career to care of the elderly and takes pride in promoting and maintaining quality of life.

Ms. Young's contributions to the community include being a Cub Scout leader, Girl Scout Leader, teaching religious instruction to mentally challenged children, providing volunteer services at homeless shelters, and making visits to a home for battered women.

In addition to Mrs. Young's volunteer work, she is a member of the Trinidad and Tobago Nurses Association and has been Chairperson of the Education Committee whose objective is to provide seminars and health education to health care professionals, and give scholarships to nursing students. She is Vice President of the Imani Reading Group, which started off with a group of professional women who wanted to know more about their African heritage. Currently, she is organizing the reading group to start a prison ministry at the Rikers Island Women's Prison.

Today, I ask my colleagues to join me in honoring Mrs. Barbara Young for her hard work and dedication on behalf of the sick and underprivileged, and for her extraordinary contribution in the field of education and health care.

SENIOR VOLUNTEER SERVICES

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, I am introducing today legislation with Messrs. TIERNEY, MCGOVERN, CAPUANO and MARKEY to allow the exclusion from gross income of stipends received by persons over the age of 60 for volunteer services performed under a qualified State program.

The Elder Services Corps in the State of Massachusetts was created in 1973. It is composed of individuals at least 60 years of age and allows volunteers to assist in meeting the needs of the elderly population of the Commonwealth. Individuals enroll for one year at a time, and are required to volunteer 18 hours per week or 72 hours per month, and receive a stipend of $130 a month. The program is 100 percent State funded.

Mr. Speaker, I see no reason why the modest income received for this volunteer service should be subject to tax, especially employment taxes. I hope Congress will act on this legislation this year, and provide an additional incentive for an expansion of this program in Massachusetts, and its adoption by other States.

IN CELEBRATION OF THE GRAND OPENING OF THE BERKELEY REPERTORY THEATRE'S NEW HOME

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Ms. LEE. Mr. Speaker, I rise in celebration of the March 12, 2001 Grand Opening of the Berkeley Repertory Theatre's new 600-seat proscenium theater. The festivities will also include a performance of The Oresteia, running from March 13, 2001 until May 6, 2001, and an open house honoring the longstanding relationship between the theater and the larger community.

The Berkeley Repertory Theatre has a long history of excellence. It was founded in 1968 as the East Bay's first resident professional theater. In 1980 Berkeley Rep gathered enough public support to move from its converted storefront theater to its current location in downtown Berkeley. The Theater was awarded a Tony Award for Outstanding Regional Theater in 1997. In October of 1998 the group announced its plans to construct a new

600-seat proscenium stage theater to complement the existing 401-seat thrust theater stage.

The second theater will enable the Berkeley Repertory Theatre to continue its more than thirty year tradition of providing the community with eclectic, imaginative, and challenging productions. The new theater will evoke the intimacy and vitality that is characteristic of the current space, but will also provide greater artistic flexibility for the future.

The opening will showcase the new theater, introduce the community to the Berkeley Repertory Theatre's new home, and host a world premiere performance of The Oresteia. The theater will better serve the Repertory's ever-increasing 15,000 member audience. The new building was made possible in part by donations from the City of Berkeley and the Ask Jeeves Foundation.

The new Berkeley Repertory Theatre is the cornerstone of downtown Berkeley's emerging Arts District and has become a great source of civic pride for the community. I am proud to congratulate Berkeley Repertory Theatre as it opens its new theater and I look forward to the many years of arts enrichment it will provide to the City of Berkeley.

COMMEMORATING THE CONTRIBUTIONS OF MR. CRUZ BACA

HON. HILDA SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Ms. SOLIS. Mr. Speaker, I rise today to commemorate the proud contributions Mr. Cruz Baca and his decedents have made to the city of Baldwin Park. Mr. Baca was born in Mexico in 1874 and first arrived in Baldwin Park in 1906. In 1909 he returned to Mexico to retrieve his wife and children from the threat of revolution and bring them to Baldwin Park. In the spring of 1910 the Baca family finally settled near Francisquito Avenue in Baldwin Park following a long journey on foot through Texas and parts of Arizona.

Mr. Baca was a prosperous farmer who harvested a variety of crops and raised cows to produce milk and cheese. Realizing a demand for the ingredients for tamales, Mr. Baca became the only supplier of those ingredients in the San Gabriel Valley. But Mr. Baca's legacy is not as a landowner or businessman, it is the humanity he demonstrated to his fellow man, neighbor, and community.

Mr. Baca always lent a helping hand to those in need. During the Great Depression Mr. Baca provided food for the poor, he would park his wagon full of produce at Morgan Park to help feed the community. He also provided transportation to those in need with his horse and wagon, taking people as far as San Gabriel to attend services at the San Gabriel Mission. His efforts to improve the community are many, such as plowing and landscaping the land to develop Morgan Park for free and helping to plow his neighbors land when they were experiencing difficulties. Mr. Baca is also known for his selfless acts of heroism, single-handedly saving a family from a burning home and pulling his neighbors car out of the San Gabriel Valley River with his horse and wagon during a heavy rainstorm.

Mr. Baca was a dedicated father, husband and citizen and his influence will be everlasting in the City of Baldwin Park. Mr. Baca's legacy continues also with the hundreds of decedents that continue to live, work, and raise families in the City of Baldwin Park.

H.R. 808, THE STEEL REVITALIZATION ACT OF 2001

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 808, the Steel Revitalization Act of 2001.

America's steel industry is in a near crisis state. Beginning in 1997, dumped and subsidized steel imports grew dramatically until they reached almost 40 percent of the U.S. steel market. Steel prices rapidly decreased; steel workers were laid off, steel companies filed for bankruptcy. As a result of the weakened steel industry, the level of imports deemed acceptable by the government increased, and recovery has been difficult.

I believe that this legislation is necessary to help revitalize the steel industry. It provides import relief by imposing five year quotas on the importation of steel and iron ore products in the U.S. The quotas will return the import market share to the levels prior to 1997. This provision is very similar to H.R. 975, which passed the House with strong support in the previous Congress.

In addition, this legislation will augment the Steel Loan Guarantee Program, which provided guaranteed loans to qualified steel companies. Currently, steel companies are finding it almost impossible to raise capital through other sources, especially due to plummeting stock prices and decreasing demand. The Steel Revitalization Act will expand the program by authorizing $10 billion rather than $1 billion, guaranteeing 95 percent of the loan rather than 80 percent and extending the terms from five years to fifteen. With this expansion, more companies will be able to take advantage of this worthwhile program.

Mr. Speaker, in the Congressional District I represent, two of our steel companies are seriously distressed. Many of my constituents are at risk of losing their jobs. It is of the utmost importance that we in Congress work hard to keep America's steel industry vital. I urge my colleagues to join me in supporting H.R. 808.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 333) to amend title 11, United States Code, and for other purposes.

Mr. LANGEVIN. Mr. Chairman, I rise in support of H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act. I have spent a great deal of time examining the public debate surrounding bankruptcy reform and looking for assurances that H.R. 333 will reduce the number of abusive bankruptcy filings by holding debtors responsible for repaying their debts.

Although bankruptcy filings continued to decrease this past year from the record 1.4 million consumer bankruptcy petitions filed in 1998, they still remain six percent higher than five years ago, when filings first passed the one million mark. Last year, the number of personal bankruptcy filings in Rhode Island decreased by 12 percent from the previous year, but that number is still too high, as the number of personal filings in the state has more than doubled in the last decade. Unfortunately, hardworking consumers shoulder much of the economic burden of these bankruptcies.

While there are many factors contributing to the increased number of bankruptcy filings, statistics have shown that a significant number of individuals are permitted to walk away from their debt by filing under Chapter 7 when they have the ability to repay most, if not all, of their debt. Our bankruptcy system should direct filers to the chapter that best matches their needs and allow them to pay off as much debt as possible.

H.R. 333 will help reestablish a degree of personal responsibility by utilizing a needs-based test to identify debtors making over the median income who have an ability to repay at least a portion of their debts. However, this legislation is by no means perfect and it fails to hold credit card companies accountable for the credit they issue. An increasing number of individuals who have experienced events such as illness, job loss or a recent divorce and have no financial recourse other than bankruptcy are being overwhelmed with misleading and abusive marketing strategies of the credit industry. As a result, too many consumers are prone to predatory lending practices after filing for bankruptcy and are never truly granted a fresh start by the system.

It is for these reasons that I will support the amendment offered by my colleague from Texas, Ms. JACKSON-LEE, and the motion to recommit offered by the Ranking Member of the Judiciary Committee, Mr. CONYERS, during consideration of the bill. These provisions would strengthen the bill and address credit card company practices that have contributed to the increasing level of consumer debt and the rise in consumer bankruptcies. Specifically, the Jackson-Lee amendment seeks to modify the means test to allow more flexibility in determining a debtor's expenses, including health insurance premiums, other medical expenses, and the costs relating to the care of foster children, and extend the deadline for filing and confirmation of reorganization plans by small businesses. The motion to recommit would prohibit credit card companies from issuing credit to individuals under the age of 21 unless there is written parental consent or the individual can demonstrate an independent source to pay the debt.

Nonetheless, even if these modifications are not approved, I do intend to support the underlying bill because I believe Congress must do something to address the current state of abuse and overuse of our bankruptcy system. However, Congress should also continue to pursue common-sense reforms that will not only cut down on fraud within the system but also hold credit issuers accountable for their actions while protecting the vulnerable consumer. I would strongly urge the Senate to keep these arguments in mind as it continues to debate its version of the bankruptcy reform bill.

A TRIBUTE TO MILDRED L. BOYCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Mildred L. Boyce for her contribution to the education of New York's children. For over 25 years Ms. Boyce has been a dedicated teacher and administrator.

Although Ms. Boyce was bom in Manhattan she received all of her education in Brooklyn, attending P.S. 44, P.S. 181, J.H.S. 246, Erasmus Hall High School and Brooklyn College, where she received a B.A. degree, M.S. degree and a professional Diploma in Administration and Supervision.

Ms. Boyce began her career in education as a 6th grade teacher at P.S. 106, in 1965, where she later held the position of Master Teacher and Interim Acting Assistant Principal, before coming to Philippa Schuyler in 1977. Currently, Ms. Boyce serves as the Principal of the Philippa Schuyler Middle School for the Gifted and Talented.

For her devotion, and hard work Ms. Boyce has been the recipient of many awards including the NAACP Educator's Award and the Black Professional Business Women's Educator Award.

In addition to her duties as an educator, Ms. Boyce is an active member of St. Laurence Catholic Church, serving as a Lector, and a member of the Baptismal team. She is also a member and advisor to the President of the Council for Supervisors and Administrators as well as an elected delegate from District 32. She sits on the executive board of District 32's supervisors.

Today, I ask my colleagues to join me in honoring Ms. Mildred L. Boyce for her hard work and extraordinary contributions in the field of education.

TRIBUTE TO MR. ROBERT MAY

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BOYD. Mr. Speaker, I rise today to pay tribute to the dedicated work of one of my constituents, Mr. Robert May of Old Town, Florida who has been awarded the Charles P. Ulmer award by the Sons of Confederate Veterans.

The Ulmer award recognizes individuals who have worked to honor the memory of those who died serving their country. Robert May has done that and more. He currently serves as a leader within the organization and is actively involved in his community. I commend Robert May for his dedication and commitment to preserving the rich heritage of the South.

The Charles P. Ulmer Award was named for a man who bravely fought in many famous battles during the Civil War, including the battles of Vicksburg, Chattanooga, Perryville, and Murfreesboro. As it's told, on November 25, 1863, during the battle of Missionary Ridge, Corporal Charles P. Ulmer put honor before fear when he picked up the flag from a fallen soldier and charged forward. He served his country proudly as he, too, fell answering the call of duty.

The Sons of Confederate Veterans' "Charles Ulmer Compatriot of the Year Award" is awarded to that person who exemplifies the dedication and duty to country that Mr. Ulmer had shown so long ago, and Robert May is that person.

Mr. Speaker, I join Robert May's family and friends in congratulating him on receiving the "Charles Ulmer Compatriot of the Year Award."

THE CLEAN DIAMONDS ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. HALL of Ohio. Mr. Speaker, I rise today to introduce The Clean Diamonds Act. This bill aims to eliminate the trade in diamonds that are used to fund conflict in Africa—wars that have killed more than 2 million people, driven 6.5 million from their homes, and subjected many of the region's 70 million people to horrific atrocities.

The Clean Diamonds Act lends the support of the United States—whose citizens buy 65 percent of the world's diamonds—to multilateral efforts to sever the link between diamonds and war. It implements the diamond industry's July 2000 promise to help block the trade in these diamonds, and gives it a year longer than it said it needed.

Mr. Speaker, I will never forget the two-year-old girl who lost an arm to rebels, or what her fellow war victims told Congressman WOLF and I when we visited Sierra Leone's amputee camp in 1999. When we asked what had happened to each of them, they told nightmarish tales of rebels who lopped off their hand to punish them for voting, or their legs or ears or arms so they would always remember how much the rebels hated the country's elected government. But when we asked why their countrymen were suffering, they gave us a one-word answer: "diamonds."

There is no question that diamonds do a lot of good for a few southern African nations that, because of a quirk of geology, have the ability to secure their mines against takeover by thieves masquerading as rebels. Diamonds also are making the industry wealthy beyond imagination: for example, DeBeers, the monopoly which buys the overwhelming majority of uncut diamonds, just reported a 73 percent increase in profits in 2000.

But for Sierra Leone, Angola, the Congo, Guinea, and Liberia, diamonds are a curse. They are a magnet for bandits, who seize diamond mines and trade their production for weapons, narcotics they use to numb their fighters to the tasks they demand, and the other materiel these big armies need. Diamonds in those countries are close to the surface and spread over large regions, so it is much harder to patrol mining done there. Because of that, and because the legitimate industry is so willing to help rebels launder their stolen gems, neither these countries nor the United Nations has been able to fend off these rebel forces.

I am convinced that, until this link between diamonds and war is severed, we will continue to see these atrocities—forced amputations, brutal murders of innocent civilians, widespread rapes and other sex crimes, and a generation of youngsters whose only education is as child soldiers. We will see no end to hunger, disease, and the other problems of war. For example, a recent International Rescue Committee survey of people who live in a relatively peaceful, but rebel-controlled, district of Sierra Leone found one in three dies before his or her first birthday—more than twice the country's overall infant mortality rate. And we will continue to watch billions of dollars in aid pour into amputee camps and other humanitarian projects, while tens of billions in conflict diamonds pour out of these same countries.

The Clean Diamonds Act grew out of the diamond industry's own July 2000 promise that it would move swiftly to end the trade in conflict diamonds and establish a system of controls by December 2000. That hasn't happened; without some pressure from US consumers, I doubt any effective solution will be implemented.

In these embattled countries, rebels are committing terrible atrocities every day—and they are doing it with the complicity of a legitimate industry that markets conflict diamonds as tokens of love and commitment. Our bill gives the industry a year more than it said it needed to take the steps it should have begun years ago. It supports the efforts of South Africa and more than 20 other nations, working through the Kimberley Process, to devise an effective response to this problem.

The nations and legitimate businesses that supply the US market are well able to fulfill the reasonable obligations this bill outlines. This bill asks nothing more of our trading partners than that they enforce effective laws against the smuggling of conflict diamonds. Eight months ago, to great fanfare, the diamond industry agreed it would do just that. Three months ago, the U.N. General Assembly unanimously voted on the need for immediate attention to this problem—before it sours consumer interest in diamonds and damages countries that rely on diamond production. I hope the Clean Diamonds Act will add momentum to these promises of action.

I am particularly pleased with some key features of the Clean Diamonds Act:

First, it will bring relief to the victims of these wars for the control of diamonds because it provides that any contraband diamond caught entering the U.S. market shall be

seized and sold to pay for prosthetic limbs and other relief to war victims, and for micro-credit projects.

Second, it offers a real deterrent, by imposing civil and criminal penalties like those that have proven effective in slowing the smuggling of other contraband. Among its provisions, it allows U.S. authorities to block the assets of significant violators of these laws.

Third, it offers jewelers and their customers a 'seal of approval' that gives them independent verification that the money they spend on a symbol of love and commitment does not go into the pockets of those forcibly amputating the limbs of innocent civilians, or press-ganging children into military service and sexual slavery, or committing other atrocities. Americans ought to be able to ask for this kind of reassurance with confidence they'll get honest answers; this bill gives them that.

Fourth, it makes diamond projects in countries that refuse to implement some system of controls ineligible for taxpayer-funded Eximbank and OPIC loan guarantees.

Finally, it requires systems designed to guard against conflict diamonds to be transparent and independently monitored. And it insists on annual reports to Congress and the American public so that the situation never again reaches the point it is at today, where brutal thugs earn nearly $20 million each day from this blood trade—most of it from American consumers.

I am heartened that such respected organizations as Amnesty International, World Vision, Physicians for Human Rights, Oxfam America, World Relief, and the Commission on Social Action of Reform Judaism are supporting this bill, and I am encouraged by the assistance of these champions of human rights, Congressman WOLF and Congresswoman MCKINNEY. All of these individuals and organizations are veterans of good fights that have been waged on behalf of those who are hurting, and I urge our colleagues to join us in resolving this pressing problem.

A summary of the bill is attached.

CLEAN DIAMONDS ACT—SECTION-BY-SECTION ANALYSIS

Section 1: The bill shall be called the Clean Diamonds Act.

Section 2: The bill makes findings about the extent of suffering underwritten by the trade in conflict diamonds, including 6.5 million people driven from their homes and 2.4 million killed, and on the need for an effective solution to this problem.

Section 3: Diamonds may not be imported into the United States unless the exporting country is implementing a system of controls on the export and import of rough diamonds that comports with the UN General Assembly's Resolution of 12/00, or with a future international agreement that implements such controls.

This system's implementation shall be monitored by U.S. agencies. A presidential advisory commission (comprised of representatives of human rights organizations, the diamond industry, and others) will develop a label certifying that a diamond is clean, having reached the US market through countries implementing this system of controls, and will advise the President on monitoring issues.

Section 4: Violators shall be subject to civil and criminal penalties, including confiscation of contraband. Significant violators' US assets may be blocked. Proceeds from penalties and the sale of diamonds seized as contraband shall be transferred to U.S. AID's War Victims Fund and used to help civilians affected by wars, through humanitarian relief and micro-credit development projects.

Section 5: Diamond-sector projects in countries that fail to adopt a system of controls shall not be eligible for loan guarantees or other assistance of the Eximbank or OPIC.

Section 6: The President shall report annually to Congress on the system's effectiveness; on which countries are implementing it; on which countries are not implementing it and the effects of their actions on the illicit trade in diamonds; and on technological advances that permit determining a diamond's origin, marking a diamond, and tracking it.

Section 7: The GAO shall report on the law's effectiveness within three years of enactment.

Section 8: It is the sense of the Congress that (a) the President immediately negotiate, in concert with the Kimberley Process, an international agreement designed to eliminate the illicit trade in diamonds; and (b) the system implementing this agreement should be transparent and subject to independent verification and monitoring by a U.S. organization.

Section 9: Definitions.

Section 10: The law takes effect six months after enactment. Under limited conditions, the President may delay applicability of the law to a specific country for six months, provided he report to Congress on that country's progress toward establishing a system of controls and concluding an International agreement.

FEBRUARY 14, 2001.

OPEN LETTER TO THE JEWELERS OF AMERICA AND WORLD DIAMOND CONGRESS: We, the undersigned religious, humanitarian, development, human rights, medical, missionary, and relief organizations write to express our outrage over the continued trade in diamonds from war zones in Africa, including Sierra Leone, Angola, and the Democratic Republic of Congo. The profits to insurgent forces from their sale of diamonds have fueled wars in these countries and contributed to a tidal wave of atrocities by those forces against the unarmed population. We are especially concerned about Sierra Leone, where the Revolutionary United Front controls two-thirds of the country including its most lucrative diamond resources. The RUF continues its practice of abusing, enslaving, raping and mutilating noncombatant adults and children to this day. And the international trade in Sierra Leonean diamonds appears to be undiminished.

We welcome the South African-led ''Working Group on African Diamonds'' (''Kimberley process'') supported by the diamond industry that led to the announcement of a commitment to establish an international system of ''rough controls'' last year. But we are dismayed by the slow pace of reform and the industry's inability to police its own members who continue to deal in diamonds from Sierra Leone and other conflict areas. We are disappointed that the principal countries involved in the mining, cutting, finishing, exporting, and importing of diamonds have not themselves taken the actions agreed to last year as a means of jump-starting the international rough controls regimen.

It seems clear that until a major importer of diamonds such as the U.S. prohibits the direct or indirect importation of any and all diamonds and diamond jewelry from any country that does not have the rough controls in place, progress in establishing the international system will proceed at a leisurely pace. For this reason, we strongly support legislation being introduced by Representatives Tony Hall, Cynthia McKinney, and Frank Wolf to enshrine such restrictions in U.S. trade law. We respectfully urge the American jewelry importers and retailers to support this initiative as well. The Hall-Wolf-McKinney bill, if enacted, would provide the diamond industry an inestimable service. Without penalizing the legitimate producers and exporters, the legislation would assure American diamond retailers and consumers of a ''clean stream'' of diamonds and put serious pressure on countries that fail to support the Kimberley rough controls agreement. Moreover, enactment of a U.S. prohibition on imports from countries that do not have the rough controls in place would encourage them to move forward quickly, and hasten the day that the functioning rough controls on diamonds and diamond jewelry would be truly internationalized.

We respectfully urge you to protect your own product and safeguard unwitting American consumers by supporting tight restrictions against all diamonds that emerge from countries that have not adopted the Kimberley rough controls. This is the approach that you called for in your September testimony before Congress, and it is the approach that Representatives Hall, McKinney, and Wolf have taken in their legislation. We hope that you will support it strongly, and urge its immediate adoption by Congress.

Sincerely,

Leonard S. Rubenstein, Executive Director, Physicians for Human Rights; Adotei Akwei, Africa Advocacy Director, Amnesty International, USA; Bruce Wilkinson, Senior Vice President, World Vision; Dr. Clive Calver, President, World Relief; Raymond Offenheiser, President, Oxfam America; Rabbi David Saperstein and Rabbi Dan Polish, Commission on Social Action of Reform Judaism; Rev. Bob Edgar, General Secretary, National Council of the Churches of Christ.

Rev. John McCullough, Executive Director, Church World Service and Witness; Nancy Aossey, President and CEO, International Medical Corps; Stephen G. Price, Office of Justice and Peace, Society of Affican Missions; Wanjlru Kamau, President, African Immigrants and Refugees Foundation; Al Graham, Air Serv International; Loretta Bondi, Advocacy Director, Arms and Conflict Program, the Fund for Peace; Larry Goodwin, Executive Director, Africa Faith and Justice Network; James Matlack, Director, Washington Office, American Friends Service Committee; David Begg, CEO, Concern Worldwide U.S.; Jaydee R. Hanson, Assistant General Secretary, United Methodist Church, General Board Of Church and Society, William Goodfellow, Executive Director, Center for International Policy; Beverly Lacayo, Missionary Sisters of Our Lady of Africa; Kevin Lowther, Regional Director Africare.

Kathleen McNeely, Maryknoll Office for Global Concerns; Gaspar Colon, Adventist Development and Relief Agency International; Duni Jones, Self Help Initiative; David Beckman, President, Bread for the World; Alex Yearsley,

Global Witness; Rev. Seamus P. Finn, Missionary Oblate Society; Roger Winter, Executive Director, U.S. Committee for Refugees; Rev. Leon Spencer, Washington Office on Africa; Tony Doyle, Mid-South Peace and Justice Center; Maureen Healy, Society of St. Ursula; Kevin George, Friends of Liberia; Thomas Tighe, President and CEO, Direct Relief International; Farshad Rastegar, CEO, Relief International; Barry LaForgia, Executive Director, International Relief Teams.

Keith Wright, Food for the Hungry; Richenda VanLeeuwen, Executive Director, Trickle Up Program; Peter Sage, Program Director, Ananda Marga Universal Relief Teams; Jeffrey Meer, Executive Director, U.S. Association for UNHCR; Ron Mitchell, Sierra Leone Emergency Network; Gay McDougall, Executive Director, International Human Rights Law Group; Lynn McMullen, Executive Director, RESULTS; Dr. Ritchard Mâbayo, Chairman, Coalition for Democracy in Sierra Leone; Margaret Zeigler, Deputy Director, Congressional Hunger Center; Alfred L. Marder, President, The Amistad Committee, Inc.; Reverend Alan Thomson, International Liaison, U.S. Peace Council; Carol Fine, Chairman, NGO Committee on Southern Africa; Washington Office, Church of the Brethren; Rachel Crowger, Executive Director, African Law Initiative; American Bar Association.

Peter Vander Muelen, Coordinator for Social Justice and Hunger Action, Christian Reformed Church in North America; Phyllis S. Yingling, U.S. Section Chair, Womenâs International League for Peace and Freedom; Rev. Mark B. Brown, Asst. Director, International Affairs and Human Rights, Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America; Rev. Phil Reed, Office of Justice and Peace, Missionaries of Africa; Robert Kushen, Executive Director, Doctors of the World; Joel R. Charny, Vice President for Policy, Refugees International; Brian Farenell, Advocacy Director, Friends of Guinea; Merle Bowen, Associate Professor, University of Illinois, William Martin, Professor, Binghamton University, Co-chairs, Association of Concerned Africa Scholars; Clifton Kirkpatrick, Stated Clerk, Presbyterian Church (USA); Kathryn Wolford, President, Lutheran World Relief; Randall Robinson, TransAfrica; Daniel Vollman, Africa Research Project.

Mel Foote, President, Constituency for Africa; Pharis Harvey, Executive Director, International Labor Rights Fund; Bass Vanderzalm, President, Northwest Medical Teams, International; Rev. Richard Cizik, Vice President for Governmental Affairs, National Association of Evangelicals; Fr. Rick Ryscavage, S.J., Jesuit Refugee Service/USA; Kathy Thornton, RSM, Network: National Catholic Social Justice Lobby; Yael Martin, Director, Promoting Enduring Peace; Billie Day, Friends of Sierra Leone; Hasit Thankey, Project Officer, Commonwealth Human Rights Initiative; Reynold Levy, President, International Rescue Committee; Gail R. Carson, Director, Relief and Food Security Programs, Counterpart International, Inc.; Paul Montacute, Director, Baptist World Aid of Baptist World Alliance; Dr. Evelyn Mauss, Physicians for Social Responsibility/NYC; Save the Children; Stephen Rickard, Robert F. Kennedy Memorial; Lonnie Turner, Washington Office, Cooperative Baptist Fellowship.

HONORING TEXAS PUBLIC SCHOOLS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. RODRIGUEZ. Mr. Speaker, as we in Texas celebrate Public Schools Week, March 5–9, I wish to recognize the many achievements made by public schools in Texas. At a time when Congress is debating the merits of reforming education in this country, it is important that we recognize the progress that has been made in meeting the goals of our education system and to applaud the dedicated public servants who educate our children. As an educator and a former school board member, I have witnessed first hand the tremendous effort our teachers pour into every class, every hour and every minute with their students, and it is fitting that Texas recognizes their dedication during this special week.

Public schools are the backbone of our education system. Ninety percent of the school age population nationwide attends public schools. A good, quality public education serves not only as a bridge to vast economic opportunities, but also as a foundation for our strong and prosperous democracy. Thanks to the hard work of teachers, counselors and administrators, Texas has made significant strides in its public education system, especially in student achievement.

To continue on this path of success, we must offer more to our students and families than block grants and vouchers, which serve only to redistribute resources inconsistently and damage the democratic foundation of public schools. We must capitalize on our success and increase our efforts to modernize Texas classrooms, maintain a teacher ratio that places students in a personal learning environment with well-trained teachers, and ensure security and safety. The sad events this week in California remind us of the dangers in ignoring students' needs. Therefore, it is important that public schools be given the resources to recruit and retain professional counselors and social workers who not only aid students in their academic planning but also provide support and consultation to those students who may suffer from depression or mental illness. Every child in Texas deserves this and nothing less.

As we chart our course in this new millennium, the education of all Texas children remains vital to our future. Texas Public Schools Week is the perfect opportunity to celebrate our past, our present, and our future.

TRIBUTE TO MS. JOAN KNISS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. SCHAFFER. Mr. Speaker, today I pay tribute to Ms. Joan Kniss of Brighton, Colorado, the 2001 Colorado Teacher of the Year. This prestigious recognition is no small honor. This year brought 3,500 teachers throughout the State of Colorado into competition for this prestigious award. Ms. Kniss, I am proud to say, teaches English at Brighton High School which is located within the congressional district I represent.

The Colorado Teacher of the Year Program is Colorado's oldest and most prestigious honors program which recognizes the contributions of the classroom teacher. The nominee must be an exceptionally skilled, dedicated, and knowledgeable classroom teacher. The standards for the award are high. The Colorado Teacher of the Year must inspire students of all backgrounds and abilities to learn, have the respect and admiration of students, parents, and colleagues, play an active and useful role in the community as well as in the school, and demonstrate high levels of academic achievement for their students.

Mr. Speaker, I have no doubt the best teacher in the Great State of Colorado won in 2001. Ms. Kniss began her teaching career in Colorado in 1973 at North Junior High in Brighton, Colorado. For eight years, she worked within the school district on special assignment. Since 1984, she has served as a language arts teacher at Brighton High School. Mr. Speaker, through her many years as an interested teacher, Ms. Kniss has exemplified true dedication to Colorado's children and parents.

Every applicant for Colorado Teacher of the Year must submit an essay. Mr. Speaker, in her essay, Ms. Kniss wrote, "[W]e must focus on partnerships: teachers must be learning partners with their students; teachers must be partners with parents, and teachers must form partnerships with community members." Mr. Speaker, interested parents and teachers produce successful students. Successful teachers, like Ms. Kniss, are those who look to the future knowing the basis for their students' success is a background of solid academics.

Again, today on the floor of the House of Representatives, I say congratulations thank you to Joan Kniss, the 2001 Colorado Teacher of the Year, for her many years of educating Colorado's students.

INTRODUCTION OF A BILL TO PERMIT THE CONSOLIDATION OF LIFE INSURANCE COMPANIES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. CRANE. Mr. Speaker, today I am introducing, along with Representatives MATSUI, ENGLISH, LEWIS, BECERRA, RANGEL, WELLER, SAM JOHNSON, COLLINS, RAMSTAD, MCNULTY,

HULSHOF, SHAW, and NUSSLE legislation that would repeal a number of limitations contained in the consolidated return provisions of the Internal Revenue Code. These limitations, originally enacted in 1976, are a relic from a time when the financial markets were highly regulated and financial institutions were taxed very differently than they are today. The limitations serve no good purpose and yet they complicate the tax code for both the taxpayer and the Internal Revenue Service and they place affiliated corporations that include life insurance companies at a competitive disadvantage relative to other corporate groups.

I had hoped we could have addressed this problem long ago, and indeed, much of the bill I am introducing today was included in the 1999 tax bill vetoed by President Clinton. It is my hope that we can focus our attention on this problem again this year, either in the context of a tax simplification effort, an income tax system maintenance effort, or as part of tax relief for business.

BACKGROUND

The consolidated return provisions in the tax laws were enacted so that the members of an affiliated group of corporations could file a single tax return. The right to file a ''consolidated'' return is available regardless of the nature or variety of the businesses conducted by the affiliated corporations. The purpose behind consolidated returns is simply to tax a complete business entity and not its component parts individually. It should not matter whether an enterprise's businesses are operated as divisions within one corporation or as subsidiary corporations with a common parent company. If the group is one economic entity, it should be taxed as a single entity and file its return accordingly.

Corporate groups that include life insurance companies, however, are denied the ability to file a single consolidated return until they have been affiliated for at least five years. Even after groups with life insurance companies are permitted to file on a consolidated basis, they are subject to two additional limitations that do not apply to any other type of group. First, non-life insurance companies must be members of an affiliated group for five years before their losses may be used to offset life insurance company income. Second, non-life insurance affiliate losses (including current year losses and any carryover losses) that may offset life insurance company taxable income are limited to the lesser of 35 percent of life insurance company taxable income or 35 percent of the non-life insurance company's losses.

The historical argument against allowing life insurance companies to file consolidated returns with other, non-life companies was that life insurance companies were not taxed on the same tax base as non-life companies. This argument is unfounded today. Prior to 1958, life insurance companies were taxed under special formulas that did not take their underwriting income or loss into account. Legislation enacted in 1959 took a major step toward taxing life insurance companies on both their investment and underwriting income. In fact, at the same time the present rules were under consideration in 1976, the Treasury Department took the position that full consolidation was consistent with sound tax policy.

In 1984 and 1986, Congress reviewed the taxation of life insurance companies and made a number of substantial changes that have resulted in these companies paying tax at regular income tax rates on their total income. Today, life insurance companies are fully taxed on their income just like other corporations. There is no reason to treat them differently today, especially with respect to consolidation.

THE PROBLEM

The current restrictions place affiliated groups of corporations that include life insurance companies at a competitive disadvantage compared with other corporate groups and also create substantial administrative complexities for taxpayers and for the Internal Revenue Service. The five-year limitations, in particular, create irrational disparities between groups containing life insurance companies and other consolidated groups. For example: First, when a consolidated group acquires another consolidated group that includes a life insurance company member, the acquired group is deconsolidated. This means that, unlike other groups, intercompany gains in the acquired group would be recognized as current income while losses would continue to be deferred.

Second, for the five year period following a consolidated group's acquisition of a life insurance company, gains on any intercompany transactions are subject to current tax and cannot be deferred. However, gains of other groups that are allowed to file a consolidated return are allowed to be deferred.

Third, section 355 spin-off transactions raise questions concerning the five year ineligibility period for the spun-off company even if the group had existed and been filing a consolidated return for many years.

The ability to file consolidated returns is particularly important for affiliated groups containing life insurance companies. Many corporations in other industries can, in effect, consolidate the returns of affiliates by establishing divisions within one corporation, rather than operating as separate corporations. Unfortunately, state law and other, non-tax business considerations generally require a life insurance company to conduct its non-life business through subsidiaries. The inability to file consolidated returns thus operates as an economic barrier inhibiting the expansion of life insurance companies into related areas.

SOLUTION

There are no sound reasons to deny affiliated groups of corporations including life insurance companies the same unrestricted ability to file consolidated returns that is available to other financial intermediaries (and corporations in general). Allowing the members of an affiliated group of corporations to file a consolidated return prevents the business enterprise's structure, i.e., multiple legal entities, from obscuring the fact that the true gain or loss of the business enterprise is the aggregate of each of the members of the affiliated group. The limitations contained in present law are so clearly without policy justification that they should be repealed.

The legislation we are introducing today will repeal the two five-year limitations for taxable years beginning after this year. For revenue reasons, the legislation will phase out the 35 percent limitation over seven years. This bill should be part of any simplification or tax relief legislation that may be enacted.

ORGAN DONATION

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. ISRAEL. Mr. Speaker. So that New York States' recently established Organ and Tissue Donor Registry might be better publicized and promoted,

And so that the public might be better educated on the dire need for organ donation,

I will enter this inspiring article about New York State Assemblyman Jim Conte in the CONGRESSIONAL RECORD.

JIM CONTE LEADING TO MAKE A DIFFERENCE

(By Cheryl Johnston)

While he routinely makes a difference in the lives of many people in the state of New York, Jim has the greatest impact on four particular people who live in the town of Huntington Station—his wife Debbie and his children Sarah, Jeffrey, and Samantha. In the ups and downs of political life, it is Jim's family which keeps him anchored. He knows they're most important in life.

Jim got sick before he met Debbie, when he was in his first year of college. Because he'd always been healthy, he was surprised when his doctor said glomerular nephritis was responsible for his swollen feet and sent him home from school. Jim missed more than half of that freshman year, but his health stabilized again. He resumed his studies, acquired an internship with the New York State legislature in Albany and completed his degree in economics. Life was on a roll again.

After graduation, Jim returned to Albany to work in various positions in government, including working for Assemblywoman Toni Rettaliata. When she sought another office and won, Jim decided to run in the special election for her Assembly seat. He had just one month to campaign and give it his all. He attended campaign events and walked door to door to meet the Long Island constituents. He worked from sun up to sun down, ignoring the fact that he was retaining fluid and that he had a chest cold he couldn't seem to shake. Before the election even took place, he ended up in the hospital with kidney failure and pneumonia.

Debbie, who was dating Jim then, remembers: ''I was shocked to see how quickly he had become run down. His breathing was so labored that I could actually hear it from down the hallway. He was very weak and his color was bad. He hadn't urinated for a couple of days. We got him to the hospital, where he was intubated immediately. He came close to dying. With the special election underway, he'd just kept going and going. His health had taken a back seat—and he almost paid with his life. Ever since, his priorities have changed. Now he pays attention to his health.''

While Jim was in the hospital, people in his party, community, and family rallied around him, carrying on the campaign without him. ''I still remember walking into the headquarters, knowing they had pulled me through. It was a wonderful feeling.''

The feeling was wonderful and the win exciting, but Jim's health was another story. He was on hemodialysis and very weak, but if he wanted to hold onto his new position of Assemblyman, he couldn't take a break. The next regular election for his seat was only eight months after the special election. He

put in long hours both as an assembly and as a candidate, fitting in dialysis sessions either early in the morning or in the evening.

When his healthcare team initially mentioned a transplant Jim was cautious but, after consideration, he agreed to the procedure. Only six weeks after his name was placed on the list at Albany Medical Center, a matching kidney was available. In March of 1989 he received a donor kidney and recuperated well. He had a 13-day hospital stay, which included a small bout of rejection. To the amazement of his colleagues in the Assembly, Jim returned to the legislative chambers by budget time in April.

Jim later found out that his donor was a young woman named Ashley. ''In the midst of that family's suffering, with the loss of their wife and daughter, they made the decision to donate. For that, I'm eternally grateful.'' He later showed his gratitude by giving his first daughter the middle name ''Ashley.''

It didn't take long for him to gain back his strength and continue his productive life. And six months post-transplant, Debbie and Jim got married. Debbie had a special perspective of the medical challenges Jim faced because she was a pharmacist and also because brother-in-law, Donald, had received a successful heart transplant six years earlier. This knowledge enhanced Debbie's ability to support Jim as a wife and helpmate.

In 1991 they had Sarah Ashley. Two years later they were blessed with the birth of their second child, Jeffrey. But the tide turned less than two months later, when Jim's nephritis returned. With weeks, by mid-August of 1993, Jim's transplanted kidney was failing and he was back on dialysis.

Jim was put on the transplant list, but this time his wait was 18 months. During the difficult wait, Jim kept up his regular work schedule. While the legislature was in session, he went to early morning dialysis sessions with a fellow Assemblyman, Angelo DelToro from Spanish Harlem, and then returned to the Assembly. ''The two of us put human faces on the organ shortage problem. We made others in New York's state government and beyond see that the problem was real—and that, in itself, had an impact.''

On December 20th Jim got the call that an organ was available and underwent his second transplant surgery, this time at the hands of Dr. David Conti. It proved to be a success. Sadly, Angelo DelToro died of complications of dialysis while Jim was still in the hospital.

Since the second transplant, Jim and Debbie had a third child, Samantha, now two. Jim's priority at home is appreciating his three children and his wife. Another priority in Jim's life is supporting the cause of organ donation and transplantation so that others might receive the gift of a second chance at life.

''I do anything I can for that cause,'' he says. ''I'm in a unique position to bring the message to those who make decisions. I tell others about my success and the overwhelming need for more organs. I try to educate the public through interviews on TV, radio and in the newspaper. I include the message in newsletters to my constituents.''

Jim has sponsored a number of bills designed to educate the public and reward those who choose to be donors. Frank Taft, director for the Center of Donation and Transplant comments, ''Assemblyman Conte has never forgotten that his transplant began with a gift. In the Assembly, he has worked diligently to try to pass legislation to remember those who gave this most precious gift and to promote bills that will lead to increased organ donation.''

At times, bills have gotten mired down in party politics, but Jim never gives up. ''I just get smarter,'' he explains. For example, he couldn't get enough support in the majority party (he's with the minority party) to pass legislation creating a statewide organ donor registry. So he worked administratively instead of legislatively. He joined Governor Pataki's transplant council, which actually was successful in establishing a statewide-computerized donor registry. When another piece of organ donation legislation was killed in the healthcare committee, Jim gave the bill to a member of the majority party, who could gain more support from within his party. This selfless move resulted in the successful passage of the legislation under someone else's name.

While he's concerned about effectiveness within the hallowed halls of state government, Jim is also concerned about the effectiveness of his own transplant. ''I try to take care of myself,'' he says. ''I follow a low-fat diet, with lots of fruits and veggies. I exercise—either at the gym, on the treadmill or walking outside.''

He's also careful about adhering to his medication regimen. ''I've never really had a problem with my transplant medications. I made a perfect switch from Sandimmune to Neoral. And I get my medications faithfully each moth from Stadtlanders. It's a fantastic service.''

Through his actions and through his life, Jim Conte demonstrates that one man can make a difference. But his wife Debbie doesn't look at him and see what he's done; she looks at him and sees who he is. She explains, ''He's everything good. He's easy going, a great dad, a loving husband. He's very caring of his community and family. He's very dedicated.'' No wonder this man is a leader.

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, March 8, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 9

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the Bureau of Labor Statistics employment data in order to gauge the status of the February employment situation, as well as the latest consumer and producer price indexes with respect to the inflation outlook.

1334 Longworth Building

MARCH 13

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold oversight hearings to examine the National Nuclear Security Administration, Department of Energy.

SD–124

Commerce, Science, and Transportation

To hold hearings on S. 415, to amend title 49, United States Code, to require that air carriers meet public convenience and necessity requirements by ensuring competitive access by commercial air carriers to major cities.

SR–253

Veterans' Affairs

To hold hearings to examine the Administration's proposed budget for veterans' programs for fiscal year 2002.

SR–418

10 a.m.

Judiciary

To hold hearings on promoting technology and educations issues relating to turbocharging the school buses on the information highway.

SD–226

2 p.m.

Commerce, Science, and Transportation

To hold hearings on S. 361, to establish age limitations for airmen.

SR–253

2:30 p.m.

Finance

To hold hearings on issues relative to living without health insurance.

SD–215

MARCH 14

9:30 a.m.

Rules and Administration

To hold hearings on election reform issues.

SR–301

Energy and Natural Resources

Business meeting to consider their fiscal year 2002 budgetary views and estimates on programs which fall within the jurisdiction of the committee and agree on recommendations it will make thereon to the Committee on the Budget.

SD–628

Commerce, Science, and Transportation

To hold hearings on whether Congress should allow states to require all remote sellers to collect and remit sales taxes on deliveries into that state, provided that states and localities dramatically simplify their sales and use tax systems.

SR–253

10 a.m.

Judiciary

To hold hearings to examine drug treatment, education, and prevention programs.

SD–226

Appropriations

Defense Subcommittee

To hold closed hearings ot review intelligence programs.

S–407, Capitol

Budget
To resume hearings to examine the President's proposed budget request for fiscal year 2002.
SD–608

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

10:30 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD–419

2 p.m.
Intelligence
To hold closed hearings on intelligence matters.
SH–219

MARCH 15

9:30 a.m.
Rules and Administration
To continue hearings on election reform issues.
SR–301

Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Energy and Natural Resources
To hold hearings on S. 26, to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market; S. 80, to require the Federal Energy Regulatory Commission to order refunds of unjust, unreasonable, unduly discriminatory or preferential rates or charges for electricity, to establish cost-based rates for electricity sold at wholesale in the Western Systems Coordinating Council; and S. 287, to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market.
SH–216

10 a.m.
Banking, Housing, and Urban Affairs
Business meeting to markup S. 149, to provide authority to control exports.
SD–538

2 p.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings to examine certification of the United States assistance to Serbia.
SD–419

MARCH 21

2 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the Klamath Project in Oregon, including implementation of PL 106–498 and how the project might operate in what is projected to be a short water year.
SD–628

MARCH 22

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Retired Officers Association, and the National Association of State Directors of Veterans Affairs.
345 Cannon Building

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to review the National Park Service's implementation of management policies and procedures to comply with the provisions of Title IV of the National Parks Omnibus Management Act of 1998.
SD–192

MARCH 27

10:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold oversight hearings on issues relating to Yucca Mountain.
SD–124

APRIL 3

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold oversight hearings to examine issues surrounding nuclear power.
SD–124

Judiciary
To hold hearings to examine online entertainment and related copyright law.
SD–226

APRIL 24

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Bureau of Reclamation, of the Department of the Interior, and Army Corps of Engineers.
SD–124

APRIL 25

10 a.m.
Judiciary
To hold hearings to examine the legal issues surrounding faith based solutions.
SD–226

APRIL 26

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy.
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 Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues.
SD–124

Judiciary
To hold hearings to examine high technology patents, relating to business methods and the internet.
SD–226

MAY 3

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.
SD–124

MAY 8

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to genetics and biotechnology.
SD–226