HOUSE OF REPRESENTATIVES—*Thursday, April 26, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 26, 2001.

I hereby appoint the Honorable PAUL RYAN to act as Speaker pro tempore on this day.

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

PRAYER

Metropolitan Stephan F. Petrovich, Archbishop and Primate of New York, Ukrainian Autocephalous Orthodox Church in the U.S.A., offered the following prayer:

All powerful God, You know the hearts of all people and guide all things under Your powerful protection. Help us to always acknowledge Your greatness in comparison to our own human frailty and guide us as we continue to work to make Your will to be done on this Earth.

Bless our Nation which is founded on trust in You. Make us always grateful for the freedoms and blessings we enjoy in this great land of prosperity and mindful of the principles of liberty and justice for all, which our founding fathers and mothers have instilled in us.

In Your divine mercy, guide our Nation's leaders, our elected officials and especially these men and women here today, always keeping in mind these awesome principles upon which our country is founded, never to forget that You call us all not to work for self-glory but to serve the greater good and always make them worthy of the work entrusted to them.

We ask You, O God, to give us the courage to work for peace in the whole world, that the example we give may lead others to sincerely desire the furtherance of the right to the pursuit of happiness for all humankind.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WAXMAN 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 a bill of the following title in which the concurrence of the House is requested:

S. 350. An act to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

WELCOME TO METROPOLITAN STEPHAN F. PETROVICH, ARCHBISHOP AND PRIMATE OF NEW YORK

(Mr. BALDACCI asked and was given permission to address the House for 1 minute.)

Mr. BALDACCI. Mr. Speaker, it is my honor to welcome His Beatitude, Metropolitan Stephan to the United States House of Representatives and to thank him for offering a very thoughtful prayer this morning. I appreciate his willingness to visit Congress and share those meaningful words with Members of the House.

Despite his distinguished position as the highest ranking official of the Ukrainian Orthodox Church in the United States, Metropolitan Stephan is widely recognized for his great humility in connection to the people he serves. His leadership in bringing people of diverse economic, social, and political backgrounds together in fellowship has made a positive difference in the lives of many Americans.

In addition to his services, Metropolitan Stephan has served our Nation in many other ways. A Vietnam veteran, His Beatitude has founded and supported a number of charitable organizations, including a health care program for seriously ill individuals, and efforts to supply humanitarian assistance to the people of Ukraine.

On behalf of my colleagues, I thank Metropolitan Stephan for joining us today and wish him the very best during his visit to Washington.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain 10 one-minutes on each side.

NATIONAL PRETZEL DAY

(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, though many people do not know it, today has been designated by the industry as National Pretzel Day. This is a multimillion-dollar industry, and I have a number of large pretzel producers in my district, including Auntie Anne's, which you see in the shopping malls, Herr's, Anderson, Sturgis, Hammond and others. Everybody, it seems, eats pretzels today; but few of us know about the history of the pretzel and that they are one of the world's oldest snack foods.

Pretzels go back as far as 610 A.D., when young students in North Italian monasteries received them as rewards for correctly reciting their prayers.

A monk designed the pretzel to resemble the way students cross their arms across their chest in prayer, and that is also where the pretzel gets its name. Pretzel comes from ''pretiola,'' the Latin word for ''little reward.''

Pretzels have come a long way in the last 1,400 years and they are now a multimillion dollar industry in the U.S., and they are very popular. I am very proud to say that many of America's most popular pretzels come from Lancaster and Chester Counties in Pennsylvania.

GOLDEN JACKPOT AWARD GOES TO THE SECRETARY OF ENERGY

(Mr. WAXMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, today I am announcing the new winner of the Golden Jackpot Award which has been created to recognize indefensible government decisions that benefit special interests at the expense of the public interest.

There are two worthy contestants for today's award. The recent Bush administration decision to eliminate contraceptive coverage for women in the Federal health insurance plans and to

freeze funding for family planning programs is an amazing example of a ridiculous policy aimed at satisfying right-wing groups that cannot distinguish between abortion and family planning.

Even this incredible decision pales next to Energy Secretary Spencer Abraham's rollback of air conditioner efficiency standards at a time when America is facing its worst energy problems in 25 years. This is an obscure decision that has enormous implications. Because of the rollback, the United States will have to build over 40 new power plants by the year 2020.

The action benefits the manufacturers of air conditioners who contributed heavily to President Bush and Republicans, but it is a disaster for the American people, and Californians in particular. I give this award to Secretary of Energy Spencer Abraham.

REWARDING PERFORMANCE IN COMPENSATION ACT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, performance bonuses and gainsharing programs are a way for employees to share in the success of a company that they work for. Whether exempt or nonexempt, all employees should have the same opportunity to receive bonuses for their hard work. For many employers, the administrative costs associated with operating bonus programs for their hourly employees often end up costing more than actual bonuses. Because of this, current law virtually ensures that employers exclude hourly workers from bonus programs.

Today, I am reintroducing The Rewarding Performance in Compensation Act, which will help workers to share when their efforts that they have produce gains for the company. This legislation would amend the Fair Labor Standards Act to specify that an hourly employee's regular rate of pay in calculating overtime would not be affected by additional payments that reward employees who meet certain goals.

Simply put, this bill would give hourly nonexempt employees the same access to bonuses that are exempt from professional employees that they already receive, and I ask my colleagues to support The Rewarding Performance in Compensation Act.

UNBORN VICTIMS OF VIOLENCE ACT

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong opposition to the so-called Unborn Victims of Violence Act, which will be before this body later on today.

First of all, we should have truth in advertising. This bill has nothing to do with protecting unborn victims, which in it is defined as broadly as three cells, but everything in rolling back a woman's right to choose. It is not about violence against pregnant women. It is about taking away a woman's right to choose. It erodes Roe v. Wade. It will define for the first time the beginning of life in a criminal statute.

The domestic violence groups in America do not support it, but President Bush does. I have the statement of administration policy, President Bush's policy, which is anti-woman, toothless in protecting women against violence; but it is very strong in depriving a woman of a right to choose.

I urge everyone to vote against this bill when it comes to the floor today.

SPIRIT OF VOLUNTEERS AND WORKERS IN SOUTHWEST MINNESOTA UPLIFTS COMMUNITY

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, I want to speak today about the floods that have been wreaking havoc in southwest Minnesota and other areas around the country. A week ago, I was in Montevideo and in Granite Falls with Governor Ventura, and I was saddened by the devastation and flooding that nature can cause; but I was uplifted by the spirit of volunteers and workers that came to help their communities with such a disaster.

I wanted to take this time to thank those communities and the leaders and the many youth who gave so much work and worked so hard to help their neighbors during this time of need: Carver County and Kevin Carrolls; Chaska and Mayor Bob Roepke; Granite Falls and Mayor Dave Smiglewski and Bill Lavin; Montevideo and Mayor Jim Curtis and Steve Jones; New Ulm and Mayor Arnolf Koelpin and Gary Gleisner; Redwood Falls and Mayor Sara Triplett and Jeff Weldon; Shakopee and Mayor Jon Brekke and Mark McNeill; St. Peter and Todd Prafke and Jerry Hawbaker; and to all the others who have worked so hard to help their communities. We applaud their efforts and we thank them.

PROCTOLOGIST SHOULD BE ADVISING JUDGES AT FRENCH BEAUTY CONTEST

(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, is she or is she not? Rumors persist that Miss France is not a big-bone diva but actually a man. Reports say that pageant officials said they are anxiously awaiting the bathing suit contest. Unbelievable. Maybe J. Edgar Hoover will crown the next Miss France, Mr. Speaker.

Hey, what is next? Will they have certification standards performed by licensed gynecologists for these pageants? Beam me up. This is not brain surgery. Even the University of Dayton School of Political Science can determine human genitalia.

I yield back the fact that a proctologist should be advising these judges at this French beauty contest.

UNBORN VICTIMS OF VIOLENCE ACT, A SHIELD OF PROTECTION TO UNBORN CHILDREN

(Mr. GRAVES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES. Mr. Speaker, I rise today in strong support of H.R. 503, the Unborn Victims of Violence Act. This bill extends a shield of protection to those children that cannot protect themselves.

Under this bill, a criminal who commits a violent crime against a pregnant mother will be charged with a second offense on behalf of the second victim, the unborn child.

My home State of Missouri, along with 23 other States across our Nation, already recognize that unborn children who are victims of crimes must be protected from the violent actions of criminals. This legislation will extend the same level of protection to all mothers and their unborn children which is currently afforded to the mothers and children of Missouri and half the States across our country.

Our vote today will send a clear message to the criminals around this Nation that the laws of this land will not tolerate the violent actions against the mothers and their unborn children and will hold criminals strictly accountable for their heinous crimes.

I urge my colleagues to join me in supporting H.R. 503, Mr. Speaker.

□ 1015

MORE MONEY NEEDED FOR PUBLIC SCHOOLS

(Mrs. McCARTHY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to express my support for more money for our public schools. Our public schools desperately need increased funding as we prepare our students for the next generation

for the 21st century. Schools must modernize facilities, provide better training and pay for teachers, reduce class size, and provide innovative learning experiences.

That is why I support the New Democrat's Three R's bill. This bill will increase education funding by $35 billion over 5 years. Right now we only spend 7 percent of our Federal budget on education. That means that some our most neediest schools are not getting enough funding. We need to do more for these schools, and we can.

Let us be honest here: We know that putting more money into the system is not going to solve all our problems. If our schools do the work and use this money to meet their goals, we will reward them with additional funding. But if they do not meet their goals after 3 years, there has to be accountability.

But there is a major difference in the way we approach funding in our schools and the way President Bush approaches it. While the President sends funding to the States without any direction, our approach is that we should send our Federal dollars back to our school districts.

Mr. Speaker, I urge all Members to give all of our schools the help they need by supporting the Three R's.

ENVIRONMENTAL EXTREMISTS DRIVING UP ENERGY COSTS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, people all over this Nation are seeing their gas prices and utility bills go way up. Well, they can thank the environmental extremists, who have stopped or delayed almost every type of production in this Nation.

All over the country, small groups of elitist environmentalists protest every time anyone tries to drill for any oil, dig for any coal, cut any trees or produce any natural gas. This destroys jobs and drives up prices and really hurts the poor and working people the most.

Most of these environmentalists seem to come from wealthy families, and perhaps they do not realize or care how much they are hurting lower income people. Their rules and regulations drive small businesses and small farms out of business, and thus help the extremely big businesses who fund them.

But unless people want their gas and utility bills to go much, much higher, they had better start opposing the left wing socialism that is prevalent in much of the environmental movement today.

TRIBUTE TO LUTRELLE FLEMING PALMER

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I rise today to honor a veteran journalist, a political organizer, a constituent, a neighbor, and a long-time friend, Mr. Lutrelle Fleming Palmer. He recently retired after 50 years of hard-fought and committed activism.

Since 1950, Lu Palmer has been using the power of the pen and the radio to relay firsthand accounts of the triumphs and struggles of African Americans.

As a newspaper reporter, mainstream columnist, and black radio commentator, Lu always did it his way. He frequently took unpopular stands on highly controversial issues. Courageously, he always did so in a very public manner, because for Lu, informing his people was a top priority.

In 1981, he began to organize the politically independent organization, Chicago Black United Communities, or CBUC. Once again, Lu's motivation was to inform and galvanize the black community. The visionary efforts of Lu and CBUC were so successful that he is credited with playing a pivotal role in producing Chicago's first African-American mayor, Mayor Harold Washington.

Lu Palmer's talents, vision, insight, independent spirit and love for his people is commendable and should be recognized by this Congress.

So today, I ask my colleagues to join me in saluting the 50 year-career of the legendary Chicago radio and political activist, Mr. Lutrelle F. Palmer, Lu Palmer.

PROTECTING PREGNANT WOMEN AND UNBORN CHILDREN

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the House will today be taking up a very important piece of legislation, H.R. 503, the Unborn Victims of Violence Act. It is a very carefully constructed bill which will fill a gap which presently exists in Federal law.

Right now, under Federal law it provides no additional punishment for criminals who commit an act of violence against pregnant women and kill or injure the unborn children that they might be carrying.

I want to commend the gentleman from South Carolina (Mr. GRAHAM) for his leadership in preparing this long overdue piece of legislation. Let us protect pregnant women in this Nation, and let us also protect the innocent unborn children that they are carrying.

THE MEDICAID SAFETY NET HOSPITAL IMPROVEMENT ACT OF 2001

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Wisconsin. Mr. Speaker, there are 42.6 million uninsured Americans. The critical care needs of this population, when met, is often provided by safety net hospitals. These institutions provide such care, often at a financial loss to the most needy among us.

Today the gentlewoman from New Mexico (Mrs. WILSON) and I will introduce the Medicaid Safety Net Hospital Improvement Act of 2001. This bipartisan measure raises the floor for Federal Medicaid allotments to States for hospitals that serve the uninsured from 1 percent to 3 percent, alleviating some of the growing burden of providing uncompensated care to many of our Nation's uninsured.

The legislation provides a more level playing field by raising the amount of Federal funds to States that have been undercompensated and does not impact the Federal allotments to other States.

As Congress considers policies for improving health care access to America's uninsured, we must not abandon the safety net already in place. I ask my colleagues to join me in supporting these critical hospitals and the vulnerable populations who depend on them.

RECOGNIZING NATIONAL VICTIMS' RIGHTS WEEK

(Mr. BARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCIA. Mr. Speaker, I rise this morning in recognition of National Victims' Rights Week. Presently the scales of justice are tilted against crime victims. For too long, victims of crime have gone unrecognized in our criminal justice system. Too often the victim is all but forgotten, left outside of the process. This is not right and must be changed.

Victims should not occupy the fringes of our criminal justice process. It was Supreme Court Justice Benjamin Cardozo who said: ''Justice, though due of the accused, is due to the accuser also. The concept of fairness must not be strained until it is narrowed to a filament. We are to keep the balance true.''

As we remember victims of crime this week, we see the filament Justice Cardozo spoke of becoming increasingly thin. Our current system is not fair to victims, and the time has come for us to balance the scales of justice.

Our Nation was founded on the principles of equal protection under the law and equal justice for all. It is not until our Constitution guarantees the rights

of victims that the scales of justice will truly be balanced.

APPOINTMENT OF MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Without objection, and pursuant to section 127 of Public Law 97–377 (2 U.S.C 88b–3), the Chair announces the Speaker's appointment of the following Members of the House to the House of Representatives Page Board:

Mr. SHIMKUS of Illinois,

Mrs. WILSON of New Mexico.

There was no objection.

APPOINTMENT AS MEMBER OF FIRST FLIGHT CENTENNIAL FEDERAL ADVISORY BOARD

The SPEAKER pro tempore. Without objection, and pursuant to Section 12(b)(1) of the Centennial of Flight Commemoration Act (36 U.S.C. 143) and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following citizen of the United States to the First Flight Centennial Federal Advisory Board:

Mr. Neil Armstrong, Lebanon, Ohio.

There was no objection.

APPOINTMENT AS MEMBERS OF JAMES MADISON COMMEMORATION ADVISORY COMMITTEE

The SPEAKER pro tempore. Without objection, and pursuant to section 5(b) of the James Madison Commemoration Commission Act (P.L. 106–550) the Chair announces the Speaker's appointment of the following members on the part of the House to the James Madison Commemoration Advisory Committee:

Dr. Charles R. Kesler, Claremont, California,

Mr. Randy Wright, Richmond, Virginia.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 2001.

Hon. DENNIS HASTERT,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Thank you for appointing me to serve on the House Permanent Select Committee on Intelligence.

In keeping with the Democratic Caucus rules and Rules of the House that limit me to serving on no more than two full committees I am resigning from my seat on the House Committee on Veterans' Affairs.

Please notify me as to the disposition of this request. If you cannot reach me directly at 226–3787, please notify my Chief of Staff, Mark Brownell, at 225–2165.

Thank you in advance for your prompt attention to this matter.

Sincerely,

COLLIN C. PETERSON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 503, UNBORN VICTIMS OF VIOLENCE ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 119 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 119

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 503) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes. The bill shall be considered as read for amendment. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII and numbered 1, if offered by Representative Lofgren of California or her designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Tuesday the Committee on Rules met and granted a modified closed rule for H.R. 503, the Unborn Victims of Violence Act. The rule provides that the amendment printed in the Committee on Rules report shall be considered as adopted.

The rule provides for 2 hours of general debate, equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order the amendment printed in the CONGRESSIONAL RECORD and numbered 1, if offered by the gentlewoman from California (Ms. LOFGREN) or her designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided and controlled by a proponent and an opponent.

Finally, the rule provides for one motion to recommit, with or without instructions.

This is a fair rule, which will permit a thorough discussion of all of the relevant issues. Indeed, after 2 hours of debate and consideration of a Democrat substitute amendment, we will be more than ready to vote on H.R. 503. This is not a complex issue.

Mr. Speaker, on September 12, 1996, Gregory Robbins, an Air Force enlisted man, wrapped his fist in a T-shirt and brutally beat his pregnant 18-year-old wife. Soon after, his young wife gave birth to a stillborn 8-month-old fetus. To their surprise and disappointment, the Air Force prosecutors concluded that, although they could charge Gregory Robbins with simple assault, they could not charge him in the death of the couple's child. Why? Because Federal murder laws do not recognize the unborn. A criminal can beat a pregnant woman in the stomach to kill the baby, and the law ignores her pregnancy.

This is not just an isolated problem. Three years ago in my hometown of Charlotte, North Carolina, Ruth Croston and her unborn child were brutally murdered by her estranged husband. The husband later was charged with domestic violence, but the prosecutors could do nothing about the dead child.

It is wrong, and it has to be stopped. Fortunately, 24 States have adopted laws that protect pregnant women from assaults by abusive boyfriends or husbands, and now it is time for the Federal Government to do the same.

The Unborn Victims of Violence Act would make it a Federal crime to attack a pregnant woman in order to kill or injure her fetus. The bill would only apply in cases where the underlying assault is, in and of itself, a Federal crime, such as attacks by military personnel or attacks on Federal property.

This bill, introduced by my good friend the gentleman from South Carolina (Mr. GRAHAM), should have the support of everyone in Congress. Whether you are pro-life, such as myself, or pro-choice, we should all agree to protect young women from forced, cruel, and painful abortions.

All you have to do is ask the woman who just lost her child to such a violent attack. It is not the same thing as a simple assault. Clearly it is more serious and more emotionally jarring, and it should be treated accordingly.

Mr. Speaker, I strongly urge my colleagues to support this rule and to support the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlewoman for yielding me the customary 30 minutes.

Mr. Speaker, this is a modified closed rule that I will not actively oppose, but H.R. 503, the so-called Unborn Victims of Violence Act, deserves full and open debate. A truly open rule would have insured that no one was shut out of the process.

But everyone in the Chamber understands what is going on today. The majority did not bring this bill to the floor to protect pregnant women. The majority brought the measure to the floor today to launch its battle to end a woman's right to choose in the 107th Congress. But, more specifically, the majority is responding to the call of the National Right to Life Committee and their goal of achieving legal status and protections for a fetus.

□ 1030

If passed, this bill would mark the first time that our Federal laws would recognize the fetus in early stages of gestational development as a person, a notion that the Supreme Court considered but rejected.

Mr. Speaker, H.R. 503 represents an effort to endow a fetus with rights, such as recognition as a crime victim, and to thus erode the fundamental premise of Roe v. Wade. Aside from this general concern, there is a real threat that the bill will spur the antichoice movement to use the legislation as a building block to undermine a woman's right of reproductive freedom.

The threat to Roe v. Wade could not be more clear. In Roe, the Court recognized a woman's right to have an abortion as a privacy right protected by the 14th amendment. In considering the issue of whether a fetus is a person, the Court noted that the unborn have never been recognized in the law as persons in the whole sense, and concluded that ''person,'' as used in the 14th amendment, does not include the unborn.

The supporters of H.R. 503 would suggest that they are advancing the bill in an effort to combat domestic violence. If that is true, it is, at best, an awkward and, at worst, a dangerous effort. If the sponsors of H.R. 503 were truly concerned with the problem of violence against women, they would have supported full funding of the Violence Against Women Act. The amounts appropriated in the 2001 budget are more than $200 million short of the authorization levels.

Mr. Speaker, a far more effective legislative alternative is available, which discourages crimes against pregnant women without undermining Roe v. Wade. Such an alternative is embodied in the Lofgren-Conyers substitute which defines the crime to be against the pregnant woman, whereas H.R. 503 makes the crime against the fetus. This distinction is a critical one because the substitute avoids the issue of ''fetal rights'' and ''fetal personhood'' that put the bill at odds with the principles of Roe v. Wade, medical science and common sense. Instead, the Lofgren-Conyers substitute recognizes it as the woman who suffers the injury when an assault causes harm to her fetus or causes her to lose the pregnancy.

The substitute also acknowledges the connection between the woman and her fetus without distinguishing the rights of one from the other. That is a very important point.

The substitute, therefore, accomplishes the stated goals of H.R. 503, deterring violent acts against pregnant women that cause injury to their fetuses or termination of a pregnancy.

Mr. Speaker, it is unfortunate that the majority's goal of averting violence against women in their developing pregnancies is secondary to the goal of undermining the reproductive rights of women. Rather than seeking to score points in the abortion debate, we invite the majority to join us in crafting legislation that protects women and mothers from violence that threatens all those who are under their care.

I would note that H.R. 503 is unanimously opposed by groups concerned about ending domestic violence and protecting a woman's right to choose, including the National Coalition Against Domestic Violence, the National Women's Law Center, the National Council of Jewish Women, the Planned Parenthood Federation of America, and the People for the American Way.

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

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong support of the rule for consideration of the bill, H.R. 503. The Unborn Victims of Violence Act is a carefully constructed piece of legislation that will help fill the gap in Federal law with regard to protecting unborn children from violence.

Current Federal law provides no additional punishment for criminals who commit acts of violence against pregnant women and kill or injure their unborn children. Thus, except in those States that recognize unborn children as victims of such crimes, injuring or killing an unborn child during the commission of a violent crime has no legal consequences whatsoever.

Mr. Speaker, H.R. 503 would correct this deficiency in the law by providing that an individual who injures or kills an unborn child during the commission of certain predefined violent Federal crimes may be punished for a separate offense.

I would like to reiterate what the gentlewoman from North Carolina said about a particularly heinous case. This legislation would ensure that prosecutors have the tools they need to prosecute criminals like Gregory Robbins, who was an airman at Wright-Patterson Air Force Base in my State of Ohio, when he wrapped his fists in a T-shirt to reduce the chance that there might be bruising and visible wounds on the mother of the child and beat his 8-months pregnant wife in the face and abdomen, and he killed the unborn baby in doing that.

Military prosecutors were able to charge Robbins for the death because under Ohio law, there is a fetal homicide law, and they were able to do so under the Uniform Code of Military Justice. But had Mr. Robbins committed this act just across the Ohio River, just across from my district which is Cincinnati, in Kentucky, a State which has no fetal homicide law, he would have received no additional punishment for killing the unborn child.

By enacting H.R. 503, Congress will ensure that violent criminals who commit violent acts against pregnant women are justly punished for injuring or killing those unborn children. Without the Unborn Victims of Violence Act, the crimes against these innocent victims will continue to go unpunished.

Mr. Speaker, I strongly support this rule, and I urge my colleagues to support the rule and H.R. 503 to provide meaningful protection for violence against unborn children. We ought to stop that in this country, and this is the appropriate legislation to do so.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I would like to take a moment to give the penalties from the Lofgren substitute, which are even stronger than those of the underlying bill. The Lofgren-Conyers substitute includes the following elements:

One, it creates a separate criminal Federal offense for harm to a pregnant woman, which protects the legal status of a woman.

Two, it recognizes the pregnant woman as the primary victim of the crime that causes termination of the pregnancy.

Three, it includes exactly the same sentences for the offenses as does the base bill, providing a maximum 20-year sentence for injury to the woman's pregnancy, and a maximum of life sentence for termination of a woman's pregnancy, and requires a conviction for the underlying predicate offense, requiring an intent to commit the predicate offense be proven.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in strong support of H. Res. 119, and I would like to commend the gentlewoman from North Carolina (Mrs. MYRICK), the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, and all of the members of the Committee on Rules for their hard work on this fair rule.

Mr. Speaker, this rule is almost identical to the rule passed in the 106th Congress to consider similar legislation that provides for thorough consideration of H.R. 503 by authorizing 2 hours of debate and an opportunity for the minority to offer a substitute amendment which will be debated for 1 hour. This is a fair rule which will provide ample time for both debate and amendment.

Furthermore, the rule provides that the amendment committed in the Committee on Rules report, which makes a technical change to the Uniform Code of Military Justice shall be considered as adopted when the rule is adopted. I appreciate the indulgence of the Committee on Rules with regard to the small perfecting provision, and I would also like to thank the chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP) for working with me to facilitate the consideration of this legislation.

Mr. Speaker, I urge all Members to support this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in very strong opposition to the Rule for H.R. 503, "Unborn Victims of Violence Act of 2001." We should have had more opportunity to discuss this extremely vital public policy matter in a serious way. This legislation has regrettably come to the House without more than nominal consideration of the consequences of the sponsor's bill. We can and should do better, Mr. Speaker.

At this time, I would like to express my opposition to H.R. 503, the "Unborn Victims of Crime Act" because I believe this is a veiled attempt to create a legal status for the unborn. While we would all like to protect pregnant women and the fetus from intentional harm by others, this bill seeks to create a legal status that will give anti-abortion advocates a back door to overturning current law. I have seen similar legislation come before our committee and I am sorry to see it before the Congress yet again.

I believe that the cosponsors of this bill had good intentions when it was introduced, but the practical effect of this legislation would effectively overturn 25 years of law concerning the right of a woman to choose. That would be a travesty.

I sympathize with the mothers who have lost fetuses due to the intentional violent acts of others. Clearly in these situations, a person should receive enhanced penalties for endangering the life of a pregnant woman. In those cases where the woman is killed, the effect of this crime is a devastating loss that should also be punished as a crime against the pregnant woman.

However, any attempt to punish someone for the crime of harming or killing a fetus should not receive a penalty greater than the punishment or crime for harming or killing the mother. By enhancing the penalty for the loss of the pregnant woman, we acknowledge that within her was the potential for life. This can be done without creating a new category for unborn fetuses.

H.R. 503 would amend the federal criminal code to create a new federal crime for bodily injury or death of an "unborn child" who is in utero. In brief, there is no requirement or intent to cause such death under federal law. The use of the works as "unborn child," "death" and "bodily injury" are designed to inflame and establish in federal precedent of recognizing the fetus as a person, which, if extended further, would result in a major collision between the rights of the mother and the rights of a fetus. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, it is my firm belief that this bill will give anti-abortion advocates a powerful tool against women's choice.

This bill will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased civil liability is present.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

If we are concerned about protecting a fetus from intentional harm such as bombs and other forms of violence, then we also need to be just as diligent in our support for women who are victimized by violence.

In the unfortunate cases of random violence, we need to strengthen some of our other laws, such as real gun control and controlling the sale of explosives. These reforms are more effective in protecting life than this bill.

We do not need this bill to provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

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.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 503.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

UNBORN VICTIMS OF VIOLENCE ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, pursuant to H. Res. 119, the rule just passed, I call up the bill (H.R. 503) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 119, the bill is considered read for amendment.

The text of H.R. 503 is as follows:

H.R. 503

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. Protection of unborn children.

"§ 1841. Protection of unborn children

"(a)(1) Whoever 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) 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 under Federal law for that conduct 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 instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

"(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), (f), (h)(1),

and (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), (a)(2)(B), and (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) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

''(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) As used in this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(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 new item:

''90A. Protection of unborn children .. 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 new section:

''§ 919a. Art. 119a. Protection of unborn children

''(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 provided under this chapter for that conduct 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 accused 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, instead of being punished under subparagraph (A), be punished as provided under sections 880, 918, and 919(a) of this title (articles 80, 118, and 119(a)) for intentionally killing or attempting to kill a human being.

''(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 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

''(2) of any person for 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, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(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 new item:

''919a. 119a. Protection of unborn children.''.

The SPEAKER pro tempore. Pursuant to House Resolution 119, the amendment printed in House Report 107–50 is considered adopted.

The text of H.R. 503, as amended pursuant to House Resolution 119, is as follows:

H.R. 503

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. Protection of unborn children.

''§ 1841. Protection of unborn children

''(a)(1) Whoever 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) 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 under Federal law for that conduct 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 instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

''(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), (f), (h)(1), and (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), (a)(2)(B), and (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) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

''(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) As used in this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(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 new item:

''90A. Protection of unborn children .. 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 new section:

''§ 919a. Art. 119a. Causing death of or bodily injury to unborn children

''(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 provided under this chapter for that conduct 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 accused 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, instead of being punished under subparagraph (A), be punished as provided under sections 880, 918, and 919(a) of this title (articles 80, 118, and 119(a)) for intentionally killing or attempting to kill a human being.

''(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 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

''(2) of any person for 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, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(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 new item:

''919a. Art. 119a. Causing death of or bodily injury to unborn children.''.

The SPEAKER pro tempore. After 2 hours of debate on the bill, as amended, it shall be in order to consider an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1, if offered by the gentlewoman from California (Ms. LOFGREN) or her designee, which shall be considered read and shall be debatable for 60 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 60 minutes of debate on the bill.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 503, the Unborn Victims of Violence Act of 2001. Under current Federal law, an individual who commits a Federal crime of violence against a pregnant woman receives an additional punishment for killing or injuring that woman's unborn child during the commission of the crime. As a result, except in those States that recognize unborn children as victims of such crimes, injuring or killing an unborn child during the commission of a violent crime has no legal consequence whatsoever.

This deficiency in the law is especially troubling, considering the findings of a recent study of women in Maryland published in the March 21, 2001, issue of the Journal of the American Medical Association. The authors of this study found that homicide is likely the leading cause of death among women who are pregnant or were recently pregnant.

Another recent study of autopsies performed on women here in the District of Columbia revealed that an inordinate number of women who died of violence were also pregnant. This study prompted a call for an investigation by the General Accounting Office and the FBI.

Mr. Speaker, H.R. 503, the Unborn Victims of Violence Act of 2001, was designed to correct this deficiency in Federal law by providing that an individual who injuries or kills an unborn child during the commission of certain predefined violent Federal crimes may be punished for a separate offense. The Subcommittee on the Constitution held a hearing on virtually identical legislation during the 106th Congress, and the bill passed the House with strong bipartisan support on September 30, 1999, by a vote of 254 to 172.

During the current Congress, the Subcommittee on the Constitution held a hearing on this legislation on March 15, 2001. The subcommittee held a markup on the legislation on March 21, 2001, and reported the bill without amendment by a voice vote. On March 28, 2001, the full Committee on the Judiciary held a markup and favorably reported H.R. 503, without amendment, by a recorded vote of 15 to 9.

Under the act, the punishment for an offense against the unborn child will be the same punishment that would have been imposed under Federal law had that conduct resulted in the same injury to the mother. For example, if an individual assaults a Federal official in violation of 18 United States Code Section 111, as a result of that assault kills the official's unborn child, the perpetrator may be punished for either second degree murder, voluntary manslaughter, or involuntary manslaughter, for killing the unborn child, the same punishment the individual would have received had the Federal official died as a result of the assault. By its own terms, the act does not apply to 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.

□ 1045

So this is not an abortion bill. The act does not permit prosecution of any person for any medical treatment of the pregnant woman or her unborn child or the mother for any conduct with respect to her unborn child.

The Unborn Victims of Violence Act of 2001 will provide just punishment for criminals like Glendale R. Black of Wisconsin, who on February 8, 1992, brutally beat his wife, Terry Marciniak, who was 9 months pregnant with her unborn baby, Zachariah. Little Zachariah was just 4 days from being delivered from his mother's womb. At the hospital, Zachariah was delivered dead.

At that time, Wisconsin did not have an unborn victims law like H.R. 503, so Black was convicted of only assault and is already eligible for parole.

The bill would also provide punishment for criminals like Reginald Anthony Falice, who on April 28, 1998, shot his 8-month-pregnant wife, Ruth Croston, at least five times as she sat at a red light in Charlotte, North Carolina. Falice was convicted by a Federal jury for interstate domestic violence and using a firearm in the commission of a violent crime, but because Federal law did not currently recognize the unborn as victims, he received no additional punishment for killing the near-term infant.

Ms. Croston's brother, William Croston, testified before the Subcommittee on the Constitution regarding the tragic death of his sister and the failure of Federal law to recognize the murder of his unborn niece.

Or criminals who planted a bomb just outside of Tammy Lynn Baker's apartment in Louisa, Virginia. Ms. Baker was near term with her unborn child when the bomb exploded on December 3, 1997, killing her and the child.

Nearly 3 years later, Coleman Johnson, the unborn child's father, was arrested on a Federal explosives charge for the death of Ms. Baker and is awaiting trial. His charges do not include the murder of his unborn child.

A similar incident occurred in Connellsville, Pennsylvania on January 1, 1999, when Deanna Mitts, who was 8 months pregnant, returned home from a New Year's Eve celebration with her 3-year-old daughter, Kayla. A bomb exploded in her apartment, killing Ms. Mitts, Kayla, and the unborn child.

Almost a year later, Joseph Minerd, the presumed father of the unborn child, was arrested for Deanna and Kayla's murder, but is not being held criminally liable for the harm caused to the unborn child.

This legislation would also ensure just punishment for criminals like Gregory Robbins, an airman at Wright-Patterson Air Force Base, in Ohio who wrapped his fist in a T-shirt to reduce the chance he would inflict visible bruises, and beat his 8-months pregnant wife in the face and abdomen, killing their unborn baby.

Military prosecutors were able to charge Robbins for death of the unborn child by assimilating Ohio's fetal homicide law through the Uniform Code of Military Justice. Had Mr. Robbins beaten his wife just across the river in Kentucky, a State which has no fetal homicide law, he would have received no additional punishment for killing the unborn child.

By enacting H.R. 503, Congress will ensure that criminals who commit violent acts against pregnant women are justly punished for killing unborn children or injuring them. Without this bill, crimes against these innocent victims will go unpunished.

I have given the Members of the House a list of several heinous crimes. It shows the need for this legislation. It shows specifically that killing an innocent unborn child should be prosecuted to the fullest extent of the law.

The only way to do this is to pass H.R. 503, and I urge my colleagues to support this important legislation.

Mr. Speaker, at the request of the Chairman of the Armed Services Committee, Mr. STUMP, I submit for the RECORD a letter he wrote to the Speaker relating to the floor consideration of H.R. 503, the "Unborn Victims of Violence Act of 2001."

COMMITTEE ON ARMED SERVICES,
Washington, DC, April 23, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In recognition of the desire to expedite floor consideration of H.R. 503, the Unborn Victims of Violence Act of 2001, the Committee on Armed Services agrees to waive its right to consider this legislation. H.R. 503, as introduced and ordered reported by the Committee on the Judiciary on April 20, 2001, contains subject matter that falls within the legislative jurisdiction of the Committee on Armed Services pursuant to rule X of the Rules of the House of Representatives.

The Committee on Armed Services takes this action with the understanding that the Committee's jurisdiction over the provisions in question is in no way diminished or altered, and that the Committee's right to the appointment of conferees during any conference on the bill remains intact.

Sincerely,

BOB STUMP,
Chairman.

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

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to join my colleagues in this discussion. I have listened to the chairman of the Committee on the Judiciary begin by describing, I lost count, about seven or eight horrible, offensive, violent incidents in which a pregnant mother and her unborn child were hurt or killed.

There is not anyone in the Congress that does not feel very strongly about the violence against unborn victims. But if that is going to be the way we get to undermining Roe v. Wade, I do not think it is going to happen here today, because I think our job is to make it clear what is really going on.

Just for the record, I would like everybody to know that there is punishment for the killing of a fetus. It was stated that there is no punishment that exists today. It is in the Federal law. It is in the current Federal sentencing guidelines that permit the enhancement of a sentence under the vulnerable victims guideline. So that is number one.

Number two, there is a substitute. There is a remedy to the flawed bill that has been brought on the floor. That is the Lofgren-Conyers substitute, which does everything, and in some instances it has more penalty for the person that attacks a pregnant mother and kills an unborn victim than the current bill, but it gets us around the subversion of Roe v. Wade, and it comports with Roe v. Wade.

I am amazed that we would begin this discussion trying to skip around the whole heart of this debate. This is not a matter of how many anecdotes you can dig up. I have 40. The gentleman has 10. I have twice that amount.

The question is, how are we going to deal with the subject, Mr. Speaker. The right way to do it is through the substitute, which is going to be dealing with a way to punish the people that violate mothers, and by the way, it is hard to deal with an unborn victim of violence without hurting the mother as well. So this is what we are here to discuss today.

Let us be friendly about this. This act was designed to erode the foundation of a woman's right to choose under Roe v. Wade by simply elevating the legal statuses of prenatal development under Federal law, and creates a separate offense during the commission of a crime ". . . which causes death to a member of the species homo sapiens at any stage of development." That is a quote from the bill.

Well, that sounds okay, but what does it mean? It means that if enacted, this would be the first time in the Federal legal system that we would begin to recognize a fertilized egg, a zygote, a preimplantation embryo, a blastocyst and an embryo through 8 weeks of pregnancy or a fetus after 8 weeks which can be a person, which can be an independent violent crime. That is what the bill is trying to do.

I did not know I would have to be the first to bring it to discussion, since I am against it, but no sneaking around today, we are going to have to put it all on the table, so we might as well start off now defending the proposition that is embedded fatally in H.R. 503.

These acts against women are tragic and especially for pregnant women. But the true aim of this legislation is not to stop violence against women. In fact, the protections for women are notably absent from this legislation.

So what we are here today to do is to determine whether or not we are going to undermine a woman's right to choose by recognizing that all of these things that have not had separate rights are now equal to and in some cases superior to women who are worthy of the legal protection.

The Supreme Court has held, I remind all the lawyers on the Committee on the Judiciary, the Supreme Court has held that fetuses are not persons within the meaning of the 14th amendment. I am not going to repeat that. If enacted, the bill would improperly inject debates about abortion into criminal prosecutions across the country. That is unfortunate and tragic.

I think that may be one of the purposes of why the proponents have written the bill up in this way. They have crafted a bill that is certain to inflame the national debate about when life begins. We do not want to do that. We just merely want to protect unborn victims of violence. The way to do it is by simply moving away from the notion that we have just created another category of persons that have not ever been recognized in the Federal legal system before now. That is why we are going to have a fair amount of opposition to this proposal.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the chairman for yielding time to me, and I thank him for his leadership on this very important issue.

Mr. Speaker, as we conduct this debate today, we going to hear from opponents that, for various reasons, the Unborn Victims of Violence Act of 2001 is unconstitutional. We will also hear that the legislation in some mysterious way applies to abortion.

I want to make very clear from the beginning that these assertions are false. In fact, these arguments only serve as a smokescreen, a distraction from the real issue at hand.

What are the real issues? Those of us supporting this legislation believe that when a criminal commits an act of violence against a woman and her unborn child, the criminal should face punishment for both the harm caused to the mother and for injuring or killing the innocent child that she is carrying.

Opponents of the legislation feel otherwise. They believe that the criminal should not face separate sanctions for harm inflicted on the unborn child, even if the unborn child, a child that the mother greatly wanted to bring into this world, is killed.

With that in mind, Mr. Speaker, I would like to take this opportunity to address the legal issues that have been raised regarding the Unborn Victims of Violence Act.

First, questions have been raised about Congress' constitutional authority to enact this legislation. The challenge to the bill on this ground is completely without merit. It is clear that Congress has such constitutional authority because the bill will only affect conduct that is already prohibited by Federal law.

H.R. 503 merely provides an additional offense and punishment for those who injure or kill an unborn child during the commission of one of the existing predicate offenses set forth in the bill. If there is any question regarding the constitutionality of the act's reach, that question is addressed to the constitutionality of the predicate offense, not H.R. 503.

Opponents of this legislation also argued that it somehow violates the decision of the Supreme Court in Roe v. Wade. This argument is also without merit. To begin with, H.R. 503 simply does not apply to abortion. On page 4 of the bill, beginning on line 9, prosecution is explicitly precluded "for any

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.''

□ 1100

So it does not apply to abortion. The act also does not permit prosecution ''of any person for any medical treatment of the pregnant woman or her unborn child or of any woman with respect to her unborn child.'' So it does not apply to abortion, period. The act could not be more clear in exempting abortion.

Moreover, there is nothing in Roe v. Wade that prevents Congress from giving legal recognition to the lives of unborn children outside the parameters of the right of abortion marked off in that case. In establishing a woman's right to terminate her pregnancy, the Roe court explicitly stated that it was not resolving ''the difficult question of when life begins,'' because ''the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer.'' That is what the Court said.

What the court held was that the government could not override the rights of the pregnant woman to choose to terminate her pregnancy by adopting one theory of when life begins. The Supreme Court explicitly confirmed this understanding of Roe in Webster v. Reproductive Health Services. That was a 1989 case.

Courts addressing the constitutionality of State laws that punish killing or injuring unborn children have recognized the lack of merit in the argument that such laws violate Roe and as a result have consistently upheld those State laws. For example, in Smith v. Newsome, which was decided in 1987, the United States Court of Appeals for the 11th Circuit held that Roe was immaterial to whether a State can prohibit the destruction of a fetus by a third party.

The Minnesota Supreme Court echoed that sentiment in 1990 in the case of State v. Merrill, holding that Roe v. Wade protects the woman's right of choice. It does not protect, much less confer on an assailant, a third-party unilateral right to destroy the fetus.

In 1994, the California Supreme Court held in People v. Davis that the Roe v. Wade principles are inapplicable to a statute that criminalizes the killing of a fetus without the mother's consent. In State v. Coleman, a 1997 case, the Ohio court, my State, the Court of Appeals stated, ''Roe protects a woman's constitutional right. It does not protect a third-party's unilateral destruction of a fetus.''

Opponents of this legislation have also argued that the use of the term ''unborn child'' is ''designed to inflame.'' They contend that the use of this term may, in the words of those dissenting from the Committee on the Judiciary report, result in a major collision between the rights of the mother and the rights of the unborn.

This objection reflects nothing more than the semantical preferences of the most radical abortion advocates. It is based upon an apparent lack of knowledge of the widespread use of the term ''unborn child'' in the decisions of the United States Supreme Court and the United States Courts of Appeals, in State statutes and in State court decisions, and even in the legal writings of abortion advocates themselves.

The use of the term ''unborn child'' by the Supreme Court can be illustrated by reference to Roe v. Wade itself, in which Justice Blackmon used the term ''unborn children'' as synonymous with ''fetuses.'' Justice Blackmon also used the term ''unborn child'' in Doe v. Bolton, the companion case to Roe, in which the court struck down Georgia's abortion statute.

Subsequent Supreme Court decisions have also used the term ''unborn child'' as synonymous with fetus. These cases include City of Akron v. Akron Center for Reproductive Health, decided back in 1983; Webster v. Reproductive Health services, decided in 1989; and International Union v. Johnson Controls, decided in 1991.

There are so many decisions by the United States Courts of Appeal using the term ''unborn child'' that it would be too time consuming to go through them all.

There are also at least 19 State criminal statutes similar to H.R. 503 that currently use the term ''unborn child'' to refer to a fetus, and these statutes have been consistently upheld by the courts.

Even abortion advocates such as Catharine MacKinnon have used the term ''unborn child'' as synonymous with the term ''fetus.'' In an article that was published in the Yale Law Journal entitled ''Reflections on Sex Equality Under the Law,'' Professor MacKinnon conceded that a ''fetus is a human form of life'' that is ''alive.'' In her defense of abortion, Professor MacKinnon expressed her view that ''many women have abortions as a desperate act of love for their unborn children.''

Finally, opponents of H.R. 503 have argued that the bill lacks the necessary means requirement for a valid criminal law and is therefore unconstitutional. This argument reflects a lack of understanding of H.R. 503 and the well-established doctrine of transferred intent in the criminal law.

Under H.R. 503, an individual may be guilty of an offense against an unborn child only if he has committed an act of violence with criminal intent upon a pregnant woman, thereby injuring or killing her unborn child. Relying upon the doctrine of transferred intent, H.R. 503 considers the criminal intent directed toward the pregnant woman to have also been directed toward the unborn child.

The transferred intent doctrine was recognized in England as early as 1576 and was adopted by the American courts during the early days of the Republic. A well-known criminal law commentator describes the application of the doctrine to the crime of murder in language that is remarkably similar to the language and operation of this legislation as follows: ''Under the common-law doctrine of transferred intent, a defendant who intends to kill one person but instead kills a bystander, is deemed the author of whatever kind of homicide would have been committed had he killed the intended victim,'' which is essentially what we have under this legislation.

Mr. Speaker, it is clear that the legal challenges to this bill cannot withstand serious scrutiny. It is clear that this law does not in any way impact abortion. It is especially clear that the opposition of the bill, in fact, stems from an objection to the very concept of unborn children. The opponents insist that a concept that is a well-recognized one in the law is somehow dangerous and subversive. These arguments should be soundly rejected. The only people who have anything to fear from this bill are the criminals who engage in violent acts against women and the unborn children that they are carrying.

So, again, let me remind my colleagues of what the true question is before us. Do you believe that a violent criminal who kills or injures an unborn child, a child who is loved and wanted by a mother and usually the father, should face an additional offense and punishment for their acts? I believe that the American people would answer that question with a resounding yes, and I hope the House would do the same today.

I thank the gentleman from South Carolina (Mr. GRAHAM) for his leadership on this issue. I also thank the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for his leadership.

I urge Members to vote in favor of the Unborn Victims of Violence Act.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to hear from the gentleman from Ohio (Mr. CHABOT), the subcommittee chairman. I would like him to know that all of us on our side and those that support the substitute believe strongly that victims of violence should be punished; the victims, both the mother and the unborn infant, the unborn victim. Okay. We all believe that. We do not have a different view on that. Okay.

The second thing that you need to know is that, if this bill does not deal with abortion, which I will go into

later, why is it coming out of the Subcommittee on the Constitution instead of the Subcommittee on Crime?

Mr. Speaker, I yield to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding to me. It is because the Subcommittee on the Constitution has jurisdiction over this particular issue, issues of privacy, issues of civil rights, a whole range of issues.

Mr. CONYERS. Mr. Speaker, this is a civil rights bill?

Mr. CHABOT. Pardon me?

Mr. CONYERS. The gentleman from Ohio said this is a civil rights bill?

Mr. CHABOT. Mr. Speaker, I am saying that is one among many of the other issues. I was going to say it also has jurisdiction over constitutional amendments and all kinds of issues.

Mr. CONYERS. All right. Is it a crime bill?

Mr. CHABOT. Pardon me?

Mr. CONYERS. Mr. Speaker, is it a crime bill? Yes or no?

Mr. CHABOT. Mr. Speaker, it is an issue that clearly is a crime against unborn children and as well as the mothers.

Mr. CONYERS. Mr. Speaker, the gentleman from Ohio is saying yes, I take it. It is sort of a crime bill.

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

Mr. CONYERS. I yield to the gentleman from Ohio. It is a crime bill.

Mr. CHABOT. Mr. Speaker, it is a crime bill as well as a constitutional issue.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Ohio. It took a half a minute of my time to get to that. But it is a crime bill that comes out of the Subcommittee on the Constitution in the Committee on the Judiciary.

Now, you think we do not know why, do you not? You think we thought that it was tossed there by accident. But it is tossed there because it is changing the fundamental constitutional law in the most controlling case on abortion in current Federal judicial practice, Roe v. Wade. That is why it went there.

So I think that we ought to put all these cards on the table and not try to demonize the other side because we have a bill that does the same thing as the primary bill. But the only thing that we do not do is that we do not redefine what an embryo is. We do not change the status of a fetus or a fertilized egg. We do not make them all persons, and you do. There it is, I say to the gentleman from Ohio (Mr. CHABOT). That is the difference. If my colleagues corrected that difference, we would all be supporting their bill.

It turned out that the Lofgren substitute is even more harsh on those who violate women who are pregnant. So I just wanted my colleagues to take that under consideration as we continue to debate.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD) who is the chairperson of the Women's Caucus.

Ms. MILLENDER-MCDONALD. Mr. Speaker, let me thank the ranking member for his leadership on this issue.

Mr. Speaker, I rise in strong opposition to H.R. 503. As the cochair of the Congressional Caucus on Women's Issues, I am insulted by this misleading piece of legislation. This legislation is deceptive, destructive, and a poor attempt to mislead and strip away a woman's reproductive rights. This bill is extremely volatile and has the potentiality to eradicate a woman's right to choose as recognized by the landmark case Roe v. Wade.

This bill, in fact, undermines a woman's right to choose as cited in the New York Times editorial yesterday, ''The Reproductive Rights Under Attack.'' In fact, it says, ''Packaged as a crime fighting measure, H.R. 503 is actually aimed at fulfilling a long-term goal of the right to life movement.''

I stand firmly in the belief that women's reproductive decisions are private and their individual freedoms must be preserved. Those who support this bill claim that it is necessary in order to vigorously punish offenders who harm pregnant women. If the emphasis of the bill is to protect women, why is this not mentioned anywhere in the bill.

Assault against pregnant women is serious. Legislation that has a separate agenda such as this one cannot provide the adequate protection to women.

I oppose H.R. 503 because its real purpose is to erode the reproductive rights of women. It is not intended to recognize violence against women. In fact, it does not even reference a woman. It could make matters worse for women by encouraging antiabortion prosecutors to pursue charges for harm to embryos or the fetus while ignoring the woman who has also been harmed.

Mr. Speaker, this is, indeed, a smoke screen. It is an affront to American women who wish to have their reproductive rights left to them. I say, if you are going to protect the rights of all other folks, the gun owners, the oil drillers, then protect the rights of women. I oppose H.R. 503.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) has questioned the Subcommittee on the Constitution considering this bill and has said that this is a wholesale assault on the constitutional rights granted women by Roe v. Wade. He is wrong.

Twenty-four States have statutes similar to the one that is being considered today. If those statutes which protect the rights of unborn children were such an assault on the mother's constitutional right, every one of them would have been struck down by a Federal court, from the District Court to the Supreme Court level. They have not been, because it is not an assault on the constitutional right of a woman to choose.

Then we just heard from the gentlewoman from California (Ms. MILLENDER-MCDONALD) that this strips away women's reproductive rights. I would submit to the gentlewoman from California that, if the woman wanted to have an abortion, she would have had an abortion before the assault took place. In these cases that this bill will protect, the woman wants to have her child born.

□ 1115

So she has already made her choice, and that was for the child to be born. If someone takes away that child's right to life through an assault or through a murder, then that person, that criminal, ought to be prosecuted twice. You do not want the criminal prosecuted twice when the woman has chosen to bring that child to term and have that child born alive.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of this bill and agree with the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Ohio (Mr. CHABOT) that this issue has nothing to do with abortion. Unlike the substitute that will be offered later today, this bill specifically exempts any activity involving a legal abortion. This bill is directed only at protecting the unborn child. It is an extension. In fact, this bill allows for an additional prosecution after a person has committed a violent act against the woman herself. Therefore, it does recognize the woman. In fact, it recognizes the woman first.

Mr. Speaker, this woman that we are talking about must be pregnant, but she must first be a victim of a crime of one of over 60 Federal statutes that are violent acts perpetrated against the woman. Only then will this legislation kick in, basically, as a way to also prosecute that perpetrator for the crime done against the unborn child.

I commend to my colleagues that this is a measure that respects the decision of the woman to bear her child. This is a measure that is an additional ability for the Federal Government to prosecute against an extreme act of domestic violence that causes not only harm to a woman, but also harm and often death to her unborn child.

Mr. Speaker, as a State Senator, I worked on issues of domestic violence, and was proud, in 1998, to support Pennsylvania's version of this bill. In fact, the vast majority of Senators and House members in Pennsylvania, both pro-choice and pro-life, supported this measure because we understand that domestic violence is a serious problem

in this country. Unfortunately, statistics show that many of the children, the unborn children who are killed in these cases, their mothers are victims of domestic violence, as are they. In fact, as published in the Journal of the American Medical Association, March 21, 2001, a study that was done in Maryland recognized the highest percentage of pregnant women who die, die as a result of homicide.

Mr. Speaker, I submit to my colleagues that this is a serious issue of violence, a serious issue of domestic violence, and it should not be clouded by concern about future legislation or potential legislation that some believe may try to overturn Roe v. Wade.

Our ultimate concern here should be the real victims of crime. The real victims of crime continue to be women who are victims of domestic violence due to an outraged partner. The real victims of crime are their unborn children, who often are the cause of the violence directed towards the mother.

Mr. Speaker, I submit to my colleagues that this is commonsense legislation. It is supported across the country, and it is constitutional.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I think it is unfortunate that this Congress has apparently failed to take the opportunity to unite on something that I think we could agree on, namely, that it is wrong to assault women. It is wrong to assault pregnant women. It is a dreadful crime to cause a miscarriage through an assault on a woman. Instead of addressing these dreadful offenses we are back to that same old fight that divides this country, abortion.

Mr. Speaker, I know that there are Members of this House on both sides of the aisle who disagree on the question of abortion. Oftentimes those viewpoints are rooted in one's religious beliefs. I accept the fact that this country has disagreements about abortion.

It is unacceptable that we would use the issue of violence against women and causing miscarriages as the entryway to having still another fight about choice.

Mr. Speaker, I believe the Unborn Victims of Violence Act will be found unconstitutional. The gentleman mentioned that there are State statutes that define a person as a zygote or an embryo, but those State statutes have not been tested in the Federal courts or in the Supreme Court, and are clearly at odds with Roe v. Wade. Instead we can adopt a substitute that will be offered later today that assures that any woman who is assaulted and, as a consequence of that assault, miscarries and loses her opportunity to have a much-wanted child, occasions a separate prosecution. We should not tolerate behavior that causes miscarriage.

Any person who has lost a child, any person who has had a miscarriage, understands that is a devastating event that one never forgets and never gets over. I am hopeful that we can put the abortion debate to one side and reserve the argument about abortion for another day and come together with the Lofgren-Conyers substitute that will be offered later today and not entangle this very serious issue, of harming a pregnant woman, with that other fight, about abortion and choice.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 15 seconds.

I agree we ought to talk about abortion when an abortion bill comes up. You are not hearing about abortion from this side of the aisle. The other side of the aisle is bringing up the issue of abortion.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Speaker, I have to agree with the gentleman from Wisconsin (Mr. SENSENBRENNER). This has become an abortion debate because the other side of the aisle has made it such. They are so extreme and so afraid that they would lose their right to have an abortion, that they would even deny those unborn children that are killed by crime the rights that are due every other citizen in this country.

Mr. Speaker, Members should support this bill and oppose the Lofgren amendment because it fails to acknowledge when unborn children are killed, they have been murdered. Life and death should not be subsumed beneath some semantic fog. It is time that our society begin recognizing and defending both victims who are harmed when violent criminals attack pregnant women. Those who would artificially discriminate between lives lost to crime within and outside the womb draw empty and callous distinctions. All life is precious. Society must protect every victim of crime.

Mr. Speaker, current Federal law devalues and denies significance to unborn children. This destructive precedence has two unfortunate consequences. First, current law accrues to the benefit of the murderous thugs who destroy the lives of unborn children. These criminals are not forced to atone for the young life that they have destroyed.

Second, by denying a legal identity to unborn victims, we create a society that is coarser, less feeling and less than it would otherwise be. The law must not look upon a violent criminal's unborn victim with an indifferent eye. Every young life must be acknowledged. Every young life must be protected from predatory criminals.

Of course society through manners and custom have always deferred to the care and comfort of pregnant women, but we would be callously deceived if we limited our heightened attention merely to the woman's physical condition without acknowledging a vital predicate. It is precisely because a woman carries the miracle of life within her that she becomes the most precious and treasured member of society. It is because two lives exist together that society seeks to protect the woman. And the law must protect both lives. The law cannot remain blind on this point.

Mr. Speaker, let us take the logic underlying the opposition to this bill and apply it to the case of an elderly victim. It would be a truly repugnant idea to suggest that criminals should serve diminished sentences if they preyed on elderly victims with only a few years left to live. Fortunately, society does not draw this ugly distinction. We value and protect life until a person draws their final breath. It is intrinsically flawed reasoning leading to an equally gross injustice to deny explicit protection to an unborn person who is months, weeks, or even days from breathing his or her first breath.

Society must extend the protection of a law to every vulnerable victim. The mothers of these murdered children see these crimes with the proper perceptive. In an all-too-common set of horrible circumstances, the criminal's unborn victim is actually the primary target when a murderer stalks a pregnant woman. Under current law, when an unborn victim is murdered, in the eyes of society, no one has died. That has to change in our society.

Mr. Speaker, it is time to end this awful and unconscionable oversight. This bill extends protection to every vulnerable victim in America. Support this bill so that society will acknowledge and defend every vulnerable American.

Mr. CONYERS. Mr. Speaker, I yield 7 minutes to the gentleman from New York (Mr. NADLER), and ask him to yield to me.

Mr. NADLER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I wanted to say to the gentleman from Texas, the very distinguished majority whip, before he leaves the floor that we do recognize and make prosecutable killers of women that are pregnant.

Mr. Speaker, we create two separate crimes, so I do not want that misstated again unless you read the Lofgren-Conyers substitute. Two separate crimes, both prosecutable and will be prosecutable because they are constitutional.

Mr. NADLER. Mr. Speaker, I oppose this bill before us today because it is unnecessary, misguided and facially unconstitutional. The Supreme Court in Roe v. Wade clearly said, ''The unborn have never been recognized in the whole sense,'' and concluded that ''person,'' as used in the 14th amendment of the Constitution, does not include the unborn.

□ 1130

As the gentleman from Texas (Mr. DELAY) just made clear in his speech a moment ago, as everybody I have heard on the other side has made clear in their speeches, the whole purpose of this bill is precisely to label the unborn fetus or zygote or blastocyst as a person in the whole sense of the word. That is their purpose. Therefore, it is an abortion debate, because if it is murder to cause a miscarriage of a zygote or a fetus, then logically it is murder to perform an abortion. That is why we are debating abortion, and that is why they are debating abortion, whether they admit it or not.

Mr. Speaker, we are going to hear a lot today about violence to fetuses, embryos, zygotes, blastocysts. We will hear a lot about horrific acts of violence perpetrated against women at advanced stages of pregnancy, causing injury to the fetus. The sponsors will claim, even though this bill addresses only violence against fetuses, that this bill is really being considered to protect the welfare of these women.

We should have no illusions about the purposes of this bill, that it is yet another battle in a war of symbols in the abortion debate in which opponents of a woman's constitutional right to choose attempt to portray fetuses from the earliest moments of conception as children with the same rights as the adult women who are carrying them. The implication is that anyone who does not share the metaphysical slant of the radical antichoice movement that a two-celled zygote is a person on exactly the same basis and with the same rights as a child or adult must secretly favor infanticide.

This bill, by making the destruction of a fetus or even a zygote, a separate crime of murder without reference to the actual harm to the pregnant woman speaks volumes about that view. If causing a miscarriage is murder, then by implication so is abortion. Even if the sponsors have papered over this premise with language to the contrary, no one should be under any illusions that this is the real and only purpose of this bill.

Let us take the sponsors at their word. In the last Congress, the report of the majority of the Committee on the Judiciary made clear that their concern was that "except in those States that recognize unborn children as victims of such crimes, injuring or killing an unborn child during the commission of a violent crime has no legal consequence whatsoever," and that the bill's purpose was "to narrow the gap in the law by providing that an individual who kills an unborn child during the commission of certain Federal crimes of violence will be guilty of a separate offense." Providing such a separate offense clearly recognizes the fetus as the victim of the violence, a proposition that is at odds with the holding of the Supreme Court in reading the Constitution.

In fact, this legislation marks a major departure from Federal law by elevating the legal status of a fetus at all stages of prenatal development to the same as that of the pregnant woman or any other person who is the victim of a crime. This is wrong, Mr. Speaker. It is against the whole scheme of Roe v. Wade, which recognizes a greater ability of the States to regulate, a greater interest in regulation in later stages of pregnancy, precisely because the Constitution recognizes that a fetus is not a full-fledged person from the moment of conception.

For anyone still in doubt about the real purpose of the bill, the National Right to Life Committee, in a memo distributed to members of the Committee on the Judiciary, laid it out:

They say that such a one-victim amendment, talking about the Lofgren amendment, would codify the fiction that when a criminal assailant injures a mother and kills her unborn child, there has been only a compound injury to the mother but no loss of any human life. The one-victim substitute would also enact the notion that when a criminal assailant kills a pregnant woman, the assailant should be punished once for killing the mother and then again for depriving her of her pregnancy, but if there is only one victim, it shows the difference between us.

So the radical antichoice groups acknowledge that the only difference of opinion here is not how much to punish these offenses, because both this bill and the Lofgren substitute would give heavy punishment, although under certain circumstances, the Lofgren substitute would give much heavier punishment than would this bill; the real difference is that this bill recognizes the crime of murder against a fetus or a zygote.

The bill is also unclear, as one of the majority's witnesses testified in the committee hearings. Does it cover only an embryo after implantation or at conception? Put another way, is it only murder if you cause the miscarriage of a viable fetus? Or is it also murder if you cause the miscarriage of a not-yet-viable fetus or of a two-celled zygote at the moment of conception?

I think the sponsor of this legislation, the gentleman from South Carolina (Mr. GRAHAM), should tell us what the bill means. It is a simple question that should have a simple, straightforward answer. Yet I used my entire 5 minutes at the Committee on the Judiciary trying to get an answer from the gentleman from South Carolina. He would not give me an answer.

So I will ask him now, yes or no, is it murder to murder a two-celled zygote under this bill or is it not?

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

Mr. NADLER. I yield to the gentleman from South Carolina.

Mr. GRAHAM. Mr. Speaker, as I said in the Committee on the Judiciary, the language that we adopted in the bill is exactly what exists——

Mr. NADLER. Yes or no. I do not have the time to have the whole explanation that is taken from the language of State law. Is causing a miscarriage murder of a two-celled zygote or not under this bill? Yes or no.

Mr. GRAHAM. When the fetus attaches to the womb, that is what the prosecutor has to prove.

And if I may answer your question, the definition used in this bill is the exact same definition that the House endorsed and passed 417–0 that the gentleman from New York voted for. This is the same definition that he voted for July 25, 2000.

Mr. NADLER. Reclaiming my time, he will not give a yes or no answer because he cannot.

One last sentence on this whole thing. This bill is not about violence against women. That is why all the violence against women groups are opposed to the bill. This bill is simply to undermine Roe v. Wade, and it will not succeed.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, look at this picture of Tracy Marciniak and her dead son. This little boy is not a zygote, not a blastocyst, not an embryo, not a fetus, not anything but a little baby, a little child who was brutally killed. His name was Zachariah. He was killed by his father, a man by the name of Glendale Black, 4 days before he was due to be born. He was beaten in the womb where he bled to death. And his father got away with it.

Yes, Glendale Black went to jail, but not because he killed Zachariah. He went to jail for assaulting Zachariah's mother. At the time, it was not a crime to kill a woman's baby in Wisconsin as long as he did it before he was born. If he had done it 4 or 5 days later, he might have gotten life imprisonment. Instead, he is now eligible for parole.

Wisconsin has since changed its law. If Tracy's ex-husband committed the same crime today, he would be charged with killing her child as well as assaulting her. But the Federal Government has no such law. In Federal jurisdictions, that man could get away with killing again.

Look again at this picture. How can anyone say that this child is not a human being? How can anyone say that Zachariah should not have the same right to live as you and I have? How can anyone say that the crime Zachariah's father committed was not more than just assault, but also taking of human life? Or as his mother Tracy herself says, "If you really think that nobody died that night, then vote for the one-victim amendment. But please remember Zachariah's name and face when you decide."

Mr. Speaker, America's first war was fought to prove that each of us has an inalienable right to life as well as liberty and pursuit of happiness. We need to affirm that we still believe in these principles. We need to show that we still believe in God-given rights, the right to life. We need to pass this good legislation. We need to pass it unanimously. And we should reject the so-called one-victim amendment. Pretending that nobody died the night Glendale Black beat his wife and killed his son is to deny reality. Even worse, it is to turn our backs on everything America stands for.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Ms. LOFGREN. Mr. Speaker, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Speaker, I thank the gentlewoman for yielding.

I wanted to comment on the terrible crime that we just had a discussion of from the prior speaker. Clearly that was a horrible thing, and the monster who did that is now free. That is the wrong thing. That should be changed.

Unfortunately, H.R. 503 would not change a darned thing about that case. I understand from the mother that part of the problem with the prosecution was that the prosecutors could not prove the intent to harm the unborn child. Under H.R. 503, there is also an intent requirement. Otherwise, absent intent, one is limited to the term of years of the underlying offense. In order to have Federal jurisdiction, the only assault that is cited in the bill is assault against a Federal officer.

So passing this bill would not prevent that terrible, terrible tragedy. I just thought it was important to note that.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for her statement, her leadership on this, and also the ranking member's.

I rise in strong opposition to the Unborn Victims of Violence Act and urge its rejection. Some Members on the other side of the aisle today have indicated that they do not believe that it is a direct attack on Roe v. Wade and a woman's right to choose.

Mr. Speaker, I include for the RECORD editorials from the New York Times entitled ''Reproductive Rights Under Attack,'' and also editorials from the 1999 debate from the Washington Post, the St. Petersburg Times, and the Seattle Times, all in direct opposition to this bill. And all point out that it is a direct assault on Roe v. Wade.

The material referred to follows:

[From the New York Times]

REPRODUCTIVE RIGHTS UNDER ATTACK

Congressional opponents of abortion have no appetite for a direct and politically unpopular assault on Roe v. Wade. So they are pursuing other legislative strategies that would undermine women's reproductive freedom. One of the most deceptive of these schemes is the benign-sounding Unborn Victims of Violence Act, which is expected to come up for a vote in the House this week.

Packaged as a crime-fighting measure unrelated to abortion, the bill is actually aimed at fulfilling a longtime goal of the right-to-life movement. The goal is to enshrine in law the concept of ''fetal rights,'' equal to but separate and distinct from the rights of pregnant women. In essence, the bill would elevate the status of a fetus, embryo or other so-called ''unborn child'' to that of a ''person'' by amending the Federal criminal code to add a separate offense for causing death or bodily injury to a ''child'' who is ''in utero.'' The penalty would be equal to that imposed for injuring the woman herself and would apply from the earliest stage of gestation, whether or not the perpetrator knew of the pregnancy.

The vote this week represents a serious test. An identical bill passed the House last year by a 254-to-172 vote, and its present sponsors are plainly hoping the arrival of a new anti-choice administration will help gain passage this time around in the Senate.

Violence against women that results in compromising a pregnancy is a terrible crime. It may well deserve stiffer penalties, which some states have already imposed. But the bill's sponsors are more interested in furthering a political agenda than in preventing and punishing criminal conduct. Lawmakers who care for Roe v. Wade have no business voting for this disingenuous legislation.

EDITORIALS AGAINST ''UNBORN VICTIMS OF VIOLENCE ACT''

[From the Washington Post, Oct. 2, 1999]

''While the bill specifically exempts abortion; it is a clever, if transparent effort to establish a foothold in the law for the idea that killing a fetus can be murder. What makes this bill a bad idea is the very aspect of it that makes it attractive to its supporters: that it treats the fetus as a person separate from the mother, though that same mother has a constitutional right to terminate a pregnancy. This is a useful rhetorical device for the pro-life world. But it is analytically incoherent.''

[From the St. Petersburg Times, Oct. 2, 1999]

''The bill's sponsors . . . claim the measure is not an attack on reproductive freedom, but a bill to fight crime. They point to the bill's exceptions for legal abortion providers, medical caregivers and the mother herself as proof that it's not anti-abortion. They are being disingenuous. . . . The public not be fooled. This bill is about abortion, not crime.''

[From the Seattle Times, Sept. 28, 1999]

''It would make sense for Congress to enhance penalties for crimes against pregnant women, especially since pregnancy greatly increases a woman's risk of domestic assault. It does not make sense for Congress to exploit one critical health issue—violence against women—to erode women's reproductive rights. Its ludicrous to separate the pregnancy from the woman. In 1973, the Supreme Court ruled that reproductive freedom is part of the constitutional right to privacy; the state can claim compelling interest only after the fetus can survive outside the womb. For a quarter century, the price of such freedom has been constant vigilance against laws like this.''

[From the New York Times, Sept. 14, 1999]

''Congressional opponents of abortion rights have come up with yet another scheme to advance their agenda. . . . [T]he measure aims to chip away at women's reproductive freedom by granting new legal status to unborn children—under the deceptively benign guise of fighting crime. . . . . By creating a separate legal status for fetuses, the bill's supporters are plainly hoping to build a foundation for a fresh legal assault on the constitutional underprintings of the Supreme Court's ruling in Roe v. Wade. Sending the nation down a legal path that could undermine the privacy rights of women is not a reasonable way to protect women or deter crime.''

We should call for ''truth in Advertising.'' The sponsors make it sound like they want to protect the fetus. Yet the definition is so broad that it would cover three cells. Make no mistake, this is an attack on a woman's right to choose, and now we know clearly and squarely where the Bush administration stands.

Mr. Speaker, I include for the RECORD the Statement of Administration Policy on this bill.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, April 24, 2001.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies)

H.R. 503—UNBORN VICTIMS OF VIOLENCE ACT OF 2001

(Rep. Graham (R) SC and 95 cosponsors)

The Administration supports protection for unborn children and therefore supports House passage of H.R. 503. The legislation would make it a separate Federal offense to cause death or bodily injury to a child, who is in utero, in the course of committing any one of 68 Federal offenses. The bill also would make substantially identical amendments to the Uniform Code of Military Justice. The Administration would strongly oppose any amendment to H.R. 503, such as a so-called ''One-Victim'' Substitute, which would define the bill's crimes as having only one victim—the pregnant woman.

I might add, why are we here today? The Bush administration has told us that their top priority is education. Where is the education bill? The Bush administration has told us that they care about the Patients' Bill of Rights to protect our seniors. Where is the Patients' Bill of Rights bill?

But what we get on the floor is an attack on a woman's right to choose, attack on her health and on her privacy. That is what we get. I ask my colleagues, is that compassionate?

My colleagues on the other side of the aisle have said that this is not a pro-life statement, it is not an attack on choice, but the Traditional Values Coalition, on their Web site, I pulled it off today; they state and I quote, ''Enactment of the bill would be a landmark pro-life victory by recognizing the rights of the unborn.''

I include for the RECORD the pro-life organization's statement.

VICTORY: UNBORN VICTIMS OF VIOLENCE ACT PASSES IN THE HOUSE

Criminals who murder or assault a pregnant woman will now be held accountable to the violence inflicted on both victims, the mother and her unborn child. This week the Unborn Victims of Violence Act, sponsored by Representative Lindsey Graham (R–SC), passed the House of Representatives by a vote of 254–172. This bill recognizes that an unborn child who is injured or killed during the commission of a federal crime is a human victim, and the assailant could then be punished for the harm caused to this most vulnerable victim. This bill provides vital protection for expecting mothers and their unborn children. We applaud the House for passing such important legislation.

The House also rejected an attempt to water down the original act by opposing a substitute amendment offered by Representative Zoe Lofgren (D–CA) by a vote of 201–224. This victory is one step further in bringing justice for ALL humans, born and unborn.

Regrettably, the United States federal criminal law does not give unborn children the rights of personhood. Currently, a person can attack a pregnant woman, causing the death of her child and only be prosecuted for the assault on the mother! It is a federal crime to attack, injure, or kill a woman, but it is not considered a federal crime to do the same to the unborn child of the woman. However, legislation introduced by Representative Lindsey Graham (R–SC) proposes to recognize the humanity of unborn children by using the same standard to punish violence enacted upon the unborn as any other person. This major pro-life bill would protect unborn children from acts of violence and enactment of the bill would be a landmark pro-life victory by recognizing the rights of the unborn.

This bill treats a fetus as separate from the mother, though that mother has a constitutional right to abortion. This bill does not protect women in any way. In fact, there is nothing in the bill about punishing the perpetrator for the crime against the woman. That is why the National Coalition Against Domestic Violence opposes this bill. According to experts, current Federal law already provides authority for the punishment of criminals that harm fetuses.

Mr. Speaker, I include for the RECORD the statement from Ronald Weich, a former Special Counsel, U.S. Sentencing Commission, that goes into further detail.

TESTIMONY OF RONALD WEICH, ZUCKERMAN SPAEDER, L.L.P., FORMER SPECIAL COUNSEL, U.S. SENTENCING COMMISSION, BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION OF THE HOUSE COMMITTEE ON THE JUDICIARY, MARCH 15, 2001

Mr. Chairman and members of the Subcommittee: My name is Ronald Weich and I am a partner in the law firm of Zuckerman Spaeder LLP. I respectfully request that this written statement appear in the record of the Subcommittee's hearing on H.R. 503, the Unborn Victims of Violence Act of 2001.[1]

In this statement I analyze the criminal law and sentencing implications of the pending bill. I bring several qualifications to this task. From 1983 to 1987 I worked as an Assistant District Attorney in New York City, where I prosecuted a wide array of criminal cases. Thereafter I served as Special Counsel to the United States Sentencing Commission and participated in drafting amendments to the federal sentencing guidelines. I then served on the staff of several Senate committees where I assisted in the development of federal crime and sentencing policy. I am now in private practice, but I continue to serve on the advisory board of the Federal Sentencing Reporter, a scholarly journal in which I have frequently published articles on sentencing law and policy. I am also a member of the Criminal Justice Council of the American Bar Association.[2]

After reviewing H.R. 503 in light of my experience in the criminal justice system, my knowledge of the federal sentencing guidelines and an examination of relevant case law, I reach one basic conclusion: this bill is unnecessary. Current federal law provides ample authority for the punishment of criminals who hurt fetuses. H.R. 503 adds nothing meaningful to the charging arsenal of federal prosecutors or the sentencing options available to federal judges.

Because the bill is unnecessary from a criminal law perspective, I suspect that its purpose, instead, is to score rhetorical points in the perennial struggle over abortion rights. For reasons that I will explain, I object to the use of the federal criminal code as a battlefield in the abortion wars.

I will first describe why the bill is unnecessary in light of current federal law and then explain why I believe it is an unwise addition to federal law.

I. H.R. 503 IS UNNECESSARY

Current federal law already provides sufficient authority to punish the conduct that H.R. 503 purports to punish.

At the outset it should be understood that very few violent crimes are prosecuted in the federal courts. Most street level violent crimes are prosecuted under state law by state prosecutors in state courts. Under our constitutional system, federal criminal jurisdiction only exists if the crime implicates federal civil rights or interstate commerce—which few violent crimes do—or if the crime occurs on a federal enclave such as a federal office building, a military base or an Indian reservation. Thus there are only a handful of federal murder and assault prosecutions each year, and most of those involve Native Americans.

H.R. 503 targets relatively rare conduct to begin with, namely criminal assault on a fetus. And in the federal context, that rare conduct is even more unusual. I researched federal case law and found only one reported case in recent years in which the victim of the offense of conviction was a fetus. In that case, *U.S.* v. *Spencer*, 839 F.2d 1341 (9th Cir. 1988), the Native American defendant assaulted a pregnant woman on an Indian reservation, kicking and stabbing her in the abdomen. The woman was successfully treated for life-threatening injuries, but her fetus was born alive and then died. The Ninth Circuit upheld the defendant's conviction under the federal murder statute, 18 U.S.C. §1111. Thus, even without the help of H.R. 503, a federal defendant was successfully prosecuted for murdering a fetus.

The Spencer decision is significant for several reasons. First, it illustrates how rare such cases are in the federal system—the court refers to the issue of federal criminal liability for fetal death as one of ''first impression'' and in the 13 years since it was decided, the issue decided in Spencer appears not to have arisen in another reported federal case. There is no crime wave of federal fetal assaults crying out for a legislative solution. But should this rare scenario present itself in federal court again, Spencer stands for the proposition that criminal liability may be imposed under current federal law.

The Spencer court relies on the well established common law doctrine, developed in state courts, that fetal death subsequent to birth due to fetal injuries may be prosecuted as homicide. See, Annotation, Homicide Based on Killing of Unborn Child, 64 A.L.R. 5th 671 (1998). Among the many state cases upholding homicide convictions for assaults that resulted in the death of a fetus are *William* v. *State*, 561 A.2d 216 (Maryland 1989); *State* v. *Cornelius*, 448 N.W.2d 434 (Wisconsin 1989); *People* v. *Hall*, 158 A.D.2D 69 (New York App. Div. 1st Dept. 1990); and *State* v. *Cotton*, 5 P.3d918 (Arizona 2000).

The broad support for this rule in the state courts does not argue for its necessity in the federal code, since state law of this nature is incorporated into federal law by the Assimilative Crimes Act, 18 U.S.C. §13, when the crime occurs in a federal enclave such as a military base. That was the basis on which the Court of Appeals for the Armed Forces recently upheld the homicide conviction of Gregory Robbins for beating his wife and thereby causing the termination of her pregnancy. *U.S.* v. *Robbins*, 52 M.J. 159 (1999). Proponents of the Unborn Victims of Violence Act had argued in 1999 that the Robbins case, then pending, demonstrated the need for a new federal law, but the successful outcome of the prosecution shows precisely the opposite: current federal law is sufficient.

Analytically separate from the question of criminal liability is the question of punishment. Here again, current federal law is sufficient. There is no dispute that causing harm to a fetus during the commission of a federal felony should generally result in enhanced punishment, and courts have uniformly held that such enhancements are available under the current sentencing guidelines. For example, in both *U.S.* v. *Peoples*, 1997 U.S. App. LEXIS 27067 (9th Cir. 1997) and *U.S.* v. *Winzer*, 1998 U.S. App. LEXIS 29640 (9th Cir. 1998), the court held that assaulting a pregnant woman during a bank robbery could lead to a two level enhancement (approximately a 25% increase) under §2B1.1(b)(3)(A) of the Guidelines relating to physical injury. In *U.S.* v. *James*, 139 F.3d 709 (9th Cir. 1998), the court held that a pregnant woman may be treated as a ''vulnerable victim'' under §3A1.1 of the Guidelines, again leading to a two level sentencing enhancement for the defendant. And in *United States* v. *Manuel*, 1993 U.S. App. LEXIS 14946 (9th Cir. 1993), the court held that the defendant's prior conviction for assaulting his pregnant wife warranted an upward departure from the applicable guideline range for his subsequent assault conviction.

While there have been no federal death penalty prosecutions of civilians in recent years involving fetal assaults, the military justice system treats the murder victim's pregnancy as an aggravating factor to be considered during the capital sentencing phase of a trial. *United States* v. *Thomas*, 43 M.J. 550 (U.S. Navy-Marine Corps Ct. of Crim. App. 1995). This holding follows state law precedents in which the pregnancy of the victim is a statutory aggravator in capital cases. See, e.g., Del. Code Ann. Tit. 11, §4209(e)(1)(p) (Supp. 1986).

In sum, H.R. 503 is unnecessary because federal case law and the federal sentencing guidelines, building on well-established common law principles, already authorize serious punishment for the harm that the bill seeks to address.

II. H.R. 503 IS DETRIMENTAL TO THE CRIMINAL JUSTICE SYSTEM

To say that H.R. 503 is unnecessary does not end the inquiry. As members of the Judiciary Committee are aware, the federal criminal code is characterized by much redundancy, and one more criminal law prohibiting what is elsewhere prohibited would barely add to the thicket. But for three reasons, H.R. 503 would not only constitute an unnecessary addition to the Code, it would also be an undesirable addition.

First, the bill has been drafted in a structurally unsound manner and will lead to considerable confusion and litigation. To be convicted under 18 U.S.C. §1841, the new criminal offense created by H.R. 503, a defendant must have ''engage[d] in conduct that violates'' one of the existing federal crimes enumerated in §1841(b). But must the defendant be convicted of one of those other offenses before he may be convicted of the separate offense under §1841? That is a fair reading of the text, but the answer is not without doubt. There is already considerable controversy and resource-draining litigation in the federal courts over whether various title 18 provisions constitute separate offenses requiring proof beyond a reasonable doubt or sentencing enhancements requiring only proof by a preponderance of evidence, see, e.g. *Appendix* v. *New Jersey*, 530 U.S. 466 (2000); *Jones* v. *United States*, 119 S. Ct. 1215 (1999). H.R. 503 would add to this confusion if there were ever a prosecution under the new criminal provision it establishes.

This problem could be addressed if, instead of creating a new criminal offense, H.R. 503 merely directed the Sentencing Commission to either establish a new sentencing enhancement when the victim of the crime is a pregnant woman, or make clear that a pregnant woman may be considered a ''vulnerable victim'' under existing §3A1.1 of the Sentencing Guidelines. As demonstrated above, the generic provisions of the Guidelines already accomplish this result. But at least a sentencing enhancement bill would not foster confusion and litigation.

Second, H.R. 503 is overbroad. To begin with, it incorporates by reference an unduly broad definition of ''bodily injury'' from 18 U.S.C. §1365. Whereas the common law rule applied to termination of the pregnancy, H.R. 503 would make it a violation of federal law to cause ''physical pain'' to the fetus or ''any other injury to the [fetus], no matter how temporary.'' 18 U.S.C. §1365(g)(4). That definition may make sense in the consumer safety context from which it derives, but it is bizarre and extreme in the prenatal context of H.R. 503. Further, H.R. 503 applies to all fetuses, not merely those that are viable, and explicitly applies to unintentional as well as intentional conduct. The common law rule, evolved over centuries of Anglo-American jurisprudence, is that an assault causing the death of a viable (or, in the archaic phrase, ''quickened'') fetus gives rise to criminal liability. The rule in H.R. 503 is that an assault unintentionally causing ''pain'' to a weeks-old fetus gives rise to criminal liability.[3]

Third, the bill is a transparent effort to undermine *Roe* v. *Wade*. Since H.R. 503 adds nothing meaningful to substantive federal criminal law, its purpose is purely symbolic: to bestow statutory personhood on fetuses, even those that are not viable.

It is no accident that the bill says nothing about injuries to pregnant women; instead the newly created title is styled ''Protection of Unborn Children.'' An assault on a fetus cannot occur without an assault on the pregnant women, but the bill is deliberately framed in terms that ignore the woman. To be sure, there is an explicit exception to the criminal penalties in the bill for ''conduct relating to an abortion'' but make no mistake—this bill is just one more step in the anti-abortion movement's methodical strategy to humanize fetuses, marginalize women, demonize abortion providers, and make the image of abortion less palatable to the American people. The extreme overbreadth of H.R. 503 flows directly from that strategy.

The validity of the constitutional protections established in *Roe* v. *Wade* exceeds the scope of this testimony and is beyond my field of expertise. But as someone who cares about the integrity of the criminal law, I regret that this skirmish in the abortion wars flares up unnecessarily in the federal criminal code. The criminal justice system is built on ancient principles such as proportionality of punishment and the requirement that a wrongdoer have acted with intent to cause harm (mens rea). In ignoring these principles, H.R. 503 is an unsound piece of crime legislation.

Because I believe H.R. 503 to be both unnecessary and unwise, I urge the subcommittee to reject it.

NOTES

[1] On July 21, 1999, I testified before this Subcommittee in person regarding H.R. 2436, the version of the Unborn Victims of Violence Act introduced in the 106th Congress. Because H.R. 2436 and the pending H.R. 503 are substantially the same, my testimony this year substantially duplicates the testimony I previously provided. Nonetheless, I wish this statement to appear in the record of the current hearing so that it is available to members of Congress considering the pending bill.

[2] I wish to make clear that I am not testifying on behalf of the American Bar Association or any other entity with which I am affiliated. Nor am I testifying on behalf of any of my law or lobbying clients. For example, it is a matter of public record that I have represented Planned Parenthood Federation of America (PPFA) with respect to pharmaceutical pricing issues, but I do not represent PPFA at this hearing. The views I express herein are strictly my own.

[3] The bill's new §1841(a) defines the term ''unborn child'' tautologically as ''a child in utero.'' Unless the drafters of H.R. 2426 intend to word ''child'' to imply viability, the bill would apply to conduct that impacted a first trimester pregnancy. Whether an ''unborn child'' of such gestational age constitutes a human being raises constitutional issues beyond the scope of this testimony.

Mr. Speaker, this bill really has nothing to do with protecting a fetus and it has everything to do with taking away a woman's right to choose. That is why all the women's organizations, that is why all the domestic violence organizations oppose it, but the Bush administration supports it. It is a sham, it is aimed at overturning Roe v. Wade, it is further aimed at marginalizing female victims, and it is plainly unnecessary.

It is plainly wrong. I urge a no vote against this antiwoman bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, on July 25, 2000, the House of Representatives, by a vote of 417–0, passed the Innocent Child Protection Act. This bill would prohibit either the Federal Government or any State from executing a woman while she carries a child in utero. That bill defined ''child in utero'' in the same language as the legislation that is before us.

□ 1145

We heard the gentleman from New York (Mr. NADLER), and others, talk about two-cell zygotes and other terms that have been used during the development of the Homo sapiens, but the protection that was given to the child in utero by the bill that passed last year by a vote of 417–0, I have the roll call here. I noticed the gentleman from New York (Mr. NADLER) endorsed this definition when it came to the death penalty, as did the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from California (Ms. LOFGREN). Why should we not use the same definition that everybody endorsed last year when it came to executing pregnant women at the State and Federal level in the legislation that sets up this separate crime?

I intend to be consistent in my votes by voting for this definition in this bill, as I did last year for the definition in the other bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time.

Mr. Speaker, I rise today as a new Member of this body in strong support of H.R. 503, the Unborn Victims of Violence Act, offered by my friend and colleague, the gentleman from South Carolina (Mr. GRAHAM).

Mr. Speaker, it amazes this new Member that there are those who oppose this initiative before the House, which is simply an effort to defend unborn children from violence. Do we not all have an interest in protecting mothers and their children from violent attackers? Who in this House has not read a story in the newspaper about an expectant mother like that described by the Committee on the Judiciary chairman, the story of Shawana Pace whose boyfriend paid to have her assaulted and because of that abuse she lost her child? The outrage and the anger of the public after these events demands that we take action.

Mr. Speaker, the opposition, in their zeal to prevent this bill from becoming law, would have us believe that punishing criminals for existing Federal crimes would compromise the rights of mothers. This premise is simply wrong. The Unborn Victims of Violence Act specifically targets not women or women's rights, but criminals who cause death or harm to an unborn child while committing one of 63 existing Federal crimes.

As the gentlewoman from Pennsylvania (Ms. HART) observed, the Journal

of the American Medical Association published a recent study that found that homicide is the most common cause of death among pregnant women in Maryland. A week later, JAMA published another study that found that 6 percent of all pregnant women in North Carolina are abused while they are pregnant.

Despite these alarming facts, Federal law does not punish criminals who prey on pregnant women simply because they are pregnant.

The alternative to this bill to be offered later today fails to address a central cause of violence against pregnant women because it fails to recognize that the child is often the primary target of the assailant.

Mr. Speaker, by protecting the child we protect the mother. It is a fundamental axiom of Western civilization, the belief in the sanctity of human life. By failing to recognize crimes against the life of the unborn child, we place not only one life at risk but two. We must correct this oversight in Federal law and ensure that criminals who prey on pregnant women and their unborn children pay the appropriate penalty for their crimes.

I urge all of my colleagues to support the Unborn Victims of Violence Act. This Congress should seize this opportunity to extend the protection of the law to the most defenseless in our society.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SOLIS).

Mr. Speaker, will the gentlewoman yield?

Ms. SOLIS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from California (Ms. SOLIS) for yielding.

Mr. Speaker, I think the gentleman from South Carolina (Mr. GRAHAM) was the one that said that H.R. 503 is a two-victim bill. The bill on the floor is not a two-victim bill. The bill only recognizes one victim, the embryo or the fetus. Harm to the woman does not factor into the bill at all. The bill does not require prosecution of the crime against the woman, and so to call it a two-victim bill is a fallacy.

Ms. SOLIS. Mr. Speaker, I also would like to join my Democratic colleagues and rise in strong opposition to H.R. 503, the so-called Unborn Victims of Violence Act. While the bill supporters claim that they want to protect pregnant women from crime, their bill does no such thing. Instead, the bill recognizes for the first time a fetus as a person, with rights separate and equal to that of a woman.

I am disappointed that the sponsors of H.R. 503 would play politics with the issue of women's safety. Of course we can all agree that pregnant women deserve protection against crime and violence, but we all hold very different beliefs on a woman's right to choose. Therefore it is simply irresponsible to confuse the two issues in H.R. 503, as this does.

That is why I am not voting for H.R. 503 in favor of the substitute amendment, which will be offered by my colleague, the gentlewoman from California (Ms. LOFGREN). The Lofgren substitute, the Motherhood Protection Act, increases the penalty for attacking a pregnant woman. Let us work together to pass something we can all agree on, rather than playing politics, and let us preserve women's safety.

I urge my colleagues to oppose H.R. 503 and support the Lofgren substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, back in September of 1999, when this bill came before us, one of the opponents of the bill said this, because the criminal attack on a woman causing her to lose a child and an abortion are too easy to confuse, we need to vote against this bill.

Now we are again hearing today that it is hard to distinguish between a criminal attack on a woman which kills her baby and an abortion. But I say, I think the American people can distinguish between the two of those, and I think Members of this body can. We also heard today, and we heard in that earlier argument, that this bill would do a dangerous thing. It would recognize the legal status of an unborn child.

Now that is pretty dangerous, is it not, recognizing the legal status of an unborn child?

Is an unborn child illegal? Are they born into the world illegal? When do they pass from illegal to legal? I think if a mother wants to have a child, wants to have that child born, wants to raise that child, that child is legal.

I want to talk about something else, something else that the opponents I do not think would want to talk about, and I think this is particularly telling, it is an article in the March 2001 Journal of American Medicine, and it simply says one thing, the disturbing finding that a pregnant or recently pregnant woman is more likely to be a victim of homicide than due to any other cause. In other words, a pregnant woman is more likely to be a victim of homicide than die of any other cause.

It compared that to nonpregnant women in the same age group, and that was the fifth leading cause of death.

As that article asks the question, we ought to ask the same question. Only by having a clear understanding of the magnitude of pregnancy-associated mortality can there be comprehensive prevention.

In other words, pregnant women are victims of homicide in a far greater percentage than nonpregnant women. We need to understand that if we are to prevent it.

How do we prevent it? Why does one think pregnant women are five times more likely to die of a homicide in this study and in an earlier study in the Journal of Public Health and in two studies in obstetrics and gynecology? I would submit that the fact they are pregnant is making them a target. These studies certainly say that they are a target. This bill, and I praise the gentleman from South Carolina (Mr. GRAHAM) for offering it, it is a needed step to help what has become an attack on pregnant women.

REMARKS UPON PASSAGE OF BILL IN 106TH CONGRESS

Mr. BACHUS. Mr. Chairman, I rise in support of the Unborn Victims of Violence Act and opposed to the amendment.

We have heard some very interesting statements out here on the floor today. One of the opponents of this act said we ought to vote against this act because, and let me quote, ''because the criminal attack on a woman causing her to lose a child, and an abortion, it is too easy to confuse the two.''

In other words, a criminal attack on a woman which causes her to lose her unborn child, she said the only difference in that and an abortion is, she says, the result is the same except for the criminal intent, and we cannot always determine the difference.

Now, do my colleagues buy that? Do my colleagues buy that this Congress or the American people cannot distinguish between a criminal attack on a woman which causes her to lose her unborn child and an abortion? I do not think so. I think that is ludicrous.

Another reason we were told to vote against this act, we were told that the Federal court or the Federal jurisdiction may have jurisdiction over the mother, but they might not have jurisdiction over the unborn child.

In other words, an FBI agent who is pregnant, we can try someone for assaulting her or murdering her, but not her unborn child, because that would not be a Federal act.

Well, what do we do in those cases? Do we always try those? Would we try them, as that person who opposes it said, we ought to try that case in the State court? Of course not. That is ludicrous.

The final thing, which is probably the worst, is this statement, and I say this with respect to all Members: that this is the first occasion that this Congress or this Supreme Court has ever recognized the legal status of an unborn child. If we pass this act, we will be recognizing the legal status of an unborn child.

Well I ask you, is it an illegal status? Are unborn children illegal?

How about an unborn child whose mother has made a decision to keep that child? She wants to keep that child. She wants to have that child. She wants to raise that child. Is there anything wrong with recognizing the legal status of that child? Should that child have no status, no rights? Of course not.

[From JAMA, March 21, 2001]

ENHANCED SURVEILLANCE FOR PREGNANCY-ASSOCIATED MORTALITY—MARYLAND, 1993–1998

(By Isabelle L. Horon and Diana Cheng)

Complete and accurate identification of all deaths associated with pregnancy is a critical first step in the prevention of such deaths. Only by having a clear understanding of the magnitude of pregnancy-associated mortality can comprehensive prevention

strategies be formulated to prevent these unanticipated deaths among primarily young, healthy women.

Death statistics compiled through the National Vital Statistics System by the National Center for Health Statistics, Centers for Disease Control and Prevention, are a major source of data on deaths occurring during pregnancy and in the postpartum period. Original death certificates from which state and national vital statistics are derived are filed in and maintained by individual states. Causes of death on death certificates are reported by attending physicians or, under certain circumstances such as death from external trauma or unexplained death, by medical examiners or coroners.

The National Center for Health Statistics is required to use the World Health Organization (WHO) definition of a maternal death for preparation of mortality data. According to the WHO definition, a maternal death is ''the death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and the site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management but not from accidental or incidental causes.''[1] This definition includes deaths assigned to the cause ''complication of pregnancy, childbirth, and the puerperium'' (International Classification of Diseases, Ninth Revision [ICD–9] codes 630–676).

Death records are an important source of data on pregnancy mortality because they are routinely collected by the states and are comparable over time and across the nation. However, there are several limitations to using these data to identify all deaths associated with pregnancy. First, the cause-of-death information provided on these records is sometimes not accurate. Previous studies have shown that physicians completing death records following a maternal death fail to report that the woman was pregnant or had a recent pregnancy in 50% or more of these cases,[2–4] resulting in the misclassification of the underlying cause of death. Since these deaths cannot be identified as maternal deaths through routine surveillance methods, they are not included in the calculation of maternal mortality rates.

An additional limitation of using death records alone for comprehensive identification of all deaths associated with pregnancy is that the WHO definition of a maternal death limits the temporal and causal scope of pregnancy mortality. As defined by WHO, a maternal death does not include deaths occurring more than 42 days following termination of pregnancy or deaths resulting from causes other than direct complications of pregnancy, labor, and the puerperium.

To address these issues, the term ''pregnancy-associated death'' was introduced by the Centers for Disease Control and Prevention, in collaboration with the Maternal Mortality Special Interest Group of the American College of Obstetricians and Gynecologists, to define a death from any cause during pregnancy or within 1 calendar year of delivery or pregnancy termination, regardless of the duration or anatomical site of the pregnancy.[5] Pregnancy-associated deaths include not only deaths commonly associated with pregnancy such as hemorrhage, pregnancy-induced hypertension, and embolism—which are captured in the WHO definition—but also deaths not traditionally considered to be related to pregnancy such as accidents, homicide, and suicide. The term also includes deaths occurring 43 to 365 days following termination of pregnancy. Since cause-of-death information on death certificates cannot identify deaths from nonmaternal causes or deaths occurring 43 or more days following termination of pregnancy as associated with pregnancy, additional sources of data must be used for complete ascertainment of all pregnancy-associated deaths.

Previous studies on pregnancy-associated deaths have relied largely on linkage or records[2,6–8] or the use of a check box on the death certificate[9] to identify pregnancy-associated deaths. Only 1 study (Allen et al[10]) in New York City used death certificates, linkage of records, and review of autopsy reports to identify pregnancy-associated deaths. However, this study did not include all pregnancy-associated deaths since only records for deaths occurring within 6 months of termination of pregnancy were collected, and medical examiner records for only certain causes of death were reviewed.

This article, based on Maryland resident data for the years 1993–1998, presents more comprehensive data on pregnancy-associated deaths since it includes all deaths occurring during pregnancy or within a year of termination of pregnancy. In addition, medical examiner records for all women of reproductive age who died during the study period, regardless of cause of death, were reviewed to identify pregnancy-associated deaths.

METHODS

Data for this analysis were collected from the following 3 sources: (1) review of death certificates to identify those records on which a complication of pregnancy, childbirth, or the puerperium (ICD–9 codes 630–676) was listed as an underlying or contributing cause of death; (2) linkage of death certificates of reproductive-age women with corresponding live birth and fetal death records to identify a pregnancy within the year preceding death; and (3) review of medical examiner records for evidence of pregnancy.

Vital records data were obtained from the Vital Statistics Administration of the Maryland Department of Health and Mental Hygiene. Identification of pregnancy-associated deaths through linkage of vital records was accomplished by matching death certificates for all women of reproductive age against live birth and fetal death records to identify pregnancies occurring in the year preceding death. Successful linkage of records was achieved by matching either mother's Social Security number or mother's name and date of birth on the death record with corresponding information on live birth and fetal death records. All linked records were manually reviewed to ensure accurate matching of records.

Medical examiner records, which include autopsy reports and police records, were reviewed for all 4195 women aged 10 to 50 years whose deaths were investigated by the medical examiner during the study period. Maryland law mandates that the medical examiner investigate all deaths that occur by violence, suicide, casualty, unexpectedly, or in any suspicious or unusual manner. Death certificates were obtained for 116 women for whom medical examiner records indicated evidence of pregnancy.

With the exception of 1 death to a 14–year-old adolescent, all deaths identified through medical examiner records occurred among women who were within the traditional reproductive age group of 15 to 44 years. All deaths identified through death certificates and record linkage were among women between the ages of 15 and 44 years.

All death records that did not identify a maternal cause as the underlying cause of death (n = 184) were reviewed by trained nosologists to determine the underlying cause of death that would have been assigned if a history of pregnancy had been reported on the death certificate. Nosologists were provided with information on pregnancy outcome and, if available, the date of delivery, date of pregnancy termination, or gestational age. Revised underlying cause-of-death information was used to categorize data by cause of death.

RESULTS

A total of 247 pregnancy-associated deaths occurring between 1993 and 1998 were identified from the 3 data sources. Sixty-seven pregnancy-associated deaths (27.1%) were identified through cause-of-death information obtained from death certificates. Sixty-two of these records listed pregnancy complications as the underlying cause of death; the remaining 5 certificates listed pregnancy complications as a contributing, but not underlying, cause of death. Linkage of records identified 174 (70.4%) of all pregnancy-associated deaths and review of medical examiner records resulted in the identification of 116 (47.0%) deaths (Table 1).

TABLE 1.—NUMBER OF PREGNANCY-ASSOCIATED DEATHS BY PREGNANCY OUTCOME AND SOURCES OF DATA, MARYLAND, 1993–1998[1]

Pregnancy outcome	Total deaths	Sources of data		
		Death certificates	Record linkage	Medical examiner records
All outcomes	247	67	174	116
Live births	182	46	172	60
Fetal death	5	3	2	4
Therapeutic abortion	1	0	0	1
Undelivered	53	12	0	50
Ectopic pregnancy	7	7	0	5
Molar pregnancy	1	1	0	1
All other undelivered	45	4	0	44
Unknown	6	6	0	1

[1] Deaths from any cause during pregnancy or within 1 calendar year of delivery or termination of pregnancy, regardless of the duration or anatomical site of the pregnancy. A single death may have been ascertained from more than 1 source, therefore columns do not sum to the total number of deaths.

Sixty-five percent (n = 160) of pregnancy-associated deaths were identified through a single surveillance method. One hundred two (41.3%) were identified only through linkage of records, 45 (18.2%) only through review of medical examiner records, and 13 (5.3%) only through cause-of-death information provided on death certificates. Thirty-five percent of pregnancy-associated deaths were identified through more than 1 data source (n = 87).

One hundred eighty-two (73.7%) of the 247 pregnancy-associated deaths identified in this study followed a live birth, 5 (2.0%) followed a fetal death, 1 followed a therapeutic abortion, and 53 (21.4%) occurred among women who were pregnant at the time of death. Of the 53 deaths that occurred among pregnant women, 7 were the result of ruptured ectopic pregnancies and 1 resulted from a molar pregnancy (Table 1). Eighty-four (34.0%) deaths occurred within 42 days of delivery or termination of pregnancy, and 103 (41.7%) deaths occurred 43 to 365 days following delivery or termination of pregnancy. The time of death was unknown for 7 women (Table 2).

TABLE 2—NUMBER OF PREGNANCY-ASSOCIATED DEATHS BY CAUSE OF DEATH, SOURCE OF DATA, AND TIME OF DEATH, MARYLAND 1993–1998 [1]

Cause of death	All sources				Death certificates				Record linkage				Medical examiner records			
	Total [2]	During pregnancy	After delivery of termination of pregnancy		Total [2]	During pregnancy	After delivery or termination of pregnancy		Total [2]	During Pregnancy	After delivery or termination of pregnancy		Total [2]	During Pregnancy	After delivery or termination of pregnancy	
			≤42 d	43–365 d			≤42 d	43–365 d			≤42 d	43–365 d			≤42 d	43–365 d
All causes	247	53	84	103	67	12	45	3	174	0	71	103	116	50	48	16
Homicide	50	23	3	24	0	0	0	0	27	0	3	24	25	23	1	1
Cardiovascular	48	5	21	18	13	2	6	1	36	0	18	18	30	5	15	8
Embolism	21	5	14	2	11	1	9	1	14	0	12	2	14	5	8	1
accidents [3]	18	6	2	10	0	0	0	0	11	0	1	10	9	6	2	1
Hemorrhage	17	7	9	0	16	7	8	0	5	0	5	0	10	5	5	0
Hypertensive disorders of pregnancy	16	0	15	1	14	0	13	1	16	0	15	1	10	0	9	1
Infection	16	0	7	8	4	0	3	0	15	0	7	8	3	0	2	1
Neoplasms	15	0	0	15	0	0	0	0	15	0	0	15	0	0	0	0
Substance abuse	13	1	3	9	1	0	1	0	11	0	2	9	4	1	2	1
Suicide	7	2	0	5	0	0	0	0	5	0	0	5	3	2	0	1
All other causes	26	4	10	11	8	2	5	0	19	0	8	11	8	3	4	1

[1] Deaths from any cause during pregnancy within 1 calendar year of delivery or termination of pregnancy, regardless of the duration or anatomical site of the pregnancy. A single death may have been ascertained from more than 1 source, therefore columns do not sum to the total number of deaths ascertained from all sources.
[2] Totals include 7 deaths for which the time of death was unknown.
[3] Includes deaths from motor vehicle collisions, falls, drowning, and other unintentional injuries.

The leading cause of pregnancy-associated death was homicide (n = 50). All homicides were identified through record linkage or review of medical examiner records rather than from death certificates, as would be expected since homicide is not a maternal cause of death. Deaths from cardiovascular disorders, the second leading cause of death (n = 48), were identified through all 3 data sources, although no single source was able to identify all deaths. Of the 26 deaths from cardiovascular disorders that occurred during pregnancy or within 42 days of delivery and should therefore have been classified as maternal deaths, only 8 were identified through death certificates. A substantial proportion of deaths from other maternal causes, including embolism and infection, could not be identified from death certificates since the physicians filling out the certificates failed to report that the women were pregnant or had recent pregnancies (Table 2).

All maternal deaths, by definition, occurred during pregnancy or within 42 days of delivery or termination of pregnancy. This included most deaths from embolism, hemorrhage, and hypertensive disorders of pregnancy as well as a substantial proportion of deaths resulting from cardiovascular disorders and infection. Homicide was responsible for the majority of deaths during pregnancy (23 [43.4%]) and during the 43- to 365-day period following delivery or termination of pregnancy (24 [23.3%]), but accounted for only a small proportion of deaths occurring within 42 days of pregnancy (3 [3.6%]), when obstetric causes were responsible for most pregnancy-associated deaths. Cardiovascular disorders (n = 21) were the leading cause of death in the 42-day period following delivery or termination of pregnancy and the second leading cause of death (n = 18), following homicide, in the late postpartum period (Table 2).

Homicide, the leading cause of pregnancy-associated death, was responsible for 20.2% of all pregnancy-associated deaths. By comparison, homicide was the fifth leading cause of death among Maryland women aged 14 to 44 years who had not had a pregnancy in the year preceding death and was responsible for 457 (6.4%) of total deaths among this group (z = 7.737, P<.001). The pregnant group was younger and included a higher percentage of African American women than the nonpregnant group, factors that are associated with higher rates of homicide independent of pregnancy. However, these factors did not explain the higher proportion of homicide deaths in the pregnant group. While adjustment for race and maternal age increased the proportion of deaths due to homicide to 11.2% among women who had not been pregnant in the year preceding death, the adjusted figure was still significantly lower than the figure of 20.2% among women who had been pregnant (z = 4.349, P<.001).

COMMENT

The use of multiple data sources substantially enhances pregnancy mortality surveillance because no single source can identify all pregnancy-associated deaths. Death certificates are designed to collect only a small subset of pregnancy-associated deaths. Even these deaths are frequently not included in maternal mortality statistics because physicians completing death certificates fail to provide the information needed to correctly classify a maternal death. Analysis of data in this report indicated that 30 (34.5%) of the 87 deaths meeting the WHO definition of a maternal death could not be identified through cause-of-death information reported by physicians on the death certificate. Data linkage is an additional tool for identifying pregnancy-associated deaths, but it is limited to those deaths with a reported outcome, such as a live birth or fetal death. Medical examiner records are the most useful source for identifying pregnancy-associated deaths among women who have not delivered at the time of death.

Data linkage and review of medical examiner records contribute substantially to identification of pregnancy-associated mortality. In Maryland, this led to the disturbing finding that a pregnant or recently pregnant woman is more likely to be a victim of homicide than to die of any other cause. Other reports have identified homicide as a cause of pregnancy-associated death. However, none of these studies reported on pregnancy-associated deaths from other causes as well, and therefore could not provide a ranking of deaths by cause.

Although we have shown that homicide is responsible for a greater proportion of deaths among pregnant and postpartum women than among women who have not been pregnant in the year preceding death, our findings do not address the issue of whether the homicide rate is higher among pregnant and postpartum women in general than among women who have not had recent pregnancies. This highlights a well-recognized limitation of proportional mortality statistics, ie, that these statistics include only individuals who die, not those at risk of dying. Therefore, no direct inferences regarding increased homicide rates for all pregnant women can be made using only proportional mortality statistics.

The question of whether the homicide rate is higher among pregnant and postpartum women than among women who have not had recent pregnancies could be answered by comparing mortality rates in the 2 groups. However, a methodology for computing pregnancy-associated mortality rates and mortality rates for nonpregnant women has not yet been established because of complexities in determining the number of pregnant women in a population. Since a woman may experience more than 1 pregnancy and more than 1 pregnancy outcome (live birth, fetal loss, or induced abortion) in a given time period, the number of pregnant women cannot be computed by summing the number of pregnancy outcomes. Even if the number of pregnant women could be estimated, an additional issue that would have to be addressed is how to adjust mortality rates to account for differences in the time period of risk of death in the 2 populations. It is important that increased efforts be placed on development of appropriate methodologies for calculating pregnancy-associated mortality rates so that the questions raised by this article may be addressed.

The findings of this article also suggest that maternal mortality review committees should investigate homicides occurring during pregnancy and in the postpartum period to determine potential relationships between these events. For example, a homicide resulting from domestic violence may be related to the stress of pregnancy. Similarly, a suicide soon after delivery may result from postpartum depression. By broadening pregnancy mortality to include all possible causes, factors previously neglected may assume increased importance in prenatal and postpartum care.

Despite the use of enhanced surveillance techniques, it is likely that some pregnancy-associated deaths remain undetected, particularly those occurring in women who were pregnant at the time of death. Since autopsies are performed on all homicide victims, it is more likely that pregnancy would be detected among these women than among women dying from other causes, who are less likely to be autopsied. Since Maryland law mandates that the medical examiner investigate deaths among individuals who were in apparent good health at the time of death, which describes most pregnant women, the majority of deaths among these women should have been investigated by the medical examiner. Autopsies were in fact performed more frequently among women with recognized pregnancy-associated deaths who died from causes other than homicide (123

[62.4%]) than among women of reproductive age without recognized pregnancies (6696 [30.6%]). However, it is still possible that some pregnancies remain undetected, which could have an impact on the total number of pregnancy-associated deaths as well as on the distribution of deaths by pregnancy outcome, time of death, or cause of death.

Efforts are being made in Maryland to improve the identification of pregnancy-associated deaths. Recent legislation mandates that health care professionals and facilities report all pregnancy-associated deaths to the Maryland Maternal Mortality Review Program. In addition, the Maryland death certificate was revised in 2001 to include questions about current or recent pregnancies. Currently, only 17 states and New York City have a pregnancy check box or ask about pregnancy status on their death certificates. Use of pregnancy question by all states on the revised US Standard Certificate of Death has been recommended to the National Center for Health Statistics by the Panel to Evacuate the US Standard Certificates and Reports. Such a change, which would be consistent with a recommendation of the World Health Assembly in the International Classification of Diseases, 10th Revision (ICD–10),[13] would substantially improve ascertainment of pregnancy on death certificates. If approved by the US Department of Health and Human Services, states could adopt the pregnancy question in the 2003 revision of their death certificates. This change should help to identify deaths that remain difficult to detect, such as deaths that cannot be identified through linkage of records and deaths among women who had not delivered that are not reported to the medical examiner. However, it would be a service, as well as good medical practice, if physicians made a greater effort to report pregnancy as a factor contributing to death when appropriate.

Comprehensive identification of pregnancy-associated deaths can only be accomplished by collecting information from multiple data sources and including all deaths occurring up to 1 year after pregnancy termination. Through such enhanced surveillance, the Maryland Department of Health and Mental Hygiene has shown that the number of pregnancy-associated deaths is substantially higher and causes of death substantially broader than previously believed. Enhanced surveillance of pregnancy-associated deaths is necessary to accurately document the magnitude of pregnancy mortality, identify groups at increased risk of death, review factors leading to the death, and plan prevention strategies. It is therefore a critical step in the reduction of pregnancy-associated mortality.

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Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, first let me disabuse the gentleman from Wisconsin (Mr. SENSENBRENNER) of his notion that those of us who voted for the bill to bar capital punishment for pregnant women were recognizing the fetus or the unborn child as a person.

I vote against anything to limit capital punishment. I would say to the gentleman from Wisconsin (Mr. SENSENBRENNER), I am opposed to capital punishment. I think it is barbaric whether it is against pregnant women or barbaric against nonpregnant women.

Mr. Speaker, violence against pregnant women is first and foremost a criminal act of violence against the women that deserves strong preventive measures and stiff punishment.

The gentleman from Alabama (Mr. BACHUS) referred to the article in the Journal of the American Medical Association that said homicides during pregnancy and the year after are the largest cause of death among women, and they are.

Mr. Speaker, it is a disgrace that while these preventable crimes continue to occur, it is a disgrace that Congress fails with this largely symbolic legislation rather than taking affirmative steps to deal with the problem. Why, for example, did the Republican majority fall $209 million short of President Clinton's request last year for full funding of the Violence Against Women Act? Why did the Republicans on the Committee on the Judiciary vote against an amendment for full funding of the Violence Against Women Act? If we are concerned about violence against women and pregnant women and murders of pregnant women, as the Journal of the American Medical Association indicates, that is how to prevent it, by early intervention, by preventing the crime, not by fighting about the legal definition of the fetus from a legal point of view.

Are the Members who vote for this legislation today going to join the rest of us in seeking full funding for the Violence Against Women Act in the next fiscal year? Will they fight efforts to zero out for the second year in a row programs authorized by the Committee on the Judiciary last year to prevent such violence?

No one who listened to the testimony at our subcommittee could have been left unmoved by the terrible story of the young woman who was murdered by her intimate partner in the eighth month of pregnancy. I think we owe it to her and to the many women like her to ensure that early intervention is available that would prevent us and that States and localities receive the full resources of the Violence Against Women Act to prevent murders like this by intervening before the violence escalates to that level.

We should also enact strong penalties, ones which are enforceable, which are not constitutionally suspect, which will not lead to lengthy litigation for these violent crimes.

Finally, Mr. Speaker, this bill opens the door to prosecuting women or restraining them physically for the sake of a fetus. Some courts have already experimented with this approach. Just a few weeks ago, the Supreme Court struck down a practice in the home State of the gentleman from South Carolina (Mr. GRAHAM) where a hospital would give the results of a pregnant woman's blood test to local law enforcement for the purpose of initiating legal action against them if they had used crack. Once we recognize the two-cell zygote or even a blastocyst just implanted in the womb as having the same legal status as a pregnant woman, it would logically follow that the liberty interest of the mother could be restricted to protect the fetus.

Do not believe the rhetoric that this is not an abortion bill. Women are already being prosecuted and imprisoned by courts, including courts in the sponsor's own State, in order to protect the fetuses.

The whole purpose of Roe v. Wade was to protect the liberty interests of these women. The women who sit in prison today can say what the legal consequences of making fetuses crime victims recognized in law really are. They can say what the real agenda is. The real agenda is to subject women's liberty to the interests of the fetus and to make the fetus accepted as a person, and that is why this is an abortion bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 7 minutes to the gentleman from South Carolina (Mr. GRAHAM), the author of the bill.

Mr. GRAHAM. Mr. Speaker, this has been a spirited debate, a lively debate. I think it is good for the country to have this debate. I hate to interrupt good stories with facts and law, but I guess I will.

I am going to go red herring fishing. That is a hard thing to catch; but when one catches it, they have something.

A couple of red herrings that I think have been thrown out here about the bill: this is an abortion bill. If this is an abortion bill, it is one of the worst-drafted abortion bills one could think of. It does a lousy job, and let me read from the bill: ''Nothing in this section shall be construed to permit the prosecution of any person for conduct relating to an abortion, for which the consent of the pregnant woman or person authorized by law to act on her behalf has been obtained or for which such consent is implied by law.''

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If we are trying to outlaw abortions, we did a pretty lousy job in that paragraph. ''Nothing in this section shall allow the prosecution of any person for medical treatment of the pregnant woman or her unborn child; or of any woman with respect to her unborn child.''

Why is that language in there? The purpose of this bill is very simple: Once the woman chooses to have the child and someone takes that child away from her through an assault or an act of violence, we want to put them in jail for the damage done to the unborn child.

This is not a two-victim bill. The gentleman from Michigan (Mr. CONYERS) is right. The reason it is not a two-victim bill is because there are laws all over the country preventing assaults against women who are pregnant in their own States. There are 24 States that make it a separate offense to take her unborn child's life. At the Federal level, there is no such law. There soon will be.

That will coexist with Roe v. Wade. Roe v. Wade has never stood for the proposition that the State or Federal Government cannot protect the unborn against violent criminal activity. It stood for the proposition that the Federal-State government cannot interfere with a woman's right to choose an abortion first trimester and under certain circumstances thereafter.

Why did 254 Members of this body last year vote for this bill? All of them are not pro-life. I happen to be pro-life. Why would a pro-choice person vote for my bill? I think they have sat down and read it, and they understand a couple of things about the bill, and I want to applaud them for doing it. We may disagree on a woman's right to choose, and America splits evenly on that. If you disagree with me on that issue, I will not question your politics, your religion, or your patriotism. I have my view; you have yours.

But here is what I am so excited about from last year's vote, and hopeful for this year that Congress has come together on this central theme, that once a woman chooses to have the baby, we are going to protect the baby and the mother. This body spends millions of dollars a year helping women through pregnancy. Low-income women get help from the Federal Government to make sure the child is fully developed. We help at-risk pregnancies. That is a good thing. That is not a bad thing. That is not about the abortion debate.

I think most Americans, even though we divide on the issue of abortion, would come together on the issue that if a woman has the child and some criminal takes that right away from the woman, we ought to put them in jail to the fullest extent of the law. That is what we do, and that is what 24 other States do.

Another red herring about the definition: The definition in this bill is exactly what exists in 11 other States and it withstood constitutional challenge and it is exactly what the House voted on on July 25, 2000.

Let me tell you how important that is. 417–0, the House came together and said we are not going to execute a pregnant woman. Why? Does that infringe on Roe v. Wade? No. I think there would be riots in the streets in this country, from pro-choice and pro-life people, if a pregnant woman was executed, because nothing good is served. No public policy is advanced by taking that unborn child's life. We have not helped anybody. We have done a bad thing, not a good thing.

So let us come together and do a good thing. Let us put criminals in jail who assault pregnant women to the fullest extent of the law, no more, no less, and my bill does that.

The definition will withstand constitutional scrutiny. It is a matter of proof. The two-cell zygote defense is a red herring. It is the same definition the body voted on before. It is the burden of proof problem for every prosecutor. If you said you could be prosecuted after 6 weeks of pregnancy, you would have to prove that the pregnancy existed longer than 6 weeks. Prosecutors can do those things, and defense attorneys will have their objections.

This bill is well drafted. It makes a lot of common sense. It is not about the abortion debate; it is about America coming together protecting unborn life when we find consensus.

We should be looking for consensus, from adoption to this bill, to partial-birth abortion, to bring life into the world where we can. And when we have these debates about a woman's right to choose, I honor your right to disagree with me, but that is not today. Today is about bringing the country together, this body together, to put people in jail that deserve to go.

As to the question does this really happen, let me tell you, it happens more than I thought it did. When I was a prosecutor in the Air Force, we had a handful of cases of pregnant women being assaulted and losing their child. There was no statute to prosecute them for that. That was frustrating. If this bill passes, they will have those tools.

Timothy McVeigh will be in the news again soon, and I respect the view of the gentleman from New York (Mr. NADLER) on the death penalty. I disagree with that. But we will be reminded about Oklahoma City soon.

You may not know this, but three women in that building were pregnant. One of them was the wife of Michael Lenz. They had a sonogram of the baby, she is showing it to office workers. The next day she goes to work, the building is blown up, she is killed, and the baby is lost. Mr. Lenz came to Congress 2 years ago and told us, ''That day will mark me for life, but that day I lost two things, not one. I lost the mother of my child, my wife, but I also lost Michael Lenz, III.''

Without this bill, there is no recognition of him as being a victim of Oklahoma City. He should have been a victim, because he was wanted by the family and his life was taken away through an act of violence. That person should go to jail for that act of violence.

I will tell you later why the substitute does not get us to where we need to go. It is not the way the law is trending here.

But read the bill, think about what we are trying to do. And to those pro-choice Members of Congress who voted for this bill last year, thank you. Thank you for coming together and having a rational debate on how to protect the unborn without getting into the abortion debate. I want to thank you very much.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to let the author of this bill, the gentleman from South Carolina who just spoke, know that what he claimed as a red herring really is not a red herring at all. The threat to Roe v. Wade made in this bill cannot be made more clear because this bill contradicts the definition of who a person is by writing it the way they did.

The Court, in Roe, recognized the woman's right to have an abortion as a right protected by the 14th amendment. In considering the issue of whether a fetus is a person, the Court noted, ''Except in narrowly defined situations, the unborn have never been recognized in law as persons in the whole sense,'' and concluded ''person'' as used in the 14th amendment does not include the unborn. The Court declined to grant fetuses the status of

person because it recognized the difficulty in finding an end point to rights that the fetus might claim.

The current bill raises those same issues. In the 28 years since Roe, the Supreme Court has never afforded legal personhood to a fetus; and that, I would say to the gentleman from South Carolina (Mr. GRAHAM), is what the problem is about the bill; that, I would say to the gentleman from Ohio (Mr. CHABOT), is what the problem is about the bill; that, I would say to my dear chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), is what the problem is about the bill.

The gentlemen are contradicting the definition of ''person'' by writing it in the way that they have. That is why the gentlewoman from California had to write a substitute, because we had to get that corrected. As a matter of fact, we go further to prosecute an assailant of a pregnant woman than you do.

So, let us not talk about that being a red herring. That is what the debate is all about.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I want to thank particularly the gentleman from South Carolina (Mr. GRAHAM) for doing an excellent job on shepherding this legislation through, as well as the chairman of our committee.

Yesterday I had a conversation in my office with a lady who is a student at Georgetown University; and I thought, well, I will just ask her her view of this legislation. I said, have you looked at this, the Unborn Victims of Violence Act? She said she had.

I said what is your view on it? She said she supported it. I said are you pro-choice or pro-life? She said I am pro-choice.

So here is a pro-choice lady, a student at Georgetown University, very thoughtful, who recognized the importance of protecting women by extending the protection in this instance to the loss of the unborn child.

I asked her why, and she explained it particularly in those words, that there is nothing more important whenever you have someone commit a violent act against a pregnant woman than that they be held accountable for all of the loss that occurs.

I think this is a thoughtful person. I think she describes where we should be able to come together, whether it is pro-choice or pro-life, that this is something we should be able to unite together on.

I believe it simply follows the leads of a variety of States that have already given legal protection in the circumstance where a pregnant woman is attacked and there is the loss of the unborn child. Arkansas is a great example of that.

Many people have referred to the case of Shawana Pace. It was my nephew, Representative Jim Hendren, who sponsored the fetal protection law in the Arkansas General Assembly, and I am thankful that was passed, because that law allowed the perpetrators of the violence against Shawana Pace to be prosecuted.

It was simply an assault upon her, but it was the intentional death of that unborn child, literally days before that child was born, with the words saying, ''Today, your child will die.'' It was an intentional act. Other than under the fetal protection law, they could not have been prosecuted. So I think it does credit to the women.

The argument is made here that well, we are not fully supporting the Violence Against Women Act. I just want to tell my colleagues I have written to the appropriators and asked them to fully fund the Violence Against Women Act. I joined in the news conference for that purpose. I think it is very important, and you are right to raise the level of attention to the importance of the Violence Against Women Act. We need to join together. But that should not be a reason not to support this legislation.

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

Mr. HUTCHINSON. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to congratulate the gentleman on his latest observation. Now, with the woman that visited his office, and his asking her unsolicited opinion, did the gentleman ask her what she thought about the Lofgren substitute?

Mr. HUTCHINSON. Mr. Speaker, reclaiming my time, let me continue on with the Lofgren substitute.

Mr. CONYERS. Did the gentleman ask her?

Mr. HUTCHINSON. No, I did not ask her, sir. I did not.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise today to urge my colleagues to oppose this bill. I ask my colleagues to look at this legislation for what it is, not for what it claims to be.

On its face this bill could seem as an attempt to provide protections for pregnant women from assault and to provide prosecutors with another tool to punish those who cause the non-consensual termination of a pregnancy. However, on closer examination, this bill sets the stage for a legislative assault on Roe v. Wade by treating a fetus from the moment of conception as an individual with extensive legal rights, distinct from the mother.

Every time a criminal causes injury or death through violence, it is a tragedy. But we must all acknowledge that an attack against an unborn child is necessarily an attack against a pregnant woman. Unfortunately, rather than supporting tougher laws against domestic violence, sexual assault and battery, we are instead debating a bill that does not even recognize the harm to a pregnant woman.

I have heard some Members debating talk about stories of people they have met. I remember in the Wisconsin legislature hearing the personal story of a woman who was beaten when pregnant and lost her child. She was also beaten right after she first got married and beaten before her pregnancy and beaten in the early stages of pregnancy. If we had tough enough laws against violence against women, it would not have created that result.

I am a cosponsor of the Violence Against Women Act which expands protections for women against callous acts of violence. I believe we would be much better served by laws to protect women, pregnant or not, from violence, instead of establishing an entirely new legal framework to protect fetal rights. By switching the focus of the crime, we are diverting attention from the victimized women.

I urge my colleagues to vote against the underlying bill and support the Lofgren amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, one thing that makes America great is its longstanding tradition to defend those incapable of defending themselves. Our Founding Fathers acknowledged the proverb to ''Speak up for those who cannot speak for themselves.''

It is our duty to stand up for the weaker members of society, and I believe the Unborn Victims of Violence Act does just that. Currently, when someone commits a crime in which a woman and her preborn baby are harmed, the accused can only be prosecuted for harm to the mother. This sends the wrong message. It says there is only one victim in this situation, and nothing could be further from the truth. There are two victims harmed in this crime, the mother and her preborn baby.

□ 1215

My colleagues who oppose this bill want to offer a substitute that would recognize the mother as a victim, but not the baby. I would like to remind them again that half the States do not agree; fully 24 have homicide laws that recognize unborn victims.

Furthermore, and I know we discussed this today, I would like to bring to my colleagues' attention a similar act that took place in the House last year. It was in July of last year that we voted 417–0 to deny Federal funds to

execute pregnant women. This bill specifically protects a ''member of the species homo sapien at any stage of the development who is carried in the womb.''

If we are willing to protect preborn babies from Federal execution, why would we let a criminal harm an innocent life without facing specific penalty?

Let me say it again: If we are willing to protect preborn babies from Federal execution, why would we let a criminal harm an innocent life without facing specific penalties?

Those who say they believe in choice should be the strongest advocates of this bill. After all, any criminal who harms a preborn baby has interfered with a woman's choice to carry that baby to term.

Mr. Speaker, I urge my colleagues to join me in voting to defend those who cannot defend themselves.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, let us be candid. This debate is all about preserving the woman's right of choice. It is about preserving a woman's right of choice at the beginning of this debate, it is about preserving a woman's right of choice at the middle of this debate, and at the conclusion of this debate, it will be all about preserving a woman's right of choice.

The women of America who are afraid of losing that right sincerely, and rightfully so, understand this debate. They understand that if the desire of this Chamber is to punish, to give jail time, to give long periods of incarceration to any heinous criminal who attacks a pregnant woman, we would pass a bill that would do that with 435 votes, and the bill that the gentlewoman from California (Ms. LOFGREN) has brought before us does exactly that.

Now, why cannot intelligent members of this House, 435, come together on a bill that does exactly that? Why can we not design a bill like that?

The reason is that certain folks who want to take away a woman's right of choice. And I understand that their beliefs are sincere, and I respect their beliefs, but their beliefs do not respect the U.S. Constitution. Those folks have proposed language that is trying to set the stage to end the right of choice in this country. It is a calculated, concerted, and long-term plan to do that.

Let me tell my colleagues why that is important. Every morning I walk by the U.S. Supreme Court building. I live right across the street from the Supreme Court building, and every morning I look at that building, and when one looks at that building, one understands that if one vote changes, as the current President of the United States will attempt to do, there will be no longer constitutional protection in this country for a woman's right of choice, and that issue will be here in this Chamber.

Those who resist the approach of the gentlewoman from California (Ms. LOFGREN), those who resist the thing that would get 435 votes, those who resist the approach that brings union, not disunion, to this Chamber, seek to set the stage for a legislative taking away of a woman's right of choice as soon as the Supreme Court's protection for a woman's right of choice is taken away from American women. That is what this debate is about.

Support the Lofgren amendment. That is the goal we want to pursue, with 435 votes.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Washington is dead wrong. This is similar to bills that have been enacted into law in many States, and anybody who is charged for killing an unborn child would have used that constitutional argument as a defense. In no State has a Federal court or a State court struck down a similar law.

The woman who is assaulted and whose unborn child has been killed or maimed has already made her choice, and that is to bear that child. Why do we not respect the choice that that woman has made?

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, today I rise in support of H.R. 503, the Unborn Victims of Violence Act, and I commend the gentleman from South Carolina for introducing this legislation.

Let us consider for a moment the human side of this legislation. A friend of mine and his wife tried for years to conceive a child. They had almost given up when unexpectedly they conceived twins, a double blessing. If someone had assaulted or otherwise committed a crime of violence against her that killed these children, one cannot tell me that punishment should only occur for the crime against the woman when the unborn children were the innocent victims of the violence. If these two lovely children that the couple had longed for had tragically died in the commission of a crime of violence, the criminal must be held accountable.

This legislation takes the important step of recognizing that violence against an unborn child against the will of the mother, taking away the mother's right to choose, can be prosecuted in a court of law. This is not a new concept. In fact, over half of the States in this Nation have State laws which protect unborn victims of violence in some form. I have with me today a list of these State homicide laws that recognize unborn victims, which will be inserted into the RECORD.

This legislation would not supersede those State laws, nor would it impose a new law for crimes which are under State jurisdiction. Rather, this bill recognizes an unborn child as a victim in the eyes of Federal criminal law.

Currently, if a criminal injures or kills an unborn child during the course of a violent Federal crime, he has not committed an additional offense, other than the violent crime. But that is not fair. If an unborn child dies because of a violent act perpetrated against his or her mother, then the criminal must be held accountable.

We have heard about an amendment to this legislation which would take away the recognition that a violent crime has occurred against an unborn child. I would urge my colleagues on both sides of the aisle to vote against this weakening amendment.

The title of this bill describes exactly what this bill is about: unborn victims of violence. This bill works to correct an unjust situation in which the life of an unborn child is lost, and there are no legal repercussions. I challenge my colleagues again on both sides of the aisle and on both sides of the abortion issue to hold criminals accountable for their violent crimes.

Mr. Speaker, I urge all of my colleagues to stand with me today and vote in favor of H.R. 503, the Unborn Victims of Violence Act.

STATE HOMICIDE LAWS THAT RECOGNIZE UNBORN VICTIMS

FULL-COVERAGE UNBORN VICTIM STATES (11) (STATES WITH HOMICIDE LAWS THAT RECOGNIZE UNBORN CHILDREN AS VICTIMS THROUGHOUT THE PERIOD OF PRE-NATAL DEVELOPMENT)

Arizona—The killing of an ''unborn child'' at any stage of pre-natal development is manslaughter. Ariz. Rev. Stat. §13–1103(A)(5) (West 1989 & Supp. 1998).

Illinois—The killing of an ''unborn child'' at any stage of pre-natal development is intentional homicide, voluntary manslaughter, or involuntary manslaughter or reckless homicide. Ill. Comp. Stat. ch. 720, §§5/9–1.2, 5/9–2.1, 5/9–3.2 (1993).

Louisiana—The killing of an ''unborn child'' is first degree feticide, second degree feticide, or third degree feticide. La. Rev. Stat. Ann. §§14:32.5–14.32.8, read with §§14:2(1), (7), (11) (West 1997).

Minnesota—The killing of an ''unborn child'' at any stage of pre-natal development is murder (first, second, or third degree) or manslaughter (first or second degree). It is also a felony to cause the death of an ''unborn child'' during the commission of a felony. Minn. Stat. Ann. §§609.266, 609.2661–609.2665, 609.268(1) (West 1987). The death of an ''unborn child'' through operation of a motor vehicle is criminal vehicular operation. Minn. Stat. Ann. §609.21 (West 1999).

Missouri—The killing of an ''unborn child'' at any stage of pre-natal development is involuntary manslaughter or first degree murder. Mo. Ann. Stat. §§1.205, 565.024, 565.020 (Vernon Supp. 1999), *State* v. *Knapp*, 843 S.W. 2d 345 (Mo. 1992), *State* v. *Holcomb*, 956 S.W. 2d 286 (Mo. App. W.D. 1997).

North Dakota—The killing of an ''unborn child'' at any stage of pre-natal development is murder, felony murder, manslaughter, or negligent homicide. N.D. Cent. Code §§12.1–17.1–01 to 12.1–17.1–04 (1997).

Ohio—At any stage of pre-natal development, if an ''unborn member of the species homo sapiens, who is or was carried in the womb of another'' is killed, it is aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, negligent homicide, aggravated vehicular homicide, and vehicular homicide. Ohio Rev. Code Ann. §§2903.01 to 2903.07, 2903.09 (Anderson 1996 & Supp. 1998).

Pennsylvania—The killing of an ''unborn child'' at any stage of pre-natal development is first, second, or third-degree murder, or voluntary manslaughter. 18 Pa. Cons. Stat. Ann. §§2601 to 2609 (1998).

South Dakota—The killing of an ''unborn child'' at any stage of pre-natal development is fetal homicide, manslaughter, or vehicular homicide. S.D. Codified Laws Ann. §22–16–1, 22–16–1.1, 22–16–15(5), 22–16–20, and 22–16–41, read with §§22–1–2(31), 22–1–2(50A)(Supp. 1997).

Utah—The killing of an ''unborn child'' at any stage of pre-natal development is treated as any other homicide. Utah Code Ann. §76–5–201 et seq. (Supp. 1998).

Wisconsin—The killing of an ''unborn child'' at any stage of pre-natal development is first-degree intentional homicide, first-degree reckless homicide, second-degree intentional homicide, second-degree reckless homicide, homicide by negligent handling of dangerous weapon, explosives or fire, homicide by intoxicated use of vehicle or firearm, or homicide by negligent operation of vehicle. Wis. Stat. Ann. §§939.75, 939.24, 939.25, 940.01, 940.02, 940.05, 940.06, 940.08, 940.09, 940.10 (West 1998).

PARTIAL-COVERAGE UNBORN VICTIM STATES (13) (STATES WITH HOMICIDE LAWS THAT RECOGNIZE UNBORN CHILDREN AS VICTIMS, BUT ONLY DURING PART OF THE PERIOD OF PRENATAL DEVELOPMENT)

Note: These laws are gravely deficient because they do not recognize unborn children as victims during certain periods of their pre-natal development. Nevertheless, they are described here for informational purposes.

Arkansas—The killing of an ''unborn child'' of twelve weeks or greater gestation is murder, manslaughter, or negligent homicide. Enacted April 9, 1999, 1999 AR H.B. 1329. (A separate Arkansas law makes it a battery to cause injury to a woman during a felony or Class A misdemeanor to cause her to undergo a miscarriage or stillbirth, or to cause injury under conditions manifesting extreme indifference to human life and that results in a miscarriage or stillbirth.)

California—The killing of an unborn child after the embryonic stage is murder. Cal. Pen. Code §187(a) (West 1999).

Florida—The killing of an ''unborn quick child'' is manslaughter. Fla. Stat. Ann. §782.09 (West 1992).

The killing of an unborn child after viability is vehicular homicide. Fla. Stat. Ann. §782.071 (West 1999).

Georgia—The killing of an ''unborn child'' after quickening is feticide, vehicular feticide, or feticide by vessel. Ga. Code Ann. §16–5–80 (1996); §40–6–393.1 (1997); and §52–7–12.3 (1997).

Massachusetts—The killing of an unborn child after viability is vehicular homicide. *Commonwealth* v. *Cass*, 467 N.E.2d 1324 (Mass. 1984). The killing of an unborn child after viability is involuntary manslaughter. *Commonwealth* v. *Lawrence*, 536 N.E.2d 571 (Mass. 1989).

Michigan—The killing of an ''unborn quick child'' is manslaughter. Mich. Stat. Ann. §28.554 (Callaghan 1990). The Supreme Court of Michigan has interpreted this statute to apply to only those unborn children who are viable. *Larkin* v. *Cahalan*, 208 N.W.2d 176 (Mich. 1973). (A separate Michigan law, effective Jan. 1, 1999, provides felony penalties for actions that intentionally, or in wanton or willful disregard for consequences, cause a ''miscarriage or stillbirth,'' or cause physical injury to an ''embryo or fetus.'')

Mississippi—The killing of an ''unborn quick child'' is manslaughter. Miss. Code Ann. §97–3–37 (1994).

Nevada—The killing of an ''unborn quick child'' is manslaughter. Nev. Rev. Stat. §200.210 (1997).

Oklahoma—The killing of an ''unborn quick child'' is manslaughter. Okla. Stat. Ann. tit. 21, §713 (West 1983). The killing of an unborn child after viability is homicide. *Hughes* v. *State*, 868 P.2d 730 (Okla. Crim. App. 1994).

Rhode Island—The killing of an ''unborn quick child'' is manslaughter. The statute defines ''quick child'' to mean a viable child. R.I. Gen. Laws §11–23–5 (1994).

South Carolina—The killing of an unborn child after viability is homicide. *State* v. *Horne*, 319 S.E.2d 703 (S.C. 1984); *State* v. *Ard*, 505 S.E.2d 328 (S.C. 1998).

Tennessee—The killing of an unborn child after viability is first-degree murder, second-degree murder, voluntary manslaughter, vehicular homicide, and reckless homicide. Tenn. Code Ann. §39–13–201, 39–13–202, 39–13–210, 39–13–211, 39–13–213, 39–13–214, 39–13–215 (1997 & Supp. 1998).

Washington—The killing of an ''unborn quick child'' is manslaughter. Wash. Rev. Code Ann. §9A.32.060(1)(b) (West Supp. 1999).

STATES WITHOUT UNBORN VICTIMS LAWS, WHICH INSTEAD CRIMINALIZE CERTAIN CONDUCT THAT ''TERMINATES A HUMAN PREGNANCY'' OR THAT CAUSES A MISCARRIAGE (7)

Note: These laws are gravely deficient, because they do not recognize unborn children as victims, nor allow justice to be done on their behalf. These laws are included here for informational purposes.

Indiana—An individual who knowingly or intentionally ''terminates a human pregnancy'' commits feticide. Ind. Code Ann §35–42–1–6 (Burns 1994 & Supp. 1998).

Iowa—An individual who intentionally ''terminates a human pregnancy'' without the consent of the pregnant woman commits a felony. This law also sets forth other crimes involving the termination of a human pregnancy, such as during the commission of a forcible felony. Iowa Code Ann §707.8 (West Supp. 1999).

Kansas—Injury to a pregnant woman during the commission of a felony or misdemeanor which causes a miscarriage results in specific levels of offense severity. Kan. Stat. Ann §21–3440 (1997). Also, injury to a pregnant woman through the operation of a motor vehicle which causes a miscarriage results in specific levels of offense severity. Kan. Stat. Ann. §21–3441 (1997).

New Hampshire—It is a felony to cause injury to another person that results in a miscarriage or stillbirth. N.H. Rev. Stat. Ann §§631:1–631:2 (1996).

New Mexico—It is a felony to injure a pregnant woman during the commission of a felony and cause her to undergo a miscarriage or stillbirth. N.M. Stat. Ann. §30–3–7 (Michie 1994). It is also a crime to injure a pregnant woman through the unlawful operation of a vehicle which causes her to undergo a miscarriage or stillbirth. N.M. Stat. Ann §§66–8–101.1 (Michie 1998).

North Carolina—It is a felony to injure a pregnant woman during the commission of a felony and cause her to undergo a miscarriage or stillbirth. It is a misdemeanor to cause a miscarriage or stillbirth during a misdemeanor act of domestic violence. N.C. Gen. Stat. §14–18.2 (Supp. 1998).

Virginia—The premeditated killing of a pregnant woman with the intent to cause the termination of her pregnancy is capital murder. Va. Code Ann. 18.2–31 (Michie Supp. 1998). The unpremeditated killing of a pregnant woman with the intent to cause the termination of her pregnancy is also a crime. Va. Code Ann. §18.2–32.1 (Michie Supp. 1998). It is a felony to injure a pregnant woman with the intent to maim or kill her or to terminate her pregnancy and she is injured or her pregnancy is terminated. Va. Code Ann. §18.2–51.2 (Michie Supp. 1998).

New York: Conflicting Statutes

New York—Under New York statutory law, the killing of an ''unborn child'' after twenty-four weeks of pregnancy is homicide. N.Y. Pen. Law §125.00 (McKinney 1998). But under a separate statutory provision, a ''person'' that is the victim of a homicide is statutorily defined as ''a human being who has been born and is alive.'' N.Y. Pen. Law §125.05 (McKinney 1998). See *People* v. *Joseph*, 130 Misc. 2d 377, 496 N.Y.S.2d 328 (County Court 1985); *In re Gloria C.*, 124 Misc.2d 313, 476 N.Y.S.2d 991 (N.Y. Fam. Ct. 1984); *People* v. *Vercelletto*, 514 N.Y.S.2d 177 (Co.Ct. 1987).

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to comment on the gentleman's argument about other States having similar laws, and so why can we not do the same thing? The reason we have not done the same thing is that many of these State laws are obviously drafted differently. They do not use controversial terms, some of them, as ''unborn child'' or ''child in utero.''

The second thing is that none of these State laws have been validated or upheld in a Federal court, let alone a Supreme Court decision. They have not been tested. So I do not think that gives us a presumption that we can copy State law. I say to my colleagues, we should be creating Federal law that States may want to pattern themselves after.

Then, we might want to take into consideration the experience with State laws that have not been very favorable on this subject. Some of these laws have been used as excuses to justify prosecuting women for their conduct while they are pregnant. A whole host of problems arise this way.

In South Carolina, ironically, now they prosecute women whose babies are found to have drugs in their system; the mothers are prosecuted. In another case, the court ordered into custody a pregnant woman who refused medical care because of religious convictions, in an attempt to ensure that the baby be born safely. We had a National Public Radio case about a pregnant woman being forced into custody at a State medical facility in Massachusetts to ensure that her baby was born safely. In another case, a court sent a student to prison to prevent her from obtaining a midterm abortion.

So I say to my colleagues, let us stop pointing recklessly to all of these laws

in State courts as if they are giving us a reason to make the same kind of untested legislation that they are doing.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, despite the claims of my colleagues who oppose H.R. 503, this legislation before us today is not about abortion. It does not infringe on a woman's legal right to abort her child. It does not place legal limitations upon those in the medical profession who perform abortion. In fact, the only time this bill even mentions abortion is to protect the woman's legal right to have one, and the doctor's legal right to perform them. Yet, those who oppose this bill would like the American people to believe that this is an attempt to reverse Roe v. Wade.

This leads me to ask my colleagues who oppose this bill, why the smoke screen? Why are they so fearful of protecting a pregnant woman and her unborn child? Why are they standing in the way of legislation which provides protection for a woman against violence? Recognizing the unborn child as a victim of crime does not affect the woman's legal right to abort the child.

Mr. Speaker, the smoke screen of abortion used by those in opposition to this bill will not work. The majority of Congress and the American people know that a woman and her unborn child must be protected against criminal acts of violence. When a pregnant woman is assaulted and bodily harm is brought about to her unborn child, there are two victims, not one.

This bill was not introduced to erode current abortion law. Let me tell my colleagues why this bill was introduced. Currently, under Federal law, if a criminal assaults or kills a woman who is pregnant and thereby causes the death or injury to that unborn child, the criminal faces no consequences for taking or injuring this unborn life. That is why this bill is introduced, and that is why it is a tragedy that this worthwhile piece of legislation is being muddled in abortion politics by those who instinctively reject any bill that deals with the child in the womb.

It is unfortunate that those in opposition to this bill today believe that a victim such as Zachariah Marciniak, whose story has been described previously by my colleagues, was not a child or not a human being. I wonder how many of my colleagues would suggest that when planning for the miracle of a birth, in painting the nursery, attending baby showers, buying a crib and clothes, often name the child before he or she is delivered, all in preparation for a newborn, is not preparation for a life, a life that lives within.

Mr. Speaker, I strongly believe, like the father who lost his wife in the Oklahoma City bombing, that the loss was even greater. He lost his wife and his unborn baby. In that awful tragedy, we as a nation lost not 168, but 171 people, as three of the women killed during that atrocity were with child. They were murdered along with their mothers.

Consider also the fact that last year the House of Representatives passed the Innocent Child Protection Act by a vote of 417–0. This bill prohibited a State or Federal Government for executing a woman ''while she carries a child in utero.'' That bill, which again passed unanimously, defined ''child in utero'' the same way it is defined in the Unborn Victims of Violence Act. If the House is, without dissension, willing to protect unborn children from execution, why is it controversial to also protect unborn children from a deadly assault?

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, those in the gallery, those watching this debate on national television around the Nation might assume that the reason that we are spending these hours on the floor pursuing this legislation is because we are trying to solve a problem, that there is somehow a problem that exists, that out in America on Federal property women are being assaulted, and they are losing their fetuses in those assaults, and their perpetrators are going unpunished or going too lightly punished.

□ 1230

I do not think there is any evidence at all that that is the problem. If it were, this legislation would be a priority for the police and law enforcement officials of our country. This would be a priority for the district attorneys in our counties. This would be a priority for the attorneys general. This would be a priority for the coalitions against domestic violence.

That is really not why we are here. My friend, the gentleman from South Carolina (Mr. GRAHAM), is a good friend of mine. I admire him more than I admire many Members of this Congress. He is a good man.

But I think in truth we all know that this bill is here because it is aimed at abortion politics. This bill is strategized, is being pushed. The grassroots organizations that are pushing for this legislation are pushing it because they are part of the anti-abortion part of this country's population.

The reason they do that is because for the last 30 years abortion has been legal in this country and because the courts have said that, particularly in the early stages of a woman's pregnancy, the choice of what to do with that pregnancy is hers. It is well-established law.

How do you defeat that? You do not bring an amendment to the floor to change the Constitution in that regard. That is not popular in this country. So we bring bills like this, which are designed to come in the back door, and try to define a fetus as a human being, a full person.

This is brought here for the purpose of abortion politics to establish in law under the guise, under the obviously compelling notion that we want to protect women against violence, when its purpose is really quite otherwise.

If those Members who are really interested in solving this problem will support the Lofgren amendment, this really does get tough on those who would assault a pregnant woman; it does get tough, and does not have the ulterior motive of trying to play abortion politics with something as critical as a woman's assault.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members that it is not appropriate under the rules of the House to refer to our guests in the gallery.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I strongly support this bill. One of the reasons to address a comment made by the prior speaker about there are not crimes like this being committed out there, I want to cite the March edition of the Journal of the American Medical Association, which published a study revealing that the leading cause of death among pregnant women in the State of Maryland was not health-related ailments, but rather, murder.

This is not simply a case that might occur on Federal property, but it covers a range of potential offenses where it is important for that unborn child to be recognized, and if injured or killed, appropriate punishment be given for that unborn child as well as the pregnant mother. In kidnapping cases, that is a Federal offense; in drug deals gone bad, bank robberies, and even the most recent example of Oklahoma City and the terrorism there, and the fact that there were three unborn children killed in that.

This type of violent act is exactly what H.R. 503 is designed to hopefully deter. We can maybe deter some of these offenses from taking place, and if necessary, if they occur, to appropriately punish them.

This bill will correct the failure of both Federal and military law to treat a criminal assault against a pregnant woman as an additional crime perpetrated against the unborn child. Currently, as has been said numerous times today, even one who purposely

kills an unborn child, who sets out to kill that unborn child, has not committed a Federal crime, as the law now stands.

Let me make three additional points, if I could, very quickly. This is not an abortion vote. The sky is not falling on the issue of pro-choice pro-life. I do not understand why people come up here and stand and say that this is an abortion vote. I respect their opinion; but in reading the bill, I do not understand it.

Someone maybe can connect the dots for me on this, because if this bill is wrong, it is unconstitutional. It does not square with Roe v. Wade. This bill is not going to overturn Roe v. Wade; this bill will be held unconstitutional with Roe v. Wade being cited. So if there is a problem there, this bill is not going to overturn Roe v. Wade. It will be the other way around.

This act specifically excludes abortion, an abortion procedure consented to by the mother. It also specifically excludes any action by the mother which results in harm to the unborn child. So all these South Carolina cases and other cases that have been cited would not apply here. They are not covered.

To me, it should not matter whether one is pro-choice or pro-life, one ought to be able to support this bill. As has been mentioned several times already, this definition is something that is not new to this House. Last year we voted 417–0 to prohibit the death penalty being given to a pregnant woman. We use that same definition.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to remind my friend, who is a former member of the Committee on the Judiciary, who assured us that Roe v. Wade was not under attack, well, most people understand that it is under attack. That is why the National Abortion and Reproductive Rights Action League is opposed, Planned Parenthood Federation of America is opposed, the National Abortion Federation is opposed, the National Women's Law Center is opposed.

Does the gentleman think they do not understand this bill very much? I think they do.

The National Partnership for Women and Families, they are opposed. The Center for Reproductive Law and Policy, they are opposed. The American Civil Liberties Union, they are opposed. The Feminist Majority, they are opposed. The American Association of University Women, they are opposed. The National Family Planning and Reproductive Health Association, they are opposed. The American Women's Medical Association, they are opposed. The National Coalition Against Domestic Violence, they are opposed. The National Council of Jewish Women, they are opposed. The National Organization for Women, they are opposed. The Physicians for Reproductive Choice in Health, they are opposed. The People for the American Way, they are opposed.

Now, they do not understand what the Members are trying to do, do they? They do not get it? They have misunderstood the bill of the gentleman from South Carolina? All of these organizations, a dozen of them, they should relax, Roe v. Wade is not under attack. The gentleman in the well on the Republican side just told us so. It is okay. Relax.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I stand here today in opposition to H.R. 503.

As the mother of a pregnant daughter and the mother-in-law of a pregnant daughter-in-law, a proud grandmother of Isabel and Eve, the sense that somehow I do not understand the incredible mystery and magic and holiness of a pregnancy because I do not support this legislation, I really resent that very much.

We look forward in our family to welcoming these two new babies, and a crime against my daughter or daughter-in-law would be absolutely devastating, and even more so because each is pregnant. We all agree on that.

That is the part that I do not get. We all do agree that we need to change the law to add penalties because a crime against a pregnant woman is really devastating. Why can we not agree on that? We have the Motherhood Protection Act, the Lofgren amendment, that does just that, it increases the penalties. It is not their bill or no bill. We could agree that we should increase the penalties.

I am happy to connect the dots for the gentleman on why this is an anti-abortion bill. It creates personhood for even a fertilized egg equal to that of a woman. That does not make any sense. Even if she does not know she is pregnant, that fertilized egg now has equal value to her.

We should create law that recognizes that this is a devastating crime, and we should increase the penalties if my daughter or my daughter-in-law is violently assaulted. We agree on that.

Why do we not, then, move forward as a body in agreement that we should pass this amendment? It does not detract. In fact, it increases the deterrent against violence against women at a time when more violence than other times occurs. Pregnancy is an incentive for violence against women. That is when it occurs more.

Let us get together and pass the Lofgren amendment.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, most of the Members of the House remember that I served as a prosecutor and a judge before I came to Congress. In fact, I served as a prosecutor with the acting Speaker this afternoon in the State of Ohio.

I hear the cry for legislation to deal with a situation that none of us want to happen, a situation where harm comes to a woman while she is pregnant. I hear the cry under the veil that we as Members of Congress have to stand up for pregnant women, and we have to do things so nothing happens to pregnant women.

But legislation is not the only answer to help pregnant women who are harmed. There are other ways in which we can help them. In fact, the Violence Against Women Act legislation could have helped women in this circumstance.

But be that as it may, as we are debating legislation, one of the jobs of a good legislator is to make sure that when we pass the legislation that we know it will stand up to judicial scrutiny. For those who are the proponents of this legislation, if they only look to it, they will recognize that it has problems to the extent that a judiciary would send this back.

As a prosecutor, I tried my darnedest to never take a case into court if I knew the law had a problem, because how could I explain to the victim that I prosecuted the case with the knowledge that the law had a problem that would not stand appellate scrutiny?

Let us look at why this legislation has some dilemmas. The provision or key phrase ''child who is in utero'' is vague. It makes it difficult to get before an appellate court and explain the vagueness of that phrase.

The legislation lacks a mens rea requirement, that one did not know or have reason to know that the woman who is the victim of the crime was pregnant.

And then even more importantly, the legislation lacks a predicate for the offense, that the crime against the woman be first established.

Now, to my colleagues who want to push for women who are harmed while they are pregnant, we offer them an alternative. We offer them an alternative that we as good legislators believe will withstand the scrutiny of an appellate court. We offer them an alternative that provides for the same penalty, that we believe is consistent with current law, regardless of what is happening in the other States.

As has previously been said, let us try and be 435 strong in favor of pregnant women who are harmed. Let us step up to the plate and say that this Congress, on a bipartisan basis, regardless of our view on choice, regardless of our view on many other issues, and we

have not agreed on much since we have been here in this 107th Congress, but let us choose this legislation to agree on; that regardless of our position, we will support the Lofgren alternative.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise today in opposition to the Unborn Victims of Violence Act of 2001. This bill will be the first, the first in the Federal statutes, to give separate legal status to a fetus.

The proponents of the legislation claim that they are protecting the mother, but that is not their true intention. If it were their true intention, why would the anti-choice right-to-life groups support the bill, and why would the domestic violence victims advocacy groups oppose the bill?

If people were so concerned about violence against pregnant women, why are not those pregnant women even mentioned in the bill?

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If the issue is about violence to women, why do the proponents of the bill not support the Lofgren substitute, which is concerned about the woman and her fetus? Mr. Speaker, the majority of Americans are pro-choice and they depend on this Congress to protect a woman's right to choose while simultaneously working to make abortion a rare occurrence. The women of this country count on us as legislators to craft Federal policies that are really intended to protect their health and well-being. They rely on us to pass legislation that will protect their reproductive choices. Women depend on us to know the difference between legislation that is truly intended to protect them and a poorly disguised vehicle designed to reopen the debate on Roe v. Wade.

We are not fooled by this legislation, Mr. Speaker, and, frankly, neither are the women we represent. If Members of this House really care about taking steps to protect pregnant women and to punish the terrible perpetrators who mercilessly beat them, then we will all join together, pro-life and pro-choice, and join hands across the aisle to vote for the Lofgren substitute.

The Lofgren substitute actually, as we will hear, provides greater levels of punishment to the perpetrators of the heinous crime of harming a pregnant woman. In fact, there is only one difference between the substitute and the underlying bill; and that underlying difference reveals the true goal of H.R. 503. The underlying bill creates a Federal criminal offense that provides a pregnancy from conception to birth with a legal status separate from that of the mother.

Regardless of what we are hearing today from proponents of this legislation, there is only one reason to support this new criminal offense over the Lofgren substitute, and that is to take the first step of defending a fetus at any stage of development as a person.

If the supporters of this legislation want to debate the merits of abortion, I think we should do it out in the open. They should be embarrassed about cloaking their true intent in an issue. They should be embarrassed about cloaking their true intent on an issue that we all agree upon and that we care deeply about, and that is protecting pregnant women from violence.

But the fact is, this is intentional; and the reason is there is a great reluctance on the part of the proponents of this bill to openly debate the issue of a woman's right to choose in this Chamber. Opponents of the right to choose know they are out of step with the majority of the American public, and so they are working sideways to begin to erode that right in our statutes.

We keep hearing that those who support this bill talk about two victims. But what they are omitting is the fact that this act does not mention women. So, in fact, the bill is not about two victims at all.

Mr. Speaker, the Lofgren substitute improves the bill. It is a good alternative. It punishes the perpetrators. I urge adoption of the amendment; and if the amendment is not adopted, I urge defeat of the ill-intentioned legislation.

Mr. CONYERS. Mr. Speaker, it is my pleasure to yield the balance of my time to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a ranking subcommittee member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, let me quickly discuss something that is extremely private and extremely important. When I first came to this Congress, we started discussing this concept called partial-birth abortion.

As a new Member, I was unaware of a procedure that was out of line of a decision between mother and physician and God. But all of a sudden, this Congress began to raise its head about something called partial-birth abortion. It simply was a procedure that doctors were using to save the lives of mothers who wanted to have children.

We come here today, as the New York Times has said, with another scheme very personal for me, because I have had pregnancies that have survived and those that have not. I wish I did not have to come to the floor of the House to discuss this.

But I believe the Lofgren substitute speaks to the concern that we have as Americans. How dare you assault a woman who is pregnant. How dare you abuse her. How dare you take her as girlfriend or wife or friend and abuse her and cause the loss of that pregnancy. The Lofgren substitute answers that concern. If that woman is injured that results in an injury to that pregnancy or a death, that means that that pregnancy does not come to term, you will be faulted and convicted, 20 years or maximum life.

This is a scheme. Year after year after year, this is an attempt to violate Roe v. Wade. Why? Because H.R. 503 does not speak to that woman who has been violated and abused. It simply says that we are tying it to that embryo. Why? Because we want to say to America that we are trying to destroy Roe v. Wade. That is a privilege of the American people. That is the constitutional law. That is the law of the land. That is the Supreme Court decision.

In committee, I tried to offer an amendment that would suggest to us whether the opposing side is truly sincere; and that amendment said that replacing unborn children in H.R. 503 to violence during pregnancy, that gets to the issue. It says that, if there is violence during pregnancy that resulted in the loss or injury to the woman and then the fetus, then there would be penalty.

But, no, they refused because they want to ensure that there is no relationship to that pregnant woman, there are no feelings about that pregnant woman. It is only to tear apart Roe v. Wade.

Let me say, Mr. Speaker, this is a constitutional issue because it comes to the Subcommittee on the Constitution of the House Committee on the Judiciary, and the very reason is to undermine Roe v. Wade.

I have passion and I have feelings about any woman who involuntarily is forced to lose that child that she is carrying. There is no doubt that our hearts are pure on both sides of the aisle. But this body is forced to follow the law. Vote for the Lofgren substitute and defeat that bill because this is an unconstitutional attack on the right to choose and the privacy of every American.

Mr. Speaker, I rise in very strong opposition of H.R. 503, "Unborn Victims of Violence Act of 2001." This is an unacceptable attempt to create a legal status for the unborn, which would could have enormous adverse ramifications for women in America.

Let me be clear. I would like to express my opposition to H.R. 503, "Unborn Victims of Crime Act" because I believe this is a veiled attempt to create a legal status for the unborn. While we would all like to protect pregnant women and the fetus from intentional harm by others, this bill seeks to create a legal status that will give anti-abortion advocates a back door to overturning current law. I have seen similar legislation come before our committee and I am sorry to see it before the Congress yet again.

I believe that the cosponsors of this bill had good intentions when it was introduced, but

the practical effect of this legislation would effectively overturn 25 years of law concerning the right of a woman to choose.

I sympathize with the mothers who have lost fetuses due to the intentional violent acts of others. Clearly in these situations, a person should receive enhanced penalties for endangering the life of a pregnant woman. In those cases where the woman is killed, the effect of this crime is a devastating loss that should also be punished as a crime against the pregnant woman.

However, any attempt to punish someone for the crime of harming or killing a fetus should not receive a penalty greater than the punishment or crime for harming or killing the mother. By enhancing the penalty for the loss of the pregnant woman, we acknowledge that within her was the potential for life. This can be done without creating a new category for unborn fetuses.

H.R. 503 would amend the federal crime code to create a new Federal crime for bodily injury or death of an ''unborn child'' who is in utero. In brief, there is no requirement or intent to cause such death under Federal law. The use of the words as ''unborn child,'' ''death'' and ''bodily injury'' are designed to inflame and establish in Federal precedent of recognizing the fetus as a person, which, if extended further, would result in a major collision between the rights of the mother and the rights of a fetus. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, it is my firm belief that this bill will give anti-abortion advocates a powerful tool against women's choice.

The state courts that have expressed an opinion on this issue have done so with the caveat that while Roe protects a woman's constitutional right to choose, it does not protect a third party's destruction of a fetus.

This bill will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased civil liability is present.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

If we are concerned about protecting a fetus from intentional harm such as bombs and other forms of violence, then we also need to be just as diligent in our support for women who are victimized by violence.

In the unfortunate cases of random violence, we need to strengthen some of our other laws, such as real gun control and controlling the sale of explosives. These reforms are more effective in protecting life than this bill.

We do not need this bill to provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard people opposed to this bill say time and time again that this bill takes away the right to choose, and they are so so wrong. This bill respects the right of those who have chosen to carry their baby to term, because they want the baby to be born.

The opponents of the bill have massed their arguments saying that we are providing legal protection for fertilized eggs and zygotes and blastocysts, but they ignore the fact that this bill provides protection regardless of at what stage of development the unborn child is.

They would turn around and say defeat this bill because this dead child as a result of an act of violence against a woman in my home State of Wisconsin should not be protected. This is a child that was about ready to be born before he was murdered. The man who committed this crime, because it was a mere assault on the mother, is now out of prison.

We have to pass this bill so that somebody who kills a child like this one spends a lot of time in prison to pay for his crime.

Mr. GILMAN. Mr. Speaker, I rise today in opposition to a bill that I find troublesome on many levels. H.R. 503, the Unborn Victims of Violence Act, at first glance, seems to be a compassionate piece of legislation that harbors only good intentions towards women. However, Mr. Speaker, this legislation has a significant impact on the Supreme Court's findings in Roe v. Wade.

This measure would conflict with the Supreme Court's ruling in Roe v. Wade, and the Constitution in general.

An alternative measure that I have reviewed and which I can support is the Lofgren substitute amendment.

Under the Lofgren proposal, a separate Federal criminal offense would be created for any harm done to a pregnant woman; the pregnant woman being recognized as the primary victim of a crime causing the termination of a pregnancy. An offense would be created that protects women and punishes violence resulting in injury or termination of a pregnancy; a maximum 20-year sentence would be provided for the injury to a woman's pregnancy and a maximum life sentence for termination of a woman's pregnancy; and focuses on the harm to the pregnant woman, providing a deterrent against violence against women.

This amendment, otherwise known as the Motherhood Protection Act, provides for the full protection of expectant mothers against violent crimes without legislating any direct conflict with the highest court of the land.

If the supporters of H.R. 503 are truly concerned about protecting of pregnant women, then let us craft a bill that can be supported by all involved, and actually speaks to women's rights instead of advancing the pro-life agenda in this backdoor fashion.

When a crime is committed against pregnant women which results in the termination of the fetus, a tragedy has occurred. Accordingly let us adopt legislation that recognizes this tragedy without recognizing something antithetical to the Supreme Court's prior decision.

Mr. HOLT. Mr. Speaker, I rise today to express my opposition to H.R. 503, the ''Unborn Victims of Violence Act.'' This bill continues to demonstrate the troubling tendency in Congress to undermine women's constitutional reproductive rights.

Since 1973 and the Roe v. Wade decision, we have seen Congress slowly chip away at women's right to choose in an effort to ultimately nullify this landmark decision. H.R. 503 is an ill-disguised attack on Roe v. Wade. That is because at root it is an attempt to redefine when life begins.

The bill seeks to create a separate Federal criminal offense for criminal acts that cause death or bodily injury to the ''unborn'' fetus. Tellingly, it does not create any comparable offense for killing or injuring the woman bearing the fetus. I think that makes it clear that the real purpose here is not to protect the victims of violence, but to try to get Congress on record as specifying that life begins at conception.

There are serious threats to women, including women bearing children, that we need to address. Domestic violence is the single greatest cause of injury to women. Although the statistics vary, according to the American Medical Association, approximately four million women were physically abused by their husbands or live-in partners in 1998. That means that 10,959 women on average are abused every day. This statistic is deeply disconcerting.

Domestic violence crimes resulting in the loss of pregnancy are terribly tragic, and these acts should be punished, but H.R. 503 is not the proper approach to eradicating this problem. We need to concentrate our efforts on protecting abused women by passing measures, such as the reauthorization of the Violence Against Women Act, to promote protection from violence as well as increasing assistance to abused women. That is why I support the amendment proposed by the gentlewoman from California, Congresswoman LOFGREN.

Mr. Speaker, I strongly urge my colleagues to help these victims of violence and protect their well being. Domestic violence is a national concern, and we need to do everything within our capabilities to make sure that it receives due attention. Let us avoid passing any Federal law that will undermine a woman's right to choose as protected by the Constitution of the United States, and let us focus on the real issue at hand—eradicating violence against women.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support for H.R. 503, the Unborn Victims of Violence Act.

This important legislation would finally make it a separate Federal offense to cause death or bodily injury to a child in utero in the course of committing an already defined Federal offense. It is imperative that we hold criminals responsible for conduct that harms or kills an unborn child. I cannot understand the opposition to this bill. It will not affect abortion laws, it merely affirms that a violent act against a pregnant woman affects not only her but her unborn child as well. There are most certainly two victims in such crimes, as 24 States have already recognized.

I am horrified by stories such as that of Tracy Scheide Marciniak who was only 4 days

from delivering her baby boy Zachariah. Four days. For 9 months she had been eagerly awaiting his arrival, planning for his birth and life, bonding with him in her womb. Unfortunately, her husband brutally attacked her, targeting a few blows specifically on her abdomen. Zachariah bled to death in her womb because of the blunt-force trauma. Tracy nearly died herself but did recover from her injuries and had to bury her baby boy without ever getting a chance to see him alive. At the time Wisconsin did not have an unborn victims law so Glendale Black was convicted on a assault to her alone and is now eligible for parole. The law did not recognize the loss of Zachariah's life and Glendale Black did not pay for his crime.

Ohio is one of the states where it is a crime to kill an unborn child in a violent act. Unlike Zachariah, Jasmine Robbins' father was prosecuted for her manslaughter. Gregory Robbins assaulted his wife Karlene who was 8 months pregnant with their daughter Jasmine. he repeatedly struck her in the face and abdomen. Due to the assault, Karlene' uterus ruptured and Jasmine died. Gregory Robbins pled guilty to assault and battery to his pregnant wife and involuntary manslaughter for Jasmine's death.

Jasmine's murder is no less tragic than Zachariah's but at least her mother did not have to suffer the heartbreak of not having her murder recognized under our laws.

We live in a society that does not respect life and that troubles me. We have children killing children in our schools, husbands beating their wives, and other violent crimes signifying that we as a culture do not value and treasure life as we should. A good first step towards recognizing the miracle of life is to ensure that those who take a life are punished for their crime.

We cannot bring back Zachariah or Jasmine or the other hundreds of unborn children violently murdered. We can, and must, however, protect other unborn children from the same fate. We must respect life and make criminals pay for attacks against all Americans, born and in utero.

Mr. CAPUANO. Mr. Speaker, today I rise in opposition to H.R. 503, the Unborn Victims of Violence Act. While many proponents of this bill contend that it is necessary to protect pregnant women from assault which results in the death of her fetus, I believe that this bill could jeopardize a woman's right to choose. I say this because H.R. 503 attempts to legally recognize the fetus as a ''person'' with rights and interests separate from and equal to those of the woman. In fact, if H.R. 503 is enacted into law, it will be the first time a federal law recognizes a zygote, embryo, or fetus as an independent victim of crime entitled to full legal rights distinct from the woman.

I would like to make it clear that I am not advocating leniency for a perpetrator of abuse against a pregnant woman. Instead, I believe that we need to recognize that the true victim of a violent act is the woman first and foremost.

Last year, I supported the Motherhood Protection Act which established a separate offense for abusive conduct against a pregnant woman resulting in the termination of her pregnancy. This crime would be punishable by a fine and imprisonment of up to 20 years, and if the pregnancy is terminated, regardless of if it was intentional, the assailant could be sentenced to life in prison. I will support this substitute again today.

It is undeniably a tragedy when a violent act committed against a woman results in the termination of her pregnancy. Actually, I believe it is a tragedy when violence against women, whether pregnant or not, is carried out. However, I believe the best way to enforce the law is to help the woman, not unnecessarily bring the threat of rescinding the right to choose into the debate.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong opposition of H.R. 503, the Unborn Victims of Violence Act of 2001 and in support of the Lofgren-Conyers substitute.

While I fully support punishment for violent acts against women at any and every time, but most especially against pregnant women, the Unborn Victims of Violence Act of 2001 should be opposed. This bill as drafted will diminish, rather than enhance the rights of women and do nothing to protect pregnant women from violence.

Additionally, it is worthy to note, that H.R. 503 is unanimously opposed by a plethora of groups whose mission is the protection of women's rights and who oppose domestic violence; including Planned Parenthood Federation of America, the Women's Law Center, the American Medical Women's Association, National Coalition Against Domestic Violence, National Council of Jewish Women and People for the American Way.

I support the Lofgren-Conyers substitute because it would protect pregnant women while upholding a woman's constitutional right to choose. We must focus on the goals that H.R. 503 calls for, which is to deter acts of violence against pregnant women that cause injury to their fetuses or the termination of a pregnancy. We must do so, however, without opening the door to overturning Roe v. Wade and making an abortion a federal crime.

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to submit for the RECORD an article about Tracy Scheide Marciniak, a fellow Wisconsinite. She was brutally beaten 4 days before she was supposed to give birth to her son, Zachariah. I would like to submit her story for the RECORD.

Her husband at the time punched her twice in the abdomen and brutally beat her. Her husband refused to call for help until it was too late. By the time she reached the hospital, Zachariah had died from blunt force trauma. Her ex-husband, Glendale Black, was convicted of assaulting his wife, but not of murdering Zachariah, their unborn child.

In the aftermath of this violent crime, the Wisconsin Legislature enacted one of the nation's strongest unborn victim's laws. Regardless, there is no coinciding federal law. If this incident were to happen today in a federal jurisdiction, the killer would still only be prosecuted for assault. This needs to change.

H.R. 503, the Unborn Victims of Violence Act, can fix this injustice. Passage of this bill would make it a federal crime to harm an unborn child during a violent criminal act. Federal judges could impose the same punishment as if injury or death occurred to the unborn child's mother, except for the death penalty.

I disagree with those who believe that Zachariah was not yet a human being. Had his mother gone into labor a week before her husband abused her, Zachariah would today be a healthy and happy child. There was no difference between the Zachariah that was in his mother's womb when she was beaten with a Zachariah that may have been born a week earlier. He was still a living person. There should be no exception in the criminal code for violent acts on babies inside the womb as opposed to those who are in their mother's arms. The current law makes no logical sense and should be changed according to this act.

Zachariah is a biblical name. In the Bible, Zachariah and his wife Elizabeth were faithful followers of God's commandments. They never had any children and were both too old to do so. As Zachariah entered a room within the temple he presided over, Gabriel appeared before him and told him that he and his wife will have a son. God blessed this couple for being faithful. Their child was blessed, as was Tracy's child. In scripture, Zachariah means ''God remembers.''

We will not forget Zachariah. Because of him, hopefully violent offenders will not only be deterred from hurting pregnant mothers, but from harming their unborn children.

ONE VICTIM . . . OR TWO?

My name is Tracy Scheide Marciniak.

On February 8, 1992, I carried within my womb an unborn baby boy, Zachariah. We were in our ninth month, only four days from delivery.

That night, the man to whom I was then married, Glendale R. Black, brutally beat me. He knew that I very much wanted my son. He punched me very hard twice in the abdomen. Then he refused to call for help, and prevented me from doing so.

When he relented, I was taken by ambulance to the hospital, where Zachariah was delivered by emergency Caesarean section. My son was dead. The physicians said he had bled to death within my womb because of blunt-force trauma. I nearly died, but I recovered.

In 1992, Wisconsin, where the crime occurred, did not have an unborn victims law, and state prosecutors were unable to convict Glendale Black under a law that required them to prove that the assault was intended to kill Zachariah. So, Black was convicted of his assault on me, but not of any charge that recognized the loss of Zachariah's life. He is already eligible for parole.

In 1998, in response to my case and others like it, the Wisconsin Legislature overwhelming enacted one of the nation's strongest unborn victims laws.

But federal law still fails to recognize unborn victims, like Zachariah. Even today, if Zachariah had been killed in the same manner in a federal jurisdiction, his killer could be prosecuted only for assault.

That is wrong. Congress should approve the Unborn Victims of Violence Act (H.R. 503, S. 480). Under this bill, if an unborn child is injured or killed during the commission of an already-defined federal crime of violence, that child will be recognized as a victim.

Opponents of the bill have put forth a counterproposal, known as the Lofgren Amendment. I have read it, and it is offensive to me, because it says that there is only one victim in such a crime—the woman who is pregnant.

Please hear me on this: On the might of February 8, 1992, there were two victims. I

was nearly killed—but I survived. Little Zachariah died.

Any lawmaker who is thinking of voting for the Lofgren ''one-victim'' amendment should first look at the picture of me holding my dead son at his funeral.

Then I would say to that representative, ''If you really think that nobody died that night, then vote for the 'one-victim' amendment. But please remember Zachariah's name and face when you decide.''

Mr. BLUMENAUER. Mr. Speaker, today I voted in opposition to H.R. 503, the Unborn Victims of Violence Act. Since the landmark Roe v. Wade Supreme Court decision, Congress has slowly passed legislation that has eroded women's reproductive choices. This is a personal and private decision that should be made by a woman, her family, her physician, and her beliefs, not subjected to increasing levels of government interference.

Rather than being merely a good faith effort to protect pregnant mothers from violence, the ''Unborn Victims of Violence Act'' is actually a back door attempt to interject government into individuals private lives. Harsh penalties already exist in 38 States for crimes against pregnant women that result in the injury or death of her fetus.

The overwhelming majority of crimes against pregnant women that cause injury to her fetus occur in cases of domestic abuse or drunk driving accidents, instances that are prosecutable under currently existing state laws. H.R. 503 would do nothing to add to the existing protections against these serious and prevalent crimes. Nearly one in every three adult women experiences at least one physical assault by their partner during adulthood. Drunk driving accidents continue to result in substantial loss of life in every city across the nation. Instead of focusing on purely political measures aimed at the erosion of a woman's reproductive freedom, we should be protecting women from violence and increase assistance to women in life threatening domestic situations.

I did support the Lofgren Amendment that would have enacted strict punishments for crimes that result in the injury or death of the fetus with out the inclusion of constitutionally questionable language. If protecting pregnant women from violent crime were truly our priority, Congress would have passed this amendment to H.R. 503.

Mr. BENTSEN. Mr. Speaker, I rise in strong opposition to H.R. 503, legislation that does nothing to end violence against pregnant women but rather is a backdoor attempt to give a fetus the same legal status as the assaulted woman. Specifically, this measure affords a pregnancy at ''all stages of development'' legal rights that are equal to, and separate from, those of the woman. Though abortion is explicitly excluded from this bill, it clearly establishes new legal rights for the ''unborn child'' and would be a major step toward dismantling Roe v. Wade. The penalty would be equal to that imposed for injuring the woman herself and would apply from the earliest stage of gestation whether or not the perpetrator knew of the pregnancy.

In recent days, advocates of H.R. 503 have bombarded us with bone-chilling accounts of pregnant women being subject to heinous assaults. Clearly, no one in this body believes such acts of senseless violence should go unpunished. I strongly believe that violent crimes committed against women and in particular, pregnant women, should be punished to the fullest extent of the law. Moreover, we, as lawmakers, have a responsibility to ensure that Federal law properly addresses such violence. That being said, H.R. 503 does nothing to combat domestic violence. In fact, the National Coalition Against Domestic Violence has come forward in opposition to H.R. 503, arguing that it would only divert the attention of the legal system away from violence against women. Unfortunately, this bill is a canard, a red herring, purporting to do one thing while actually accomplishing another.

Mr. Speaker, rather than immersing this House in the theatrics of abortion politics, as the underlying bill does, Congress can make a difference in such heinous cases. The Lofgren substitute, known as the ''Motherhood Protection Act'' would more effectively address the concern of violence against pregnant women, creating a separate Federal criminal offense for harm to a pregnant woman. Specifically, under the Lofgren substitute, assaults of women that compromise a pregnancy would be subject to a maximum 20-year sentence and, if the assault results in termination, could mean a life sentence. Thus, under this measure, assaults that result in injury or death of an ''unborn child'' would be subject to the same punishment provided under Federal law as for the violent act against the woman. These penalties would be in addition to any punishment imposed on the assailant for the underlying offense. The key difference between the Lofgren alternative and H.R. 503 is that it does not create a new legal status for the ''unborn child.''

Mr. Speaker, the question at hand is what Federal law can do to address assaults on pregnant women. I am certain that my colleagues agree that such attacks should be punished to the fullest extent of the law. The penalties in the Lofgren substitute are equal to, and in some instances, actually stronger than, those in the underlying bill. Accordingly, Mr. Speaker, let's put our difference on abortion aside and enact legislation that genuinely addresses harm to pregnant women and provides a deterrent to violence against women—the Motherhood Protection Act.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today to support H.R. 503, the Unborn Victims of Violence Act. I commend the Gentleman from South Carolina, Mr. GRAHAM on this fine piece of legislation.

Mr. Speaker, there is no greater joy than seeing your child for the first time. Personally, I would not trade that feeling for anything in the world.

However, there is no greater pain than losing a child. I have seen the pain in the eyes of potential parents who have suffered the loss of their unborn children. Mr. Speaker, if you had ever seen the look in the eyes of those parents, then you would know that you would never want to feel that pain yourself. Especially, when the unborn child was lost due to an act of violence. Under current Federal and military laws, it is not a crime to end the life of an unborn child, regardless of the circumstances.

Mr. Speaker, today this body will rise up and take a stand against this atrocity. Today, we will make this act of violence a felony and illegal under all Federal laws.

I urge all of my colleagues to protect the lives of the unborn, and protect pregnant women by voting for H.R. 503, the Unborn Victims of Violence Act.

Ms. MCCOLLUM. Mr. Speaker, in the Minnesota State Legislature, I worked to secure health care for families, to fight against domestic violence, and to protect a woman's right to reproductive health choices. In the Minnesota State Legislature, we addressed the issue of violence against women in all stages of life—working with women, their families and doctors.

I am particularly concerned about the legislation that we are considering today. It appears the intention of this legislation is to reverse the Supreme Court ruling of Roe versus Wade.

Fundamentally, this legislation seeks to redefine when life begins. I support the landmark decision of Roe versus Wade in 1973 that establishes a woman's right to choose to terminate a pregnancy while also allowing individual States to determine the legality of such decisions as a pregnancy proceeds.

H.R. 503 fails to recognize that injury to a pregnancy is first and foremost an injury to a woman. This bill ignores the pregnant woman entirely, and would do nothing to stem violence against women. Crimes of this nature are more appropriately addressed by enhancing penalties for termination of, or injury to, a pregnancy.

H.R. 503 is said to be protection for pregnant women against a violent crime. But the words ''mother,'' ''women,'' or ''pregnant women'' are not even mentioned in the language of the bill.

I would proudly support a bill to prevent and punish the violent crimes against women and especially pregnant women. This bill does not address where and when these crimes most often occur or how to stop them.

This bill does not help the 37 percent of women who need to receive emergency help because of assault by their husband or boyfriend? Where is the legislation in maintaining a restraining order when a woman flees to another State because her life is in danger?

If we want to protect women and their children from violence, let us debate funding for domestic violence shelters and hotlines that are overrun by women in danger to broadly address where violence occurs.

I urge my colleagues to vote for the Lofgren substitute, which recognizes that when a violent crime is perpetrated against a pregnant woman and causes injury to or termination of her pregnancy, there is additional harm to that woman.

Crimes committed against pregnant women are heinous and should be punished to the fullest extent. The Lofgren substitute actually provides harsher penalties on perpetrators of violent crimes against pregnant women than does H.R. 503.

I strongly urge my colleagues not to jeopardize the decisions women can make about their own bodies and to vote no on H.R. 503 and yes on the Lofgren substitute.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this misguided bill.

Let me make something perfectly clear from the outset: The loss or harm to a woman and

her fetus is absolutely devastating to the woman and her family. Those who injure or kill a pregnant woman and her fetus should be severely punished, and families should have the legal tools to have their loss recognized. We will offer a substitute that does that, and I believe that the Lofgren substitute demonstrates very clearly that there is a lot of common ground on this issue if we would only look for that instead of looking for ways to disagree.

Having said that, let me explain why the approach this bill takes is just another thinly veiled attack on a woman's right to choose.

This bill would give a fetus the same legal recognition as you or I—for the first time in Federal law. Instead of addressing the real issues at hand—the horrible pain for a woman who loses a pregnancy to a cowardly, violent act—this bill is an ideological marker for the anti-choice special interests.

Frankly, this bill is just another way of writing a Human Life Amendment. In fact, the National Right to Life Committee admits that it participated in the drafting of the bill, and according to the NRTL website, ''[t]he bill challenges that [pro-choice] ideology by recognizing the unborn child as a human victim, distinct from the mother.''

If anti-choice members of this House want to recognize the fetus as a person—do that. Bring a Human Life Amendment to the floor and let us vote on it. But don't tell pregnant women in this country that you're trying to protect them with this bill when there are existing State and Federal laws to do that and when we are willing to join you in addressing the tragic cases when pregnant women are attacked. The American people are smarter than you're giving them credit for. They know that you're proposing a political statement today, not a real solution.

If you really want to crack down on cowardly criminals who would attack a pregnant woman, support the Lofgren substitute. It gets us to the same ends, without the overtly political means. And if you're serious about protecting women in this country from violence, let's fully fund the Violence Against Women Act today.

VAWA is the most effective way for us to help combat violence against women. Every year, over two million American women are physically abused by their husbands or boyfriends. A woman is physically abused every 15 seconds in this country. And one of every three abused children becomes an adult abuser or victim. The Unborn Victims of Violence Act will do nothing for these women. But VAWA makes all the difference in the world.

My colleagues, please do not be fooled. The Unborn Victims of Violence Act is not about protecting pregnant women from violent acts. Rather, it is yet another anti-choice attempt to undermine a woman's right to choose.

I have stood on the House floor many times and asked my colleagues to work with me to find ways to help women improve their health, plan their pregnancies, and have healthier children. It is tragic that every day over 400 babies are born to mothers who received little or no prenatal care, every minute a baby is born to a teen mother, and three babies die every hour. And it is tragic that 1 of every 3 women will experience domestic violence in her adulthood.

Instead of finding new ways to revisit the divisive abortion battle, Americans want us to focus our efforts on providing women with access to prenatal care, affordable contraception, health education and violence prevention. If we truly want to protect women and their pregnancies from harm, then let us work together to enact legislation to help women have healthy babies and protect them from violent abusers.

Please vote ''no'' on H.R. 503.

Mr. PAUL. Mr. Speaker, while it is the independent duty of each branch of the Federal Government to act Constitutionally, Congress will likely continue to ignore not only its Constitutional limits but earlier criticisms from Chief Justice William H. Rehnquist, as well.

The Unborn Victims of Violence Act of 2001, H.R. 503, would amend title 18, United States Code, for the laudable goal of protecting unborn children from assault and murder. However, by expanding the class of victims to which unconstitutional (but already-existing) Federal murder and assault statutes apply, the Federal Government moves yet another step closer to a national police state.

Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, wants to be amongst those members of Congress who are portrayed as soft on violent crimes initiated against the unborn?

Nevertheless, our Federal Government is, constitutionally, a government of limited powers. Article one, section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the Federal Government lacks any authority or consent of the governed and only the State governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' Our Nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

However, Congress does more damage than just expanding the class to whom Federal murder and assault statutes apply—it further entrenches and seemingly concurs with the Roe v. Wade decision (the Court's intrusion into rights of States and their previous attempts to protect by criminal statute the unborn's right not to be aggressed against). By specifically exempting from prosecution both abortionists and the mothers of the unborn (as is the case with this legislation), Congress appears to say that protection of the unborn child is not only a Federal matter but conditioned upon motive. In fact, the Judiciary Committee in marking up the bill, took an odd legal turn by making the assault on the unborn a strict liability offense insofar as the bill does not even require knowledge on the part of the aggressor that the unborn child exists. Murder statutes and common law murder require intent to kill (which implies knowledge) on the part of the aggressor. Here, however, we have the odd legal philosophy that an abortionist with full knowledge of his terminal act is not subject to prosecution while an aggressor acting without knowledge of the child's existence is subject to nearly the full penalty of the law. (With respect to only the fetus, the bill exempts the murderer from the death sentence—yet another diminution of the unborn's personhood status and clearly a violation of the equal protection clause.) It is becoming more and more difficult for congress and the courts to pass the smell test as government simultaneously treats the unborn as a person in some instances and as a non-person in others.

In his first formal complaint to Congress on behalf of the federal Judiciary, Chief Justice William H. Rehnquist said ''the trend to federalize crimes that have traditionally been handled in state courts . . . threatens to change entirely the nature of our Federal system.'' Rehnquist further criticized Congress for yielding to the political pressure to ''appear responsive to every highly publicized societal ill or sensational crime.''

Perhaps, equally dangerous is the loss of another Constitutional protection which comes with the passage of more and more federal criminal legislation. Constitutionally, there are only three Federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting (and, because the constitution was amended to allow it, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a Federal and State crime). ''Concurrent'' jurisdiction crimes, such as alcohol prohibition in the past and federalization of murder today, erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no ''person be subject for the same offense to be twice put in jeopardy of life or limb . . .'' In other words, no person shall be tried twice for the same offense. However, in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the Federal Government and a State government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the Federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

Occasionally the argument is put forth that States may be less effective than a centralized Federal Government in dealing with those who leave one State jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of State sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow States to exact judgments from those who violate their State laws. The Constitution even allows the Federal Government to legislatively preserve the procedural mechanisms which allow States to enforce their substantive laws without the Federal

Government imposing its substantive edicts on the States. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one State to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon States in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to centralization of police power.

It is important to be reminded of the benefits of federalism as well as the cost. There are sound reasons to maintain a system of smaller, independent jurisdictions—it is called competition and, yes, governments must, for the sake of the citizenry, be allowed to compete. We have obsessed so much over the notion of "competition" in this country we harangue someone like Bill Gates when, by offering superior products to every other similarly-situated entity, he becomes the dominant provider of certain computer products. Rather than allow someone who serves to provide value as made obvious by their voluntary exchanges in the free market, we lambaste efficiency and economies of scale in the private marketplace. Curiously, at the same time, we further centralize government, the ultimate monopoly and one empowered by force rather than voluntary exchange.

When small governments becomes too oppressive with their criminal laws, citizens can vote with their feet to a "competing" jurisdiction. If, for example, one does not want to be forced to pay taxes to prevent a cancer patient from using medicinal marijuana to provide relief from pain and nausea, that person can move to Arizona. If one wants to bet on a football game without the threat of government intervention, that person can live in Nevada. As government becomes more and more centralized, it becomes much more difficult to vote with one's feet to escape the relatively more oppressive governments. Governmental units must remain small with ample opportunity for citizen mobility both to efficient governments and away from those which tend to be oppressive. Centralization of criminal law makes such mobility less and less practical.

Protection of life (born or unborn) against initiations of violence is of vital importance. So vitally important, in fact, it must be left to the States' criminal justice systems. We have seen what a legal, constitutional, and philosophical mess results from attempts to federalize such an issue. Numerous States have adequately protected the unborn against assault and murder and done so prior to the Federal Government's unconstitutional sanctioning of violence in the Roe v. Wade decision. Unfortunately, H.R. 503 ignores the danger of further federalizing that which is properly reserved to State governments and, in so doing, throws legal philosophy, the Constitution, the Bill of Rights, and the insights of Chief Justice Rehnquist out with the baby and the bathwater.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.R. 503, and I thank Representative GRAHAM for introducing this legislation again in the 107th Congress. I am a cosponsor of this bill that makes killing a women's unborn child punishable as a Federal crime. The bill simply states that an individual who commits a Federal crime of violence against a pregnant woman and thereby causes death or injury to her unborn child will be held accountable for the harm caused to both victims, mother and child. Twenty-four States have already enacted laws which recognize unborn children as human victims of violent crimes—this bill simply gives the same protection in Federal jurisdictions.

Opponents of the bill have said that it is a back door to eliminating a women's right to choose, but this bill is about choice, Mr. Speaker, it is about respecting—and protecting—a women's choice to bring a new life into this world. H.R. 503 will allow under Federal law for the prosecutions of those who callously disregard that choice.

Mr. BRADY of Texas. Mr. Speaker, I strongly support H.R. 503, The Unborn victims of Violence Act and want to thank my colleague from South Carolina for introducing it.

As you know, H.R. 503 would make it a separate Federal crime to hurt or kill an unborn child during the commission of a Federal crime against a pregnant woman. 24 States currently recognize both the mother and the unborn child as victims of violent crimes. And in 1999, this chamber passed this legislation by a vote of 254 to 172. However, it was never brought up for a vote in the Senate.

I also strongly oppose the Substitute Amendment being offered by Congresswoman ZOE LOFGREN. Her amendment fails to recognize the unborn child as a victim of a crime, even in circumstances when the perpetrator acts with specific intent to kill the unborn child. Under her amendment, a criminal could receive a stiffer sentence for interfering with "the normal course of the pregnancy" while committing a Federal crime. The premise of this approach is that there has only been one victim, the mother, who has suffered a compound injury. However, if an expectant mother is shot and her baby is born disabled because of the bullet, would anyone say that only the mother and not the child had been injured. However, if the baby dies before being born, the supporters of the substitute amendment say only one person has suffered. This is wrong.

Mr. Speaker, I would also like to submit for the RECORD a letter from the National Right to Life Committee in support of H.R. 503 and why the Lofgren Substitute should be defeated. I urge my colleagues to consider the points it raises.

NATIONAL RIGHT TO LIFE
COMMITTEE, INC.
Washington, DC, April 23, 2001.

RE: In opposition to "one-victim" substitute amendment to the Unborn Victims of Violence Act (H.R. 503)

DEAR MEMBER OF CONGRESS: As the House of Representatives prepares to take up the Unborn Victims of Violence Act (H.R. 503), the National Right to Life Committee (NRLC) urges you to reject the assertion of those who say that when a criminal assaults a woman and kills her unborn child, nobody has really died.

That is the callous ideological doctrine embodied in the substitute amendment that we anticipate will be offered to H.R. 503 on the House floor (it was offered by Congresswomen Lofgren in the Judiciary Committee, where it was rejected).

The Unborn Victims of Violence Act creates no new federal crimes. Rather, the bill would come into play only when federal authorities have cause to arrest someone for an offense against a woman in one of 68 already-defined federal crimes of violence, by also allowing them to bring a second charge if there has been a second victim, an unborn child. A document circulated by the Planned Parenthood Federation of America asserts that "nowhere in the bill is harm against women mentioned," but that is a blatantly misleading statement. The bill really mentions harm against women 68 times, as it cites the 68 federal crimes of violence against women in which H.R. 503 would apply.

Under the Lofgren Substitute, a criminal could receive a stiffer sentence for interfering with "the normal course of the pregnancy" while committing a federal crime, but under the premise that there has only been one victim, the mother, who has suffered a compound injury. This approach is incoherent. In those cases in which the woman dies in the assault, is it not a duplicative charge to prosecute the assailant both for killing the woman and for doing her an additional injury? In other cases, in which the mother survives but the baby dies, the Lofgren Substitute would impose a penalty of life in prison—which seems a harsh penalty, unless somebody has died.

Consider the words of Tracy Marciniak of Wisconsin, who was assaulted in the ninth month of her pregnancy. She was injured and her unborn son, Zachariah, was killed. Because Wisconsin at that time lacked an unborn victims law, the assailant was convicted only for the injury he did to Mrs. Marciniak, and he is already eligible for parole. Mrs. Marciniak explains, "This one-victim proposal is offensive to me. Its premise is this: On the night my husband beat me, nobody died. But that is not true. That night, there were two victims. I was nearly killed—but I survived. Little Zachariah died." Mrs. Marciniak urges House members to look at the photo of her holding Zachariah in her arms at his funeral, and asks, "Can anybody honestly tell me there is only one victim in that picture?" (The photo is posted at www.nrlc.org, and appears in NRLC ads that are running various publications this week.)

H.R. 503 explicitly states that nothing in the bill "shall be construed to permit the prosecution of any person for conduct relating to an abortion for which the consent of the pregnant woman . . . has been obtained." Nor does the bill pertain to any action by a woman that results in harm to her own unborn child. Moreover, the laws of 24 states already recognize the "unborn child" as a victim of violent crimes for all or some of the baby's period of pre-natal development. These laws are listed at www.nrlc.org/Whatsnew/sthomicidelaws.htm.

Numerous state and federal courts have ruled that these state unborn victims laws do not contradict Roe v. Wade or otherwise affect legal abortion. Moreover, the U.S. Supreme Court in 1989 found no problem with a Missouri law that establishes the "unborn child" as a legal member of the human family for purposes far broader than those covered by the Unborn Victims of Violence Act. Indeed, the April 21 issue of National Journal (page 1173) quotes Heather Boonstra, senior public policy analyst at the Alan Guttmacher Institute, as "acknowledging that [Rep.] Graham's bill would probably survive a court challenge." For further discussion of the constitutional issues, see the Judiciary Committee report at ftp://ftp.loc.gov/pub/thomas/cp107/hr042.txt.

Some opponents of H.R. 503 have objected to the bill's recognition of the "child in

utero'' as a member of the human family. Yet, on July 25, 2000, the House by a vote of 417–0 passed a bill that contained the same definition of ''child in utero'' and that embodied the same basic legal principle. The roll call on that bill, and the text of the bill, are appended.

In NRLC's scorecard of significant congressional votes for 2001, a vote in favor of a one-victim substitute amendment to H.R. 503 will be accurately described as a vote to declare that when a criminal injures a mother and kills her unborn child, there has been no loss of a human life. Thank your for your consideration of NRLC's views on this legislation.

Sincerely,

DOUGLAS JOHNSON,
Legislative Director.
PATRICIA COLL,
Legislative Assistant.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my opposition to H.R. 503, the Unborn Victims of Violence Act.

H.R. 503 claims to protect unborn children from assault and murder by giving the fetus—at any stage of development from the time of fertilization—the status of a person under the law so that crimes resulting in the death of a ''child in utero'' can be charged separately. The bill does not address the violence against the mother that resulted in the harm to the fetus.

The purpose of H.R. 503 is not to protect pregnant women from violence, it simply seeks to confer the same legal status to an embryo or fetus as to the woman who is pregnant. In fact, this act would give even a fertilized egg this status. H.R. 503 seeks to establish in law the principle of ''fetal rights'' that are equal to but distinct from the rights of pregnant women. The bill seeks to undercut Roe v. Wade, in which the Supreme Court held that at no stage of development are fetuses persons under the law.

I wish that the Members of this body who so fervently want to overturn the right of women to a legal abortion would present an honest and straightforward bill to confer full personhood on an embryo or fetus. Let's take a vote on that.

But we should not pretend that this bill is about protecting women from violence. If you want to protect pregnant women from violence, then it is important to address the problem of domestic violence by fully funding the Violence Against Women Act. The vast majority of attacks against pregnant women are domestic violence. In fact, this bill will only divert the attention of the legal system away from domestic violence or violence against women. The National Coalition Against Domestic Violence, which represents organizations and shelters in all 50 states, opposes this legislation.

H.R. 503 ignores the fact that when harm comes to a pregnancy, it happens to the woman who is pregnant. The bill fails to address the need for strong federal legislation to prevent and punish violent crimes against women.

If you want to provide for an enhanced penalty for attacks against women that result in harm to her pregnancy, then vote for the Lofgren amendment.

Mr. LANTOS. Mr. Speaker, H.R. 503 would undermine Roe v. Wade by recognizing for the first time in federal law a zygote, blastocyst, embryo, or fetus as a ''person,'' with rights equal to those of a woman. As a strong supporter of the Violence Against Women Act, I am concerned that the ''Unborn Victims of Violence Act'' does not ensure that programs aimed at taking action against domestic violence are fully funded.

Mr. KLECZKA. Mr. Speaker, we all agree that violence against a pregnant woman, where harm is brought to not only the mother but also the fetus, is a most heinous offense. These acts of violence are tragic and should be recognized by increased federal penalties for those convicted of violence to a pregnant woman.

To accomplish this goal, I will be supporting The Motherhood Protection Act, which creates a new, separate federal criminal offense for harm done to a pregnant woman. This bill provides for a maximum twenty year sentence for injury to a woman's pregnancy. Further, it provides a maximum life sentence for termination of a woman's pregnancy.

The underlying Unborn Victims of Violence Act (H.R. 503) and The Motherhood Protection Act achieve the exact same goal and provide identical penalties. The only difference is that H.R. 503 includes a legal definition of when life begins. However, medical experts and knowledgeable scientists are still debating this issue, and I don't believe Congress is in a position to make that determination today.

Sadly, this serious issue has been turned into an abortion debate, which it is not. The goal of the sponsors of this legislation is to protect pregnant women and the unborn, and The Motherhood Protection Act, sponsored by Representative ZOE LOFGREN, accomplishes this purpose. The Motherhood Protection Act has my full support.

Mr. GOODLATTE. Mr. Speaker, first, I want to thank my colleague on the Judiciary Committee, Mr. GRAHAM, for bringing this very important legislation before the House. I commend you for your extraordinary efforts on behalf of the unborn victims of violence.

I am proud to be a cosponsor of the Unborn Victims of Violence Act which promotes justice by holding violent criminals accountable for their conduct. It is unthinkable that under current federal law, an individual who commits a federal crime of violence against a pregnant woman receives no additional punishment for killing or injuring the woman's unborn child during the commission of the crime. Where is the justice when a criminal can inflict harm upon a woman, even with the express purpose of harming her unborn child, and not be held accountable for those actions?

Approximately half of the states, including my home state of Virginia, have seen the wisdom in holding criminals accountable for their actions by making violent criminals liable for conduct that harms or kills an unborn baby. Unfortunately, our federal statutes provide a gap in the law that usually allows the criminal to walk away with little more than a slap on the wrist. Criminals are held more liable for damage done to property than for intentional harm done to an unborn child. This discrepancy in the law is appalling.

Regardless of whether you are pro-choice or pro-life, those of us who are parents can identify with the hope that accompanies the impending birth of a child. No law passed by Congress could ever heal the devastation created by the loss of a child or replace a child lost to violence. However, we can ensure that justice is done by making the criminals who take the life of an unborn child pay for their actions.

When a mother chooses to bring a life into this world and that life is cut short by a violent criminal, that criminal should be held accountable under the law. Justice demands it, and so should we. I urge each of my colleagues to join me in voting for the Unborn Victims of Violence Act.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 503, the Unborn Victims of Violence Act.

I oppose this legislation because of its implications for the future of a woman's right to lawfully terminate a pregnancy, not because I oppose punishing crimes against pregnant women—or anyone else—to the full extent of the law.

Don't be fooled, this bill is an attack on the fundamental principles of Roe v. Wade. H.R. 503 would establish a zygote, blastocyst, embryo, and fetus as a person under federal law. Although the Supreme Court has held that fetuses are not persons under the 14th amendment, this bill would bestow separate rights to the fetus equal to that of the mother.

The Lofgren substitute, on the other hand, creates a separate criminal offense for harm to a pregnant woman, while maintaining the woman as the primary victim of the crime. It also creates an offense for violence resulting in the injury or termination of a pregnancy.

I urge my fellow colleagues to oppose H.R. 503 and to support the Lofgren substitute. H.R. 503 dislodges the cornerstone underpinning Roe v. Wade. In contrast, the Lofgren substitute strengthens punishments for crimes against pregnant women without weakening a woman's right to choose.

Mr. BARCIA. Mr. Speaker, I rise today as the Democratic Chair of the Pro-Life Caucus, to express my strong support for the Unborn Victims of Violence Act and to dispel some of the myths we've heard about it from those who are opposed to this commonsense, anticrime legislation.

In recent years, 28 States have passed laws similar to the Unborn Victims of Violence Act, allowing criminals who assault pregnant mothers to be prosecuted for injuring or murdering the unborn child during the attack. Unfortunately, under current Federal law, the criminal faces no such consequences.

We have all heard the tragic stories told here today, stories of brutal assaults on pregnant mothers which resulted in the deaths of their unborn children. These violent acts went unprosecuted and unpunished. For the sake of these women and their unborn children, Congress must correct this oversight in Federal law and pass the Unborn Victims of Violence Act. It is pro-woman, pro-child, and anti-criminal.

This bill and its goal seem pretty straightforward. How could anyone oppose it? After all, every Member of this body wants to protect women and children, and punish criminals. Well, Mr. Speaker, it appears that we have a simple misunderstanding about what this bill actually does and I want to take a moment to set the record straight.

Some of my colleagues are concerned that The Unborn Victims of Violence Act prevents women from obtaining a legal abortion. This assertion is simply not true. The Unborn Victims legislation specifically prohibits the prosecution of women who terminate their pregnancies through abortion. While I am pro-Life and therefore very much opposed to abortion, I want to make it clear that this legislation has absolutely no impact on a woman's legal ability to terminate her pregnancy. This is not an abortion bill. It is a crime bill.

Others in this body are concerned that the act undermines the Roe v. Wade decision by recognizing unborn children as having rights outside of the mother. In fact, the Unborn Victims of Violence Act has zero impact on Roe v. Wade, because the Supreme Court has stated that unborn children already have legal rights outside the mother, specifically in tort and inheritance cases, and these rights do not preclude a woman from obtaining an abortion. This is not a bill which restricts abortion. It is a bill that punishes criminals who commit brutal acts of violence against women and their children.

Finally, we have heard from some who honestly believe that this act is somehow antiwoman. Mr. Speaker, the Unborn Victims of Violence Act not only reinforces existing laws which protect women against violence, but also ensures that the horrible emotional and physical anguish a pregnant woman would suffer from the death of her unborn child would not go unpunished due to a loophole in the law. It is hard for me to find any legislation which is more pro-woman than this.

In conclusion, Mr. Speaker, I urge my colleagues to support this important pro-woman, pro-child and anticriminal legislation, and vote in favor of the Unborn Victims of Violence Act.

Mr. TERRY. Mr. Speaker, I submit to the CONGRESSIONAL RECORD, and commend to my colleagues, the following document from the National Right to Life Committee. It provides important details on H.R. 503, the Unborn Victims of Violence Act.

KEY POINTS ON THE UNBORN VICTIMS OF VIOLENCE ACT

The Unborn Victims of Violence Act has been introduced in companion bills as H.R. 503, sponsored by Congressman Lindsey Graham (R–SC), and S. 480, sponsored by Senator Mike DeWine (R–Ohio). The full text is available at the NRLC website at www.nrlc.org/Unborn__Victims/index.html.

The Unborn Victims of Violence Act would establish that if an unborn child is injured or killed during the commission of an already-defined federal crime of violence, then the assailant may be charged with a second offense on behalf of the second victim, the unborn child. The bill would recognize that when a criminal attacks a pregnant woman, and injures or kills her unborn child, he has claimed two human victims. The bill would apply this two-victim principle to about 70 existing federal laws dealing with acts of violence. These laws affect federal geographical jurisdictions, the military justice system, protection of federal officials, and specific acts defined by law as federal crimes (such as certain terrorist bombings).

In current federal criminal law, an unborn child is not recognized as a victim with respect to violent crimes. Thus, for example, if a criminal beats a woman on a military base, and kills her unborn child, he can be charged only with the battery against the woman, because the unborn child's loss of life is not recognized by the law. This gap in federal law results in grave injustices, some real-world examples of which were described by former Congressman Charles Canady (R–Fl.) at a July 21, 1999 House Judiciary Constitution Subcommittee hearing on the issue. Congressman Canady's statement is posted at http://nrlc.org/news/1999/NRL899/cana.html.

Twenty-four (24) states have already enacted laws which recognize unborn children as human victims of violent crimes. Eleven (11) of these states provide this protection throughout the period of in utero development, while the other 13 provide protection during specific stages of development. For detailed information on state unborn victims laws, see ''State Homicide Laws That Recognize Unborn Victims,'' available at www.nrlc.org/Whatsnew/sthomicidelaws.htm. The Unborn Victims of Violence Act would not supersede state unborn victims laws, nor would it impose such a law in a state that has not enacted one. Rather, the bill applies only to unborn children injured or killed during the course of already-defined federal crimes of violence.

The bill explicitly provides that it does not apply to any abortion to which a woman has consented, to any act of the mother herself (legal or illegal), or to any form of medical treatment. Nevertheless, NRLC supports the bill because it achieves other pro-life purposes that are worthwhile in their own right: the protection of unborn children from acts of violence other than abortion, the recognition that unborn children may be victims of such violent criminal acts, and the punishment of those who harm unborn children while engaged in federally prohibited acts of violence.

It is well established that this type of legislation does not conflict with the Supreme Court's pro-abortion decrees (Roe v. Wade, etc.). Criminal defendants have brought many legal challenges to the state unborn victim laws mentioned above, based on Roe and other constitutional arguments, but all such challenges have been rejected by the courts. (A list of pertinent court decisions is available on request.)

Moreover, in the 1989 case of Webster v. Reproductive Health Services, the U.S. Supreme Court refused to invalidate a Missouri statute that declares that ''the life of each human being beings at conception,'' that ''unborn children have protectable interests in life, health, and well-being,'' and that all state laws ''shall be interpreted and construed to acknowledge on behalf of the unborn child at every stage of development, all the rights, privileges, and immunities available to other persons, citizens, and residents of this state,'' to the extent permitted by the Constitution and U.S. Supreme Court rulings. A lower court had held that Missouri's law ''impermissibl[y]'' adopted ''a theory of when life begins,'' but the Supreme Court nullified this ruling, and held that a state is free to enact laws that recognize unborn children, so long as the state does not include restrictions on abortion that Roe forbids. The Minnesota Supreme Court took the same view in upholding the Minnesota law: ''Roe v. Wade . . . does not protect, much less confer on an assailant, a third-party unilateral right to destroy the fetus.'' [State v. Merrill, 450 N.W.2d 318 (Minn. 1990)].

Some opponents have objected to the bill's recognition of the ''child in utero'' as a member of the human family who can be harmed in a crime. Yet, on July 25, 2000, the House passed on a vote of 417–0 a bill that contained the same definition of ''child in utero'' and that embodied the same basic legal principle. That bill, the Innocent Child Protection Act, said that no state or federal authority may ''carry out a sentence of death on a woman while she carries a child in utero. . . . 'child in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.'' The principle embodied in the Innocent Child Protection Act was obvious. Whatever one's position regarding the morality of capital punishment as such, there is only one rational reason for delaying a lawfully ordered execution of a woman because she is pregnant—that is, carrying out the execution would take two human lives, not just one. The Unborn Victims of Violence Act would extend that same principle to the rest of the federal criminal code, recognizing that when a criminal attacks a woman, injuring or killing her and injuring or killing her unborn child, he has claimed two victims.

The Unborn Victims of Violence Act has come under vehement attack from pro-abortion groups such as NARAL, Planned Parenthood, and the ACLU. Even though the bill deals with acts of violence other than abortion, the pro-abortion lobby's ideology apparently compels it to deny the very existence of unborn human beings in any area of the law. Thus, during the 106th Congress, pro-abortion lawmakers proposed alternative legislation, the ''Motherhood Protection Act'' or Lofgren substitute amendment, which the House of Representatives rejected on September 30, 1999. This ''one-victim'' proposal did not mention the unborn child (by whatever name), but instead defined as an offense ''interruption to the normal course of the pregnancy.'' This approach would have codified a falsehood—the notion that there is only one victim in these crimes. In the real world, however, when an unborn child loses her life in a criminal attack, the parents and society mourn the death of a separate individual, rather than viewing it simply as an additional injury to the mother.

Moreover, arguments in favor of the one-victim proposal are internally inconsistent and illogical. Supporters of the one-victim approach insist that when a criminal injures a mother and kills her unborn child, there has been only a compound injury to the mother but no loss of any human life—yet, the Lofgren Amendment would have imposed a penalty (up to life in prison) commensurate with loss of human life. Also, advocates of the one-victim approach argue that when a criminal assailant kills a pregnant woman, the assailant should receive double punishment: once for killing the mother and then again for depriving her of her ''pregnancy''—but if there is only one victim, it is difficult to see why this would not be a duplicative criminal charge, since legally speaking a woman who has been murdered cannot herself suffer an additional ''loss.''

Some opponents of the bill have charged that the bill would punish harm to the unborn child ''utterly ignoring the harm to the pregnant woman.'' Others have charged that the bill would ''separate the mother from her fetus.'' These objections reflect misunderstandings or misrepresentations of how the bill is structured. In reality, the bill would allow the government to win a conviction for harm to an unborn child only if it first proves that the defendant violated one of the 70 or so enumerated federal laws with respect to the mother.

Some opponents of the bill have charged that it would allow defendants to be convicted without a showing of intent to do

harm. This is false. Under the bill, it is necessary to prove beyond a reasonable doubt that a defendant had intent to do criminal harm, at least towards the mother. If such criminal intent towards the mother is proved, then the defendant also will be held responsible for the harm done to the unborn baby, under the doctrine of ''transferred intent.'' As the House Judiciary Committee report (106th Congress) explained, transferred intent is a well-established principle in the law. (If a man shoots at a woman with intent to kill, and the bullet misses her, passes through a wall, and kills a child who the shooter did not know was there, he can be convicted of the murder of the child.) As the Minnesota Supreme Court ruled in upholding the Minnesota unborn victims law, ''The possibility that a female homicide victim of childbearing age may be pregnant is a possibility that an assaulter may not safely exclude.'' [State v. Merrill, 450 N.W. 2d 318 (Minn. 1990)].

In order to win a conviction under the bill, it would be necessary for the prosecution to prove beyond a reasonable doubt that a human being (1) already existed, and (2) was ''carried in the womb,'' which would be utterly impossible until after the embryo had implanted in the womb and sent out the chemical signals that announced his or her presence (i.e., after implantation). Moreover, even after the prosecution has met that burden, it must also prove beyond a reasonable doubt that a defendant's criminal conduct caused the death of the child in utero. The mere possibility or even the strong likelihood that a defendant's criminal conduct caused a baby's death would not suffice—the bill requires proof beyond a reasonable doubt.

National Right to Life legislative staff are available to discuss this issue with journalists and congressional offices. Please call (202) 626–8820, or e-mail to: Legfederal@aol.com. Extensive additional information on the federal bill and on state unborn victims laws is available at the NRLC website at www.nrlc.org/Unborn_Victims/index.html.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore (Mr. LATOURETTE). The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Ms. LOFGREN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Motherhood Protection Act of 2001''.

SEC. 2. CRIMES AGAINST A WOMAN—TERMINATING HER PREGNANCY.

(a) Whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction of the person so engaging for a violation of any of the provisions of law set forth in subsection (c), and thereby causes an interruption to the normal course of the pregnancy resulting in prenatal injury (including termination of the pregnancy), shall, in addition to any penalty imposed for the violation, be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is—

(1) if the relevant provision of law set forth in subsection (c) is set forth in paragraph (1), (2), or (3) of that subsection, a fine under title 18, United States Code, or imprisonment for not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(2) if the relevant provision of law is set forth in subsection (c)(4), the punishment shall be such punishment (other than the death penalty) as the court martial may direct.

(c) The provisions of law 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), (f), (h)(1), and (i), 934(j), 930, 1111, 1112, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), (a)(2)(B), and (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 title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(4) Sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of title 10, United States Code (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

The SPEAKER pro tempore. Pursuant to House Resolution 119, the gentlewoman from California (Ms. LOFGREN) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

This debate this morning has been interesting, but I think it is clear, and we need to be honest about it, that the debate and the underlying bill is about choice and it is about Roe v. Wade. That is why the National Right to Life Committee has vigorously lobbied for H.R. 503 and why the National Coalition Against Domestic Violence has lobbied actively against 503.

What we are doing here today is offering a substitute that we hope can bring both sides of the choice to come together in unity to protect pregnant women from violent assault when that assault injures or terminates their pregnancy.

The Lofgren-Conyers substitute does not threaten Roe v. Wade as the underlying bill does. I have heard a lot of the arguments made here this morning, but I think it is worth pointing out that redefining personhood legislatively for the purposes of the 14th amendment in this criminal statute may have the impact of allowing, even though certain activities are carved out of the bill, for prosecutorial purposes, it does not deal with civil actions.

Clearly the bill could outline the ability for guardians to be appointed for fetuses or even zygotes, and that civil action and injunctions could be based upon this bill. The Lofgren-Conyers substitute does not do that. We do not needlessly inject the abortion debate into the matter of criminal justice. This bill focuses on the harm to the pregnant woman and provides, we hope, a deterrence of violence against women and provides very tough penalties when that violence results in injury to the fetus or a miscarriage.

This bill is tougher, this substitute is tougher than the underlying bill; and I will give my colleagues just an example of how that would work. Each of the measures, both the underlying bill and the substitute, recites various Federal criminal laws as jurisdictional offenses. One of the sections, one of the predicate offenses is section 248 of Title 18, which provides for a scheme to deter violence against women and others who are entering clinics, health clinics.

Now, in my part of California, Planned Parenthood provides extensive health care services. They provide prenatal care, pediatric care, and the like. If a pregnant woman is trying to enter the Planned Parenthood clinic through the protesters in San Jose to get her prenatal care and is assaulted by one of the protesters and miscarries, under the H.R. 503, there would need to be proven an intent to cause that miscarriage or in the language of the bill kill the unborn child.

Under the Lofgren substitute, no such requirement is in place. If a miscarriage occurred, the full sentence of up to a life sentence could be imposed. In the case of the underlying bill, the maximum sentence that could be imposed without proving intent, which is very difficult to do, would be 1 year or, if bodily injury was not afflicted on the woman, it would be 10 years.

So we have a difference really with the substitute providing up to a life sentence and the underlying bill merely 1 or 10 years. I think that those of us who want to give a strong message to those who would assault women would prefer the life sentence.

This is stronger as well because it is constitutional unlike the underlying bill. I recently reread Roe v. Wade, something that I think all of us should do from time to time. Some of us had not read it since law school. It was good to be reminded in the language of the Justices, their consideration, first of the personhood of the fetus, but also the discussion of what can be regulated and when.

Clearly, and we all know this as people, the horrible situation of the woman who was assaulted, and she was 4 days away from delivery, and I do not want to get into the personhood argument, but she could have induced labor. She lost her child in my view, and that was a tragedy. Our bill would protect that. But it also protects something else. If one is 6 weeks pregnant, the substitute that we are offering provides the same level of protection as the poor woman who was assaulted in

the picture that has been used several times today.

□ 1300

Why is that? Those of us who have experienced a miscarriage understand this very essential truth. If a woman miscarries, whether it be from assault or from some other reason, that woman has lost one of life's great, great opportunities. A miscarriage is something that a woman never forgets, and it is a major life blow. Whether the woman is 6 weeks pregnant or 6 months pregnant, that loss is acutely felt by women who want to have a child, and it deserves the full penalty that the law can provide and up to a life sentence.

Mr. Speaker, I hope that we can come together on this substitute. Last Congress there were a number of Members of this House who are anti-choice who voted for the substitute, understanding that the penalties are indeed more severe and it would provide complete protection. I urge those individuals to do so again.

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

The SPEAKER pro tempore (Mr. LATOURETTE). Does the gentleman from Ohio (Mr. CHABOT) claim the time in opposition to the amendment?

Mr. CHABOT. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. CHABOT) is recognized for 30 minutes.

Mr. CHABOT. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE), the former chairman of the Committee on the Judiciary and the current chairman of the Committee on International Relations.

Mr. HYDE. Mr. Speaker, John Quincy Adams, in a famous summation to the Supreme Court in 1841, spoke on behalf of 35 Africans he represented in the historic Amistad case involving that slave ship. Adams told the Supreme Court they would not have a more important case before them because this concerns the very nature of man.

Mr. Speaker, today we confront the same issue only today it is the unborn whose humanity is being threatened, not the slaves. The question we are faced with is whether a preborn child has value; value sufficient to warrant protection in the law from a criminal assault, or whether the tiny, unborn infant is beneath protection, without value, without standing, without significance. Whether this little unborn is merely a randomly multiplying bunch of cells, a sort of tumor, like Shakespeare's sound and fury, signifying nothing.

A famous novelist, Saul Bellow, once wrote, ''A great deal of energy can be invested in ignorance when the need for illusion is great.'' To rationalize the divesting of the little battered body of the unborn child, divest it of its humanity, its membership in the human family, is the ultimate indignity. My colleagues will not even call him a victim.

In the endless debate on abortion, the term ''extremist'' is hurled across the aisle. I cannot imagine a more extreme posture than to deny the humanity of the unborn. If you hold the view that the unborn child is without value, you have to explain why this House on July 25, 2000 voted 417 to zero to forbid the execution of a woman while she carries a child in utero. That pregnancy must have meant something. So the fact of a pregnancy makes a difference.

An obstetrician treats two patients when he treats a pregnant woman. Specialists perform fetal surgery of incredible complexity, heart surgery, spina bifida, exchange transfusions, all sorts of surgery to save that baby. How many times has a young couple exhibited proudly pictures of the sonogram? Tell these prospective parents their unborn child is without value.

Mr. Speaker, the Lofgren substitute dehumanizes the child in the womb. It echoes a line from a New York Times editorial yesterday, which cannot bring itself to describe the assault that kills a mother's child in the womb as anything more than ''compromising a pregnancy.'' Have you ever heard a colder phrase describing the death from violence in the womb than ''compromising a pregnancy.'' That is like saying a drug dealer is an unlicensed pharmacist or a bank robber is a holder not in due course.

Listen to the words of a famous obstetrician, Dr. Joseph DeLee, who wrote in the Yearbook of Obstetrics and Gynecology in 1940 as the world was about to be plunged into a bloody war, ''At the present time when rivers of blood and tears of innocent men, women and children are flowing in most parts of the world, it seems almost silly to be contending over the right to live of an unknowable atom of human flesh in the uterus of a woman. No, it is not silly. On the contrary, it is of transcendent importance that there be in this chaotic world one high spot, however small, which is safe against the deluge of immorality and savagery that is sweeping over us. That we, the medical profession, hold to the principle of the sacredness of human life and of the rights of the individual, even though unborn, is proof that humanity is not yet lost.''

The need for illusion is too great to justify weeding out of the human race the unborn. A pregnancy has not been compromised. A baby has been killed. In the words of Willy Loman's wife, Linda, in ''Death of a Salesman,'' ''Attention must be paid.'' Support Graham, defeat Lofgren.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I would like to note for the House Chamber, I am here with my daughter-for-the-day, Laura Wasserman, who is sitting next to me, who is taking the place today for my four wanted children.

Mr. Speaker, I have borne children. I have also suffered a miscarriage; and I would like to say to the gentleman (Mr. HYDE) who just spoke before me who talked in terms of the Lofgren amendment dehumanizing the child, that the underlying bill dehumanizes the woman bearing the child, and I think that point needs to be noticed. We are talking about unborn children, and I take that very seriously. We are also talking about pregnant women who are bearing those fetuses that are about to become children. Mr. Speaker, I think attention must be paid to the mothers.

I rise in support of the amendment offered today by my friend and colleague, the gentlewoman from California (Ms. LOFGREN), which creates a separate Federal criminal offense for harm to a pregnant woman and specifically punishes violence against her resulting in injury to or the termination of a pregnancy.

If we are trying to protect pregnant women, let us protect them. Let us not insult the intelligence of women in this country by attacking their rights under the guise of protecting their unborn fetuses.

Mr. Speaker, I have read Roe v. Wade. It was a decision of the Supreme Court after I was a practicing lawyer. I knew Harry Blackmun, the late Justice Blackmun, who drafted Roe v. Wade and whose experience in this area came from his being general counsel to the Mayo Clinic. He carefully defined a framework in that decision that includes a definition of viability of the fetus. The underlying bill here would interfere with that definition and undercut Roe v. Wade.

Mr. Speaker, I urge support for this amendment and rise in opposition to the underlying bill.

Mr. Speaker, I rise today in strong opposition to H.R. 503, the Unborn Victims of Violence Act. Once again, opponents of choice are making an attempt to interfere with a woman's right to choose.

Supporters of H.R. 503 claim it increases punishments for individuals who commit violence against pregnant women. They claim it will help protect these women—however, the protection of the pregnant woman is never mentioned in the text of this bill.

Instead, the bill defines an unborn fetus as a person against whom a crime can be committed. It creates "fetal rights." Congress should not be involved in defining when life begins nor should it create "rights" for which we do not know the full repercussions.

I strongly support the alternative offered by my friend and colleague ZOE LOFGREN, which creates a separate federal criminal offense for harm to a pregnant woman and specifically punishes violence against her resulting in injury or the termination of a pregnancy. If we are trying to protect pregnant women, then

let's protect them. Let's not insult the intelligence of women in this country by attacking their rights under the guise of protecting their unborn fetuses.

Roe v. Wade establishes a careful framework which includes a definition of viability of the fetus. H.R. 503 is a backdoor attempt to weaken Roe v. Wade and interfere with a woman's right to make her own reproductive choices.

Mr. Speaker, let's respect the women of this country. Let's not undermine a woman's Constitutional right to choose. Vote no on H.R. 503!

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that making reference to persons on the floor who are not Members of the House is not appropriate.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Lofgren substitute amendment would provide an enhanced sentence for a violent crime that causes an interruption to the normal course of the pregnancy resulting in prenatal injury, including termination of the pregnancy. This substitute clearly must be opposed.

First, the substitute ignores the injuries inflicted by violent criminals upon the unborn. It appears to operate as a sentencing enhancement. A sentencing enhancement is when you get attacked and the attacker throws you down and hurts your arm, your leg and your back, too. The attacker's penalties gets enhanced by the additional penalties done to the victim. But I challenge anyone to sit back and reflect on the loss they would feel if they were a pregnant woman who lost her unborn child or a relative of that woman. Would the loss felt be the same as the loss of an appendix or pancreas? I think not. Would you feel the same regret you felt for a bone if a bone were broken or a slipped disk in one's back? Surely not.

The loss that a person would feel would be a distinct and a unique loss, and the criminal law should appropriately reflect that loss in a separate offense protecting the unborn children. It is our goal to protect them and the mothers in this instance. The law does not simply punish criminals. The law, and especially criminal law, embodies the judgment of civilized society. As such it must credibly and fully respect and reflect the magnitude of the loss felt when a woman loses her unborn child to violence. This can only be done by creating a separate offense to protect the separate unborn person.

Second, the substitute is hopelessly ambiguous. So ambiguous that it puts in jeopardy the prosecution of any criminal for violence against the unborn. The confusing verbiage in the substitute amendment is incomprehensible; and if adopted, it will almost certainly doom any prosecution for injuring or killing an unborn child during the commission of a violent crime.

The substitute amendment provides an enhanced penalty for ''interruption to the normal course of the pregnancy resulting in prenatal injury, including termination and pregnancy.'' The amendment then authorizes greater punishment for an ''interruption'' that terminates the pregnancy than it does for a mere interruption of a pregnancy.

What is the difference between an interruption of a pregnancy and an interruption that terminates the pregnancy? Does not any interruption of a pregnancy necessarily result in a termination of the pregnancy; or have supporters of the substitute managed to find a way to place a developing human being in some sort of suspended animation.

Mr. Speaker, what does the phrase ''termination of pregnancy'' mean. Does it mean only that the unborn child died, or could it mean that the child was just born prematurely without suffering any injuries.

These ambiguities make the substitute almost impossible to make any sense of. But maybe this is not what the substitute does. It is so ambiguous that it admits of several readings. It is more like a bowl of tea leaves.

Subsection 2(a) of the substitute amendment appears to operate as a mere sentence enhancement authorizing punishment in addition to any penalty imposed for the predicate offense. Yet the language of subsection 2(b) describes the additional punishment provided in subsection 2(a) as punishment for a violation of subsection (a), suggesting that subsection 2(a) creates a separate offense for killing or injuring an unborn child. Which is it? What is going on here? Let us not support a substitute that is more like a Magic 8–Ball.

This ambiguity is magnified by the fact that subsection 2(a) requires that the conduct injuring or killing an unborn child ''result in the conviction of the person so engaging.'' So does this indicate a conviction must be obtained before the defendant may be charged with a violation of subsection 2(a); or does it mean that the additional punishment must be imposed at the trial for the predicate offense, so long as it is imposed after the jury convicts based on the predicate offense.

Mr. Speaker, is a separate charge necessary for the enhanced penalty to be imposed? The substitute amendment simply makes no sense except perhaps to criminals who will understand its significance crystal clear. They get away with the heinous crime.

Unlike the current language of the bill, the substitute stunningly contains no exemptions for abortion-related conduct, for conduct of the mother, or for the medical treatment of the pregnant woman or her unborn child. This omission leaves the substitute amendment open to the charge that it would permit the prosecution of mothers who inflict harm upon themselves or their unborn children, or doctors who kill or injure unborn children during the provision of medical treatment. This substitute as written is a magnet for a constitutional challenge.

□ 1315

The substitute amendment also appears to mischaracterize the nature of the injury that is inflicted when an unborn child is killed or injured during the commission of a violent crime. Under the current language of the bill, a separate offense is committed whenever an individual causes a death or a bodily injury to a child who is in utero at the time the conduct takes place.

The substitute amendment seems to transform the death of the unborn child into the abstraction ''terminating a pregnancy.'' ''Bodily injury'' inflicted upon the unborn child appears to become ''prenatal injury.'' Both injuries are described as resulting from an ''interruption to the normal course of the pregnancy.''

These abstractions ignore the fact that the death of an unborn child occurs whenever a pregnancy is violently ''terminated'' by a criminal. They also fail to recognize that a ''prenatal injury'' is an injury inflicted upon a real human being in the womb of his or her mother.

For example, if an assault is committed, for example, on a Federal employee, and her unborn child subsequently suffers from a disability because of the assault, that injury cannot accurately be described as an abstract injury to a ''pregnancy.'' It is an injury to a human being. Our bill recognizes that. The substitute does not. The substitute is thus fatally flawed and must be rejected.

The substitute amendment is so poorly drafted and ambiguous that obtaining a conviction of a violent criminal under it will be almost impossible. The substitute amendment is also subject to constitutional attack because it contains no exemption for abortion-related conduct, for conduct of the woman, or for medical treatment. And finally the substitute amendment ignores the injuries inflicted by violent criminals upon unborn children, transforming those injuries into mere abstractions.

For these reasons, the substitute amendment should be rejected.

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

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

I would just note that the gentleman's analysis, I thought, was both confused and confusing. The bill is well-drafted. The reason why there is no carve-out for abortion is that so far abortion is not a crime in America. The bill is based on criminal conduct in the code.

Finally, I would just note that the gentleman may not know what a miscarriage is, but those of us who have had one do understand it.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise to express my wholehearted support for the Lofgren amendment and strong opposition to the underlying bill without that amendment. We must be clear on one thing. H.R. 503, the underlying bill, is a sneak attack on Roe v. Wade, and there is no question whether it would threaten a woman's right to reproductive choice. At the same time, this bill does nothing to address the real need for Federal measures to prevent and prosecute violent crimes against women.

Mr. Speaker, we all agree that the loss of a pregnancy through violence to a woman is a tragedy for the woman and for her family. That is why I urge my colleagues to vote for the Lofgren amendment. The Lofgren amendment recognizes that a crime causing the end of a pregnancy is a crime against the woman. If my colleagues truly care about women and children, vote for the Lofgren amendment and vote no on H.R. 503 if the amendment is not included.

Mr. CHABOT. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Speaker, I thank my friend from Ohio for yielding me this time.

Mr. Speaker, I rise today in support of holding criminals accountable for their actions that affect the unborn. The Unborn Victims of Violence Act represents a much-needed clarification of current Federal code to protect preborn children from violent crime.

Last year, the House voted 415–0 in favor of the Innocent Child Protection Act. That act prevents any U.S. authority from carrying out a death sentence on a pregnant woman. There is no difference between the rationale of that bill and this one. If you believe in protecting an innocent, preborn child when the criminal mother is to be executed, you should agree that we must protect an innocent, preborn child when its innocent mother is attacked.

This bill supports women who want to carry a child to term, and it gives law enforcement the right to penalize someone who criminally interferes with her ability to do so. This bill is pro-choice, if you will. The choice in this case has already been made by the mother to keep the child, and when a criminal act takes away that woman's choice, there should be legal remedies to mete out punishment for that crime.

I urge my colleagues to protect the rights of the unborn and all mothers who have chosen to carry a child to term. Support H.R. 503 and reject the substitute.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of the Lofgren amendment.

I would like to point out to the gentleman from Oklahoma (Mr. LARGENT) that actually I want to hold criminals accountable for crimes against pregnant women. Twenty-four States have higher penalties for assault of a pregnant woman and, in Connecticut, for assault of an elderly person. That is right and justified. If that is what this bill, the underlying bill, did, I would strongly support it. It is what the amendment does and that is why I support the amendment.

The amendment imposes much higher penalties, even up to the death sentence, on people who assault a woman who is pregnant. But it does something else.

I do find it almost unbelievable that my conservative colleagues would advocate such a radical piece of legislation. This legislation is truly extraordinary, because it changes the fundamental concept of law that has governed America since its founding. What is radical about this bill is not that it wants to punish people who assault pregnant women; I want to do that, too. What is radical about this bill is that for the first time under our laws, it will define fetal personhood. The consequences are going to be extraordinary.

What happens if a woman has a miscarriage because she worked too hard, she stayed up late, she drove herself, she did not take care of herself, and she has a miscarriage? Is she going to be a murderer? That may not be in this bill, but let me tell you, it is the next one down the road. What if, for good reason, for health reasons, she has to have an abortion? What if the doctor says, you will not survive if you do not have an abortion? Is the doctor then a murderer?

That is the underlying goal of this bill. Do not hide it from yourself. If you vote for it, know that you are voting for a radical change in the American legal statutes.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, when a woman and a child are assaulted or, even more seriously than that, the child is killed, there are two victims. The problem currently with our law is that we only recognize one of those victims. That is the purpose of H.R. 503 and that is the problem with the substitute. It fails to recognize one of the victims.

The gentlewoman before me made reference to the foundational principles of this country. What is it that is unique, that defines America? Why is America a different nation than other nations? Why is it that people have chosen to immigrate here? I would suggest that a great deal of our unique character is found in a sentence that says, ''We hold these truths to be self-evident, that all men are endowed by their Creator with certain inalienable rights.'' That is the purpose of our law, to create equal protection, because each life is important to us. That is a foundational American principle, and it is not currently in our law.

That is the purpose of H.R. 503. This substitute does not protect one of the victims of potential crimes, and that is the problem with the substitute.

I would urge my colleagues to vote against the substitute and to support the very foundational principle that America is based on, that all people deserve the protection of law.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentlewoman for yielding and for her leadership on this and so many other issues important to women.

Mr. Speaker, today in this Chamber we rise again to protect a woman's right to choose. Yes, once again. This full-scale assault on a woman's right to choose is dangerous and it is wrong. As a woman, I am deeply offended and angry.

First, President Bush reinstitutes the global gag rule as one of his very first actions in office. And now we have the Unborn Victims of Violence Act before us today. Where is the compassion for women?

I deplore acts of violence against women and stand as a strong advocate against domestic violence and domestic abuse. However, while this legislation claims to protect pregnant women, the reality is that it will harm women. H.R. 503 represents a direct attack on the Supreme Court ruling of Roe v. Wade, and therefore a woman's constitutional right to reproductive freedom. The National Coalition Against Domestic Violence has indicated that H.R. 503 would actually worsen the plight of women in domestic violence situations.

This substitute offered by the gentlewoman from California (Ms. LOFGREN) and the gentleman from Michigan (Mr. CONYERS) is equally tough on crimes against women without weakening our reproductive freedom. The substitute recognizes the pregnant woman as the primary victim of a crime. However, it also allows for further punishment if that woman's pregnancy is ended as a result of the attack.

If Congress wants to ensure safe pregnancies for both mothers and babies, we should be passing legislation to increase access to prenatal care and to support and strengthen WIC nutrition programs and food stamp programs. But, instead, we are once again forced

to speak out to defend women's fundamental rights.

I urge my colleagues to recognize H.R. 503 for what it is, a misguided initiative, dangerous and harmful to women. I urge a no vote on H.R. 503 and support of this substitute.

Mr. CHABOT. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, we have once again heard this described as an assault on a woman's right to choose. I want to reiterate that the woman has made her choice to keep that baby. It is the criminal that took away that choice. We just want to punish that criminal more severely than he is under existing law.

Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. GRAHAM), a proponent of this bill.

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

Mr. Speaker, the best way to describe how the substitute and the bill actually works in the real world is to tell a story that actually happened. You talk about an assault on Roe v. Wade; I am talking about a assault on Shawana Pace, an African American woman who lived in Arkansas. On August 26, 1999, she was kidnapped by three men, she was pregnant, she was near her due date, she had already named the baby Heaven once she got the ultrasound test back. She had a baby boy, and she had already named her unborn child Heaven.

Her boyfriend, the father, former boyfriend, paid three people $400 to kidnap her and terminate her pregnancy because he did not want to pay child support. They did that. They kidnapped her, they took her away. She is lying on the floor and they are beating her within an inch of her life, and one of them says, ''Your baby is dying tonight.'' Strangely enough, she was pleading for her baby's life, not hers.

The good news in this story, if there is any, is that the three people plus the boyfriend, two of them are on death row in Arkansas because Arkansas, several weeks before, had passed a law recognizing the unborn child as a separate victim; and under that statute, the prosecutor was able to bring a murder charge, not enhance the punishment on the assault charge.

Now, I did not have the death penalty in this bill because I did not want to get into that debate, but if this had happened in Federal jurisdiction, there would have been no enhancing of the assault charge, there would have been a murder charge because that is what they were hired to do, that is what they did, and I think most Americans would want them to be prosecuted for murder, not play some game of enhancing punishment that ignores what really happened.

□ 1330

They can do that without affecting Roe v. Wade. That is why I had so many pro-choice votes last time. One can be pro-choice and still support this bill. It happened before, and it is going to happen again today. Those people that were hired to do a terrible thing get the full force of the law because there is a statute on the books in Arkansas that is just like the one that I am trying to pass here in Congress.

Rae Carruth, NFL football player, hired a person to kill his pregnant girlfriend. She refused to have an abortion. He did not want to pay for the child. The hit man charged $5,000 for the mother and $5,000 for the baby, charged him twice.

Let us punish him twice. That is what this bill does.

The substitute is just an irrational way to deal with the unborn. We can have an honest, healthy debate about abortion rights. In my bill, I protect the right to have an abortion because it is the law of the land; but pro-choice and pro-life people should come together when the woman chooses to have the baby and put the full force and effect of the law against a criminal who is paid or otherwise takes that life away. They are not inconsistent.

It would be a better country if we passed this bill, and prosecutors will have more tools because if one takes the murder or assault charge off because they do not recognize the baby, the ability to fully prosecute that case is undermined, and I think most prosecutors would agree.

The gentleman from Pennsylvania (Mr. GREENWOOD) is my friend. He says this is an assault on abortion. It is not. In his State, they passed this same law using the same words in 1998.

People still have the Roe v. Wade rights in Pennsylvania, but people assaulting pregnant women face stiffer penalties and more punishment because of what Pennsylvania did.

Let us do this at the Federal level. Let us come together and make sure that people in the future who take money or otherwise assault a pregnant woman and destroy the unborn child are prosecuted to the fullest extent of the law, no excuses, no apologies.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just would like to note that the Arkansas statute is inconsistent with the Supreme Court decision, Meadows v. State, in Arkansas, and I do hope that the monster who committed that heinous crime does not walk because the statute is unconstitutional.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF), a former prosecutor and a member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Speaker, I am not going to attempt to speak on the unique tragedy and trauma suffered with the loss of a child. I think other Members have already spoken to that, and could speak to it with a passion of familiarity that neither I nor any other male Member of this Chamber could. Instead, I would like to speak as a former prosecutor, someone who for 6 years went into court and prosecuted a variety of Federal crimes, and has experience not only with the job of prosecuting those cases but also handling the inevitable motions, the appellate process, the habeas corpus petitions and all of the delays attendant to litigating complex issues.

This is a criminal justice bill. This is a public safety measure. Its ostensible purpose is to use the vehicle of the criminal justice system to deter attacks on pregnant women, to incapacitate those who would conduct them by lengthening the sentences, to bring about retribution on those who would commit such a heinous act. All of the purposes of the criminal justice system are served by both bill and substitute; but if one has to choose as a prosecutor going into court under one law or going into court on another, they would certainly choose to go into court under a law that is less subject to constitutional challenge and attack.

The bill, as it is drafted, using definitions like a member of the species Homo sapiens at any stage of development who is carried in the womb, invites, demands in fact, constitutional litigation. As a prosecutor, one can be assured in both motion and appeal to the highest courts of the land they will be required to litigate when life begins under the bill.

That is not required under the substitute. If it is our goal to give prosecutors that extra tool, as the gentleman from South Carolina (Mr. GRAHAM) mentioned, if it is our goal to allow prosecutors to take more vigorous action to have greater penalties at their beck and call to deter, to incapacitate, to bring about retribution for these crimes, let us choose a substitute which makes that possible without this unprecedented constitutional litigation.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I wonder if one would imagine with me an infant in a nursery in a hospital on life support. There is a terrorist bomb or an arsonist fire, and that infant and several others are killed. Can one imagine an argument that says that those babies that were not on life support were murdered but the baby on life support was not murdered?

Mr. Speaker, the preborn baby, in its mother's womb, is simply on life support through the umbilical cord. When a pregnant woman is killed, clearly two lives are snuffed out. There are two murders. When a woman is assaulted, sometimes with the intention of killing that preborn child who is

simply on life support in her womb, indistinguishable from a baby just born, clearly that also is murder.

This legislation is long past due. Defeat the amendment. Support the base bill.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), a leader in the fight for rights for women.

Mrs. MALONEY of New York. Mr. Speaker, I thank very much the gentlewoman from California (Ms. LOFGREN) for yielding and congratulate her for her extraordinary leadership on this issue and so many other issues before the committee protecting women.

Very simply, if one wants to punish people who attack pregnant women and injure or destroy their fetuses, then vote for the Lofgren substitute, because that is what it does. Its penalties are stricter. If, however, the goal is to declare fetuses to be separate people under the criminal code and to thereby further the right-to-life movement, then the underlying bill is what should be voted for. That is what the difference is about. The Bush administration is clearly in the camp of the right-to-life movement.

Mr. Speaker, I would like to place in the RECORD the statement of administration policy that clearly supports the underlying bill that erodes a woman's right to choose, knocks out one of the fundamental pillars under Roe v. Wade.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 503—UNBORN VICTIMS OF VIOLENCE ACT OF 2001 (REP. GRAHAM (R) SC AND 95 COSPONSORS)

The Administration supports protection for unborn children and therefore supports House passage of H.R. 503. The legislation would make it a separate Federal offense to cause death or bodily injury to a child, who is in utero, in the course of committing any one of 68 Federal offenses. The bill also would make substantially identical amendments to the Uniform Code of Military Justice. The Administration would strongly oppose any amendment to H.R. 503, such as a so-called ''One-Victim'' Substitute, which would define the bill's crimes as having only one victim—the pregnant woman.

Mr. Speaker, vote for the Lofgren amendment. Vote for a woman's right to choose and a reasonable approach to protect her and against the underlying bill.

Mr. CHABOT. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, why would Planned Parenthood and a virtual who's who of abortion activists in America so vehemently oppose the Unborn Victims of Violence Act and promote a gutting substitute in its stead? Why is it that on the floor of the House on a very pleasant Thursday afternoon that so many intelligent and talented and gifted lawmakers, to whom so much has been given, are going to such great lengths to deny basic protections in law for an unborn child who has been shot, beaten, stabbed or otherwise mauled by an attacker?

Could it be that America's abortion culture, a culture of death, has so numbed our hearts and dulled our minds that we have become incapable or unwilling of recognizing the obvious? Could it be denial?

Amazingly, as a result of breathtaking breakthroughs in medicine, unborn children are today often treated as patients in need of curative procedures and healing, just like any other patient.

Is the concept of unborn child as victim really so hard to grasp, even when we are not talking about abortion, but assault by a mugger? Is it lacking in logic or courage or common sense or compassion? Have the soothing voices of denial by credentialed people, especially in medicine and the media, ripped off our capacity to think? Has the horrific specter of 40 million poisoned or dismembered babies, legally enabled by Roe v. Wade, robbed us of our capability to see and to understand and to empathize? Have unborn children now become mere objects, a dehumanizing and deplorable status that feminists once rightly rebelled against?

Does a mugger, Mr. Speaker, have an unfettered access to maim or kill a baby without triggering a response for a separate penalty for that crime?

For years, Mr. Speaker, Congress has updated and strengthened laws and stiffened penalties for those who commit violence against women, and that is as it should be. Crafting such protections and penalties for perpetrators are among our highest responsibilities and duties as lawmakers.

Last year, I am happy to say, I was the prime sponsor of bipartisan legislation, Public Law 106–386, the Victims of Trafficking in Violence Protection Act of 2000, a $3.4 billion comprehensive package of sweeping new laws designed to protect women from violence at home and overseas.

Women who are victims of violence need every legal protection, appropriate shelter and assistance a caring society has to muster; but I would respectfully submit to my friends, so do children. A victim is a victim no matter how small. Why is it so difficult to recognize an unborn child as a victim who is all too capable of suffering trauma, disfigurement, disability or death?

Unborn children feel pain. Unborn children bleed and bruise easily. Unborn children are as vulnerable as their mothers to an assailant wielding a knife, a gun or a steel pipe. The amniotic sac is like a protective bubble, but it is not made of Kevlar. It pierces easily.

Earlier this week, Mr. Speaker, I met with Tracy Marciniak. Three years ago, her husband beat her and killed her almost full-term baby. The child, Zachariah, died from the bleeding; and this is what Tracy has said to all of us: ''Congress should approve the Unborn Victims of Violence Act. Opponents of the bill have put forth a counterproposal known as the Lofgren amendment. I have read it,'' she said, ''and it is offensive to me because it says there is only one victim in such a crime, the woman who is pregnant. Please hear me on this,'' she goes on to say. ''On the night of February 8, 1992, there were two victims. I was nearly killed but I survived. Little Zachariah died,'' she goes on.

''Any law maker who is thinking of voting for the Lofgren one-victim amendment should first look at the picture of me holding my dead son at the funeral. Then I would say to that representative,'' she continues, ''if you really think that nobody died that night, then vote for the one-victim but please remember Zachariah's name and face when you decide.''

Vote for the underlying bill and against the substitute.

Mr. Speaker, why would Planned Parenthood and a virtual who's who of abortion activities in America so vehemently oppose the Unborn Victims of Violence Act and promote a gutting substitute in its stead?

Why is it, that on the floor of the House of Representatives on a pleasant Thursday afternoon in April, so many intelligent, talented and gifted lawmakers to whom so much has been given, are going to such great lengths to deny basic protections in law for an unborn child who has been shot, beaten, stabbed, or otherwise mauled by an attacker?

Could it be that America's abortion culture—a culture of death—has so numbed our hearts and dulled our minds that we have become incapable—or unwilling—of recognizing the obvious? Could it be ''Denial'' with a Capital D?

Amazingly, as a result of breathtaking breakthroughs in medicine, unborn children are today often treated as patients in need of curative procedures and healing just like any other patient. Is the concept of unborn child as victim really so hard to grasp—even when we are not talking about abortion, but assault by a mugger?

Have the soothing voices of denial by credentialed people—especially in medicine and the media—ripped off our capacity to think? Has the horrific specter of 40 million poisoned or dismembered babies legally enabled by Row v. Wade robbed us of our capability to see and understand and empathize?

Is it a lacking in logic, or courage or common sense or compassion?

Have unborn children become mere objects—a dehumanizing and deplorable status that feminists once rightly rebelled against?

Does a mugger—like an abortionist—have unfettered access to maim or kill a baby without triggering a separate penalty for the crime?

For years, Mr. Speaker, Congress has updated and strengthened laws and stiffened penalties for those who commit violence against women. And that is as it should be. Crafting such protections—and penalties for

perpetrators—are among our highest responsibilities and duties as lawmakers.

Last year, I was the Prime Sponsor of bipartisan PL 106–386,—''Victims of Trafficking and Violence Protection Act of 2000—a $3.4 billion comprehensive package of sweeping new laws designed to protect women from violence at home and overseas.

Women who are victims of violence need every legal protection, appropriate shelter and assistance a caring society has to muster.

But, I would respectfully submit—so do children. A victim is a victim, it seems to me, no matter how small.

Why then is it so difficult to recognize an unborn child as a victim who is all too capable of suffering serve trauma, disfigurement, disability or death? Unborn children feel pain; unborn children bleed and bruise easily; unborn children are as vulnerable as their mothers to an assailant wielding a knife, or gun, or steel pipe.

The amniotic sac is like a protective bubble, but it isn't made of Kevlar. It pierces easily.

Earlier this week, I met with Tracy Marciniak. A few years ago her husband beat her and her almost full term baby. The child—Zachariah—died from the beating. Her attacker was charged and convicted of an assault on Tracy. He did minimal time. No charges, however, were brought against the abuser for the crime—murder—he committed on Zachariah. Why? Because Zachariah had no legal value or standing—and could be killed with impunity.

Tracy has written:

> Congress should approve the Unborn Victims of Violence Act. Opponents of the bill have put forth a counter proposal, known as the Lofgren Amendment. I have read it, and it is offensive to me, because it says that there is only one victim in such a crime—the women who is pregnant.
>
> Please hear me on this: On the night of February 8, 1992, there were two victims. I was nearly killed—but I survived. Little Zachariah died.
>
> Any lawmaker who is thinking of voting for the Lofgren ''one-victim'' amendment should first look at the picture of me holding my dead son at his funeral.
>
> Then I would say to that representative, ''If you really think that nobody died that night, then vote for the ''one-victim'' amendment. But please remember Zachariah's name and face when you decide.

Anybody who thinks there is no dead baby in this picture should vote for the ''one-victim'' amendment. But anyone who sees a grieving mother holding her dead son should vote for the Unborn Victims of Violence Act.

Mr. Speaker, under H.R. 503, if an unborn child is injured or killed during the commission of an already-defined federal crime of violence, then the assailant may be charged with a second offense on behalf of the second victim—the unborn baby.

Of significance, 24 states have enacted laws recognizing unborn children as victims of violent crime. In upholding the Minnesota statute, the Minnesota Supreme Court said ''Roe v. Wade does not protect, much less confer on an assailant, a third party unilateral right to destroy the fetus.''

The Lofgren amendment, stripped of its surface appeal trappings and enhanced penalty has one pro-abortion strategic objective—Denial. Denial that an unborn child has inherent dignity. Denial that an unborn child has worth. Denial that an unborn child has innate value. How incredibly sad—and dangerous.

The Lofgren amendment must be rejected.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just note that the gentleman from New Jersey (Mr. SMITH) asked, is there unfettered access for a mother to maim her child at any time in the pregnancy? If one reads Roe, clearly post-viability, the ability to secure abortions is severely limited only to those cases where a woman's health is severely damaged. I think that that needs to be made clear.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman from California (Ms. LOFGREN) for yielding me this time, and for her great leadership on this issue.

Mr. Speaker, I want to commend the ranking member of the Committee on the Judiciary as well for facilitating the Lofgren amendment coming to the floor.

It is masterful, it really is, because it answers the concerns that are posed by the proposers of the original bill to expand the penalty for those who commit violence against pregnant women, and it does so in a way that achieves that goal but is constitutional.

Mr. Speaker, we can all agree that acts of violence against pregnant women are reprehensible and should be punished. We all agree that acts of violence that harm a fetus are obviously unacceptable and repulsive to us. We can all agree that we must prevent violence against women whether pregnant or not.

The gentleman from New Jersey (Mr. SMITH), who just spoke, whom I hold in very high esteem, asked the question how could otherwise intelligent, caring people come to the floor and be opposed to this legislation that is being opposed by our colleagues on the other side? He said, could it be, he had a series of could-it-be's, that we could ignore violence against a pregnant woman?

□ 1345

But we are not ignoring it. The Lofgren amendment addresses it very directly without doing violence to the issue.

I urge my colleagues to vote for the substitute proposed by my colleague. The substitute would create a separate Federal criminal offense for harm to pregnant women, but would not confer new legal status on the fetus.

So I respond to my colleague, could it be that, as a woman, I know a little bit more about this subject than maybe he does? Could it be that as a mother of five, a grandmother of four, and hopefully more grandchildren to come, that I understand how reprehensible violence against a pregnant woman is?

But if that is the issue, the gentlewoman from California (Ms. LOFGREN) has responded to it. The bill on the floor is unconstitutional. It is a move to undo, which it cannot do, unless it is a constitutional amendment, but it is an attempt to undo Roe v. Wade.

In 1973, we all know the Supreme Court in Roe v. Wade stated that the unborn have never been recognized in the laws as persons in the whole sense. The Court specifically rejected the theory that grants personage to the fetus because it may override the rights of pregnant women that are at stake.

I urge my colleagues to accept the solution that is here, that addresses the problem in a constitutional way, and does not do violence to a woman's rights.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Pennsylvania, (Ms. HART), a member of the Committee on the Judiciary.

Ms. HART. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the underlying bill and in opposition to the Lofgren amendment. It does not, as is claimed by its supporters, accomplish the same goal that those who sponsored the original bill, the underlying bill, have. In fact, it does complicate and somewhat confuse the issue.

Claims have been made that are quite disingenuous regarding the underlying bill and also regarding the effectiveness of the proposed substitute. Firstly, the underlying bill is very clear about the violent act that must be committed against the pregnant woman. Although those supporters of the substitute claim that the pregnant woman is not recognized, she clearly is. Federal law recognizes violence against everyone as a crime, and enumerates a number of different crimes which would be the basis for the actual use of this proposal, H.R. 503.

The amendment does not refer to these particular laws. It in fact creates a separate offense which is unclear as to its effectiveness by prosecutors. The other legislation that has been on the books has been prosecuted many times. Those who were not even the intended victim of a crime would still be, those women, would still be victims, as a result of transferred intent. It is unclear in the substitute that that principle would be able to be used.

Mr. Speaker, I would implore my colleagues to quit hiding from the real issue. The real issue here is actual violence against women and children. The real issue is a way for us to actually prosecute a more severe crime when the woman is lucky enough to survive a dreadful assault, but the child is not.

Our goal here is to recognize reality. What our responsibility is here as Representatives is to recognize reality and to protect the citizens of the United States, the women who are victims and the children who are victims.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before recognizing the gentlewoman from the District of Columbia, I would like to note that the criminal offenses in H.R. 503 are exactly the same as those in the substitute, except that we do require prosecution and then a separate prosecution for the miscarriage.

Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am outraged at the use of old-fashioned abortion politics to get at a serious problem. Let me indicate just how serious the problem is. I participated recently in a press conference called by the American College of Nurses and Midwives here in the District of Columbia, now published in an AMA Journal.

In the District of Columbia, autopsies had been performed on pregnant women. What was discovered was that there were 13 homicides of pregnant women that had not been reported along with maternal deaths. These 13 unreported deaths accounted for 38 percent of pregnancy-associated deaths.

Now, these women had several things in common. They tended to be very young, 15 to 19; they were unmarried; they were murdered early in their pregnancy. There was no category in the FBI or accepted among the States to report these deaths. I have written to the FBI to ask that a category be created, and I have written to the GAO asking that a study be done of such deaths throughout the country, because clearly what we found here is nationwide.

What is our answer this afternoon? Our answer is a clearly unconstitutional bill that defines a fetus as a person, in direct in-your-face violation of Roe v. Wade. There is a real problem out there. That problem is here in the Nation's capital. It is in your districts as well.

The substitute, the Lofgren substitute, gives us an opportunity to do something about a horrible crime, rather than play the same old abortion politics we have been playing ever since Roe v. Wade. In the name of nameless murdered pregnant women, unnoted even in the crime records, let us seize the opportunity to pass a constitutional bill that will help eliminate a crime of immense and unspeakable seriousness.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members and persons in the Chamber that it is the Speaker's policy that all audible devices be disabled before entering the House Chamber.

Mr. CHABOT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would say that I respect the right of the gentlewoman from California (Ms. LOFGREN) to take the position she does. But let me address it as a father myself of two beautiful daughters and an adopted son.

If my wife was attacked and she was pregnant, or my daughters, and they both survived, then I would support the enhancement clause that the gentlewoman is trying to put in here. If either my wife or the unborn child was killed, then I would want justice, not enhancement. As a father, to know that a child that I was going to have that would not be born in this life because of some criminal act, I feel that that is wrong.

In Bosnia there was a Muslim that offered a private a child and says, ''Help me get my child to the hospital.'' On the way, the Muslim man said that, ''Help me, private.'' The point is that they are all our children.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to note that the Lofgren-Conyers amendment is not a sentencing enhancement measure; it is a second offense that is prosecuted and hopefully convicted in the case of heinous crime.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership, and the ranking member for his leadership as well.

This should be a debate, Mr. Speaker, about protecting women against violence, specifically about protecting pregnant women against violence, and the Lofgren amendment, the Lofgren substitute, does just that. It makes a new and very specific crime against violence to a pregnant woman that injures the fetus or terminates the pregnancy. That is the appropriate way to give such protection to pregnant women.

The underlying bill politicizes this issue. I do not think it is intended to politicize the issue, but it does, because it would give to the fetus a legal status that the courts nor Congress have ever given. It would give to the fetus the same legal status and a separate legal status from the woman, and that is the heart of the abortion debate. By writing their bill in such a fashion, they open up the whole floodgate to the very polarizing and politicized abortion debate that has not moved forward nor helped us deal with the issue at hand.

We should focus on potential injury to the woman, to violence to the pregnant woman, and pass the Lofgren substitute that is carefully written, that is constitutional, that is effective. It avoids the polarizing debate that prohibits us from solving this problem. The Lofgren substitute gets the job done. We should vote for it to protect women.

Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in strong opposition to H.R. 503. The Unborn Victims of Violence Act is the first volley this term by the anti-choice legislators to restrict a woman's right to choose. This bill would add to the Federal criminal code a separate new offense to punish individuals who injure or cause the death of a child which is in utero, regardless of the stage of development. It sounds innocuous enough, but in essence it is a sham.

No one would argue that an attack on a pregnant woman that results in a miscarriage or an injury is not a tragedy. As one of the most vocal leaders in Congress on behalf of women and families, I have spoken on this House floor numerous times to end violence against women and domestic violence of all sorts.

But that is not what we are talking about here today. H.R. 503 eliminates the mother from the picture. She is of no concern. Instead, it affords an embryo the legal status that should be hers as a human being. Precisely the goal that the authors of H.R. 503 and the National Right to Life Committee seek to achieve is reaching this status.

The supporters candidly admit that their purpose is to recognize the existence of a separate legal person, separate from its mother, before it is born. And supporters rejected a number of alternative tougher ways to address violence against the pregnant woman, each time citing the reason being that the alternative did not recognize embryonic personage.

Do not be fooled. This is an anti-choice bill disguised as a crime bill. I strongly urge my colleagues to vote for the Lofgren substitute which will provide the same penalties but does not separate the fetus from its mother.

Last Friday, the press reported that President Bush does not intend to launch a frontal attack on Roe v. Wade or let his Presidency become mired in this controversy. If that is true, then we hope that we will not see more of these bills. In the meantime, please vote for the Lofgren substitute.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope that both pro-choice and anti-choice Members of this body will vote for the Lofgren-Conyers substitute. It provides stronger penalties and greater protections in the case of assault on a pregnant woman.

I note, and this is especially important to me and others who have spoken today from personal experience, that the protection will be to those who are in their 6th week of pregnancy, just as in their eighth month of pregnancy, and that is enormously important to us all.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Michigan (Mr. CONYERS).

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 3¼ minutes.

Mr. CONYERS. Mr. Speaker, I wanted to thank my colleague, the gentlewoman from California (Ms. LOFGREN), for the splendid substitute that she has let me help her work on, that we hope will bring us all back together.

Just a couple of points: Please let everyone that is voting on this measure know that the substitute is not a penalty enhancement. Lofgren-Conyers is not a penalty enhancement. It provides a new and separate offense for harm to a pregnant woman that can cause injury or termination of her pregnancy.

□ 1400

It contains two separate offenses. We got that out of the way.

Okay, next. The substitute is tougher on criminals than is H.R. 503. Under the substitute, if a pregnancy is terminated, even unintentionally, the assailant can be sentenced to life in prison. By comparison, H.R. 503, the criminal must intentionally terminate pregnancy in order to get a life sentence. There is a big, big difference there.

Now, to the reality of the matter. Because the major bill, H.R. 503, undermines Roe v. Wade, the Senate is not going to take it up. The Senate is not going to take up H.R. 503. We must come to that reality. They did not take it up in the last Congress; they will not take it up in this Congress in its present form. So if my friends on the other side of the aisle really want to protect unborn children, they will join us in supporting the substitute. So we are begging that our colleagues put policy above the normal abortion politics.

Now, there is still the heart of the matter here that under the 14th amendment, as provided in Roe, ''person'' as used in the 14th amendment does not include the unborn. We cannot change that. We are not here to change it today. In the 28 years since Roe, the Supreme Court has never afforded legal personhood to a fetus. So in the name of all of the women and the men in this country that support a woman's right to choose, please join with me in supporting the Lofgren-Conyers substitute. We think it would be a beautiful day forward, and we will give this bill the life that it needs to go to the other body.

Mr. Speaker, I urge the support of the substitute and the rejection of the base bill, H.R. 503.

Mr. CHABOT. Mr. Speaker, I yield myself 15 seconds. Once again, we keep hearing the term, ''a woman's right to choose''; and I just want to say again that the woman chose to have the baby, it is the criminal that took away her right by killing her baby. And we are just trying to make it tougher on those criminals and to make the penalties much tougher and make it a separate offense if they take that child's life or harm that life.

Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. GRAHAM), a proponent of this bill.

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

I respectfully disagree with the gentleman from Michigan (Mr. CONYERS), my good friend. I am asking my colleagues to vote against the substitute and for the underlying bill.

When one writes a bill that says you cannot prosecute someone under the bill who is performing a lawful abortion, you can never prosecute the mother for any of her conduct, you cannot prosecute medical providers, one would think it would not be about abortion. But some people want to talk about that, and that is politics. That is okay. That is the way politics works.

I want to talk about the law and common sense. If one is a prosecutor and can pick between the substitute and my bill, I think every prosecutor I know of would pick my bill, because you could really have the full force and effect of the law against the criminal.

Abortion rights are not going to be enhanced by voting against my bill and for the substitute. The only person that wins is the criminal. In the Arkansas case, she was begging for her baby's life and the criminal was saying, ''Your baby is dying tonight.'' Let us get together as a Congress in saying, once the woman chooses to have the baby and she is assaulted by a criminal who is paid to terminate her pregnancy through beating her and her baby to death, that that is a crime, not a fiction.

She is begging for the baby's life; the man is saying, ''I am going to take your baby away from you tonight.'' Let us have a statute that allows that person to be prosecuted for what they intended to do, and that is, kill the unborn child; and in that statute, you protect Roe v. Wade rights.

The pro-choice people who voted for my bill last year, thank you. You can be pro-choice and not pro-abortion. People say that it is possible. This is a case of being pro-choice, but not being pro-abortion because there is no reason to let the criminal go or diminish their punishment with a poorly drafted substitute, simply because one is worried about abortion when it is not covered by the bill.

Let us focus our energies on putting criminals in jail when the mother chooses to have the baby. America will be better, prosecutors will have better tools, and we can go home and look pro-life and pro-choice people in the eye and say, Congress responded to a very serious event in a very logical way.

Please vote for the bill and against the underlying substitute. A lot is at stake. America will be better if we could pass this bill.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the Lofgren substitute. Unlike the underlying bill before the House today, the substitute truly addresses the serious issue of violence against women and would impose stricter penalties for causing harm to a fetus or forcibly terminating a pregnancy than exist today.

Surely if we can find common ground on nothing else, we should all be able to agree that crimes against women that cause the loss of a pregnancy are tragic and deplorable acts. These crimes ought to be punished severely.

The fundamental problem with the underlying bill is that it ignores where and when these crimes most often occur. H.R. 503 establishes criminal punishments for those who harm a fetus while committing any one of 68 specified federal crimes. The difficulty with this approach is that few of these crimes are actually tried in federal court, and many of the listed offenses are unlikely to result in harm to pregnant women. For example, how many pregnant women are impacted each year as a result of transactions involving nuclear materials? How many pregnancies are lost each year due to assaults or kidnappings of Members of Congress, the President's cabinet or members of the Supreme Court? The answer is: not many.

At the same time, the bill is completely silent on the much more prevalent problem of domestic violence. It is estimated that domestic violence victimizes one million women a year. How can we discuss punishment of violence against pregnant women and ignore the crimes where this violence most often occurs?

The Lofgren substitute, on the other hand, creates legal protection that truly helps women and punishes violence resulting in injury or termination of a pregnancy. It provides for a maximum 20-year sentence for injury to a women's pregnancy and up to a life sentence for violent conduct against a woman that interrupts or terminates her pregnancy. It makes it a federal crime. The substitute focuses on the harm to the pregnant woman, providing a deterrent against violence.

I urge my colleagues to support the Lofgren substitute and oppose the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong opposition to H.R. 503, ''Unborn Victims of Violence Act of 2001.'' I am pleased that the ''Lofgren Substitute'' to H.R. 503, the ''Unborn Victims of Violence Act of 2001,'' brings the real issue of who is victimized in clear fashion. The substitute would replace the term ''unborn children'' where it appears in the appropriate places throughout the bill with ''violence during pregnancy.'' The result of my amendment would essentially ensure that the legislation recognizes the pregnant woman as the crime victim, not the ''unborn child.''

The substitute seeks to address what I believe is a veiled attempt to create a legal status for the unborn. While I sympathize with the mothers who have lost fetuses due to the intentional violent acts of others, I believe, however, that H.R. 503 would obscure the rights of women. The substitute would prevent this

legislation from opening the door to future legislation by which a woman could be held civilly or criminally liable for fetal injuries caused by behavior during her pregnancy that might have potentially adverse effects on her fetus including failing to eat properly, using prescription, nonprescription and illegal drugs, being exposed to infectious disease, engaging in immoderate exercise or sexual intercourse or using general anesthetic or drugs to include rapid labor during delivery.

A new status of "human-ness" extended to the unborn fetus of a pregnant woman creates a situation of constitutional uneasiness. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, this bill will give anti-abortion advocates a powerful tool against women's choice.

The state courts that have expressed an opinion on this issue have done so with the caveat that while Roe protects a woman's constitutional right to choose, it does not protect a third party's destruction of a fetus. This bill will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased civil liability is present. Thus, disenchanted husbands and relatives would be able to bring suit who exercises her right to choose.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

I urge my colleagues to vote in favor of the Lofgren Substitute. We do not need this bill to provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 119, the previous question is ordered on the bill and on the amendment offered by the gentlewoman from California (Ms. LOFGREN).

The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. LOFGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 229, not voting 6, as follows:

[Roll No. 88]

AYES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kolbe
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rivers
Rodriguez
Ross
Rothman
Roukema
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—229

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bereuter
Berry
Bilirakis
Blunt
Boehner
Bonilla
Borski
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Knollenberg
Kucinich
LaFalce
LaHood
Langevin
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Capps
Lantos
Leach
Meek (FL)
Moakley
Roybal-Allard

□ 1427

Messrs. YOUNG of Alaska, CRENSHAW, WHITFIELD, GILCHREST and PORTMAN and Mrs. JONES of Ohio changed their vote from "aye" to "no."

Mr. ROSS changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 252, nays 172, answered "present" 1, not voting 7, as follows:

[Roll No. 89]

YEAS—252

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bereuter
Berry
Bilirakis
Bishop
Blunt

Boehner
Bonilla
Bonior
Borski
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Knollenberg
Kucinich
LaFalce
LaHood
Langevin
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—172

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Condit
Conyers
Coyne
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy (RI)
Kilpatrick
Kirk
Kleczka
Kolbe
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Reyes
Rivers
Rodriguez
Rothman
Roukema
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Rush

NOT VOTING—7

Capps
Jones (OH)
Lantos
Leach
Meek (FL)
Moakley
Roybal-Allard

□ 1447

Mr. BONIOR changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. JONES of Ohio. Mr. Speaker, I originally voted "yes" on rollcall 88. I then walked to the well thinking I was voting on 89 and I voted "no". Therefore, my vote on 88 was changed to "no" and I was not recorded on 89. I intended to vote "no" on rollcall 89.

Mr. LANTOS. Mr. Speaker, due to a longstanding commitment to deliver a graduation commencement address, I am unable to be present to vote against H.R. 503, the Unborn Victims of Violence Act today. Had I been present I would have voted "no" on final passage of H.R. 503 because this legislation is an attack on a woman's right to choose.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not present on rollcall Nos. 88 and 89 due to a recent death of a close friend. Had I been present, I would have voted "aye" on rollcall No. 88 and "nay" on rollcall No. 89.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 503, UNBORN VICTIMS OF VIOLENCE ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 503, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1051

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent, pursuant to clause 7 of rule XII, that my name be deleted as a cosponsor of H.R. 1051. My name was inadvertently added to this bill in a clerical error by committee staff.

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

There was no objection.

JOELLE RICE RETIRES AFTER 34 YEARS

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, today I want to thank Joelle Rice, the assistant manager of the cloakroom, who is retiring from the Hill after 34 years of dedicated service. Joelle is responsible for making this House run smoothly. Day after day, Joelle keeps Members and staff up to date on what is happening on the floor. She lets us know what we are voting on, what time we are voting, and what time votes will end. Members have relied on her for years for good information; and no matter how busy she is and no matter how many phones are ringing off the hook, she delivers.

Thank you, Joelle, for all that you have done for us. You have served this Congress well. Joelle, we wish you and your husband, Wes, the best in your future years together. Thank you.

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

Mr. HASTERT. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, thank you for yielding. On behalf of us as individual Members, and even more importantly our offices, as Members go through the day all day long every day trying to find out when we are going to vote. All of our staff and all of us as Members talk to Joelle or others in the cloakroom on an ongoing basis from morning until late at night. As a Member who has been here for 10 years and

on behalf of my staff who talks to her often, Joelle has been an invaluable asset to make our lives work, to make sure that we are here when we need to be here, and I know how much all of the staff across the street and all of the Members appreciate her worthwhile efforts.

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

Mr. HASTERT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I want to rise on behalf of all of the Members on this side of the aisle. Joelle works for the majority. She used to work for the minority, and I was in the majority. Joelle and I have switched places. And I have been here 20 years, so I have known Joelle for a long, long time. I think I speak for everybody on our side of the aisle, Mr. Speaker, that she is perhaps not equally, because I do not want to get her in trouble with the majority, but she is very helpful to us, always courteous, always with a good word, always cheerful, and has made this institution a better place.

Mr. Speaker, on behalf of all of us on this side of the aisle, she has operated in a nonpartisan, bipartisan, efficient and effective way to make this institution run better; and we all join, Mr. Speaker, in congratulating her and thanking her for her service to this institution and to her country.

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

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

Mr. GILMAN. Mr. Speaker, I want to join the Speaker for taking this time to honor Joelle Rice, who has been of invaluable assistance to so many of us with her warm personality and always willing to be of help. We are going to miss Joelle. She is not only married this year, but now retiring. We wish her health and happiness in her years ahead.

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

Mr. HASTERT. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, if I may close this and if I may dare speak for the body, Joelle, we wish you Godspeed; and in the best spirit of a Texas country western song, let me say, we miss you already, and you are not even gone.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, for the purposes of informing us of next week's schedule, I am pleased to yield to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, May 1, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Member's offices tomorrow. On Tuesday, no recorded votes are expected before 6 p.m.

On Wednesday, May 2, and Thursday, May 3, the House will consider the following measures, subject to rules: H.R. 10, the Comprehensive Retirement Security and Pension Reform Act; and H.R. 1088, the Investor and Capital Markets Fee Relief Act.

Mr. Speaker, this week the House and the Senate appointed conferees for the Budget Resolution. Members should be advised that the Budget Resolution Conference Report may become available for consideration in the House at some point next week.

Mr. HOYER. Mr. Speaker, I thank the gentleman for giving us that information. I understand that the gentleman said that we are going to conference on the budget. We are not sure when it is coming back.

Mr. Speaker, does the gentleman have any guess as to whether, if it comes back, it will come back Wednesday or Thursday?

Mr. ARMEY. Mr. Speaker, if the gentleman would continue to yield, obviously we intend to do the Comprehensive Retirement Security Act on Wednesday. That is fairly well scheduled. What we would want the House to do is act on that conference report any day, and I think one would realistically have to expect it may be Thursday before it comes back. Members will be concerned about their travel arrangements; and as has been our convention, Thursday is a day we return to our districts for work. And Thursday we will be out no later than 6 p.m. that evening.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas (Mr. ARMEY), the majority leader, for that information.

ADJOURNMENT FROM FRIDAY, APRIL 27, 2001, TO TUESDAY, MAY 1, 2001

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, April 27, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, May 1, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TUESDAY NEXT

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on Tuesday, May 1, 2001.

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

There was no objection.

HOUR OF MEETING ON WEDNESDAY, MAY 2, 2001

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 1, 2001, it adjourn to meet at 9 a.m. on Wednesday, May 2, for the purpose of receiving in this chamber former Members of Congress.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that the business in order under the calender Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

OUR LADY OF LOURDES ACADEMY PLACES FIRST IN ''WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION'' COMPETITION

(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, once again students from Our Lady of Lourdes Academy, a school in my congressional district, came to Washington, D.C. for an outstanding performance in the national ''We the People . . . The Citizens and the Constitution'' competition. Our Lady of Lourdes Academy represented Florida proudly, and for the second consecutive year, placed first out of 50 competing schools from every State in the Nation.

I warmly congratulate Katherine Almon, Yvette Cordova, Anna Fedak, Lauren Fernandez, Roxanne Flint, Cristina Garcia, Rebecca Gidel, Jacqueline Koch, Natalie Ladd, Alina Lopez, Stefanie Lopez-Boy, Kristina Maranges, Natalie Merino, Arianne Plasencia, Cristina Rosell, and Elizabeth Velez.

With the help and guidance of their teacher, Rosie Heffernan, these young ladies demonstrated vast knowledge and understanding of U.S. history, as well as the fundamental principles and values of our constitutional democracy.

I ask that my colleagues in the U.S. Congress join me in commending these

fine young girls and their teacher for their participation in this program and for an outstanding victory and achievement this year.

EXPRESSING SENSE OF CONGRESS IN SUPPORT OF NATIONAL CHILDREN'S MEMORIAL FLAG DAY

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the concurrent resolution (H. Con. Res. 110) expressing the sense of Congress in support of National Children's Memorial Flag Day, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, although I do not intend to object, I yield to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of National Children's Memorial Flag Day and encourage national, State, and local agencies and private organizations to recognize the Children's Memorial Flag. This year all 50 States, plus the District of Columbia, will either fly the flag or recognize it in an appropriate manner.

Mr. Speaker, every year in the United States, thousands of children die unnecessary deaths. Of these children, three a day die from physical abuse or neglect, and unintentional accidents are the leading cause of death in those children ages 1 to 14. Of children who died of abuse and neglect in 1996, 86 percent were under the age of 5, nearly 40 percent were less than a year old. Our children are our future.

Mr. Speaker, this is the reason that I support the National Children's Flag Day and would encourage my colleagues to do the same and hope that this raises the recognition that we should take as a Nation to ensure the safety of our children.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing under my reservation, I rise in strong support of this resolution.

Mr. Speaker, I yield to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from Kentucky and the gentleman from California for joining me to show our support for National Children's Memorial Flag Day. The fourth Friday of every April has come to be known as National Children's Memorial Day. This is a day to remember the children we have lost to violence and to raise awareness about the continuing problem of violence against children. It is a day to fly the Children's Memorial Flag in remembrance. This flag depicts six figures of children holding hands, and in the middle is a chalk outline of one child. This chalk outline symbolizes the devastating loss of lives.

Almost daily we are reminded of the violence that plagues our children and the Nation. The statistics are startling. Among the 26 richest nations, the United States accounted for 73 percent of the homicides in which a child was the victim. Three children a day die as a result of child abuse or neglect. Too many children are lost to violence. So many of these deaths are preventable.

□ 1500

I want this day to remind us that we must do a better job of keeping our children safe. Children are the most vulnerable members of our society. We as a nation have an obligation to guide and protect them. We all must work together to end the violence against our children.

Tomorrow, all 50 State governments and the District of Columbia will participate in National Children's Memorial Flag Day. Many States are flying or displaying the children's memorial flag on or near their State capital. Other States are participating by issuing proclamations.

In Nevada, because of the diligence of Donna Husted of the Children's Advocacy Alliance, the children's memorial flag is being flown over the Nevada State capital, the Nevada Department of Child Protective Services, City Hall in Las Vegas, the Clark County government building, and the Clark County Child Protective Services building. I commend Donna Husted for her efforts and thank her on behalf of all the loved ones of the children we have lost.

This day is a community effort, a community effort that involves everyone. It crosses racial and ethnic lines. It crosses religious lines. It crosses party lines. I encourage all of my colleagues to support the goals of National Children's Memorial Flag Day. It is a day to remember, to remember the innocent lives we have lost.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for her statement.

Mr. STARK. Mr. Speaker, I am pleased to join with my colleague SHELLEY BERKLEY to support this concurrent resolution that honors National Children's Memorial Flag Day.

This concurrent resolution supports the commemoration of the 4th Friday of each April as National Children's Memorial Flag Day. In addition this resolution encourages national, State, and local agencies and private organizations to fly the Children's Memorial Flag to remember the children lost to violence and to raise public awareness about the continuing problem of violence against children.

I support this resolution nationally because of its successful observance in my Congressional district. In 1996, the Alameda County Board of Supervisors adopted the Children's Memorial Flag Project, and established a National Children's Memorial Day on the fourth Friday in the month of April to remember children who have died by violence. I want to commend Supervisor Gail Steele of Alameda County for her tireless work and dedication to get this resolution adopted. In addition, the California Assembly formally declared the fourth Friday in April as a statewide annual observance day. The Child Welfare League of America has adopted Alameda County's Children's Memorial Flag and promotes it nationally.

This Congressional resolution is particularly timely in the wake of the two school shootings in California at Granite Hills High School in El Cajon, California and Santana High School in Santee, California. Unfortunately, acts of violence against children happen far too often. According to the Child Welfare League of America, three infants and children die from abuse and neglect in the U.S. each day, and ten children die a day as a result of gun violence. In fact, more children lose their lives to criminal violence in the U.S. than in any of the 26 industrialized nations of the world.

We have lost far too many children in violent, preventable deaths. I encourage my colleagues in Congress to work with renewed resolve to ensure that our children have a full opportunity to become healthy and productive adults. Even one child lost is one child too many.

I urge my fellow members to support the National Children's Memorial Flag Day concurrent resolution through unanimous consent.

Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 110

Whereas among the world's 26 richest nations, the United States accounted for 73 percent of child homicide victims;

Whereas at least 3 children a day die from physical abuse or chronic neglect in the United States;

Whereas April has been designated as National Child Abuse Prevention Month, an annual tradition started by President Jimmy Carter in 1979; and

Whereas the fourth Friday of each April is National Children's Memorial Flag Day, when many State and local governmental agencies and private organizations fly the Children's Memorial Flag to remember children lost to violence and to heighten public awareness of the need for communities to help vulnerable children and families: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports National Children's Memorial Flag Day; and

(2) encourages national, State, and local agencies and private organizations to fly the Children's Memorial Flag—

(A) to remember children lost to violence; and

(B) to raise public awareness about the continuing problem of violence against children.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 110.

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

There was no objection.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Without objection, and pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. HOYER of Maryland,
Mr. CARDIN of Maryland,
Ms. SLAUGHTER of New York,
Mr. HASTINGS of Florida.

There was no objection.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to 14 U.S.C. 194(a), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. TAYLOR of Mississippi.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ON H. CON. RES. 106, COMMENDING THE CREW OF THE U.S. NAVY EP–3 FOLLOWING THE ACCIDENT WITH A CHINESE AIRCRAFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, I rise today to commend the crew of the U.S. Navy EP–3 aircraft for their outstanding performance of duty following the collision with the Chinese F–8 fighter on April 1 and during their subsequent detention by Chinese authorities on the island of Hainan, China.

I want to make several points about this incident. First, our plane and its crew did nothing to precipitate this incident. They were flying straight and level, on autopilot, at a slow speed in international airspace. They were performing a routine and legitimate reconnaissance and surveillance mission similar to those performed by many other countries around the world.

It was the Chinese jet that flew in front of and dangerously close to our EP–3 aircraft. It was the Chinese pilot who displayed poor and unprofessional airmanship, causing his plane to collide with ours. To me, it is simply implausible to suggest a slow and level flying multi-engine turboprop airplane could fly into a fighter jet aircraft. I do not think there is any question about who was really at fault in this accident. It was the Chinese pilot.

Once the collision occurred, our pilot and crew did everything they could do. They transmitted multiple ''Mayday'' signals to alert others to their in-flight emergency. They tried to alert the Chinese that they would have to divert for an emergency landing in China. And our plane landed on Hainan Island only because it was an emergency.

Our pilot and crew deserve high praise for safely landing the aircraft despite severe structural damage and in attempting to follow procedures to minimize the compromise of sensitive national security information. They also deserve credit for behaving so professionally during the 11 days they were detained against their will by Chinese authorities.

Beyond the crew and this incident, there are also broader issues here about which we should all be concerned. I refer, of course, to the Chinese demand that the United States should cease reconnaissance and surveillance flights off the coast of China. We should not. Our flights are lawful and are carried out in international airspace and are important to the national security of the United States. Moreover, the Navy EP–3 aircraft should be returned. It is clear under international law that under the circumstances under which this collision and the emergency landing of our plane occurred, the Navy EP–3 airplane is the property of the United States. It should be returned to us.

Finally, if Chinese aircraft continue to intercept and employ aggressive tactics against our airplanes when we resume our reconnaissance surveillance flights, as we surely will, they run a grave risk. They run the risk of jeopardizing the important relationships that now exist between the United States and China. Despite ideological and governmental differences between the governments of our two countries, the last several years have shown that our countries can get along and have beneficial relationships, cultural, educational and economic.

The Chinese Government should realize that the beneficial relations that now exist between our countries could deteriorate if they continue to harass our airplanes when we are operating lawfully in international airspace.

I have introduced a resolution, H. Con. Res. 106, that expresses my commendation of the crew of the Navy EP–3 aircraft for the exemplary performance of their duties. The resolution also expresses the sense of Congress that reconnaissance and surveillance flights should continue, that our plane should be returned to us, and that continued interception of our flights may have broader political consequences. I invite Members of the House to cosponsor my resolution.

Mr. Speaker, Americans are immensely proud of the 24 members of the EP–3 crew and share the joy of their families and friends on the crew's safe return to the United States. Our men and women in uniform make personal sacrifices and take great risk every day to keep our Nation free. We should not take them for granted. In this case, we should all be grateful that the 24 service members of the Navy EP–3 have returned safely. I applaud them for their professionalism and performance of duty under most arduous circumstances.

HUMAN CLONING

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise today to speak on the issue of human cloning.

What would it be like if we had five Michael Jordans to suit up an entire team? Or what if there were two of you to accomplish more in a 24-hour day? The prospect of human cloning has been the stuff of science fiction novels for years. However, on February 27, 1997, Ian Wilmut from the Roslin Institute in Scotland cloned Dolly the sheep, a feat which has triggered international debate on the issue of human cloning. Since that time, scientists have cloned mice, cows and pigs. Richard Seed announced he would clone a human being.

President Clinton called for a 5-year moratorium on human cloning and advised the National Bioethics Advisory Commission to review human cloning. They recommended that cloning humans for reproductive purposes is unsafe and unethical. I would certainly agree.

If you speak to Dr. Wilmut, he will tell you that they had something on the order of 230 or more attempts to produce Dolly, with most of those attempts ending in miscarriage, but

many, many of them resulting in the birth of sheep with very, very severe birth defects. To even consider doing such a procedure for the purpose of creating a human being is immoral and unethical in the worst possible way. However, cloning technology is available that could allow biotechnology companies and researchers to produce human embryos in the lab.

This issue of cloning human embryos, I must stress, is not an issue of fetal tissue research or an issue of stem cell research. It is an issue of cloning human embryos. This year, Panos Zavos of the University of Kentucky and his Italian colleague, Severino Antinori, have begun the work of creating a global consortium for the purpose of producing a human clone. Dr. Brigitte Boisselier, the Director of Clonaid, which has part of the Raelian extraterrestrial movement attached to it, has stated that they have already been offered substantial sums of money to begin the process of working on developing children through the process of human cloning.

I believe the time now is right and the time is ripe for the Congress of the United States to act, and that is why I have introduced legislation today that would make human reproductive cloning, as well as embryonic cloning, illegal in the United States of America.

Now, I want to stress that some people who favor embryonic cloning like to refer to this as therapeutic cloning. Indeed, this term has already been established in the press. I have had two reporters bring this issue up. Therapy implies that there is some sort of useful purpose for these embryonic clones. I would assert that if you look at the medical literature, there is no defined therapeutic purpose for cloning human embryos today in science. Therefore, this term is a misnomer.

The proper term is destructive cloning, or embryonic cloning, the cloning of a human embryo, the cloning of a human embryo for the purpose of just merely doing research on it and then further to proceed to just simply destroying it, or destructive cloning.

□ 1515

I think this process displays a profound disrespect for human life, and it needs to be made illegal in the United States of America.

Many countries in Europe have already taken action on this issue and have made human cloning illegal. This is what my bill attempts to do. The bill has been introduced in the Senate as well by the Senator from Kansas, SAM BROWNBACK.

I would encourage all of my colleagues to consider seriously getting much more well informed on this issue and signing on to my legislation. It is timely. It is right. We need to do it.

VICTIMS OF ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker: Sarkis Papazian, Elizabeth Khatchadourian, David Khatchadourian, Haroutiun Barseghian, Annik Mugurdichian, Mari Zadoian, Ghazar Ghazarian, Zkon Chouldjian, Takvor Kazandjian, Hagop Kazandjian, Avedis Aghjayan, Garabed Garabedian, Tavriz Garabedian, Shoushanig Garabedian. These are a few, a precious few, of the more than 1.5 million men, women, and children who lost their lives in the first genocide of the 20th century.

Ardeni Gureghian, Nazeni Kalustian, Antoine Kalfayan, Antranig Antoian, Rouben Gureghian, Anoushig Antoian, Mardiros Alemian, Haigaz Alemian, Hampartz Alemian, Caloust Alemian, Shmavon Tetezian, Sirpouhi Nahabedian Tetezian: 1.5 million people whose lives were as precious to them as our lives are to us, who loved their children and were loved; who aspired for a better life just as we aspire for a better life for ourselves and our families.

Nahabed Nahabedian, Hampartzoum Tetezian, Sarkis Tetezian, Kourken Tetezian, Marnos Meneshian, Hovnan and Knar Neneshian, Aghavni Meneshian, Elmast Meneshian, Voski Meneshian, Mgerdich Meneshian. Pray for us, they would say, as Ambassador Morganthau recalls in his memoirs; pray for us, they said as they left their homes, homes in which they had lived and their ancestors had lived for 2,500 years. We will not see you again in this life, they said, but we shall meet again. Pray for us.

Kevork Meneshian, Hampar Meneshian, Eknadios Meneshian, Hripsime Meneshian, Senekereem Meneshian, Edmund Kalfayan, Boghos Arzougaldjian, Flor Megerdichian, Ohanes Nigoghosian, Karekin Sherestanian. This administration, our administration, the U.S. administration, prides itself for being plain spoken, for not engaging in the diplomatic nuances that often make a moral judgment, a moral position of a nation ambiguous.

Then let us be plain spoken. Let us call genocide, genocide. Let us not minimize the deliberate murder of 1.5 million people by the Ottoman Empire. In this Congress, in this administration, let us be frank. By acknowledging the first genocide of the 20th century, we will give the families of the victims the justice and the peace that all the principles of humanity require.

Krikor Zohrab, Vartkes Serengoulian, Siamanto, Daniel Varoujan.

YORK COUNTY SCIENCE FAIR WINNERS AND DELTA-CARDIFF VOLUNTEER FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PLATTS) is recognized for 5 minutes.

Mr. PLATTS. Mr. Speaker, I rise today in honor of four of my constituents from back home in Pennsylvania who were recently recognized for their outstanding achievements. The first two constituents are young women who have demonstrated true educational excellence in the areas of science and engineering, while the second two constituents are gentlemen who have dedicated most of their lives to community service.

It brings me great pleasure to bring the accomplishments of these four individuals before the United States House of Representatives and our Nation.

Earlier this year, two students, Jessica Brillhart, a sophomore at Dallastown Area High School, and Anne Jensen, a sophomore at York Suburban High School, my alma mater, were named co-grand champions in the York County Science and Engineering Fair.

Jessica Brillhart won her prize for a project called ''The Sound of Music.'' Jessica picked ten categories of music ranging from classical to heavy metal in 20 noises, such as a dog barking, a chandelier tinkling, and water rushing.

She matched each musical style with the noises possessing similar sound waves. A survey of 35 individuals then proved that there was, in fact, a correlation between the noises that people found pleasing and their favorite music.

Anne Jensen won the co-grand champion status for her project called ''Haze and Ground Level Ozone.'' Anne constructed a haze monitor to measure the amount of sunlight that filters through the atmosphere. She determined through calculations based on the results of the monitor that haze and the amount of ground-level ozone were not directly proportional, contrary to her original hypothesis.

Nevertheless, the haze monitor turned out to be a very impressive and complex piece of machinery.

Both Jessica and Anne will now be going to California to compete in an international science fair against 1,200 other students from throughout our Nation, as well as 40 other nations around the world.

Jessica's and Anne's ingenuity, inventiveness, and imagination are certainly worthy of much praise. I proudly congratulate these outstanding young citizens on their grand champion success at the York County Science and Engineering Fair.

Mr. Speaker, I also recently had the honor of attending the Delta-Cardiff Volunteer Fire Company's annual banquet. At that event, I was pleased to

join with the fire company's president, Mr. Bill Griffith, and many other citizens there that evening in honoring two dedicated individuals, Mr. John Williams and Mr. Ralph Morris, for going above and beyond the call of duty.

John Williams, a retired Federal employee, has served as a member of the volunteer fire company for 65 years. That is correct, he has been a member of that volunteer fire company for 65 years. During that time, he has held just about every office possible: ambulance captain, chief, treasurer, and has served as a member of the board of directors. He also served as president of the fire company for 20 years.

Mr. Williams currently serves as an administrative adviser and is every bit as active today in the operation of the fire company as he has been in the past. He resides in Delta, Pennsylvania, with his wife and two grown sons, who are also active volunteers.

Mr. Speaker, I am also proud to recognize the dedicated service of Mr. Ralph Morris, a member of the fire company for 42 years. Mr. Morris was born and raised in Delta and has given back many years of service to his community. A small business owner for much of his life, Mr. Morris also served in various capacities at the fire company. He was chairman of the board, captain, and assistant chief.

It is my understanding that Mr. Morris remains very active and often drives the fire truck in responding to emergency calls. I know his wife and daughter are very proud of his long record of dedicated public service.

All four of these individuals I have recognized this afternoon would probably never ask for this sort of individual attention and recognition, but I was moved by the common theme they all share: dedication, dedication to reaching a goal and dedication to their various efforts.

In today's fast-paced world, we so often overlook giving such deserving citizens who have distinguished themselves through hard work a pat on the back. I am pleased to have the opportunity to do just that here today in paying tribute to their service to our community and their success in their academic endeavors.

PASSAGE OF UNBORN VICTIMS OF VIOLENCE ACT

Mr. PLATTS. Mr. Speaker, with my remaining time, I just want to touch on one other issue, a very important issue, completely separate, and that is to voice my pleasure at the support of this House in the passage of H.R. 503, the Unborn Victims of Violence Act. I am pleased to be a cosponsor of that legislation, was proud to vote in favor of it with the majority of my colleagues.

I can so well remember 5½ years ago seeing the first ultrasound of my son TJ, who will turn 5 next month, at 10 weeks in utero; and that picture from that ultrasound remains on my desk today as the first picture of our child; not of a fetus but our child. I am delighted with the success of H.R. 503.

OUR UNITED STATES STEEL INDUSTRY IS STRUGGLING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, I am brought to the floor by two recent bits of news that were called to my attention, one that fills me with foreboding and another that fills me with hope.

Yesterday, I received sad news from my district. Another local steel company, MacInnes Steel, had filed for bankruptcy, a company that has been a long partner and a long contributor in our community; a company that I visited only a few weeks ago as I traveled my district to announce my chairmanship of the Congressional Steel Caucus; a company that is progressive and in which management has been making a major capital investment; a modern steel company. This company had filed for protection under our bankruptcy laws.

Their CEO called it, and I quote, ''a last resort as it struggled with the double blow of a domestic slump in the industry and surging energy costs.''

I must say this is not the first time recently this has happened in my district. Earlier this year, we received the news that an employee-owned company, Erie Forge and Steel, another long-standing institution in our community, had filed for bankruptcy. They cited a variety of reasons for this, including foreign dumping and a slow economy.

The fact is, this is part of a pattern we are seeing around the country. America's steel industry is struggling. We are experiencing a steel crisis. A major core industry of our manufacturing capacity is being threatened, and in the process we face the risk that a major strategic part of our manufacturing sector could be hollowed out in the near future.

Our companies are facing predatory trade practices from our foreign competitors, and so it was encouraging to me to read on Tuesday that the U.S. Department of Commerce had made a preliminary determination confirming that a number of our foreign trade competitors were dumping hot-rolled steel in the U.S. market. I have to say this is a very important decision and a very encouraging one. This preliminary ruling found that 11 countries had been violating our trade laws, including Argentina, China, India and Taiwan, and were benefiting from countervailable subsidies as high as 40 percent.

This finding points to major infringements not only of international trade norms but also our anti-dumping laws.

This preliminary decision is good news for our struggling domestic steel industry. It means that beginning this week, we collected a bond from the importers in the amount of the preliminary dumping margin, providing immediate relief to our employers. If, in the final determination, the decision stands that these countries are indeed dumping on U.S. markets, anti-dumping orders will be issued.

The problem of dumping, Mr. Speaker, is not unique to western Pennsylvania employers but, rather, is part of a bigger picture of what is happening nationwide with the steel industry facing a cascade of layoffs. The companies that were injured by unfair trade practices in this decision are not only from Pennsylvania; but they are also from Kentucky, Illinois, North Carolina, Indiana, and Ohio.

□ 1530

This decision by the Commerce Department is an important and initial recognition of how severe the problem of dumping is as it faces our domestic industry.

I would like to commend the Bush administration for their quick action in this area. It is good to know that President Bush is willing to enforce the existing trade laws. But this is only a beginning. I urge the administration to continue to take action to protect American workers and their jobs when they face clearly unfair competition.

The economic slowdown in the United States and East Asia intensifies the need for enforcement of our trade laws. Yes, there was a drop in steel imports last month, but as we have analyzed that change, clearly this only reflects a buildup of excess inventory. The steel industry continues to be flat on its back facing a depression even as we debate whether other areas of the economy are heading toward a recession.

We must be very vigilant against dumping and unfair trade practices by our competitors. I encourage President Bush to look at all of his options, including seeking an action under section 201 and supporting our efforts to dramatically strengthen domestic trade laws that allow the administration to police our markets.

REVIEWING THE PRESIDENT'S FIRST 100 DAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, as we approach the 100th day of the Bush presidency, we have seen history made. President Bush just may have compiled the worst environmental record in the shortest time of any President ever.

Let us run through the milestone of the Bush administration's environmental policy: Repealed the arsenic

standard; unilaterally declared the Kyoto agreement on global warming dead; abandoned a campaign pledge seconded by his EPA administrator to reduce carbon dioxide emissions; supported drilling in the Arctic National Wildlife Refuge.

And the manner in which the Bush White House has executed its environmental policy makes matters even worse. The President, who repeatedly claimed during his campaign that the previous administration had failed to author a consistent principled energy policy, seems to be making environmental policy based on no principle at all, but rather on the basis of what he can get away with at the behest of the oil companies, at the behest of the mining companies, at the behest of the chemical companies.

It is no secret that the Bush administration owes these big polluters for the President's election last year, and they are cashing in their chips fast.

The White House even seems to be disregarding the advice of its own Environmental Protection Agency Administrator, Christie Todd Whitman. Earlier this year, Administrator Whitman publicly acknowledged the issue of global warming and said that President Bush would honor his campaign promise to regulate carbon dioxide as a pollutant. She recommended by memo that he do so, only to be publicly rebuked. It seems Administrator Whitman was told, along with the rest of us, that President Bush was simply abandoning his campaign pledge.

Then, earlier this week, Whitman was publicly rebuked again by her boss. Just 2 days ago, Bush spokesman Ari Fleischer appeared to chide the EPA administrator for speaking in ''confusion'' Sunday when she announced that a White House energy task force would not recommend oil drilling in the Arctic National Wildlife Refuge in Alaska. He clarified that Vice President CHENEY's task force would in fact recommend that oil drilling be allowed in the Refuge after all.

When big oil talks, this administration listens. It is no big surprise, considering Vice President CHENEY as an oil executive last year, in 1 year as an oil executive, made $36 million.

Strangely, it now seems possible that Christine Todd Whitman, not necessarily a great friend of the environment when she was Governor of New Jersey, Whitman may become the lone administration official willing to occasionally, occasionally oppose the naked assault on the environment.

As cochair of the Water Infrastructure Caucus in the House, the Bush administration decision that has irked me most is his weakening of the arsenic standard. Those of us who pushed for a stronger, safer new arsenic standard during a 5-year administrative process know that EPA's January decision ordering arsenic levels in America's drinking water be reduced, strengthened, if you will to 10 parts per billion, was quite simply the right thing to do.

EPA took this action in response to a National Academy of Science report, not a partisan group, not an ideological group, a scientific group, which recommended that the 1942 standard of 50 parts per billion be reduced ''as promptly as possible.''

Arsenic's toxic properties have been common knowledge for a long time. Two hundred years ago, Napoleon's death was attributed by some to arsenic poisoning at the hands of the British. In 1942, there was sufficient concern about the dangers of arsenic in our country for a 50 parts per billion standard to be put into place. But during the last 5 years, in response to the Safe Drinking Water Act, EPA asked the National Academy of Science to specifically investigate the danger posed by smaller quantities of arsenic.

The Academy produced reams of evidence that arsenic is not only a toxic, which we all knew, but is a potent carcinogen that causes bladder cancer, lung cancer, skin cancer, and has also been linked to kidney and liver cancer, birth defects and reproductive problems. Newborn babies and small children are at the greatest risk of health problems from the arsenic in water.

By adopting an updated standard, the U.S. would not be leading the developing world, but joining it. Our allies in Europe and Great Britain and in Japan had already put into place arsenic standards to protect the public's health.

In the face of all this evidence, the Bush administration still put the new drinking water standard on hold. Score another win for America's largest corporations.

In my home State of Ohio, 137,000 residents may be drinking water with arsenic levels higher than the standard recommended by the World Health Organization. This standard puts the U.S. on the same levels as India, Bangladesh, Bolivia, and China.

When you look at the President's campaign finance reports, you see the reason. In the last election, mining companies gave $5 million to Republicans, the chemical industry gave $10 million. We ask the President to reconsider.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEACH (at the request of Mr. ARMEY) for today on account of touring flooded areas in home district.

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. SCHIFF) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

(The following Members (at the request of Mr. PLATTS) to revise and extend their remarks and include extraneous material:)

Mr. PLATTS, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. WALDEN of Oregon, for 5 minutes, May 2.

Mr. HORN, for 5 minutes, May 2.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 350. An act to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; to the Committee on Energy and Commerce, in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. BROWN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Friday, April 27, 2001, at 10 a.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Thomas H. Allen, Robert E. Andrews, Richard K. Armey, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, John Elias E. Baldacci, Tammy Baldwin, Cass Ballenger, James A. Barcia, Bob Barr, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Sanford D. Bishop, Jr., Rod R. Blagojevich, Earl Blumenauer, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Mary Bono, Robert A. Borski, Leonard L. Boswell, Rick Boucher, Allen Boyd, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr.,

Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Brad Carson, Julia Carson, Michael N. Castle, Steve Chabot, Saxby Chambliss, Donna M. Christensen, Wm. Lacy Clay, Eva M. Clayton, Bob Clement, James E. Clyburn, Howard Coble, Mac Collins, Larry Combest, Gary A. Condit, John Cooksey, Jerry F. Costello, Christopher Cox, William J. Coyne, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy ''Duke'' Cunningham, Danny K. Davis, Jim Davis, Jo Ann Davis, Susan A. Davis, Thomas M. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F.H. Faleomavaega, Sam Farr, Chaka Fattah, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Felix J. Grucci, Jr., Gil Gutknecht, Ralph M. Hall, Tony P. Hall, James V. Hansen, Jane Harman, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Wally Herger, Baron P. Hill, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Stephen Horn, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Asa Hutchinson, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Brian D. Kerns, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, John J. LaFalce, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Steve Largent, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Betty McCollum, Jim McCrery, John McHugh, Scott McInnis, Mike McIntyre, Howard P. McKeon, Cynthia A. McKinney, Michael R. McNulty, Martin T. Meehan, Carrie P. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Juanita Millender-McDonald, Dan Miller, Gary G. Miller, Patsy T. Mink, John Joseph Moakley, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, David D. Phelps, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Marge Roukema, Edward R. Royce, Bobby L. Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Joe Scarborough, Bob Schaffer, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Rob Simmons, Michael K. Simpson, Norman Sisisky, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Mark E. Souder, Floyd Spence, John N. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bob Stump, Bart Stupak, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, John R. Thune, Karen L. Thurman, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, James A. Traficant, Jr., Jim Turner, Mark Udall, Robert A. Underwood, Fred Upton, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Wes Watkins, Melvin L. Watt, J.C. Watts, Jr., Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Frank R. Wolf, Lynn C. Woolsey, Albert Russell Wynn, C.W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1611. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Packaging and Transfer or Transportation of Materials of National Security Interest—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1612. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Explosive Detection Program—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1613. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Extension of DOE O 311.1A, Equal Employment Opportunity and Diversity Program—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1614. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Security Conditions—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1615. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Guide of Good Practices for Occupational Radiological Protection in Uranium Facilities— received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1616. A letter from the Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule—Industry Guidance on the Commission's Case Law Interpreting 18 U.S.C. Section 1464 and Enforcemnet Policies Regarding Broadcast Indecency [File No. EB–00–IH–0089] received April 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1617. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Turkey (Transmittal No. 03–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1618. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 010–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1619. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for defense articles and defense services to Norway [Transmittal No. DTC 013–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1620. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with France [Transmittal No. DTC 015–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1621. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy [Transmittal No. DTC 014–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1622. 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 Canada [Transmittal No. DTC 008–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1623. 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 Republic of Korea [Transmittal No. DTC 016–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1624. 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 Italy [Transmittal No. DTC 035–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1625. 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.

1626. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, Maryland [CGD05–01–004] (RIN: 2115–AE46) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1627. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, VA [CGD05–01–003] (RIN: 2115–AE46) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1628. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fireworks Display, East River, New York, NY [CGD01–01–026] (RIN: 2115–AA97) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1629. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Mission Bay, San Diego, CA [COTP San Diego, CA; 01–002] (RIN: 2115–AA97) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1630. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—DOE Facilities Technology Partnering Programs—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MOAKLEY (for himself, Mr. DELAHUNT, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. RIVERS, and Mr. FILNER):

H.R. 1594. A bill to provide for increased accountability with respect to the education and training of foreign military personnel, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 1595. A bill to protect innocent children; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. FOLEY, Mr. SAM JOHNSON of Texas, Mr. SCHAFFER, Mr. RANGEL, Mr. WATKINS, Mr. JONES of North Carolina, Mrs. THURMAN, and Mr. LEWIS of Kentucky):

H.R. 1596. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and the Foreign Service, and other employees, in determining the exclusion of gain from the sale of a principal residence; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Ms. BALDWIN, Mr. STARK, Mr. CONYERS, Mr. ROHRABACHER, Mr. LATOURETTE, and Mr. SANDERS):

H.R. 1597. A bill to repeal the Military Selective Service Act; to the Committee on Armed Services.

By Mr. HOUGHTON (for himself, Mr. CARDIN, Mr. RAMSTAD, Mr. UDALL of New Mexico, Mr. FOLEY, Mr. ENGLISH, Mrs. JOHNSON of Connecticut, Mr. HOEFFEL, Mr. COYNE, Mr. NADLER, Mrs. THURMAN, Mr. NEAL of Massachusetts, Mr. MATSUI, Mr. SHAYS, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Mr. HORN, Ms. ROS-LEHTINEN, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. PAYNE, Mrs. KELLY, Ms. DUNN, and Mr. MCHUGH):

H.R. 1598. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1599. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. RANGEL, Mr. SAM JOHNSON of Texas, Mr. CRANE, Mr. ARMEY, Ms. DUNN, Mr. MATSUI, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mrs. JOHNSON of Connecticut, Mr. WATKINS, Mr. FOLEY, Mr. RAMSTAD, Mr. HERGER, Ms. HART, Mrs. THURMAN, Mr. BECERRA, Mr. HAYWORTH, Mr. POMEROY, and Mr. ENGLISH):

H.R. 1600. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself, Mr. TANNER, Mr. HAYWORTH, Mr. MATSUI, Mr. POMEROY, Mr. RAMSTAD, and Mr. ENGLISH):

H.R. 1601. A bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry; to the Committee on Ways and Means.

By Mr. BALLENGER:

H.R. 1602. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee's ''regular rate'' for purposes of calculating overtime compensation will not be affected by certain additional payments; to the Committee on Education and the Workforce.

By Mr. WELLER (for himself, Mrs. JOHNSON of Connecticut, and Mr. ENGLISH):

H.R. 1603. A bill to amend the Internal Revenue Code of 1986 to grant relief to participants in multiemployer plans from certain section 415 limits on retirement plans; to the Committee on Ways and Means.

By Mr. BARRETT (for himself and Mrs. WILSON):

H.R. 1604. A bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002; to the Committee on Energy and Commerce.

By Mrs. BONO (for herself and Mr. CONDIT):

H.R. 1605. A bill to require that perishable agricultural commodities be labeled or marked as to their country of origin and to establish penalties for violations of such labeling requirements; to the Committee on Agriculture.

By Mr. CLYBURN (for himself, Mr. BISHOP, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mrs. JONES of Ohio, Ms. WATERS, Mr. WATT of North Carolina, and Mr. WYNN):

H.R. 1606. A bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations, and for other purposes; to the Committee on Resources.

By Mr. DEFAZIO (for himself, Mr. STARK, Ms. BALDWIN, and Mr. GEORGE MILLER of California):

H.R. 1607. A bill to amend the Military Selective Service Act to suspend the registration requirement and the activities of civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System, except during national emergencies, and to require the Director of Selective Service to prepare a report regarding the development of a viable standby registration program for use only during national emergencies; to the Committee on Armed Services.

By Mr. EHLERS:

H.R. 1608. A bill to amend title 18 of the United States Code to prohibit human cloning; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. TANNER, Mr. RILEY, Mr. KENNEDY of Minnesota, Mr. HILLIARD, and Mr. CRAMER):

H.R. 1609. A bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient

hospital services furnished under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE:

H.R. 1610. A bill to amend the Agricultural Reconciliation Act of 1993 to make leaf tobacco an eligible commodity for the Market Access Program; to the Committee on Agriculture.

By Mr. GALLEGLY:

H.R. 1611. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty with regard to income limits for the IRA deduction for active participants in pension plans; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 1612. A bill to amend the Internal Revenue Code of 1986 to remove the cover over of tax for Puerto Rico; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mr. MORAN of Virginia, Mr. BROWN of Ohio, Mr. BOUCHER, Mr. TIERNEY, Mr. BONIOR, Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. PALLONE, Mr. CAPUANO, Mrs. MALONEY of New York, Mr. FILNER, Mr. MARKEY, Mr. PASCRELL, Mr. LEVIN, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Ms. BROWN of Florida, Mr. DELAHUNT, Mr. SHAYS, Ms. HOOLEY of Oregon, Ms. KILPATRICK, Mrs. TAUSCHER, Mr. SANDERS, Mr. MALONEY of Connecticut, Mr. BLAGOJEVICH, Mr. SERRANO, Mr. ALLEN, Mr. STARK, Mr. BORSKI, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Ms. WOOLSEY, Mr. BAIRD, Mr. DEFAZIO, Mr. MCNULTY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. MCGOVERN, Mr. BECERRA, Ms. LEE, Mr. WEINER, Mr. SHERMAN, Mr. WYNN, Mr. PAYNE, Mr. SMITH of Washington, Mr. COYNE, Mr. UDALL of Colorado, Mr. CLAY, Mr. CONYERS, Mr. HOLT, Mr. EVANS, Mr. KUCINICH, Mr. NEAL of Massachusetts, Mrs. MEEK of Florida, Mr. GONZALEZ, Mr. FATTAH, Mr. BENTSEN, Mr. MATSUI, Mr. SMITH of New Jersey, Mr. REYES, Mr. INSLEE, Mr. OLVER, Mr. HILLIARD, Mr. SAWYER, Mr. MOORE, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. HALL of Ohio, Mr. LUTHER, Mr. THOMPSON of Mississippi, Mr. GEORGE MILLER of California, Mr. KLECZKA, Mrs. NAPOLITANO, Mr. DEUTSCH, Mr. KILDEE, Mr. HOEFFEL, Mr. FERGUSON, Ms. ROYBAL-ALLARD, Ms. RIVERS, Mr. WAXMAN, Mr. CROWLEY, Mr. MEEHAN, Mr. WEXLER, Mr. SIMMONS, Ms. WATERS, Mr. CARDIN, Mr. NADLER, Mrs. MINK of Hawaii, Ms. MCCOLLUM, Ms. DEGETTE, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. ANDREWS, Ms. MCCARTHY of Missouri, Ms. KAPTUR, Ms. ESHOO, Mr. ENGEL, Ms. VELÁZQUEZ, Mrs. LOWEY, Ms. BERKLEY, Mr. LANGEVIN, Mr. MENENDEZ, Mr. TOWNS, Mrs. KELLY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SABO, Mr. DAVIS of Illinois, Mr. ROTHMAN, Mr. KENNEDY of Rhode Island, Mr. FARR of California, Mr. LEACH, Mr. THOMPSON of California, Mr. SPRATT, Mrs. MORELLA, Mr. MURTHA, Mr. OWENS, Ms. MCKINNEY, Ms. JACKSON-LEE of Texas, Mr. FRANK, Mr. CLEMENT, Mr. ACKERMAN, Ms. MILLENDER-MCDONALD, Mr. JEFFERSON, Mr. CLYBURN, Mr. HILL, Mr. BERMAN, Mr. GUTIERREZ, Mr. UDALL of New Mexico, Mr. STRICKLAND, Mr. RUSH, Mr. HONDA, Mr. BARRETT, Mr. BALDACCI, Mr. WU, Mr. CUMMINGS, Mr. FORD, Mr. MEEKS of New York, Mr. LARSEN of Washington, Mrs. DAVIS of California, Mr. PHELPS, Ms. SANCHEZ, Ms. LOFGREN, Ms. CARSON of Indiana, and Ms. SOLIS):

H.R. 1613. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Resources.

By Mr. HOEFFEL (for himself and Mr. MALONEY of Connecticut):

H.R. 1614. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas:

H.R. 1615. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Mr. KELLER (for himself and Mr. DIAZ-BALART):

H.R. 1616. A bill to amend the Immigration and Nationality Act to provide for the granting of United States citizenship, through the issuance of a certificate of citizenship, to any person who, after obtaining the status of an alien lawfully admitted for permanent residence, completes 3 years of honorable service on active duty in the Armed Forces, and for other purposes; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mr. ANDREWS, and Mr. SOUDER):

H.R. 1617. A bill to promote youth entrepreneurship education; to the Committee on Education and the Workforce.

By Ms. LOFGREN:

H.R. 1618. A bill to amend the Internal Revenue Code of 1986 to allow an individual who is entitled to receive child support a refundable credit equal to the amount of unpaid child support and to increase the tax liability of the individual required to pay such support by the amount of the unpaid child support; to the Committee on Ways and Means.

By Ms. LOFGREN:

H.R. 1619. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses applicable to individuals; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. HORN, Mr. MCNULTY, Mr. DEUTSCH, Ms. LEE, Ms. BERKLEY, Mr. BERMAN, Ms. PELOSI, Mr. ENGEL, Mr. NEAL of Massachusetts, Mr. WEXLER, Ms. MCCARTHY of Missouri, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. RODRIGUEZ, and Mr. MCGOVERN):

H.R. 1620. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Ms. MCKINNEY (for herself and Mr. LEWIS of Georgia):

H.R. 1621. A bill to establish the Arabia Mountain and National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mrs. MINK of Hawaii, Ms. WOOLSEY, Ms. SOLIS, Mr. ANDREWS, Mr. WU, Mr. KILDEE, and Mr. HINOJOSA):

H.R. 1622. A bill to reduce the costs of Federal student loans to students and their families, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself and Mr. CHAMBLISS):

H.R. 1623. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; to the Committee on Resources.

By Ms. PRYCE of Ohio (for herself, Mr. HOBSON, Mr. FOLEY, Mrs. CAPPS, Mr. BLUNT, Mr. HALL of Ohio, Mrs. MYRICK, Mr. SNYDER, Mr. EHRLICH, and Mr. BENTSEN):

H.R. 1624. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of all oral anticancer drugs; 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. RAMSTAD:

H.R. 1625. A bill to establish the Samuel Kelner Commission on Youth; to the Committee on Education and the Workforce.

By Mr. RAMSTAD (for himself and Mr. TOM DAVIS of Virginia):

H.R. 1626. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative discipliniary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, and accountability, and due process laws; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 1627. A bill to redesignate the Federal building located at 1100 Pennsylvania Avenue, NW, in the District of Columbia, and known as the Old Post Office Pavilion, as the ''Paul Leroy Robeson Old Post Office Pavilion''; to the Committee on Transportation and Infrastructure.

By Mr. RODRIGUEZ:

H.R. 1628. A bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; to the Committee on Resources.

By Mrs. ROUKEMA (for herself and Mr. FRANK):

H.R. 1629. A bill to increase the mortgage loan limits under the National Housing Act for multifamily housing mortgage insurance; to the Committee on Financial Services.

By Mr. SAXTON (for himself and Mr. ARMEY):

H.R. 1630. A bill to encourage the International Monetary Fund to fully implement transparency and efficiency policies; to the Committee on Financial Services.

By Mr. SCARBOROUGH (for himself, Mr. DAVIS of Florida, Mr. SHAW, Mr. STEARNS, Mr. WEXLER, Mr. DEUTSCH, Mrs. THURMAN, Mr. KELLER, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. CRENSHAW, Mr. BILIRAKIS, and Mr. FOLEY):

H.R. 1631. A bill to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the State of Florida, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG (for himself, Mr. ARMEY, Mr. SHERMAN, Mr. SOUDER, and Mr. FLAKE):

H.R. 1632. A bill to provide for the compensation of the people and Government of the United States who suffered damages as a result of the attack on, and occupation of, Kuwait by Iraq in 1990; to the Committee on International Relations.

By Mr. STUPAK:

H.R. 1633. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Resources.

By Mr. STUPAK:

H.R. 1634. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians; to the Committee on Resources.

By Mr. STUPAK:

H.R. 1635. A bill to provide that the first $5,000 received from the income of an Indian tribe by any member of the tribe who has attained 50 years of age shall be disregarded in determining the eligibility of the member or the member's household for benefits, and the amount or kind of any benefits of the member or household, under various means-tested public assistance programs; to the Committee on Resources, and in addition to the Committees on Agriculture, Financial Services, Energy and Commerce, Education and the Workforce, Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE (for himself, Mr. POMEROY, Mrs. EMERSON, Mr. JOHNSON of Illinois, Mr. KENNEDY of Minnesota, Mr. GRAVES, Mr. SHIMKUS, Mrs. CLAYTON, and Mr. MORAN of Kansas):

H.R. 1636. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. BLAGOJEVICH, Ms. LOFGREN, Mr. MORAN of Virginia, Mr. STARK, Mr. CLAY, Mr. FARR of California, Mr. CONYERS, Mr. CARSON of Oklahoma, Ms. WOOLSEY, Mr. LANTOS, Mr. DAVIS of Illinois, Ms. KAPTUR, Mr. MCDERMOTT, Mr. BARRETT, Mr. HOEFFEL, Mr. PASCRELL, Mr. EVANS, Mr. KIND, Mrs. MALONEY of New York, Mr. FRANK, Mr. MARKEY, Ms. BALDWIN, Mr. BLUMENAUER, Mr. FATTAH, Mr. WAXMAN, Mr. PALLONE, Mr. KUCINICH, Ms. LEE, Ms. MCKINNEY, Mr. CAPUANO, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Ms. ESHOO, Mr. FORD, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OLVER, Ms. PELOSI, Mr. RODRIGUEZ, Mr. SANDERS, Ms. SCHAKOWSKY, and Mr. WEINER):

H.R. 1637. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself, Ms. HOOLEY of Oregon, Mr. GEORGE MILLER of California, Ms. KAPTUR, Mr. SWEENEY, Mr. HALL of Ohio, Mr. PALLONE, Mr. MENENDEZ, Mr. WATT of North Carolina, Mr. THOMPSON of California, and Ms. DELAURO):

H.R. 1638. A bill to amend title XVIII of the Social Security Act to provide that geographic reclassifications of hospitals from one urban area to another urban area do not result in lower wage indexes in the urban area in which the hospital was originally classified; to the Committee on Ways and Means.

By Mr. TOOMEY (for himself and Mr. SCHAFFER):

H.R. 1639. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself, Mr. PAUL, and Mr. SCHAFFER):

H.R. 1640. A bill to amend title XVIII of the Social Security Act to facilitate the use of private contracts under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 1641. A bill to amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. BACHUS, Mrs. MALONEY of New York, Mr. SANDERS, and Ms. LEE):

H.R. 1642. A bill to urge reforms of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative, and for other purposes; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 1643. A bill to provide for the recognition of Jerusalem as the capital of Israel; to the Committee on International Relations.

By Mr. WELDON of Florida (for himself and Mr. STUPAK):

H.R. 1644. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself and Ms. DEGETTE):

H.R. 1645. A bill to amend title XVIII of the Social Security Act to designate certified diabetes educators recognized by the National Certification Board of Diabetes Educators as certified providers for purposes of outpatient diabetes education services under part B of 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 Ms. BERKLEY (for herself, Mr. FLETCHER, Mr. HINCHEY, Mr. ACKERMAN, Mr. SCHIFF, Ms. BROWN of Florida, Mrs. MORELLA, Ms. MILLENDER-MCDONALD, Ms. SCHAKOWSKY, Ms. CARSON of Indiana, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. HONDA, Mr. GONZALEZ, Mr. LIPINSKI, and Mr. STARK):

H. Con. Res. 110. Concurrent resolution expressing the sense of the Congress in support of National Children's Memorial Flag Day; to the Committee on Education and the Workforce; considered and agreed to.

By Mr. BOEHLERT:

H. Con. Res. 111. Concurrent resolution commending the President for proclaiming May 6–12, 2001, as Global Science and Technology Week; to the Committee on Science.

By Mr. PAYNE:

H. Con. Res. 112. Concurrent resolution regarding the human rights situation in Sudan, including the practice of chattel slavery; to the Committee on International Relations.

By Mr. PAYNE:

H. Con. Res. 113. Concurrent resolution regarding human rights violations and oil development in Sudan; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H. Con. Res. 114. Concurrent resolution expressing the Sense of the Congress with respect to Paul Leroy Robeson; to the Committee on Government Reform.

By Mr. SANDERS (for himself, Mr. GILMAN, Ms. DELAURO, Mrs. MORELLA, Mr. STARK, Mrs. TAUSCHER, Mr. SERRANO, Mr. GEORGE MILLER of California, Ms. PELOSI, Mr. LIPINSKI, Mrs. THURMAN, Mrs. MALONEY of New York, Mr. FRANK, Ms. LEE, Mrs. MINK of Hawaii, Mr. BISHOP, Mr. BLAGOJEVICH, Ms. BALDWIN, Mrs. MCCARTHY of New York, Ms. CARSON of Indiana, Mr. FILNER, Mr. RUSH, Mrs. MEEK of Florida, Mr. KUCINICH, Ms. SANCHEZ, and Ms. NORTON):

H. Con. Res. 115. Concurrent resolution supporting the goals and ideas of a National Child Care Worthy Wage Day; to the Committee on Education and the Workforce.

By Mr. SHIMKUS (for himself, Mr. COX, Mr. LIPINSKI, Mr. WOLF, Mr. BORSKI, Mr. KUCINICH, Mr. KNOLLENBERG, Mr. SCHAFFER, Mr. HILLEARY, Mr. MCNULTY, and Mr. ENGLISH):

H. Con. Res. 116. Concurrent resolution recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO); to the Committee on International Relations.

By Mr. CRENSHAW:

H. Res. 124. A resolution recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day; to the Committee on Education and the Workforce.

By Mrs. MORELLA (for herself, Mr. TOM DAVIS of Virginia, Ms. NORTON, Mr. KNOLLENBERG, Mr. PETRI, Mr. MORAN of Virginia, Mr. DOOLITTLE, Mr. FRANK, and Mr. CLAY):

H. Res. 125. A resolution expressing the sense of the House of Representatives that the National Capital Planning Commission should adopt a plan that permanently returns Pennsylvania Avenue to the use of residents, commuters, and visitors to the Nation's capital and that protects the security of the people who live and work in the White House, and that the President should adopt and implement such a plan; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 126. A resolution expressing the sense of the House of Representatives that

Sugar Ray Robinson should be recognized for his athletic achievements and commitment to young people; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. THOMAS.
H.R. 17: Mrs. JOHNSON of Connecticut.
H.R. 25: Mr. LAFALCE.
H.R. 37: Mr. BLUMENAUER and Ms. SANCHEZ.
H.R. 57: Mr. BACA.
H.R. 97: Mr. MALONEY of Connecticut, Mr. SWEENEY, Mrs. BONO, Mr. THOMPSON of Mississippi, and Mr. THOMPSON of California.
H.R. 98: Mr. WALDEN of Oregon, Mr. SCHAFFER, Mr. GREEN of Wisconsin, Mr. LARSEN of Washington, Mr. SHERMAN, and Mr. BEREUTER.
H.R. 127: Mr. CRANE and Ms. SANCHEZ.
H.R. 157: Mr. LATOURETTE.
H.R. 179: Mr. MCINNIS and Ms. WATERS.
H.R. 190: Mr. PAUL.
H.R. 199: Mr. HOLT, Mr. BURR of North Carolina, Mr. NEY, Mrs. THURMAN, Mr. HYDE, Mr. DOOLITTLE, and Mr. WALSH.
H.R. 219: Mr. MICA.
H.R. 224: Mr. LARGENT.
H.R. 232: Ms. SANCHEZ.
H.R. 236: Mr. BRADY of Texas and Mrs. WILSON.
H.R. 267: Mr. GREEN of Wisconsin, and Mr. REHBERG.
H.R. 270: Mr. ANDREWS and Mr. SABO.
H.R. 280: Mr. GUTKNECHT and Mr. DEAL of Georgia.
H.R. 336: Ms. WATERS.
H.R. 340: Mr. SANDLIN, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mrs. THURMAN, Mr. OLVER, and Ms. WATERS.
H.R. 436: Mr. SKELTON, Mr. NUSSLE, and Mr. TRAFICANT.
H.R. 437: Mr. FOLEY and Mr. LARGENT.
H.R. 458: Mr. ARMEY, Mr. BROWN of South Carolina, and Mr. GREEN of Wisconsin.
H.R. 464: Mr. RANGEL, Mrs. MALONEY of New York, Ms. SLAUGHTER, Mr. MCHUGH, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. EVANS, Mrs. MINK of Hawaii, Mr. KUCINICH, Mr. FROST, and Ms. KILPATRICK.
H.R. 478: Mr. FROST.
H.R. 491: Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. ROHRABACHER, Mr. TOWNS, Mr. GEORGE MILLER of California, Mr. FROST, Mr. HONDA, and Mr. MCGOVERN.
H.R. 500: Mr. BONIOR.
H.R. 510: Mrs. MALONEY of New York and Mr. BACA.
H.R. 519: Mr. CUNNINGHAM.
H.R. 570: Mr. BRYANT, Mr. GONZALEZ, Mr. LAHOOD, and Mr. HUTCHINSON.
H.R. 580: Mr. SANDLIN, Mr. MURTHA, Mr. QUINN, Mr. PALLONE, Mr. FROST, Mrs. MORELLA, Mr. PAYNE, and Mr. BALDACCI.
H.R. 583: Mr. TOM DAVIS of Virginia, Mr. BLUNT, Mr. THUNE, and Mrs. ROUKEMA.
H.R. 600: Mr. BISHOP, Mr. HILLEARY, Mr. GONZALEZ, Mr. HYDE, Mr. BLUMENAUER, Mr. FARR of California, Mr. PASTOR, Mr. ROTHMAN, Mr. POMEROY, Ms. WOOLSEY, Mr. LUCAS of Kentucky, Mr. LEVIN, and Ms. ROYBAL-ALLARD.
H.R. 612: Mr. RUSH, Ms. SANCHEZ, Ms. WATERS, Mr. PENCE, Mr. STEARNS, and Mr. GREEN of Texas.
H.R. 622: Mr. MICA.
H.R. 623: Ms. WATERS.
H.R. 638: Mr. TOWNS, Mr. SABO, Ms. WOOLSEY, Mr. CONYERS, and Mr. MATSUI.
H.R. 654: Mr. BACA.
H.R. 659: Mr. GUTIERREZ, Mr. HILL, and Mr. SUNUNU.
H.R. 664: Mr. GALLEGLY, Ms. SCHAKOWSKY, Mr. CLEMENT, Mr. STUMP, Mr. CONYERS, Mr. CONDIT, Mr. LAMPSON, Ms. SOLIS, Mr. HALL of Texas, Mr. FRELINGHUYSEN, Ms. WATERS, Mr. UDALL of Colorado, Ms. MCCOLLUM, Mr. SKEEN, Mr. WELLER, Mr. FARR of California, Mrs. CLAYTON, and Mr. SANDLIN.
H.R. 668: Mr. STRICKLAND, Mr. LATOURETTE, Mr. CUNNINGHAM, Ms. MCCOLLUM, Ms. BROWN of Florida, Mr. RAMSTAD, and Mr. TIBERI.
H.R. 686: Mrs. TAUSCHER and Ms. LOFGREN.
H.R. 690: Mr. MARKEY.
H.R. 713: Ms. BALDWIN, Mr. BALDACCI, Mr. WU, Mr. THOMPSON of Mississippi, and Ms. PELOSI.
H.R. 716: Mr. MCKEON, Mr. RAMSTAD, and Mr. BALLENGER.
H.R. 717: Mr. PETERSON of Pennsylvania, Mrs. MALONEY of New York, Mr. LUCAS of Kentucky, Mr. SPRATT, Mr. HEFLEY, Mr. PASTOR, and Mr. PASCRELL.
H.R. 721: Ms. CARSON of Indiana, Mr. LOBIONDO, Mr. SHOWS, Mr. LAFALCE, Mr. BERRY, Mr. ORTIZ, and Mr. MENENDEZ.
H.R. 752: Mr. ISSA.
H.R. 770: Mr. SAWYER.
H.R. 774: Mr. SHAYS and Mr. GUTIERREZ.
H.R. 777: Mrs. EMERSON, Mr. SHAYS, and Mr. KILDEE.
H.R. 783: Ms. SANCHEZ.
H.R. 790: Mrs. THURMAN.
H.R. 808: Mr. ROSS, Mr. REGULA, Mr. LATOURETTE, Mr. GRAHAM, Ms. DELAURO, Mrs. CLAYTON, Ms. MILLENDER-MCDONALD, Mr. HOYER, Mr. FORD, Mr. BACA, Mr. MATHESON, Mr. DUNCAN, Mr. KERNS, Mr. NORWOOD, Ms. VELÁZQUEZ, Mr. LAFALCE, Mr. LOBIONDO, and Mr. JOHN.
H.R. 848: Mr. JOHNSON of Illinois, Ms. DELAURO, Mr. RODRIGUEZ, Ms. SOLIS, Ms. SCHAKOWSKY, Mr. RUSH, Mr. CONYERS, Mrs. THURMAN, Mr. SHOWS, Mr. LAMPSON, Mr. HALL of Texas, and Mr. WYNN.
H.R. 862: Ms. SANCHEZ.
H.R. 868: Mr. BROWN of South Carolina, Mr. BARCIA, Mr. OTTER, Mr. MICA, Mr. LARGENT, Mr. GEKAS, and Mr. DIAZ-BALART.
H.R. 912: Mr. SWEENEY, Mr. COSTELLO, Mr. KANJORSKI, and Mr. DOGGETT.
H.R. 917: Mr. WEINER.
H.R. 951: Mr. UDALL of Colorado, Mrs. JO ANN DAVIS of Virginia, Mr. LUTHER, Mr. SCHAFFER, Mr. RILEY, Mr. DELAHUNT, Mr. LUCAS of Kentucky, and Mr. GARY G. MILLER of California.
H.R. 954: Mr. ALLEN and Ms. CARSON of Indiana.
H.R. 959: Mr. HONDA and Ms. SANCHEZ.
H.R. 964: Mrs. LOWEY and Ms. SANCHEZ.
H.R. 968: Mr. BILIRAKIS, Ms. KILPATRICK, Mr. OBERSTAR, and Ms. SANCHEZ.
H.R. 969: Mr. SAM JOHNSON of Texas, Mr. PITTS, and Mr. BACHUS.
H.R. 978: Mr. ABERCROMBIE and Mr. BOEHLERT.
H.R. 984: Mr. BLUNT and Mr. FILNER.
H.R. 985: Mrs. THURMAN, Mr. SMITH of New Jersey, and Mr. RAMSTAD.
H.R. 1005: Mr. OSBORNE.
H.R. 1016: Mr. MCNULTY.
H.R. 1019: Mr. COX, Mr. DOOLITTLE, and Mr. SCARBOROUGH.
H.R. 1020: Mr. CUMMINGS, Mr. BERRY, Mr. HILLIARD, Mr. BOYD, Mr. RYUN of Kansas, Mr. KLECZKA, Mr. KANJORSKI, Mr. CARSON of Oklahoma, Mr. TOWNS, Mr. STUPAK, Mr. PASCRELL, and Mr. GREENWOOD.
H.R. 1026: Mrs. THURMAN and Mr. ROSS.
H.R. 1035: Mr. MCDERMOTT.
H.R. 1037: Mr. FERGUSON.
H.R. 1043: Mr. INSLEE and Mr. LEVIN.
H.R. 1044: Mr. INSLEE.
H.R. 1088: Mr. OTTER.
H.R. 1093: Mr. BEREUTER.
H.R. 1094: Mr. BEREUTER.
H.R. 1119: Ms. MILLENDER-MCDONALD.
H.R. 1121: Mrs. THURMAN.
H.R. 1127: Mr. NEY and Mr. BARTON of Texas.
H.R. 1129: Ms. MILLENDER-MCDONALD and Ms. MCKINNEY.
H.R. 1130: Ms. MILLENDER-MCDONALD and Ms. MCKINNEY.
H.R. 1134: Mr. LAHOOD, Mr. GREEN of Wisconsin, Ms. BALDWIN, Mr. MORAN of Kansas, and Mr. RAMSTAD.
H.R. 1143: Mr. PALLONE, Mr. DOOLEY of California, and Mr. FROST.
H.R. 1162: Ms. DEGETTE, Mr. GONZALEZ, Mr. WAXMAN, and Ms. BALDWIN.
H.R. 1170: Mrs. THURMAN, Ms. WOOLSEY and Mr. ORTIZ.
H.R. 1180: Mr. WAXMAN and Mr. BEREUTER.
H.R. 1189: Ms. SANCHEZ and Mr. JACKSON of Illinois.
H.R. 1192: Mr. CLAY, Mr. UPTON, Mr. LEWIS of Kentucky, Mr. TIERNEY, Mr. OWENS, Mr. PAYNE, Mr. HOLT, Mr. PICKERING, Ms. CARSON of Indiana, Mr. POMEROY, Mr. JOHN, Mr. FRANK, Mr. MOLLOHAN, Mr. WYNN, Ms. DELAURO, Mr. SANDERS, Ms. NORTON, Mrs. MORELLA, Mr. NEAL of Massachusetts, Mr. FERGUSON, Mr. BEREUTER.
H.R. 1194: Mr. OBERSTAR and Mr. KIND.
H.R. 1195: Mr. FROST, Ms. SCHAKOWSKY, Mr. BONIOR, and Ms. DEGETTE.
H.R. 1199: Ms. MCCOLLUM, Mr. OBERSTAR, Mr. LUTHER, Mr. RAMSTAD, Mr. KENNEDY of Minnesota, Mr. ABERCROMBIE, Mr. MOORE, Ms. DEGETTE, Mr. UNDERWOOD, Mr. HINCHEY, Mrs. MINK of Hawaii, Mr. MCDERMOTT, and Mr. MCGOVERN.
H.R. 1220: Mr. BONILLA, Mr. THORNBERRY, Mr. NETHERCUTT, Mr. GILMAN, Mr. STENHOLM, and Mr. PAUL.
H.R. 1252: Ms. PELOSI and Ms. SANCHEZ.
H.R. 1256: Mr. HOLT, Mr. NADLER, Mr. FRANK, Mr. TOWNS, Mr. OWENS, Mr. NEAL of Massachusetts, Mr. ROTHMAN, Mr. CUMMINGS, Ms. BERKLEY, Mr. ENGEL, Mr. CARDIN, Ms. ESHOO, Ms. PELOSI, Mrs. DAVIS of California, Mr. MEEKS of New York, Mrs. LOWEY, Ms. VELÁZQUEZ, Mr. FARR of California, Mr. GUTIERREZ, Mr. EVANS, Mr. STARK, Mr. MARKEY, Mr. SHERMAN, Mr. MATSUI, Mr. BALDACCI, Mr. ACKERMAN, Mr. PASCRELL, Mrs. CAPPS, Mr. RUSH, Mr. LIPINSKI, Ms. HOOLEY of Oregon, Mr. LOBIONDO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SLAUGHTER, Mr. REYES, Ms. NORTON, Mr. UDALL of Colorado, Mr. GRUCCI, Mrs. CLAYTON, Mrs. MINK of Hawaii, Ms. DEGETTE, Ms. SANCHEZ, and Mr. WALSH.
H.R. 1257: Mr. KIND, Mr. GONZALEZ, and Mr. HOLDEN.
H.R. 1262: Mr. SANDLIN, Mr. OWENS, Mr. DAVIS of Illinois, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. FILNER, Mr. FARR of California, Ms. SCHAKOWSKY, and Mr. KUCINICH.
H.R. 1263: Mr. TURNER.
H.R. 1271: Mr. MICA.
H.R. 1280: Mr. FOLEY and Ms. WATERS.
H.R. 1285: Mr. HINCHEY.
H.R. 1287: Mr. BENTSEN.
H.R. 1291: Ms. SANCHEZ, Mr. STEARNS, and Mr. ALLEN.
H.R. 1304: Ms. SANCHEZ.
H.R. 1306: Mr. SCHIFF.
H.R. 1330: Mrs. MORELLA, and Mrs. DAVIS of California.
H.R. 1342: Mr. DEAL of Georgia, Mr. CRANE, Mr. FOLEY, and Mr. GOODE.
H.R. 1354: Mr. SWEENEY, Mr. HOLDEN, Mr. HILLEARY, Mr. HONDA, Mr. JEFFERSON, Mr. CLYBURN, and Ms. SOLIS.

H.R. 1357: Mr. COLLINS, Mr. FERGUSON, and Mr. LEVIN.
H.R. 1358: Mr. KNOLLENBERG.
H.R. 1366: Ms. HARMAN, Mrs. DAVIS of California, Ms. ROYBAL-ALLARD, Mrs. BONO, Ms. LOFGREN, and Mr. ROYCE.
H.R. 1367: Ms. SANCHEZ.
H.R. 1369: Ms. ESHOO.
H.R. 1372: Mr. BROWN of South Carolina.
H.R. 1389: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.
H.R. 1390: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.
H.R. 1391: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.
H.R. 1392: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.
H.R. 1393: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.
H.R. 1394: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.
H.R. 1395: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.
H.R. 1396: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.
H.R. 1397: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.
H.R. 1407: Mr. SWEENEY, and Mr. COSTELLO.
H.R. 1412: Mr. SPRATT, Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. KIRK, Mr. BARTON of Texas, Mr. MCDERMOTT, Mr. NEY, Mr. DEMINT, and Mr. ROYCE.
H.R. 1434: Mr. MATSUI, Mr. EHLERS, Mr. LAFALCE, and Ms. RIVERS.
H.R. 1436: Mr. FRANK, Mr. HOEFFEL, Mr. ISRAEL, and Mr. OBERSTAR.
H.R. 1438: Mr. KLECZKA, Mr. CHAMBLISS, and Mr. SMITH of Michigan.
H.R. 1464: Ms. SANCHEZ.
H.R. 1475: Mr. CARDIN, Mr. ROTHMAN, Mr. EHRLICH, Mr. RUSH, Mr. SCHIFF, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mr. LEVIN, Mr. MATHESON, Mr. MCDERMOTT, Mr. WAXMAN, Mrs. THURMAN, Mr. LIPINSKI, Mr. SMITH of Washington, Mr. MEEHAN, Mr. WALSH, Mr. WHITFIELD, Mrs. KELLY, Mr. BOEHLERT, and Ms. WATERS.
H.R. 1476: Mr. SANDLIN.
H.R. 1477: Mrs. JONES of Ohio.
H.R. 1479: Mr. BARCIA, Mr. DEAL of Georgia, Mr. HERGER, Mr. MORAN of Kansas, Mr. PICKERING, and Mr. WAMP.
H.R. 1487: Mr. ISAKSON, Mr. WU, Mr. LANTOS, and Mr. PRICE of North Carolina.
H.R. 1510: Mr. HOEKSTRA, Mr. BOUCHER, Mr. GOODE, Mr. MCDERMOTT, Mr. BALDACCI, Mr. FROST, Mr. PETRI, Mr. MCHUGH, and Mr. SCHAFFER.
H.R. 1512: Mr. BROWN of Ohio.
H.R. 1523: Mrs. ROUKEMA, Mr. ENGLISH, and Mr. SMITH of New Jersey.
H.R. 1524: Mr. WELLER, Mr. SENSENBRENNER, Mr. MICA, and Mr. CANNON.
H.R. 1541: Mr. MURTHA, Mr. FILNER, Mr. SIMMONS, and Mr. PASCRELL.
H.R. 1553: Mr. TOM DAVIS of Virginia.
H.R. 1592: Mr. SIMPSON.
H.J. Res. 6: Mr. WEINER.
H.J. Res. 36: Mr. MOAKLEY, Mr. PLATTS, Mr. BRYANT, and Mr. STUPAK.
H. Con. Res. 16: Mr. PAYNE, Ms. LEE, Mr. LANTOS, Mr. MEEKS of New York, Mr. HILLIARD, Mrs. MEEK of Florida, Mr. TOWNS, Mr. CROWLEY, Ms. KILPATRICK, Mr. FALEOMAVAEGA, and Mr. THOMPSON of Mississippi.
H. Con. Res. 17: Mr. SANDLIN, Mr. CARSON of Indiana, Ms. LEE, and Mr. PALLONE.
H. Con. Res. 23: Mr. SESSIONS.
H. Con. Res. 58: Mr. GALLEGLY and Mr. TOWNS.
H. Con. Res. 68: Mr. BLAGOJEVICH, Mr. STUPAK, and Ms. NORTON.
H. Con. Res. 104: Ms. WATERS and Ms. SANCHEZ.
H. Res. 72: Mr. DEUTSCH.
H. Res. 120: Mr. SWEENEY.
H. Res. 123: Mr. HAYWORTH, Mr. PENCE, Mr. HOSTETTLER, and Mr. COLLINS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1051: Mr. KANJORSKI.

SENATE—*Thursday, April 26, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The guest Chaplain, Rev. Monte Frohm, of Good Shepherd Lutheran Church, Reston, VA, offered the following prayer:

Merciful Father, You are the source of all authority and power. You hold in Your hand all the nations of the world, including our own beloved United States of America. You have ordained the powers that be for the punishment of evildoers and for the praise of them that act rightly.

We humbly beg You to so guide the men and women of this Senate, that they might in due modesty and with undying hope pursue Your gracious will and purpose. Enlighten them with Your vision for our Nation, equip them with Your strength, instill in them a spirit of integrity that mirrors Your truth, and grant them patience in well doing that reflects Your long-suffering mercy.

May their labors yield a nation that is marked by justice and peace, righteousness and unity, gratitude and hope. As each of us is created in Your image, so let our common life reflect Your glory.

O Lord, our troubles are many, but Your strength is great. Our fears confound us, but Your promise gives hope. Our sins are many, but Your mercy is deep. Leave us not to our own devices, but work Your gracious purpose through us, to the glory of Your holy name. 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma, the acting majority leader, Mr. NICKLES, is recognized.

SCHEDULE

Mr. NICKLES. Mr. President, today we will be in a period of morning business until 11 a.m. Following morning business, it is hoped that the Senate can begin consideration of S. 149, the Export Administration Act. Senators interested in this legislation are encouraged to be present on the floor at 11 a.m.

In addition, negotiations are continuing on the education bill, and consideration of that bill is expected in the not too distant future. As announced, there will be no session of the Senate on Friday.

I thank my colleagues for their attention.

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

Mr. REID. Mr. President, I want to mention that I am glad we are going to attempt to get to the Export Administration Act. I think that is what it is called. It is a very important measure. Senator GRAHAM and I worked with Senator ENZI and other Senators trying to get that considered last year and we were unable to do that. I was happy to see in today's press—and I only read the Washington Post, and that may not be the best paper to read, but I read it—the indication that President Bush expressed in statements to the press several times yesterday that he was going to have to work with us, compromise on taxes and education.

I say this because I don't think it shows a sign of weakness of the President. I think it shows a maturity he knows—of course, because he worked with the Texas Legislature for 6 years as Governor—that legislation is the art of compromise, and he is going to have to compromise some of his positions. We will also have to compromise some of ours. This is the beginning of, I hope, some productivity in the Congress.

I think we did our job yesterday by passing by a 99–0 vote the brownfields bill from the Environment and Public Works Committee. I hope this is the beginning of a very productive session of Congress.

Mr. NICKLES. Mr. President, I appreciate my colleague's comments. I have always enjoyed working with Senator REID. I think this can be a very productive month. This can be a month that we finish the budget and the tax bill, and we can finish the education bill. It is a month in which we can accomplish a lot for the American people that will make a difference in their lives and in their paychecks.

A lot of times people wonder what do we do and are there real results and are there real differences in what we do. Considering the education bill and tax measures pending, we can make a lot of difference, whether you are talking about the marriage penalty or a $500 tax credit per child, cutting taxes across the board, reforming education, giving more power to parents and teachers. We can do all that this month. By Memorial Day, we can have great, significant accomplishments by working together. I look forward to working with my friend and colleague from Nevada.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. 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.

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 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 10:30 a.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Tennessee.

EDUCATION

Mr. FRIST. Mr. President, I rise to speak briefly this morning on an issue about which we have heard a lot in the last few days and in which a number of us have participated diligently over the last several months. The subject is education, kindergarten through 12th grade, a period of time which, as we all know, in large part determines how successful one is later in life—how well equipped one is to deal with challenges in an increasingly challenging world.

This important issue has caused many of us to reflect over the last several years on what has been accomplished in the last 35 years with Federal intervention in education. What we have found, for the most part, is that in spite of major expenditures by the Federal government—a small fraction of what is spent across the country but a huge and growing investment, to the tune, in just one program, title I, of about $120 billion focused on disadvantaged children—the results have been disappointing.

They have been disappointing to Republicans, Independents, and Democrats. They are disappointing because through careful study, through careful documentation, people have come to realize that we have not succeeded. By practically every single measurement, the results have been flat.

Some people say that is a good result; we could have gotten worse.

But there is no reason in a time of economic prosperity and increasing prominence of the United States in the world order—we are the superpower—for results to be flat when billions of dollars are being expended.

When we peel away the layers and look at the results, we see growing achievement gaps between the served and underserved; between those financially well off and those less financially well off; between minority and non-minority. However one looks at the achievement gap over the last 35 years, it has deteriorated; it has gotten worse.

The subject is complex. It is hard. It is not a matter of just more money, smaller class size, or better school buildings. Society has changed. The challenges before us have changed. Our responsibility is to look at the last 35 years and address what has not worked and, through debate, hearings, and discussions, come forth with a policy that will reverse the trend of an achievement level that is flat. No net results after an increase in attention and after an increase of dollars is not an acceptable outcome.

From both sides of the aisle, we have heard over the last several days—and very appropriately so—applause for President Bush's first 100 days. Education is his No. 1 policy priority. We have made significant progress on tax relief, spending, and a number of military and defense issues.

Now we come back to what is most important to the United States of America—where we are today and where we want to be 5 years from now, 10 years from now, 20 years from now in what is becoming a smaller and smaller world.

The President's top priority is education. We have heard it from all sides; we have seen it in the newspapers and other media; and we have said it ourselves on the campaign trail. But the message really comes from the words of President George W. Bush, and that is ''to leave no child behind.'' When you say ''leave no child behind,'' you look at an individual and wonder how, in spite of 20, 50, 100, 150, 200 programs, all well intended, coming out of a Congress that says here is another good program to address a particular problem, we fall short. In spite of hundreds of different federal education programs, and in spite of $120 billion spent in a single program, title I, we continue to fail.

Leaving no child behind means we probably have to change our targeting. Many of us believe we should channel increased resources to the child who is disadvantaged, to raise that child's performance. That has not been possible from a political standpoint.

In leaving no child behind, the solution means we should focus on the child. We do not focus on bureaucracy. We focus on the child. We do not focus on more money for still another program. That has been tried again and again. It means we need to make sure the child, the individual, learns.

Right now, we have testing and some general accountability measures. People argue passionately about national standards, State standards, and local standards. That needs to be debated. But for 35 years we never said of the child: we will follow you over time so we can determine whether you are failing, staying the same, or progressing and, based on that, determine the proper action for this body.

We need to make sure kids learn. That will require increased accountability.

How do we do that? The bill that will be put forward and marked up in the Health Education Committee, the BEST bill, is strong on accountability. Through the bipartisan working groups that have been very actively involved over the last 2 months, that accountability can be strengthened. We need to reward schools that are performing well. If schools are not doing well, we will have to give them the tools, the equipment, the resources, and the chance to do better. When they repeatedly fail, year after year after year and if a child is locked into such a school, at some point we have to reconstitute that school or give the parents the opportunity to take their child out of that failing environment that society has created and put them in an environment where they have a real chance to learn.

Students in persistently failing schools should not be trapped there. They are trapped today. We need to do something about it. We have not been able to do anything about it in 30 or 35 years. The failure is in part because of Federal involvement. It is in part a failure of the current system. We need to change the system. That means make sure kids learn, with accountability. No. 2, give parents a choice. No. 3, let's proceed with reform.

No longer can people sit back and say: here is the system of 760 programs, let's pour more money into that system and we will be OK. We know that will not work. Therefore, we have to have reform. We have to have modernization of that system.

The good news is Democrats and Republicans together and from a policy standpoint understand what modernization means today. It means flexibility, knowing what works and what doesn't work, taking what works and putting it on a pedestal and supporting it. Yes, that means financially. More money will be put in education. We heard the President of the United States say again and again and again over the last several days, especially as we are at the negotiating table, that he is willing to put more money than has been put into education last year or the year before that or the year before that. This President will invest in education if we agree to link it to reform, to modernization, to flexibility, to accountability, to having some element of parental involvement. Nobody cares more about that individual child than the parents.

Global competition is one of the reasons we can stand up and say we are failing today in spite of our good intentions, in spite of teachers who are working hard, getting up each morning, teaching all day, preparing through the night and working summers to become even better teachers. In spite of their best efforts, we are failing. The National Assessment of Educational Progress, NAEP, is the only test using an accurate and careful statistical sampling from a cross-section study across the country of what happens at a certain point in time in various States and various school districts. It is also longitudinal, comparing what happens after 1 year to 3 years to 5 years to 10 years later.

A recent NAEP study confirmed that our current education system is not working. The statistics, the data, are very accurate. As a scientist and someone who depends on statistics, I am convinced it is good data. The data show that the achievement gap is not closing, but continues to widen.

I am hopeful we can address the issue of education now or next week in a way that links that policy to the debate we are talking about, which is how much more money it will take to succeed.

The NAEP uses four levels of achievement. They are: advanced, proficient, basic, and below basic. You can track each of these. Looking at the below basic category is fascinating. Take one element, such as reading. In the below basic level, for the most part, too many students simply cannot read. Mr. President, 37 percent of those tested scored below basic. Even more disturbing is the fact that 63 percent—almost two-thirds of black fourth graders, 58 percent of Hispanics, 47 percent of students in urban areas, and 60 percent of poor children—scored below basic. That means they cannot read.

Secretary Paige—a wonderful leader—articulates through his experience what is happening on the ground: ''After spending $125 billion of title I money over 25 years, we have virtually nothing to show for it.''

The data also show how well we are performing internationally. Look at math and science. I have a junior in high school; so we are thinking about college. As a physician, math and

science are two fields that mean a lot to me as we predict how well prepared people will be in this new economy fueled by technology and dissemination of information. In math and science, we are not first in the world. We are not fifth in the world. We are not tenth in the world. We are not fifteenth in the world. The United States of America is seventeenth in math and eighteenth in science.

What does that say as we go out and compete in this global economy for jobs, for economic growth?

We have a wonderful opportunity to go forward under the leadership of President George W. Bush. He has put on the table a very clear agenda that stresses accountability; an agenda that focuses on what works; an agenda that will reduce the redtape and bureaucracy that is handcuffing our teachers; and an agenda that will increase flexibility and local control. It is an agenda where needs can be identified locally and an agenda that empowers parents.

I very much appreciate the opportunity to participate in this discussion. I am hopeful we will be able to turn to the bill next week. It means at the end of 2 weeks from now we can have a bill that will engage in a major modernization of education, where we truly can say that the United States of America has stepped up to that big challenge, that challenge of leaving no child behind.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with and that I be yielded 10 minutes or until a Senator arrives, at which time I will yield the floor.

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

Mr. FRIST. Mr. President, I rise once again to continue remarks from a few minutes ago on education, and I will do so until another Senator arrives to speak. I want to take a moment to bring my colleagues up to date on the underlying bill that came out of the Committee on Health, Education, Labor, and Pensions. It is a bill called BEST—I mentioned it earlier—the Better Education for Students and Teachers Act. It is a bill we debated in the Committee and most probably will be the bill that is brought forward once we make further progress in discussions on the appropriate amount of money to invest.

This particular bill, which will be modified and debated and discussed on the floor, has four principles about which I want to briefly comment. What it does, is to embody what President Bush has focused on and that is this very important belief, fundamental belief, that enterprise works best when authority and responsibility are aligned. Good results occur when responsibilities are accompanied by latitude and flexibility so that judgments can be made on information that is available and when those who are responsible for teaching, for making decisions for education, for leaving no child behind, are held accountable. Those principles are very simple. They link innovation responsibility, flexibility, and results.

The BEST bill has four components to it. No. 1, it will increase accountability for student performance. It is just remarkable, I believe, and it is important for our colleagues to understand and people around the country to understand, that we as a government are investing taxpayer money without demanding accountability—no measurement, no results, are required. We are pouring money into a system and we don't know if it works. As I mentioned earlier the data that has come out this morning shows the current system does not work.

First and foremost, accountability: States and school districts and schools that improve achievement that eliminate or narrow that achievement gap which we know is getting worse those entities, will be praised, will be rewarded in the underlying bill.

The flip side of that is those schools and those districts and even those States that continue to fail after they receive new resources and a fair clause to show progress—they will then be sanctioned. They will be held accountable. That is something basic. It is something we do in our homes. It is something we do in our small businesses. We do it in our everyday lives. But when it comes to government, for some reason for the last 35 years we have not done it. Now is the time to do it. And we are going to do it.

The parents will have new information on how their children are progressing. They will no longer be limited to just assessing at night and talking to their child, or talking to other parents at night. That will continue, of course, but parents will know much more about whether the schools are succeeding. For the first time, assessments can be compared across communities and States, and across the U.S. and even to other countries. Parents will know that their schools are being held accountable as well.

Parental involvement is crucial, we can do a lot here in Washington, DC, in this great Capital and this great body, but ultimately it has to be the millions of parents who are out there holding accountable the schools, the teachers, the school districts, and the local governments.

There are going to be annual State reading and math assessments for grades three through eight. That is something I feel very strongly about.

Two, the BEST bill focuses on what works. Federal dollars will be spent on effective research-based programs and practices. Funds will be targeted to improve schools and enhance teacher quality.

That ultimate goal has to be to have a student and a classroom that is safe and drug free, but with a good teacher at the head. Therefore, the ''t'' in the BEST bill means teachers. And the focus will be on teachers.

Third, the BEST bill will also reduce bureaucracy and increase flexibility. Additional flexibility will be provided to States and school districts, and flexible funding will be increased at the local level.

Finally, this bill will empower parents. Parents don't now have the information to be able to either hold schools accountable or make decisions. They will be given that information about the quality of their child's progress and their child's school. Students in persistently low-performing schools will be provided options so that they are not locked in a bad school.

It is important as we go forward to understand what the underlying bill is. It is a sweeping introduction of the four principles: accountability, focusing on what works, reducing bureaucracy and increasing flexibility, and empowering parents.

I look forward to discussing that in greater detail as we, hopefully, get to this bill next week. I think the BEST bill is a great start for what we all want, and that is to leave no child behind.

Mr. President, I yield the floor.

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

CLIMATE CHANGE

Mr. LIEBERMAN. Mr. President, I rise today to speak with colleagues about global warming, which quite literally is a cloud that is looming on our horizon. As many have feared, there is evidence that this cloud has recently grown darker and more ominous.

Over the last few months, in fact, the United Nation's Intergovernmental Panel on Climate Change released its third report on global warming. This report was authored by over 700 expert scientists. Their conclusions, I am afraid, offer convincing evidence of a planet in distress, one that is slowly overheating with very serious—some would say disastrous but certainly very serious—consequences for those who will follow us on this Earth.

According to these scientific experts, unless we find ways to stop global warming, the Earth's average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit during this next 100 years. Such a large rapid rise in temperature will profoundly affect the Earth's landscape in very real and

consequential terms. Sea levels could swell enormously, potentially submerging literally millions of homes and coastal properties under our present day oceans. Precipitation would become more erratic, leading to droughts that would make hunger an even more serious global problem than it is today. Diseases such as malaria and dengue fever would spread at an accelerated pace. Several weather disturbances and storms triggered by climate phenomena, such as El Nino, would be aggravated by global warming and become, I am afraid, more routine.

Unfortunately, that is not the first time we have heard such disconcerting predictions, which in their way are so extreme that they may be hard for some to believe, although I find as I go around my State and on occasion around the country that the public is ahead of their political leadership on this issue—at least a lot of the political leadership. The public has been reading these reports and understands that something is happening with the weather that will affect life on this planet unless we do something about it.

For years, scores of scientists from throughout the world have issued warning after warning attesting to the harmful effect of increasing amounts of carbon dioxide and other greenhouse gases. While it is true that there have been some efforts to curb the release of these gases, I am afraid we have spent a lot more time debating the credibility of the warnings than doing something about them.

Truly, this new data does not end the serious debate about whether global warming is a fact. This most recent scientific report is the most advanced study we have had on the subject. I personally conclude that the science is now incontrovertible.

As this latest report reminds us, the threat is being driven by our own behavior. Remember the old Pogo cartoon: We have met the enemy and it is us. That is, unfortunately, the case with global warming. Let me quote the scientists in the report directly.

> There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities.

Human beings have added more than 3 billion metric tons of carbon to the atmosphere every year for the past two decades. In fact, the current levels of carbon dioxide are likely the highest they have been in 20 million years of history.

In the face of this mounting evidence, what have we done? I am afraid we have a statement from President Bush saying that he ''takes the issue of global warming very seriously.'' But, unfortunately, thus far the acts that have followed that statement do not match the statement.

I am afraid the only global cooling that will occur under this administration is the cooling of our foreign relations with countries around the world, including some of our foremost allies who are very anxious to work with us to do something about global warming. Last month the administration unilaterally announced, without consultation with Congress, and apparently without consultation with our allies or others around the world, that it had ''no interest in implementing'' the Kyoto Protocol. In doing so, the administration did not just back away from America's signature on an international agreement. They backed away from the process that resulted in the accord, and that action not only undermines our global environment but it also undermines our credibility with our allies.

This is one issue that is so serious and will so profoundly affect the lives of our children and grandchildren and those who follow us here on Earth that we ought to be at the head as the greatest nation in the world of international efforts to stop this problem, to deal with it, and not be viewed by most of the rest of the world as loners going our own way not listening to science experts and not acting responsibly.

I am afraid the Bush administration has also walked away from its chief domestic initiative on climate change, which was a very hopeful initiative, when it reversed the President's campaign pledge to adopt a market-based trading mechanism regulation of carbon dioxide emissions from powerplants. Those emissions account for up to 40 percent of our Nation's carbon dioxide emissions and 10 percent—one-tenth—of the global carbon dioxide emissions at this point coming from American powerplants.

We have to take firm and decisive action—we ought to be taking it together; we ought to be taking it across party lines—to address global warming. If we act soon, we can still avoid the bleak fate that will otherwise await our children and grandchildren on this good Earth that the Good Lord gave us. We are visitors here, temporary visitors. We have an obligation to act not only as good visitors but as trustees of the planet for those countless generations that will follow.

Science is giving us a warning. We all ought to put ideology aside and figure out a way to cooperate to respond to that warning, to protect the planet and those who will follow us on it. Doing so will require two things. One is global leadership, and the other is a shared effort to change the source of the problems and deal with them through technology and through cooperative effort.

In the clear absence of Presidential action thus far, we in the Senate, I am pleased to say, have begun to provide some leadership on this issue. Just before the recess, we passed an amendment to the budget resolution that reestablished funding for all climate change programs throughout our Government, including funding for energy efficiency programs, funding for programs to encourage emissions reductions in developing countries, and the funding for full and adequate participation in international negotiations.

I hope President Bush and others in the administration will take note of the Senate's concern about climate change, represented by this amendment, and join with us in taking action on this problem. There have been some strong voices within the administration that clearly understand the dimensions of the problem and want to work to be leaders in dealing with it. I am speaking of the Secretary of the Treasury, Mr. O'Neill, and the Administrator of the EPA, Ms. Whitman.

The alarming conclusions of the U.N. scientists' report should be of concern to all of us. Global warming is most decidedly not a partisan issue; it is a human problem. It is a problem for all of us who inhabit the Earth. Neither party wants to allow the apocalyptic future projected by the scientists' report. The evidence is compelling. Our planet is, in fact, slowly overheating. So now we have to join together across party lines and international borders and agree to act. This is a challenge because we are talking about a problem whose beginnings we can see now but whose worst effects will probably, hopefully, not be felt until some years have passed.

So this requires leadership—political leadership—to avoid a problem whose worst effects most of us will not experience in our lifetimes, but it is the responsible thing to do to take such action.

Kyoto set a framework. I was at Kyoto when that agreement was negotiated. It is not a perfect document by far. But considering the fact that we were dealing with so many of the nations of the world, approaching this problem from different places, it is a framework for international cooperation.

I hope the administration, on second look, will view it that way, will go to the international meeting in Germany in July, which is the next step in the Kyoto process, will consult with our allies and others in the world, and will find a way, together with us—both parties in Congress—to move forward to deal with this problem.

We deal with serious problems every day in the Senate. It is part of the challenge and, indeed, the excitement of the privilege we have to serve our Nation. It is when we deal with those problems effectively that we have together—all of us—the moments of greatest satisfaction.

This, in the long run, is one of the largest problems which any of us in this Chamber will ever confront. The sooner we get together and make some

progress to deal with it, the better will be the world's future.

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

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

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST—S. 149

Mr. LOTT. Mr. President, there has been a lot of discussion and effort over the past couple of years put into trying to address the export administration issue. I know that Senator GRAMM and the ranking Democrats and Senator SARBANES have worked on this issue. I know there are a number of Senators who have reservations about this whole area and this particular piece of legislation.

It is my understanding that the new administration has had input and a number of previous concerns have been addressed. I understand this is an area where we need to be careful to make sure we do it in the right way and that we pay attention to very important security concerns.

I think one of the only ways, though, to have those issues properly aired and addressed, and hopefully resolved, is to begin the discussion and see if we can get a final agreement and move on this legislation.

I ask unanimous consent that the Senate turn to the consideration of calendar No. 26, S. 149, the export administration bill.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

EXPORT ADMINISTRATION ACT OF 2001—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to S. 149, and I understand that there are some opening statements that can be made. I hope that we can work through the objections so that we can actually move to the legislation. I move to proceed to the bill at this time.

The PRESIDING OFFICER. The question is on agreeing to the motion, and it is debatable.

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank the majority leader for moving to bring this bill to the floor of the Senate. As many of my colleagues know, the Congress has not reauthorized the Export Administration Act on a permanent basis since the early 1990s. As a result, we have been in a period where we have sought to get multilateral action on export controls to protect critical national security secrets, but we have had a very difficult time having standing on those issues among our allies when we do not even have a regime in place to monitor exports coming out of the United States of America.

I think it is a terrible indictment of the Congress that for so many years we were unable to enact a bill to restore our export control authorities. I understand that these are very difficult issues, and they are difficult for a very simple reason: the Nation has apparently conflicting goals. We want to export high-tech items, we want to dominate the world in new technology, we want new innovations to occur in America, and we want to be the principal beneficiary of the technological revolution that is changing our lives and the life of every person who lives on the planet. And to do these things, we want Americans to be able to sell high-tech products on the world market.

Wages in these industries are among the highest wages in the world. They really will determine the future of economic development on the planet, and it is a very high American priority to see that we generate these new technologies, that we generate these new jobs, and that Americans be the highest paid workers on the planet.

Our problem comes in that we also have an objective of trying to prevent sensitive technologies that have defense applications from getting into the hands of people who might, at the current time or in the future, become adversaries of the United States of America. First of all, I think we have to admit to ourselves that there is an apparent conflict in these two goals and, hence, you have the difficulty in dealing with this problem.

Now, I want our colleagues to understand that, first, the Banking Committee has very large jurisdiction as it relates to national security. In fact, other than the Armed Services Committee, no committee in Congress has authorizing jurisdiction in defense that rivals the Banking Committee.

Let me give some examples. The Defense Production Act is under the exclusive jurisdiction of the Banking Committee.

The Trading with the Enemy Act is under the exclusive jurisdiction of the Banking Committee.

The International Emergency Economic Powers Act, which has frequently been used for export control purposes, is under the exclusive jurisdiction of the Banking Committee.

The Export Administration Act, which is before us today, is under the exclusive jurisdiction of the Banking Committee.

The Exon-Florio amendment, which set up the process whereby we look at foreign ownership of defense industries, to look at the national security implications of foreign investments and mergers, is under the exclusive jurisdiction of the Banking Committee.

Sanctions bills that imposes economic sanctions against any country, whether it be the Iran-Libyan Sanctions Act, or whether it be any sanction imposed in the future, would be imposed in legislation that falls under the jurisdiction of the Banking Committee.

Quite frankly, I believe some of this dispute is about jurisdiction. I did not write the rules of the Senate, but I believe that when this jurisdiction was put under the Banking Committee, it was the right decision because the Banking Committee is basically the Banking and Economic Committee. These issues have to do with economic matters that have defense implications. I think the correct decision was made in placing these items within the jurisdiction of the Banking Committee.

We have spent 2 years exercising our responsibility in trying to come up with a workable and, I believe, if I may say so immodestly, a superior Export Administration Act. We have held extensive hearings on the Export Administration Act.

I want to show my colleagues some of the studies that have been done that we have looked at. We have had the authors of these studies appear before our committee.

The first, of course, is the now famous Cox Commission report. This was focused on China, and it was focused on the loss of American defense secrets. The Cox Commission report made a series of recommendations. Those recommendations are now embodied in the bill that is before the Senate.

Rather than trying to go through all of the elements of this lengthy report at this time, which obviously would empty the Chamber for several days as I would be standing alone talking about them, given how voluminous they are, I will share with the Senate one point that CHRIS COX made in presenting these reports to us and giving us the recommendations which we have incorporated in this bill.

And this is critically important because I have colleagues who say that now is not the time to do this bill because of our recent problem with China. I say to my colleagues, we should have done this in 1995, but given the problems we have had with China, given their irresponsible behavior, we need this bill in place now more than ever. If it was not the time to do this 3 weeks ago, it is the time to do it today. I say the time to do it was 5 years ago, and we certainly need to do it today.

CHRIS COX, in looking at the loss of technology to China, cautioned the committee on something that I think every Member of the Senate, as we

begin this debate, needs to be cautious about. What he cautioned us about was doing feel-good things, doing things where we pound our chest and act as if we are doing something, when in reality we are not achieving anything.

One of the things I am very proud to say about this bill is that there is no feel-good provision in this bill. Everything we did we did because we believed it would work, not because it simply made us feel good to place it in the bill.

The quote I want to read from CHRIS COX is the following:

> We ought not to have export controls to pretend to make ourselves a safe country. We ought to have export controls that work, and you have to assume that if the Ministry of State Security in the People's Republic of China can gain access to the computers at Los Alamos, they can probably gain access to the Radio Shack in Europe.

One of the fundamental principles of this bill is that we want to focus our attention on technologies that have defense implications, that are significant, and where we have some hope of being successful in controlling those technologies. When a million copies of a computer have been manufactured, when they are sold at Radio Shack in Bonn, when there are a million distributed worldwide, there is no possibility that we can keep that computer from falling into anyone's hands who might be potentially hostile to the United States of America.

We might want to do it. We might wish we could keep an agent from a foreign country from going into Radio Shack in Bonn and buying this computer, but when there are a million copies of it worldwide, only divine intervention could keep someone who wanted that computer from having it.

So rather than waste our time and energy on products that are sold by the millions, we try to focus our attention in this bill on trying to deal with those technologies where we have some realistic hope of being successful. Our current Secretary of Defense, Donald Rumsfeld, said it best when he said we need to build higher walls around a smaller number of things, and that is what we have tried to do.

The next point that I want to raise from one of the witnesses before our committee I think reinforces what Congressman COX said. It is from Donald Hicks, who is the former Under Secretary of Defense for Research and Engineering and chairman of the Defense Science Board Task Force on Globalization and Security. Here is what Donald Hicks said. He refers to what he calls the ''utter futility of the U.S. attempt to control unilaterally technologies, products, and services that even its closest allies are releasing on to the world market.''

This study in my hand is the study that was done by Under Secretary Hicks making this point.

The next quote I want to give is from John Hamre, who is the former Deputy Secretary of Defense. We all knew him when he was the staff director of the Armed Services Committee. Here is what he says on this subject:

> America needs effective export controls to protect its national security. Our current system of export controls fails that test and fails badly. In ultimately approving 99.4 percent of the requests, we are not really protecting our security. In fact, we are diverting resources from protecting the most important technology and products.

That is a critical point of this bill. When we have a system where we are approving 99.4 percent of the requests for licenses, we have a system where many things are in the system that should not be in the system. We are granting licenses on computers that are being manufactured by the millions and sold all over the world.

We try to focus our attention where it can do us the most good. Frank Carlucci, the former Secretary of Defense and former National Security Adviser, gets right to the heart of it when he says:

> But we should do only that which has an effect, not that which simply makes us feel good. Many technologies are uncontrollable, given the access to the Internet. Others can and will be supplied by our competitors. Our job, your job, is to strike the right balance. Don't help our enemies. But at the same time, allow and encourage innovation and research to flourish.

We have spent 2 years looking at all of these studies, having the authors of all of these studies appear before our committee, and in each and every case their recommendation to us is quit doing things that make you feel good. Quit forcing us into a mechanism where we are having to deal with thousands of items, when 10 are really important. By dealing with thousands, we are not paying enough attention to the 10 that ultimately affect American security.

We have put together a bill that I believe dramatically improves the export control process, the export control review mechanism that is used, and greatly enhances national security. I am proud to say this bill is supported by the President. The President said in very simple terms, ''I believe we've got a good bill and I urge the Senate to pass it quickly.'' He said this in the East Room of the White House on March 28.

The bill before the Senate has been endorsed by the Secretary of Defense, by the Secretary of State, by the President's National Security Adviser. We gave them an opportunity when the new administration came in, to take the bill we had worked on, and go through it in detail. They suggested some 21 changes. We adopted those changes. In several cases I thought the previous bill was stronger, but we adopted those changes. I think in the process, on net, we have improved the bill.

What does the bill do? The bill strengthens national security. No. 1, and most importantly of all these other things, while it doesn't sound as robust as these other things I will mention, it is actually more important. We focus the attention of the export administration process on defense sensitive items where we have some hope of being successful.

We set up a procedure whereby the President is given tremendous powers to negotiate international agreements with our major trading partners to cooperate to try to prevent sensitive technologies from getting into potentially hostile hands.

We establish new criminal and civil penalties for knowing and willful violations. One of our problems under the current situation we face is, for example, that with the question of an illegal transfer of missile technology to China, given the laws that are in place, even if the parties are convicted, the penalties would be trivial. No one will call the penalties in this bill trivial. The penalties in this bill begin with $5 million for a violation. In the case of multiple violations, the penalties could run into the hundreds of millions of dollars. We have tough prison sentences for knowing and willful violations. When we have those penalties, we affect people's behavior, which is what we need to do.

Again, it is very difficult to enforce these laws. It is difficult to prove intent. Knowing it is difficult to catch people, we wanted to have very severe penalties when they are apprehended, prosecuted, and convicted.

We strengthened the hand of the national security agencies by, for the first time, giving them a formal procedure by which to be involved in this process. We were very concerned that in the previous administration the Defense Department was in a position of not being in concurrence with some decisions that were being made but not having an effective way to show it did not agree. So we provided a process whereby if any member of the review panel—and we would assume in general it would be the Defense Department—objects, that individual, with the concurrence of the designated political appointee in his or her department, has the ability to object and force that decision to the next highest review level. That is a substantial strengthening, in my opinion, of the process.

We have greater predictability in the process, as well, which is important both for national security and economic reason.

I will end with this: We do have a cloture motion. At some point that petition may be filed, because it is critical to national security we get on with this process.

I conclude by talking about the balance we are trying to establish. We want a balance that allows us to provide for the national security of the United States, but on the other hand,

we want to be able to be the dominant high-tech manufacturer in the world.

Please remember, despite any feel-good speech we could make, most high-tech companies have operations worldwide, so when they are developing a new product, they can develop it in Germany or they can develop it in Dallas. If we have an export control process that is cumbersome or inefficient or costly or overly burdensome, they will develop these products in Germany and not in Dallas. That is harmful to our security, and it is harmful to people who are working in America.

This bill is good for security because it restores the expired control authority. It adopted the recommendations from the studies I referred to earlier, such as the Cox Commission and the commission studying proliferation of weapons of mass destruction. It protects sensitive U.S. goods and technologies. It strengthens the role of the national security agencies, and it toughens criminal and civil penalties.

That is how it strengthens national security, why it is good for national security.

Why is it good for trade and for job creation and for the economic development and economic dominance of the United States of America?

No. 1, it streamlines controls and procedures.

No. 2, it removes ineffective controls where we know an item is mass marketed. A million copies are sold on the world market, and an American company trying to get market share ends up, under current practices, being delayed for long periods of time to get approval to sell something that is readily available on the world market. That makes no sense and it burdens the process to such a degree that we are not paying attention to the things that are really important when we are doing those things. This bill changes that, it fixes that problem.

This bill brings certainty and transparency to the licensing process. When somebody applies, they know how the process works. They know what the timetables are. They know they are going to get an answer—yes or no. As anybody who has ever been contacted by a high-tech manufacturer knows, what they want to know is, yes or no. If the answer is no, they can deal with it. If the answer is yes, they can rejoice. What they cannot deal with is no answer, which is what the current process is producing, even though it is eventually approving 99.4 percent of the applications.

This bill seeks to restore the international cooperation that we had under the cold war export control regime, where we had multilateral agreements and where we could prevent things from being sold by one country or another to our potential adversaries. This bill, first, sets up the best system we can set up given we are acting unilaterally, but it also gives the President strong new directive to go to England, to go to Germany, to go to Japan, and try to work out multilateral agreements, and then this bill automatically makes those binding.

Finally, it creates a framework compatible with the high-tech economy in which we live and work. We have currently set into static law the number of MTOPS, millions of theoretical operations per second, that a computer could generate as a condition for export, when we know that this number is doubling every 6 months. So what did this provision of the law do? What it did was put American producers at a disadvantage because they would have to go through our export control process, while their competitors in Germany and Japan could rush right out into the marketplace. Our producers would fool around, trying to get a Presidential decision to update the standard, generally with legions of high-tech people coming to kiss the President's ring and in some cases attend his fundraisers.

That is an unworkable system. It breeds corruption. It hurts America. It does not enhance security. So we in this bill we repeal the MTOP limit and set out a process where the focal point is not on something that is doubling every 6 months—we cannot change that, we cannot legislate it away.

I do not question the sincerity of the critics of this bill. I do not think their hearts are any less pure than mine. But I would like to say that I don't take a backseat to anybody in America in supporting national defense. I was in the House, and I helped write the budget in 1981 that rebuilt defense and helped fund Peace Through Strength that tore down the Berlin Wall. I am concerned about American security. My dad was a sergeant in the Army. I am from a part of the country that lost a war. I understand something about national security and why it is important. So while I do not doubt that I have colleagues who have national security concerns, I have those concerns as well. They are reflected in this bill and its provisions.

I believe we put together a good bill. I know that not everybody agrees with that. We got a vote of 19–1 in the Banking Committee. I have been the ''1'' many other times, on other committees under other circumstances, and that didn't make me any the less right that the other 19 people voted the other way. I understand that. But we have come to the point where we have to make a decision.

I urge my colleagues, let's go to the bill, let's make our cases, and I will pledge to them if they convince me that they are right—I helped my colleagues in the committee write the bill the way we wrote it because I thought it was best, but if there is a better way, I am willing to support changing it. I cannot speak for other people. But if my colleagues can convince me there is a better way of doing it, I will do it that way.

What I do not think I can be convinced of is that the best thing to do is to do nothing, that the best thing to do is to continue to limp along without having an effective process in place. I am concerned about the potential threats we face as a nation. I think we need this bill to help meet those threats. I urge my colleagues to support the bill, but if they are not going to support the bill, tell us how they would make it better, let's look at it, let's have votes on it. Again, anybody who has a way to make it better, I am willing to support it. I do not think we have reached the perfect bill yet, but I do think we have a dramatic improvement on the status quo.

I thank my colleagues. I thank Senator ENZI and Senator JOHNSON for the great work they have done. I have never seen a Member get as involved in issues as Senator ENZI has been involved in this process. I have never seen a Member of the Senate who went to the actual meetings of these agencies and sat for hours, trying to figure out what they do and why they do it and how it works. The quality of this bill is in large part due to the work that he did and the work he did with Senator JOHNSON on the International Finance and Trade Subcommittee.

I thank Senator SARBANES. This is a bipartisan effort. Senator SARBANES and I are far apart on some kind of mythical, philosophical line. But I think the reality is that we have been very effective in legislating and we have been effective because we have tried to work on a bipartisan basis. If we can work in a bipartisan basis, it can be done.

I thank my colleagues for their leadership and their cooperation. I am hopeful we will pass this bill. I hope after the debate our colleagues who are concerned about the bill will be convinced—not necessarily to be for it—but will be convinced that maybe it is an improvement over the status quo, and maybe it is not quite as bad as they would think.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is debating the motion to proceed to S. 149.

Mr. SARBANES. I thank the Chair.

Mr. President, I urge the Senate to adopt the motion to proceed and give itself the opportunity to move to the substantive consideration of S. 149, the Export Administration Act of 2001. The adoption of this motion to proceed would enable Senators, then, to consider the bill on its merits, to offer amendments, if they have them, to

alter or change the bill in whatever direction they think is desirable. I think this is important legislation. I am frank to say I think this bill before us is well crafted and deserves the support of the Senate. But in any event, whatever your attitude on that question is, I certainly think this issue, and this legislation dealing with this issue, deserves to be considered by the Senate.

I very much hope, after we have had this opportunity for some discussion, we will be able to move ahead and consider the bill on its merits. I understand it is the leadership's intention to file a cloture motion—the leadership, as I understand it, on both sides of the aisle—in order to enable us to go to this legislation. I hope that will not be necessary. I think there is a compelling argument for taking up this bill and addressing this issue.

Let me say a few words about the bill itself. Earlier this year, I was pleased to join with my colleagues, Senator ENZI, Senator JOHNSON, and Senator GRAMM, in introducing this legislation. It was reported out of the Banking Committee on a bipartisan vote of 19–1, so there was a very strong majority within the committee. That was on March 22 that we met and marked up the bill and reported it to the floor of the Senate.

The Export Administration Act provides the President authority to control exports for reasons of national security and foreign policy. I think there is a strong national interest in Congress reauthorizing the Export Administration Act. If we do not do that by August, there will be no Export Administration Act. And, in fact, we are now working under a temporary extension of the Export Administration Act, passed in the last Congress, which will expire in August.

Before we passed that temporary extension, we were dealing under the International Economic Emergency Powers Act. Let me be very clear about this because it is very important. We need to understand what the situation has been and what the situation will be if we do not act on this legislation. The Export Administration Act has not been reauthorized since 1990, except for temporary extensions in 1993, 1994, and last year. In other words, for most of the past decade we have been operating without an Export Administration Act. We are now in the framework of a temporary extension that expires on August 20 of this year.

Without these temporary extensions—in other words, for over this past decade—the authority of the President to impose export controls has been exercised pursuant to the International Economic Emergency Powers Act—the so-called IEEPA.

In my view, it is highly desirable for the Congress to put in place a permanent statutory framework for the imposition of export controls. That is what this bill will do. That underscores the importance of considering this legislation. Export controls should not be imposed pursuant to the emergency economic authority of the President.

One example of the reason for depending on IEEPA is that penalties that may be imposed under export controls under IEEPA are significantly less than those imposed by this legislation. In other words, reliance on IEEPA and the President's extraordinary authority under that legislation still leaves us falling short in terms of the penalties for violations of export controls for what this legislation provides.

It is ironic that this bill is being in effect contested on these national security grounds when in fact it does more to protect the national security concerns than the existing IEEPA scheme.

The IEEPA scheme is also weak in the sense we are quite worried that it will be subject to a court challenge, which in effect would make the limited penalties that it contains inapplicable. I think that has to be kept very much in mind as we consider taking up this legislation.

This legislation has been worked over very carefully. I think it represents a carefully balanced effort to provide the President authority to control exports for reasons of national security and foreign policy while at the same time responding to the need of U.S. exporters to compete in the global marketplace.

We have two major objectives we are trying to harmonize. I think this legislation does it in a balanced way.

In preparation for acting on this legislation, the Banking Committee held two hearings in this Congress. We held a number of hearings in previous Congresses and two hearings with representatives of industry groups and foreign and Defense Department officials. Extensive consultation took place with representatives of the current administration, including representatives of the Defense Department, the State Department, the intelligence agencies, the Commerce Department, and the National Security Council.

Prior to the markup of the legislation in the Banking Committee, Condoleezza Rice, Assistant to the President for National Security Affairs, sent a letter to the committee. I will quote it because I think it is important. I will quote it actually in full. The Assistant to the President for National Security Affairs in a letter to the chairman of our committee stated:

> The Administration has carefully reviewed the current version of S. 149, the Export Administration Act of 2001, which provides authority for controlling exports of dual-use goods and technologies. As a result of its review, the Administration has proposed a number of changes to S. 149.

Actually a number of colleagues were involved in urging the administration to seek such changes, including colleagues I see on the floor now and who remain, I take it, concerned about this legislation.

To go back to the letter:

> The Secretary of State, Secretary of Defense, Secretary of Commerce, and I agree that these changes will strengthen the President's national security and foreign policy authorities to control dual-use exports in a balanced manner, which will permit U.S. companies to compete more effectively in the global market place. With these changes, S. 149 represents a positive step towards the reform of the U.S. export control system supported by the President. If the Committee incorporates these changes into S. 149, the Administration will support the bill. We will continue to work with the Congress to ensure that our national security needs are incorporated into a rational export control regime.

Mr. SARBANES. Mr. President, a major effort was made by the committee to work through the list of proposals by the administration. Those proposals were incorporated into the bill during the Banking Committee's markup. I thought the administration's recommendations were a balanced set of proposals. I believe they strengthen the overall bill.

Subsequent to that and subsequent to the committee reporting the bill out, the President in remarks to high-tech leaders at the White House on March 28 urged quick passage of this bill by the Senate.

In that appearance at the White House—and I will quote briefly from the President's—actually, he started off by saying to this group:

> Thanks for coming. I appreciate that warm welcome. And welcome to the people's house. It's a nice place to live. And I'm glad I'm living here.

That is the President talking.

He went on and said to the high-tech group:

> I've got some good news and you may have been watching the Senate Banking Committee. But after a lot of work with industry leaders and the administration and members of the Senate, the Export Administration Act—a good bill—passed the Banking Committee 19–1.

He then goes on to say that ''this has been crafted as a good bill. And I urge the Senate to pass it quickly.''

Mr. President, I ask unanimous consent that these remarks of the President in a meeting with high-tech leaders be printed in the RECORD at the conclusion of my remark.

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

(See Exhibit 1.)

Mr. SARBANES. Mr. President, I commend very strongly Senator ENZI, who was chairman of the relevant subcommittee in the last Congress and chairman of the International Trade and Finance Committee, and Senator JOHNSON, who is the ranking member of that subcommittee, for their extraordinary work in developing this legislation. They worked tirelessly

both in the last Congress and again in this Congress to help bring us to this point.

I commend Senator GRAMM and the staff of all Senators and the committee staff for their strong efforts to develop a bipartisan consensus on this legislation.

Senator HAGEL and Senator BAYH, who have taken over these positions now in the new Congress on the subcommittee, also made constructive contributions in moving this legislation forward this year.

Let me say this about the legislation. It generally tracks the authority provided the President under the Export Administration Act, which expired in 1990, as I indicated earlier. But a significant effort was made with the excellent assistance of the legislative counsel's office to delineate these authorities in a more clear and straightforward manner.

We made a very strong effort to inject an element of clarity and directness into the statute which would make it easier for the executive branch agencies to administer the statute and for the exporters to comply with it.

The bill makes a number of significant improvements to the EAA. It provides, for the first time, a statutory basis for the resolution of interagency disputes over export license applications. The intent is to provide an orderly process for the timely resolution of disputes while allowing all interested agencies a full opportunity to express their views.

This is very important. There is an orderly process now by which disputes can be moved up the ladder in order to be resolved. So any concern that any department or agency of the Government has as they work through this interagency process can be heard and dealt with and resolved, and, if necessary, at the final level, be resolved at the Presidential level. This orderly process was an issue of great concern to the administration, to the national security community, and to industry.

I think we have reached a reasonable resolution of the issue in this bill. This was an issue on which Senator ENZI and Senator JOHNSON spent countless hours in order to try to work out arrangements that would be acceptable to all. As I have indicated, now they are acceptable to the agencies and the departments of the executive branch across the board. Not one department or agency is coming in now and telling us they think this is not a workable system under which they can operate.

The bill significantly increases both criminal and civil penalties for violations of the Export Administration Act, reflecting the seriousness of such violations.

The bill provides new authority to the President to determine that a good has mass market status in the United States and should therefore be decontrolled. This gets at this issue of, well, you can go out and buy a store on the market. Why are we controlling this good? But the bill retains authority for the President to set aside a mass market determination if he determines it would constitute a serious threat to national security and that continued export controls would be likely to advance the national security interests of the United States. So we retain an ultimate authority in the President with respect to this matter.

At the particular urging of Senator ENZI, the bill contains a provision that would require the President to establish a system of tiers to which countries would be assigned based on their perceived threat to U.S. national security. The intent of this provision is to provide exporters a clear guide as to the licensing requirements of an export of a particular item to a particular country.

The bill would also require that any foreign company that declined a U.S. request for a postshipment verification of an export would be denied licenses for future exports. The President would have authority to deny licenses to affiliates of the company and to the country in which the company is located as well.

You get a sense of the reach of some of these provisions in providing important protections for national security concerns.

We also included a provision in the committee to make a number of technical corrections and incorporate the suggestions made by the administration.

The bill contains a provision from the expired EAA relating to the imposition of export controls on crime control and detection instruments that inadvertently had not been included in the bill as introduced.

So, to close, let me just again underscore that this is a very carefully crafted piece of legislation. It is a very balanced piece of work. I believe that the Senate, when it finally is able to get to the substance of the bill, will provide broad support for it, just as it had broad support in the committee.

Again, I underscore that though it is asserted now that the protections are inadequate for national security and foreign policy, that runs so counter to the situation in which we find ourselves. If you compare what is in this bill with the existing arrangements, or with the previous arrangements under the EAA, this bill has done a good job of providing clarity and providing process of procedure of the arrangements to be followed, which gives to the exporters more definition and more certainty in how they can proceed, what the rules of the road are, while at the same time retaining for the administration, ultimately for the President, very significant powers in controlling exports.

As I indicated, it establishes tough new criminal and civil penalties for export control violations. It strengthens our ability to control critical technologies by building a higher fence around the truly sensitive items. That is very important. One of the things we are trying to accomplish is a focus on the truly sensitive items. It grants the President special control authorities for cases involving national security, international obligations, and international terrorism. It promotes discipline in licensing decisions by codifying the role of national security agencies in the licensing process and then streamlining licensing procedures, and it encourages U.S. participation in strong multilateral export control regimes.

We have a short timeframe to deal with this legislation this year, given that the short-term extension of the EAA expires this summer in August. We need to put in place a permanent statutory framework for the imposition of export controls. I believe this legislation is that framework. I strongly urge my colleagues to support the effort to move to this legislation and subsequently to enact it.

Mr. President, I yield the floor.

EXHIBIT 1

REMARKS BY THE PRESIDENT IN MEETING WITH HIGH-TECH LEADERS, MARCH 28, 2001

The PRESIDENT. Thanks for coming. I appreciate that warm welcome. And welcome to the people's house. It's a nice place to live. (Laughter.) And I'm glad I'm living here.

. . . As well, I've got some good news and you may have been watching the Senate Banking Committee. But after a lot of work with industry leaders and the administration and members of the Senate, the Export Administration Act—a good bill—passed the Banking Committee 19–1.

The technology that you all have helped develop obviously gives us an incredible military advantage, and that's going to be important. And it's an advantage, by the way, that we tend—want to develop, to make sure we can keep the peace, not just tomorrow, but 30 years from now. We've got to safeguard our advantages, but we've got to do so in ways that are relevant to today's technology, not that of 20 years ago.

The existing export controls forbid the sales abroad of computers with more than a certain amount of computing power. With computing power doubling every 18 months, these controls had the shelf life of sliced bread. They don't work.

So in working with the Senate, we're working to tighten the control of sensitive technology products with unique military applications, and to give our industry an equal chance in world markets. And I believe we've got a good bill. It's a bill that I heard from you all during the course of the campaign. The principles we discussed are now a part of this bill. I want to thank Senator PHIL GRAMM for his hard work in working with us and industry and some members of the Senate to make sure the bill that has been crafted is a good bill. And I urge the Senate to pass it quickly.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Alabama.

Mr. SHELBY. Mr. President, I objected to the motion earlier to proceed

to the Export Administration Act. I want to share some of my concerns in why I did that.

I, too, serve on the Banking Committee. I have been on it 15 years. I worked with Senator GRAMM, Senator SARBANES, Senator ENZI, and Senator JOHNSON. It is a great committee. It is the committee of jurisdiction for this legislation. I also happen to be chairman of the Select Committee on Intelligence. And this is why I am concerned about this piece of legislation today.

Yesterday, we in the Intelligence Committee spent 2 hours being briefed on the damage to our national security from China's seizure of sensitive technologies aboard our EP–3 reconnaissance plane, which remains, as of this hour, in Chinese custody.

Chinese technicians are picking that plane apart, and I do not believe they are looking for loose change under the seat cushions.

Yet today, right now, we are talking about moving to debate a bill that will make it easier for the Chinese, and others, to get technology like that aboard the EP–3 and other advanced technologies without any licensing or export restrictions.

I ask my colleagues: What is wrong with this picture?

I am sure the Chinese leadership can't believe its luck. The U.S. Senate, which until a few days ago was criticizing China's aggressive tactics, militaristic policies, and disdain for the rule of law, is now rushing to open the floodgates for the advanced technologies China needs to upgrade its military.

And a few days after the administration announced an unprecedented package of arms to help Taiwan defend itself, the Senate wants to sell China the very technologies that will help it to overcome Taiwan's defenses, and threaten the U.S.

The events of the last several weeks underscore a fact that has been apparent to many of us for some time: China is not our strategic partner. It is our competitor and could be our adversary.

Yet we are moving ahead on this bill today as if these events never occurred. I fear the Senate is signaling to the Chinese that whatever they do and however much we may criticize their actions, we will always put our commercial interests ahead of our national security.

We have done this in the past, and we are reaping the results today.

Equally important is the risk of advanced dual-use technologies falling into the hands of countries such as Iran, Iraq, or Libya.

While supporters emphasize the economic benefits of provisions in this bill that would ease controls on exports to large markets like Russia and China, they don't tell you that Russia and China are routinely identified by the Director of Central Intelligence as the ''key suppliers'' of nuclear, biological, and chemical weapons technologies.

Although this bill may help our U.S. technology industry increase its exports in the short run, I believe its impact on our national security in the long run may be disastrous.

As a result, I cannot support proceeding to this bill at this time until the entire U.S. Government has had an opportunity to thoroughly review the legislation, take a fresh look at our overall China policy, conduct an in-depth study of our export control policies, and address the national security concerns shared by the chairmen of the national security committees in the Senate.

In addition to these governmentwide efforts, we in the Senate must do our homework. This is an extremely complex piece of legislation that raises a host of extremely complex issues. They need to be debated and looked at thoroughly.

The economic benefits of increased high technology exports are quickly apparent and relatively obvious; the national security implications are less immediate, less obvious, and often classified.

Therefore, before voting on this legislation, every Senator should have the benefit of the extensive briefings that Senators WARNER, HELMS, THOMPSON, KYL, MCCAIN, and I have had.

Should the Senate now vote to take up the EAA, I intend to join my colleagues from the other national security committees in setting forth in detail our concerns about the national security implications of this bill.

We believe the case is compelling for those who are willing to listen.

That is why I object to proceeding with the bill so soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise today in support of this historic legislation before the Senate. I regret that there is resistance to the motion to proceed. I believe it would be best to proceed to the consideration of this legislation by the full Senate, to debate the merits of the legislation, and, for those who object, to provide opportunities for them to offer amendments to be debated on their merits in the course of our consideration.

Whether we move forward today or are delayed a couple more days, it is important that we move ahead as expeditiously as we can on passage of the Export Administration Act reauthorization.

This legislation is the culmination of many long hours of bipartisan cooperation to modernize America's export laws to reflect our rapidly changing world. It was first put together last year, when I served as ranking member of the Subcommittee on International Trade and Finance of the Banking Committee. Senator ENZI, my Republican colleague from Wyoming, served as chairman of that subcommittee. We were able to pass similar legislation out of the committee on a 20–0 vote. This year Senator ENZI and I have moved on to other subcommittees but have remained actively involved in this issue.

I particularly commend Senator ENZI for his continued strong leadership and the work he and his staff have put into this effort. The consequence of that work during this Congress has been the legislation before us that passed out of the Banking Committee on a bipartisan vote of 19–1 and which has the support of the President of the United States, the Secretary of Defense, the Secretary of State, the Secretary of Commerce, as well as the National Security Adviser to the President.

While there are some who raise the specter of diminished security concerns, it is interesting that, in fact, not only is there overwhelming bipartisan congressional support for this balanced piece of legislation, but the people who are most knowing or most in the position to advocate for strong national security in America, our President and Secretaries of Defense and State, are all supportive of this legislation. To raise the specter of China strikes me as something that has been thought through very carefully by our President and our defense establishment in the course of endorsing and supporting this bill.

The fact is, under this legislation, our national security would be strengthened, not diminished. Yes, sales of technology items could be made to China but only those items which our defense establishment and our President endorse as appropriate sales and which are otherwise available on the open market.

I have had the great pleasure of working on a team with Senators ENZI, GRAMM, SARBANES, and their staffs, to craft this legislation. I thank them for their professionalism and their cooperation on this effort. It is rare that legislation of this importance comes before the Senate with this level of bipartisan support, and the cooperation and support of the White House and the defense and commerce establishments in the United States. It is a rare day that legislation of such consensus comes before us. I had hoped we would not lose this opportunity to advance the interests of our national security and our economy at the same time.

I am gratified for the support of the Bush administration and their willingness to express their support for the legislation.

I also note with appreciation the role Senators GRAMM and SARBANES have played. We have had constructive participation across the board, and that spirit contributed to the construction

of the newly amended version of S. 149 that is before the Senate today.

As my colleagues know, we live in a truly global economy. America has enjoyed unprecedented growth in recent years in large part because of the expansion of our marketplace overseas. American businesses look well beyond our borders for customers, and exports play a critical role in keeping our economy strong. We have also seen enormous changes in the goods, services, and the technologies American companies produce.

Back in my home State of South Dakota, we have seen a 172-percent increase in high-tech employment over this past decade. Our workers have benefited from the good jobs and fair salaries that the high-tech sector brings. The goods, the services, and the technologies they produce are in tremendous demand throughout the world.

However, we must not be naive. Certain products and technologies can be used for the wrong purpose. But we must not allow fear to prevent us from crafting laws that face those issues head on and establish a balance between economic growth and national security, and our other needs.

The Export Administration Act is a thoughtful, balanced bill. EAA is an important step toward ensuring our continued ability to export American goods to the rest of the world. At the same time, EAA includes the necessary safeguards to ensure that our export policy protects our vital national security interests.

Since EAA's expiration in 1990, Congress has declined numerous opportunities to reauthorize the EAA. I lament those missed opportunities, and strongly urge my colleagues not to squander the opportunity before us today.

Reauthorization has become still more urgent as the courts consider the legality of our reliance on an expired EAA, and on the annual temporary extensions we provided in the underlying legal authority claimed under the International Economic Emergency Powers Act. I fear the day that one of these challenges will ultimately succeed and strip this Congress of any control over sensitive dual-use technologies. Contrary to what some of my distinguished colleagues may argue, reauthorization of the EAA in fact greatly enhances our national security.

We had a simple goal when we embarked on this effort: reduce or eliminate controls on exports with no security implications, and tighten controls on exports that raise security concerns. These principles are not controversial; yet crafting legislation that puts these principles into practice has been difficult to accomplish.

We worked very closely with concerned Senators, the national security establishment, the administration, and the impacted industries. I believe we addressed the major concerns in a balanced manner.

We increased the penalties on export violations, so that violators of export control laws will pay a real price for breaking the law. We made realistic assessments with respect to what items should be decontrolled based on foreign availability and mass market standards.

It does us no good to be trying to limit the export of items that can be found anywhere on the open market throughout the world.

In one respect, however, I am disappointed. I am disappointed that we were forced to drop title IV, which lifted the practice of using food and medicine as a weapon against rogue nations. It is my understanding that a majority of the national farm groups believe our language could potentially delay regulatory actions with respect to the lifting of sanctions.

But as important as that legislation is, I also acknowledge that there are other forms, other vehicles, legislatively for those issues to be taken up at a time when we need to focus primarily on the export of high-technology products and the defense implications of those exports in the course of this debate. I am confident there will be other opportunities to raise the larger issue of economic sanctions on agricultural and medical products throughout the world.

My colleagues, the Export Administration Act is a good bill. It is a balanced bill. It is good for America and for Americans.

S. 149 strengthens our national security—it doesn't weaken it. To those who argue against this legislation in light of recent events with China, I respectfully refer to them to the Cox Report that specifically recommended reauthorization of the EAA as a way to strengthen our national security with respect to exports to China. The EAA is a strategic, intelligent response to the real threats that face America.

America benefits when our businesses prosper. Exporting technology has long been an American success story. The high-tech field will lead our economy into the next century. We understand, new technologies could prove dangerous in the wrong hands, and our national security depends in part on limiting access to limited specific goods, services and technologies. That is the balance we seek to strike, and I believe S. 149 does that.

That is the balance that has caused this broad-based, bipartisan support, and the support of the White House, for this effort.

I look forward to a vigorous debate of these important issues. Passage of this EAA bill will make a significant contribution to our national security and will help bring transparency to our export control system. I encourage my colleagues to join this bipartisan, balanced approach to these critical issues.

I regret that we may not proceed today on the motion. If that is the case, I have great confidence that with the cloture motion we will be back on this legislation within a very short period of time.

Again, in closing, I commend the leadership of Senator ENZI, my friend from my neighboring State of Wyoming, and his staff for the work they have devoted to this effort, as well as to Chairman GRAMM and the ranking member, Senator SARBANES, who have worked with us and with their staffs throughout this entire effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I support the chairman of the Intelligence Committee, who objected to proceeding at this time on this bill. First of all, I wish to state my reasons for supporting an objection to proceeding at this time.

I do not think this bill is going to be delayed indefinitely. It is not my wish to do that. I think the Export Administration Act ought to be reauthorized. I have thought that for a long time.

The question is, What is going to go in the act when we reauthorize it? We have had a vigorous bipartisan debate inside the Senate, and I would venture to say also inside the House, among our Members, as to what we ought to do about controlling or decontrolling certain sensitive items in this country. We all have the same goals, but we have markedly different views regarding certain aspects of how to achieve those goals. We now are being—after having about 24 hours' notice—asked to take up a piece of legislation which has national security implications, which is controversial, which is going to take some time in order to consider amendments which we think can benefit and strengthen the bill. It is going to take some time in that regard. It is simply not something that we should be fitting in in the middle of a week for a day, or day and a half, and either dispose of it or continue it on to another time. We ought to try to get together and set aside some time, a reasonable time—I would be in favor of a time agreement to do that—so amendments can be heard and we can debate the merits of the bill.

This is not the time to do that. It is going to take more time than what we have right now. At the outset, perhaps in some respects in a very general sense, balancing our concern over commerce with national security is what we are about. But that is not what the Export Administration is all about. That is not what export controls are all about.

It is pretty clear that what that is all about is national security. It doesn't say anything in this bill or anything in the legislation on the books now that we should engage in this balancing act

of commerce versus national security. What it says is that you protect national security. In the bill before us, the purposes are set out. The purposes of national security export controls are the following: To restrict the export of items that would contribute to the military potential of countries so as to prove detrimental to the national security of the United States and to stem the proliferation of weapons of mass destruction.

That is what this bill before us states is the purpose of these controls. That is with what we are dealing.

As we proceed, I hope we do not think we should strive so hard to draw a 50–50 balance with regard to the considerations involved because they are heavily weighted, to say the least, toward national security. That, of course, is the basis of our concern.

In terms of the timing, it is my understanding that a part of the administration's position is they want to draft an Executive order that will strengthen the visibility and the voice of other Federal agencies in the interagency dispute resolution process that will give the Department of Defense greater visibility and a major role in the commodity classification process and ensure that deemed exports are covered, which are not covered by this law. Those are three very important provisions that the administration says it wants to address by means of an Executive order.

I think we are entitled to see that Executive order. I believe we would want to consider whether or not to make them a part of the legislation. They are very important items, as important as several of the items that are in the legislation.

It is only proper, considering the severity of the issues with which we are dealing, that we have all of the cards on the table and that we deal with them in an appropriate manner.

Also—and the chairman of the Intelligence Committee alluded to this—this is the wrong time to bring this up for another reason. It has broad ramifications and broad applications with regard to many different items and many different countries, but this is, in many respects, a China trade bill.

Much of the impetus among the commercial world for getting this passed has to do with decontrolling previously controlled items, many of which are high-technology items, many of which have potential military application, and many of which would be going to China. They have a vast potential market. Only about 10 percent of the items we export to China are controlled items. So it is not a large part of what we are doing with them right now.

Apparently the idea is, with China's concentration on high tech and their need for our supercomputers and other sensitive matters, that trade will pick up and the desire among industry is to more easily export without having to apply for a license, that trail of what granting a license entails. That is what this is all about.

At a time when the Chinese leadership is issuing belligerent statements with regard to our policy toward Taiwan, right after they detained 24 American crew members and, as the chairman of the Intelligence Committee pointed out, we are feverishly trying to destroy computers aboard those airplanes and other items of hardware and software, at a time when the Chinese are engaged in a rapid military buildup and have 300 missiles on their coastline that can be used against Taiwan, at a time when they are detaining Chinese American scholars against their will, I do not think this is the time to send the message to China that we are going to engage not only in business as usual but become even more liberal in our policies of sensitive exports. We had best wait until that dust settles a little bit before we take it up.

We have had a policy in this country for some time of controlling certain matters that fall into the sensitive category with regard to supercomputers, milling machinery, centrifuges, and a host of items which have dual use, both civilian and potential military use.

It has always been a concern as to how far we can go in allowing civilian trade without the items being used by the military. We find from time to time, on the rare occasions we check on them, that China has diverted from civilian to military use. The Cox Commission points out to us that they are using our high technology to benefit their military. It is not that we have to speculate about that.

This Congress has responded in various ways with regard to high-performance computers which can be used for simulation, for nuclear testing, reliability, and without actually doing the testing of the bombs. They can use computers nowadays to test the efficacy of their bombs by use of high-speed computers. So Congress in 1998, as a part of the National Defense Authorization Act, provided, with regard to these high-speed computers, that there should be a national security assessment to see to what extent we might be harming ourselves.

That act also provided for postshipment verifications for tier III countries, such as China; in other words, to see how these computers are actually being used in China.

It also required congressional review with regard to notification thresholds. We require our exporters to notify the authorities when they are doing certain things at certain levels. If the President is going to change that notification threshold, he needs to notify Congress.

The bill before us would basically do away with all of those requirements and would abrogate those requirements that Congress set down in 1998. If we take these broad categories of items totally off the books and say there is no licensing at all, there will be no monitoring even of what is being shipped to whom. There will be no ability for a cumulative effect analysis. This particular item or that particular item does not have a serious effect but the cumulative effect of all of them might. That is a requirement of the law that has not been observed in the last decade, as far as I know.

This is going to be the basis of the discussion. That is not to say we should not reauthorize the act. That is not to say we cannot improve and close some of these openings that I believe are unfortunate and uncalled for and deleterious to those issues on which we all agree.

We hear all this talk about building bigger fences around a smaller and smaller number of items, but I do not see where the fences are. I would like to have explained to me how we are building higher fences by this act, because this is a decontrolling, in large part. There are certainly other provisions, but I see nothing where there is a tightening of the process in building higher fences. We are winding up with more openings in that fence instead of building a higher fence.

Substantively, the bill before us is a good improvement over the first draft last year. We had certain concerns about it. We had a lot of discussions about it. It was vigorously defended.

The administration has come in and just within a few days—they have two people confirmed in the Department of Defense right now. That is with what we are dealing. When we talk about the administration and all these various agencies that have a piece and a part of this as we go through the licensing process, let's keep that in mind.

It will be the better part of a year before this administration is intact because of the scandalous difficulty we have in getting people through this process in our Government. It has been going on for a long time.

A lot of these things require input of people who are appointed by the President and confirmed by the Senate. If this bill was part of the law today, as far as defense is concerned, as far as appealing something, for example, in the export control process, it would either have to be Mr. Rumsfeld or Mr. Wolfowitz because they are the only ones who fit that criteria. That is totally unworkable.

Another reason not to rush is that we do not have an administration that is fully staffed in the relevant departments.

One of the key provisions involves foreign availability, the idea if under the Secretary's determination, after consulting with others, the Secretary of Commerce determines there is foreign availability of an item, they will

lift controls, the idea being it will not do any good to try to control that.

There is probably some truth to that. It very well may be we are trying to control more than what can be controlled. The real question is not whether or not we on this side of the issue or our colleagues on the other side of the issue can sit here and determine what ought or ought not be controlled. The question is, can we come up with a procedure where on the questionable items, we know they will get full, fair, and complete consideration by people who ought to be considering the products. That is the question. We are not talking about things all over the world, through Radio Shacks around the world. Keep in mind, we are not talking about restricting any of these items from being exported. We are talking about whether we ought to have a license requirement.

Most of these items are going to be exported anyway. The difference is whether or not it will take 30 or 45 days or whatever the normal amount of time is. Sometimes goods are held up longer than that. Sometimes they are held for national security reasons and this cannot be explained to the person making the application. There is a bit of delay there. In most cases it is not a great delay.

Some say our competitors are so hot on our trail, our European allies are so close to us in technology that the month delay will mess up a large number of sales. That is not very credible as far as I am concerned. We have the lead in so many areas that going through the licensing process, if it goes through as it should and is supposed to, is not going to make the difference in terms of this commercial activity.

We need to think through the foreign availability argument. If the genie is out of the bottle and none of these things can be controlled, why do we still have restrictions on rogue nations? If we furnish Saddam with the computers, wouldn't that be better than having somebody else furnish them, if he is going to have them anyway, or the centrifuges or the milling machines—they are sensitive—that go to make nuclear items? There are certain good arguments, good reasons to be made that he will have it anyway; why not supply it with our companies so we know exactly how it works.

I find it a bit inconsistent to say none of this stuff is controllable. It is out there; you can't do anything with it. But we want to make real sure we keep these controls on rogue nations—Iran, Iraq, and the bad guys. Clearly there is a limit. Clearly there is a line. Maybe we have not drawn the line in the right place in times past. Maybe even the old end top criteria is out of date. It has been going so rapidly up it has become almost irrelevant. Many have been critical of the Clinton administration for raising it so rapidly and now it will be done away with altogether. We are having to take a new look at that. People say you cannot regulate computing power. You have to regulate or deal with the software. You have to deal with the application being made with the use of the computer. It is a different kind of world with which we are dealing.

We have to be careful. While acknowledging that technology has greatly expanded and there are more things in the world that perhaps can't be controlled, there are still some areas where we do not want to open the floodgates. The question is, What are those areas and what kind of procedure will we have to ensure that those are not sent along with the rest? When we deal with thousands and thousands of items, it is not an easy answer.

The President, it has been pointed out, under this bill, can have a set-aside if there is a threat to national security. On this business of balancing commercial interests over national security, get a load of this: The set-aside provides the President can take this action only if there is a threat to national security, not because it has national security implications. I assume this is a direct threat. I don't know. But the President cannot do this until there is a threat to national security. Then once he makes the determination that there is a threat to national security, he has to leap more hurdles than if he were in the average track meet. If he makes the designation, he has to report to Congress and justify himself. Then under this bill he is required to pursue negotiations to try to get the countries making this available to quit making it available. He has to notify Congress about that. Then the President has to review this matter every 6 months.

Remember, this is a matter that is a threat to national security. He is required to review this every 6 months so it can be lifted if the circumstances change. He has to report that to Congress and justify not lifting it. Then the President, after having gone through all of that, if the set-aside is still standing, has to relinquish his set-aside if there is still not a high probability that there will be any changes made in terms of the foreign availability picture, and if there is no agreement under any circumstances after 18 months, the President has this authority. We make the President do a lot of things and place burdens on him to do that.

As far as mass marketing is concerned, it has to be a serious threat to national security. Foreign availability, he can set it aside with a threat to national security. For some reason, if the item in question is mass marketed, just in the United States, presumably, the President has a set-aside if there is a serious threat to national security.

We will want to debate and see whether or not we can improve that language, whether or not we want to set that high standard for a President to stop an export, that it has to reach that extremely high standard when we know already that the Chinese are using our high technology to benefit their military.

The penalties are great in this bill. There is no question about that. But before an item has already been decontrolled, there is no danger of any penalty coming into play.

My concern is this: We have a couple of basic trends going on in this country. One is that we are moving pell-mell to decontrol. The genie is out of the bottle. There is no question about that. The last administration certainly liberalized our control procedures. The Chinese and others certainly took advantage of that. We are still moving in that direction. Perhaps we should, to one extent or another. But there is no question that using the word ''decontrolling'' with regard to matters of high technology, with regard to matters of dual use, with regard to matters that have military significance, we are saying, ''What, me worry?'' and rapidly decontrolling. This would enhance that process and take it to another level.

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

Mr. THOMPSON. I am glad to.

Mr. MCCAIN. Is there any doubt in the Senator's mind that over the past 8 years of the previous administration—is there any doubt in his mind that sensitive technology that affects American national security was transferred to China, Iraq, and other nations?

Mr. THOMPSON. No, there is no doubt in my mind, Senator.

Mr. MCCAIN. So my further question is, If sensitive technology which affects American national security was transferred to China, to Iraq, and perhaps other countries, are we going in the right direction with this legislation or are we going in the opposite direction of loosening these controls, according to this legislation?

Mr. THOMPSON. There is no question that we are loosening. There is no question that it will inure to the benefit of the Chinese, who are well known to be concentrating especially on high-technology matters, building up their military, building up their missile capability—both ICBMs and shorter range missiles.

I think the best witness on this, Representative COX, has been quoted a few times. The Cox Commission stated in July 1999:

> The People's Republic of China was diverting U.S. manufactured high-performance computers for unlawful military operations. Specifically, it was using American-made computers to design, model, test, and maintain advanced nuclear weapons. The commission clearly stated that the illegal diversion of high-performance computers for the benefit of the People's Republic of China military is facilitated by the lack of effective post-sale verifications of the locations and

purposes for which the computers are being used. High-performance computer diversion for PRC military use is also facilitated by the steady relaxation of U.S. export controls over the sale of high-performance computers. The committee added that U.S. origin high-performance computers have been obtained by PRC organizations involved in the research and development of missiles, satellites, spacecraft, submarines and military aircraft, just to name a few.

Mr. MCCAIN. If there is no doubt in the Senator's mind, and I think it has been clearly established in several cases—I think one was the case of Loral where the Chinese missile technology was increased through the transfer of technology—I am curious, if it is a severe problem, and obviously our relations with China have not improved recently, to say the least, our sanctions efforts against Iraq have been eroded by the disappearance or dramatic reduction in the coalition that imposed sanctions on Iraq, yet we are now trying to pass legislation in very short order that reduces these controls that inhibit our ability to examine these systems and their export to these countries.

Finally, could I ask the Senator, how much involvement have the sponsors of this legislation allowed the Senator from Tennessee and my colleague from Arizona, Senator KYL, and Senator SHELBY? Have they tried to involve you in negotiations, conversations, or amendments?

Mr. THOMPSON. We have had extensive conversations on this over the past, I guess, year and a half. My desire would be that—this has been off the table now for some time. Until yesterday, I did not know it was going to be brought back up. But now that it has been brought back up, it is back on the table, as we all knew it would be and should be, that we would sit down again on some proposed amendments to see if we could agree on some. We might be able to.

As I say, I think they have improved the bill. It is all in the eye of the beholder. The thinking was it was a bill right where it ought to be. The administration came along and made 20-some-odd suggestions. I understand they were adopted. Presumably, it is a better bill. Maybe it can be even a better bill.

Up until yesterday, the negotiations did not go the way I would have liked for them to go, frankly, but I cannot complain about not having been included in discussions. We have had a lot of discussions.

What I would like to do is address the question of the Senator, though, a little bit more directly, the other question he asked. The question is: Why? I think the answer would be that for some of these items, there is foreign availability. If they are out there and France or someone, or Russia, let's say, is supplying China with these items, why shouldn't we?

It raises a question—I did not plan on getting into the substance of the debate as much today as we will later on—as to whether or not there is a moral dimension to our foreign policy, whether or not there is a moral dimension to our export policy, whether or not, because some other entity is supplying somebody with something they should not have that hurts our national security potentially—and these items I am talking about, some of them, are serious threats to our national security, as acknowledged in the bill, if it is mass marketed—whether or not, even if they would get them, we ought to be supplying them.

I would not feel any better to find American troops shot down with technology supplied by American companies if I knew there was mass marketing of those products. In the last year, the PRC reportedly was illegally using American supercomputers to improve their nuclear programs. Just 2 months ago, we learned that Chinese technicians were installing fiberoptic cable for Iraqi air defenses, a clear violation of U.N. sanctions.

Worse yet, this assistance and technology which were provided to Chinese companies by American firms when President Clinton decontrolled this equipment over the objections of NSA in 1994 aided Saddam Hussein in his quest to shoot down American and allied pilots.

I don't know if it proved whether or not this very strand of fiberoptic was used down there or not. But what apparently is pretty clear is that we took this Chinese company from a startup and, because of business that we did with it, put it in a position where they could go down to Iraq and help Saddam Hussein better shoot down our pilots. That merits serious consideration. It does not merit a day or a day and a half of discussion in some kind of desire to balance what we are talking about with our commercial interests.

Mr. MCCAIN. May I ask a final question—and I would like to state I agree with Senator THOMPSON. This is a very serious issue. It brings into question the influence of big money and big business in American politics. But would the legislation that we are discussing have facilitated the ability of the Chinese to acquire that technology and transfer it to Iraq or would it have been made more difficult?

Mr. THOMPSON. I have not thought it through. I think after it was decontrolled in 1994, over the objections of the National Security Agency, the cat was out of the bag. I am not sure it would have made any difference.

I think the point is that what we are dealing with today would further decontrol a host of additional items that heretofore you had to have a license to get.

Some of those—I would venture to say the large majority of those things—would be harmless. But my concern is whether or not we have a procedure to catch the ones that are not harmless. That is what we are trying to deal with here. I hope we can move in that direction.

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

Mr. THOMPSON. I will be happy to.

Mr. JOHNSON. I am interested, given his remarks today, whether the Senator views President Bush's support for this legislation, support expressed by our Secretary of Defense and Secretary of State, as reflecting an inadequate consideration of the implications relative to China and inadequate consideration of the moral dimensions of our trade policy in the United States and certainly an inadequate consideration of the national security fundamentals of our Nation. Does the Senator suggest the Bush administration is in error in their support of this legislation?

Mr. THOMPSON. I would respond to the Senator that my concentration has to do with my own obligation. I respect the members of this administration who have taken a look at this in a few days, and with the few people they have had take a look at it.

I respect their opinion. I weigh it very seriously. We are another branch of Government. We have obligations also. The Senator from Texas points out that the Banking Committee has a lot of jurisdiction. That is true. The chairman of the Intelligence Committee has a lot of jurisdiction. The chairman of the Foreign Relations Committee has a lot of jurisdiction. The chairman of the Armed Services Committee has a lot of jurisdiction. They are all concerned about this. I am concerned about it.

I would like to always be in agreement with all of my friends. Sometimes it is difficult to do.

I referred to the Cox Commission report. As I say, he has been quoted in regard to this piece of legislation. I am not sure where he stands on this piece of legislation. I am sure he supports the Export Administration Act reauthorization, as I do, but it has been said that the bill addresses the major findings and recommendations of the Cox Commission report. Upon closer examination, many of the Cox Commission's conclusions are not addressed. For example, the Cox Commission recommended that the Government conduct a comprehensive review of the national security implications of exporting high-performance computers to the PRC. Yet S. 149 does away with that requirement.

The Cox Commission also recommended reestablishing higher penalties for violations, which was done, but the evidentiary standard was lowered and promotes the sale of high-performance computers to the PRC for commercial but not military purposes

provided the PRC establishes an open and transparent system to conduct on-site inspections of the end use of these machines.

This bill takes these recommendations in an opposite direction. We are going to have an opportunity to go through in detail the extent to which this comports with the recommendations of the Cox Commission.

The Rumsfeld Commission, of course, points out that one of the more serious concerns that we have had in Congress for some time is the proliferation of weapons of mass destruction. Even though it was significant to learn the extent to which some of these rogue nations have the ability, or rapidly developing the ability to hit the United States with missiles and weapons of mass destruction, and the fact that they were getting a lot of their capability from China and Russia, I think perhaps the most significant and troubling part was the fact that our intelligence was not aware of the extent of these things.

Intelligence is not perfect—nobody's intelligence and no country's intelligence. I think they do a good job on most occasions, but they were behind the curve on this.

I simply reiterate that in matters of this importance it is not something we ought to take to the floor and discuss in general terms, talk about balancing, and do in a day and a half. We need to be concerned about what else is not going to be caught by this process. We need to be concerned about the big picture, and we need to be concerned about the little details that have to do with the interagency dispute resolution.

For example, as was pointed out, if someone disagrees with a determination as to whether or not an item ought to be controlled, it can be escalated by a majority vote. But it can only be escalated by someone who has been appointed by the President and has been confirmed by the Senate.

Hopefully, we will have these Departments staffed. We have Defense, we have Commerce, and we have several other Departments that have a place in this. But they are grossly understaffed and will be for some time.

Incidentally, the process has never been taken to the President of the United States in the history of process, if you want to know about the practical application of this thing. But it looks pretty good on paper, and maybe it can work.

Do we really want to have that escalation done only by someone appointed by the President? Shouldn't he be able to delegate that somewhere for someone to handle that kind of paperwork on the thousands of the items that are going to be coming to the floor? Is the intention to make it such a high level to escalate that there will be much less escalation so that people who may have concerns and objections will not bother under that kind of a system? I think we have seen that before.

We had extensive hearings before the Governmental Affairs Committee with our inspector general, who looked at all of this. They came to the conclusion at that time that the Defense Department was under the impression that there was inadequate input by the Defense Department.

Will this cure that? I do not know. It looks to me as if it is more difficult under this regime to raise a question. They are supposed to be included under the bill. Are they really going to have a practical voice? Those are the kinds of things we need to look at.

Again, my objection to doing this now after having learned about the consideration of it yesterday was not because I necessarily opposed the reauthorization of the Export Administration Act. I do not. The world is not going to come to an end if we don't consider this now. It has been in this condition for several years now. It can wait a little while longer until hopefully the dust settles down in terms of our relationship with some of the people to whom we are going to be sending all of these additional items. Wait until the administration becomes a little better staffed so they can deal with these things.

I respect the administration and the people handling it. I respect my colleagues who have pushed this because I think they have legitimate interests in making sure we are not unnecessarily hurt in terms of our economy.

But we have to make sure in the present environment—I read as well as anybody else about the tremendous interests out there that have been brought to bear on getting this done, and we have to make sure we listen to their legitimate points but that we don't lean too far too fast in that direction until we have thoroughly explored the alternatives. Hopefully, we will have some amendments that will improve upon this, and maybe we can even agree to some amendments.

But, again, we are on a motion to proceed right now. It has been objected to. I agree with that objection for those reasons.

This is not the kind of issue we should consider in short order and in the limited amount of time that we have now, unless we can reach some time agreement that I will agree to right now after consulting with my colleagues who have other amendments in order to have a thorough debate on this issue. It is going to come.

We cannot and will not hold this up. I know which way the wind is blowing. I can guess probably what the outcome is going to be. But hopefully it will be done after a thorough and deliberate consideration in this Chamber of all of the ramifications and with a fair consideration of some amendments.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The gentleman from Wyoming is recognized.

Mr. ENZI. Mr. President, I appreciate the comments of all the Members who preceded me. It has been a very nervous situation to have to sit through all the statements when I would like to have been contributing all along. Over 2 years of my life I have invested in extensive meetings on this bill. I figured I could wait a little longer.

I support the motion to proceed. I unequivocally support the motion to proceed. I am sincerely disappointed that we didn't get the motion to proceed. I would be happy to agree to a time agreement. What we are faced with right now is unlimited debate on whether we get to debate.

So I would like to have some kind of a time agreement, if we got passed this motion to proceed—which is unlimited debate on whether to debate—then we have unlimited debate on unlimited amendments. So there is the capability of doing extensive debate on any amendment that anybody wants with no time limits on any of those amendments or debate on the entire bill. So I would be just delighted if we could proceed and look at those amendments.

I appreciate the Senator from Tennessee's response about the extensive meetings that we had previously. I am sure he has noticed that in this bill there are extensive changes that resulted from those meetings. The most particular one is the Presidential set-aside, the Presidential set-aside that allows the President ultimate authority over every bit of national security, which is what the President should have. We did allow that in every instance. We think it is constitutional. We did not think it had to be in the bill, but it is in the bill now. We think that change alone makes the biggest difference in national security in the history of the United States, but particularly in the history of export administration.

We have some things in this bill that are absolutely crucial. We have some things that need to be done for national security. I am not talking about a balance. I am talking about basic national security, where everybody who looks at national security says we need this Export Administration Act. We do not need a temporary extension of it. We definitely do not need to be operating under the President's Executive order, the IEEPA process, in order to have some control over our national security. That is what has led to the national security problems we have had since the act expired in 1994.

These problems we are talking about in relation to China—and I am glad we are having that discussion—you will recall we said, bring this bill up any time; we do not care what kind of international crisis there has been with

China; it is a good time to discuss national security, no matter what the timing with China. We did not expect it to be quite this timely, but we are willing to work with that because we want to make sure this country's secrets are not taken.

Most of what has been referred to happened after the act expired in 1994. When it expired in 1994, we were faced with an Executive Order and the President using some of his emergency powers. What is the big difference with that? Penalties are the big difference with that. Penalties dropped down to $10,000 a violation. On the multimillion-dollar contracts we are talking about around the world, $10,000 is less than a contingency. It is less than the cost of an ad in many cases.

Mr. President, $10,000 is not a penalty. It is not a deterrent.

Penalties are an important part of this act. The penalties expired in 1994. We have them under a short extension of that old bill that lacks a lot of the security we need, purely by an agreement that we would extend it until August 20 of this year. That means on August 20 of this year we are back to the same old bind where companies can violate national security for less than the cost of an ad. It should never happen in our country.

When I became chairman of the International Trade and Finance Subcommittee, with Senator JOHNSON as the ranking member, and found out that the main piece of business we had to face was this Export Administration Act, we started digging into it. We have kind of lived together for a couple years, going to meetings, meeting with anybody we possibly could who had an interest in it, trying to find out how the process worked, looking at what had happened to it before. There were 12 previous attempts to get this passed. How could something that is this important to the country not make it through on 12 successive attempts? Well, I am getting a better and better idea every day. Part of the reason is that we are so security minded we would lock up all exports in exchange for security. But that will not provide security. So we need a system that will work. Bringing everybody together on a mechanism that will work has been an interesting and difficult process.

I do thank my colleagues on the Banking Committee for their support and their recognition that this legislation is needed to strengthen our export control system. I do appreciate the support of the administration. President Bush and his team immediately realized that the reauthorization of EAA was vital to the national security and the economic interests of this country.

With the few changes that were made by the Banking Committee during markup, the bill received the written endorsement of President Bush's national security team. That includes the Secretary of State, the Secretary of Defense, and the National Security Adviser. Those are people who are in place. I know they have had advice from people who have been working on this issue for years.

On March 28, 2001, not very long ago, President Bush called the committee's action good news and urged the Senate to pass it quickly. You have heard the longer versions of that earlier in this Chamber.

Mr. JOHNSON. May I put a question to the Senator from Wyoming?

Mr. ENZI. Certainly.

Mr. JOHNSON. Given the support of this legislation by the Bush administration, including the Department of Defense, the Secretary of State, the Secretary of Commerce, it has been noted in this Chamber that somehow the Bush administration is not yet staffed up. Do you believe that the Bush administration would endorse legislation of this consequence and of this importance if they felt that somehow their counsel had been inadequate or had been short? Or do you believe that the Bush administration felt very comfortable about its familiarity with the details of this legislation in issuing its recommendation for passage?

Mr. ENZI. I am certain that the Bush administration has felt the importance of getting the EAA reauthorized. They have been looking at the documents that have been mentioned on the need for this for several years.

I was very pleased during the campaign that President Bush addressed, as part of his campaign, this Export Administration Act. He had looked at a number of the principles. In fact, on his Web site he has listed what he thought ought to be included in the Export Administration Act. It gave me a lot of confidence that he had looked at the Export Administration Act that you and I worked on because it went point by point on it. I was pleased with the diligence with which the administration and their staff spoke to me and my staff. We were able to go through a lot of the points and a lot of the questions and a lot of the past discussions and a lot of the past meetings we had had with other Members to be sure to cover as completely as possible those items of national security.

Mr. THOMPSON. Will the Senator yield for a brief question?

Mr. ENZI. I will. I was hoping to finish my statement.

Mr. THOMPSON. I am sorry.

Since my comment was referred to, I want the Senator to be aware, if he is not, that my reference was meant to be with regard to staffing, not with regard to making the recommendations that they have made. It was with regard to carrying out the bill once it has been enacted. It has to do with personnel, people appointed by the President and confirmed. My concern is, these various departments, they have a skeleton crew of people that fit that description.

So my reference to a lack of staffing has to do with their ability to effectuate the appeals process, and what have you, once this is enacted.

Mr. ENZI. I am glad the Senator raised that point because we have export security that is being executed at the moment. We do not need this bill for export security to begin. It is happening right now. The people who are in place right now are in charge of our national security under export administration. They are having to deal with inadequate legislation to be able to do what needs to be done.

So while the staff isn't there, they are still having to comply with licensing. I do not know how they are doing it except that there are still many civil service employees who have been around, and will be around, and are dealing with these problems. But the problem goes on right now. It does not matter whether this bill is in place or whether we are operating on the extension of the old one.

There are some definite improvements in this Export Administration Act that absolutely need to be in place to provide for our national security. I hope that, first of all, we do not have to continue to operate under that old Export Act, regardless of who is in place, and, secondly, that that old Export Act does not expire on August 20 without a backup bill that does something extensive such as this bill does.

I congratulate the chairman of the Banking Committee, Senator GRAMM. He has probably been more involved at a member level on this bill than perhaps any bill Banking has done. He has involved all of us in that process; at least whenever Senator JOHNSON and I have asked him to be at a meeting, he has been at the meeting. He has been willing to participate, learn the bill in tremendous detail, and work on it that way.

The same is true with Senator SARBANES. There has never been a time Senator JOHNSON or I have invited him that he did not show up to help out in the process. He has been involved with this particular bill for about 20 years and understands it to a higher level than most of the people we have run into who have been involved. His comments have been extremely valuable, and a couple of times he has even reined in my enthusiasm a little bit, making very good points that needed to be incorporated. He has been one of the Senators who contributed very much by listening to the other side in the debates to make sure we got these processes included.

I have already mentioned Senator JOHNSON and his help on the subcommittee. I don't know how many panels we served on, answering questions about how this works and how it could work better. That has always

been our approach to the bill: How can we make it better? How can we improve it so that it works?

This legislation is unfinished business left from the 106th Congress. The activity Senator JOHNSON and I engaged in didn't happen this year. As soon as we got chairmanships, we started working on the bill. That was our prime emphasis for the 2 years of the last session. It took all of that time. It took all of that time to go through the process of understanding exactly how the bill works, reviewing previous failures, visiting the Department of Commerce. Of course, the Cox report we have referred to several times came out during this process.

One of the actions I took was to go over to the Intelligence Committee and read the Cox report when it was still a secret document. I am always amazed that just by being elected a Senator, one gets a top security clearance. I understand why that is and I am glad that it happens. I understand we have had a pretty good review of our background by the time we get elected, whether we want it or not. I went over and received a briefing and read the document. I wanted to be sure the ideas we were generating for solving the problem followed the direction of the people who were really concentrated on the Export Administration Act and the security of the country, particularly as it related to China.

I was convinced and am convinced that we did what can be done legislatively. There are a lot of other processes that need to go on, particularly in the executive branch, to deal with this, but that is not legislation. We deal with the legislative part.

We also lived with people from the Departments of Defense, Commerce, and State for a long time. I have to thank Dr. Hamre and Secretary Reinsch for their dedicated devotion to coming up with a solution. Both of them had worked intensively on this issue from their own positions in Defense and Commerce. Without their interaction and daily meetings and telephone calls, we would not have been able to get to the reasonable position that we have.

I was able to get some people on my staff for a very short time who had dealt with license applications. We wanted to know what the person putting in the license had to go through. Then following that, because of the concern over enforcement and particularly the postshipment verification, I brought somebody into my office who was an enforcement officer, somebody who had actually done some of these things on site, somebody who knew how to calculate old penalties under IEEPA versus the penalties under EAA as we propose it. It was fascinating, absolutely crucial to what we are doing.

Of course, this was reviewed and endorsed by the Clinton administration. Now the Bush administration has taken a look at it, and it has been endorsed by them. We have many people from both sides of the aisle who have been looking at this, working on it, and hoping that at some point, after extensive debate and amendment, it would come to a vote.

What we are debating today is whether or not we ought to proceed. We could save a lot of time if we proceeded to offering amendments. All of those amendments won't be debated on the floor. If there are some that deal with a top secret security, those will be dealt with as we do with that kind of an amendment. If some of the discussion or parts of the discussion cannot be in the Chamber, it will be held in one of the rooms designed for that kind of discussion. We have done that before. In fact, two of the hearings we held were done under those circumstances so that the people in the intelligence community who needed to communicate some of the problems they saw could get those problems directly to us.

We invited every Member of the Senate, but we haven't had every Member of the Senate listen to it. Those of us who have attended, who have worked on this bill, think we have incorporated the solutions that were brought out in the hearings into this bill.

What happened on it last time? We ran out of time. It is pretty easy to run out of time on a bill, I am finding. This one is in trouble of running out of time. I am hoping, because we were able to bring up this version at this point in time, that that will not be the case.

We need this bill. I emphasize, the reauthorization provides authority to control exports for commercial or dual-use items. I need to mention that because we are not talking about munitions here. That is a separate process. That needs to be reviewed, too. In fact, one of the suggestions we had was that the fines in this bill should not get out ahead of the fines in the munitions bill. This is way out ahead of the fines in the munitions bill. It was our suggestion that maybe if we cut the fines back a little bit, that the munitions bill could be brought up to this so that there were sufficient fines in that bill.

At any rate, we don't want the two confused. I don't want to talk about that very much because that has been one of the difficulties with this. It gets confused with munitions and satellites. These are the dual-use items. These are items that, yes, there could possibly be a military application for them. If there is a military application that would be detrimental to the security of this country, we have put in the provision that the President of the United States can set aside any other permission, any other possibility of licensing, and protect that item. We have included that national security aspect.

It does establish the modern effective framework recognizing items available in foreign or mass markets that are not effectively controlled. It puts stronger controls over a few items, which should equal more effective controls. We are talking about building a higher fence around fewer items. I will talk about that, too.

I did have the fortunate opportunity to cochair and work with Congressman COX on the study group to enhance multilateral export controls for U.S. national security. Together we released the study group's final report on Tuesday, April 24. That was this week. There is a need beyond the export and included in the Export Administration Act to enhance multilateral controls. What we do as a country by ourselves, if it is being done everywhere else, isn't going to cut it. We need to have everybody who has that item working with us to make sure it doesn't get in the wrong hands.

That is what the report we released on Tuesday dealt with. Mr. COX referenced the fact that we need a commonsense export control policy. He said that we should not make the mistake of confusing a more burdensome system with the more effective system. He went on to mention that the current export control system has ''an instinct for the capillary rather than the jugular.'' In other words, the current system often has the tendency to put the same focus and expend the same amount of energy on the more trivial items, as opposed to concentrating on the truly dangerous items. That is what we are trying to do. That is what we talk about in building higher fences around fewer things, but being able to control them. If we try to control absolutely everything and expend an equal amount of effort on each item that the United States produces, we don't stand a chance of keeping up. So this bill focuses and gets some concentration and handles the problem.

I do happen to agree with Mr. COX that S. 149 is structured in a way that will focus on the jugular, not the capillary. As everybody is aware, Mr. COX chaired the Select Committee on U.S. National Security and Military Commercial Concerns with the People's Republic of China. I mentioned that before. It investigated several export-control-related problems concerning China and offered recommendations to improve our export control systems. He noted during his testimony before the Banking Committee last year that:

> We ought not to have export controls to pretend to make ourselves safe as a country. We ought to have export controls that work.

That is what S. 149 aims to do. It will make export controls work. It will make export controls effective.

The bill would establish a strong, but flexible, export control framework that can adapt to our national security needs in today's globalized and uncertain world. Recent events tell us that

as situations change, the administration should be provided with the flexibility it needs to adapt to that change. S. 149 does not lock the U.S. into a policy position toward any particular country or any particular item. It sets the framework that the administration would carry out. The Congress would then have the appropriate oversight responsibilities.

The bill provides the President with authority to control items beyond current law. Section 201(d) of the bill—and I have mentioned this before—grants the President special control authorities for cases involving national security and international terrorism, as well as international commitments made by the United States. Section 201(c) allows controls to be imposed based on the end use or end user of an item if it could contribute to the proliferation of weapons of mass destruction.

I remind my colleagues that these two provisions could be used regardless of foreign availability or mass market status of the item.

Other national security items are also included in the bill. For example, it requires that whenever items are to be taken off the list, the Secretary of Defense concur with the decision. In addition, country tiering would be made by the President. He would be the one to determine where a country is assigned to a tier for each controlled item or group of items. The President is to take into consideration several risk factors, including the present and potential relationship of the country to the U.S. and the country's weapons of mass destruction capabilities and compliance with multilateral export control regimes. In other words, if they are cooperating with us and our allies, they will be rated better. If they are a rogue state, they will be rated terrible, and that can vary as we find out things about a country. There is no country referred to by name in this bill, and that is so that the President and the Congress have the total flexibility in dealing with any country as they become friends or as they become enemies.

Additionally, it will establish tough new criminal and civil penalties for export control violations much greater than are in the current law. Those penalties were outdated and needed to be enhanced, and they have been enhanced dramatically. These penalties will deter potential violators, rather than be computed as part of doing business.

The bill establishes a program to increase compliance with the freight-forwarding firms—the people shipping the items. This will in turn allow enforcement to detect and interdict possible illegal shipments. That is an improvement over the old system. It increases the overseas presence of enforcement agents who conduct prelicense and postshipment checks.

A very important part of the bill is its emphasis on multilateral export controls—the report that we put out this last Tuesday. Many dramatic changes have occurred over the past decade that present additional challenges to the effective control of sensitive technology. The U.S. now is rarely the only producer of militarily useful high-tech product. The effects of globalization, such as increased flows of trade, foreign investment, and international communications have contributed to the more widespread production and availability of high-tech products. The threats are now different and more diffuse. Therefore, the bill urges the administration to strengthen the existing multilateral export control regimes. Multilateral export controls are has to exercise its leadership in this area now more than ever, and the bill provides a mechanism for encouraging and, in fact, forcing that.

Our position of world leadership in stemming the transfer of weapons of mass destruction is compromised by our failure to enact a more permanent national vehicle to authorize our export control program. Passage of S. 149 will reaffirm U.S. leadership in the area of export controls. U.S. leadership in this area has been lacking in large part because of Congress' failure to reform and reauthorize EAA. If we don't have good controls in place, it is very difficult for us to talk to our allies and ask them to join us in these multilateral processes.

I look forward to the President signing this bill. It is essential that the EAA be reauthorized and reformed this year before August 20. Passage of S. 149 will advance both our national security and our economic objectives.

Is this the final answer? No. There is always going to be more work that is needed to be done on national security. Times change. We have had a drastic change in the times. The Iron Curtain came down. But this bill operates the same way. We always have to be working on it, but we have to have something in place now. We ought to be proceeding to the debate on this bill. We should be talking about those amendments that were referred to earlier and debating them now. We should be proceeding on the debate.

If we can proceed on the debate, we can reach a logical conclusion that will solve the security problems of the United States, or at least begin the process. I could answer some of the other things, and I should answer some of the other things that were mentioned. Computers is one of the items that was brought up, and it was mentioned that we are taking out a provision that has been present for a decade. Well, the way the computers operate now, as everybody in the country knows, has changed dramatically. They are not the same mechanism they once were. They are being linked in unusual ways to provide capabilities using older machines or less capable machines than some of the brand new machines.

Another discovery: I sat by a guy on the airplane and he was talking to me about supercomputers. I had to check out what he said. He said the U.S. was no longer producing any supercomputers; that Japan is the only country producing them. Do you know that he is right? We have some special linkages of computer chips that provide as much or more capability than the supercomputer that Japan makes. But if you are talking about a single computer, Japan makes the supercomputer; we don't. That takes out some of the mechanism for measurement that we used to have. We need to have a knew measurement. That is recognized by the Department of Defense and the Department of Commerce and the Department of State and the security agencies. So that is why we have made some provisions to do something with computers.

Foreign availability: A lot of what was talked about isn't current law. The change in foreign availability is that we have a Presidential set-aside. We give the President authority to set aside in national security instances. We change the word ''significant'' down to ''detrimental'' so it would be easier. But we are talking about the President of the United States.

Who determines whether the President of the United States sets it aside for a significant security reason or a detrimental security reason? Actually, the President of the United States determines that. So whatever he says is detrimental or significant would be detrimental or significant. It is very easy for him to justify any of his actions.

We also call for multilateral controls when foreign availability is put in place so it is not just the United States saying what cannot be done, it is all of the countries that produce that product saying it cannot be so. That is the only way to solve that problem.

I have to talk a little bit about the appeals process because there is some confusion on that. I suspect a lot of the reason we are not debating this right now, why we are not proceeding to this legislation is that there is some confusion.

I have a little trouble with the suggestion that we are moving ahead too fast. We did it last year. We met extensively last year. We brought it up this year. We talked to all of the parties—all of the parties—who were willing to sit down and talk again this year. We brought it to committee. We debated it in committee. We had amendments from the President's staff. Those were circulated, and the people who were opposing our motion to proceed had meetings with the President.

When we passed it out of committee, everybody had to suspect that at the first possible moment we could bring

up this bill, particularly in light of the August 20 deadline, that we would bring it up for the security of this Nation. We wanted to bring it up as soon as possible.

This is one of those gaps in legislative time that came up. We were asked: Do you want to bring it up now, particularly in light of what has happened with China?

We said: We need to bring this up at any time we can, particularly in light of what has happened with China, both now and in the past.

We are not afraid of any amendments. There are ways that a bill can always be improved. That is why we have this legislative process in which 100 people participate. It is so everybody can have a say from their perspective. The group as a whole can determine whether that is something that needs to be a part of whatever legislation is being considered at that time.

I ask unanimous consent that, following my remarks, the summary of EAA discussions that me and my staff have had with different groups be printed in the RECORD.

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

(See Exhibit 1.)

Mr. ENZI. Mr. President, under the present appeals system, for someone to appeal a decision on licensing at the committee level, they have to talk to their boss and educate their boss enough about that particular license so their boss can file the appeal. There has to be a lot of tension, particularly in the military, of someone having to disturb somebody further up the line over a decision. Uniformly people agreed there was some difficulty with that.

We have provided for an appeal in the first round by the person sitting on that committee. He prepares the documents now. As it gets up to the decision level, then the decision has to be made by people who are in office.

Did China get our secrets? Yes, China got our secrets. Does this bill stop that? This bill stops it to the best ability I know, and it is certainly better than doing it under an Executive order, an emergency provision by the President.

This bill is needed. We should be debating it. We should be proceeding with whatever amendments are needed. The country desperately needs this bill.

Again, I thank Senator GRAMM, Senator SARBANES, and particularly my ranking member on the subcommittee, Senator JOHNSON, for all of the hours they have spent on this legislation. We are still willing to spend hours. We want to have a debate. We want to proceed.

I yield the floor.

EXHIBIT 1

SUMMARY OF EAA DISCUSSIONS, 1999–2000

Jan. 20, 1999, 10 a.m.—Subcommittee on International Trade and Finance—Hearing on the Reauthorization of the Export Administration Act.

Jan. 28, 1999, 3:30 p.m.—Enzi staff meets with Thompson staff to discuss issues regarding reauthorization of EAA.

Feb. 8, 1999, 10 a.m.—Enzi staff meet with Gary Milhollin, Wisconsin Nuclear Arms Control Project.

Feb. 8, 1999, 2 p.m.—Enzi staff meet with NSA staff.

Feb. 9, 1999, 10 a.m.—Enzi staff meet with Senate Intelligence Committee staff member (Joan).

Mar. 16, 1999, 9:30 a.m.—Subcommittee on International Trade and Finance—Hearing on the Reauthorization of the Export Administration Act and Managing Security Risks for High Tech Exports.

Mar. 18, 1999, 3 p.m.—Enzi staff meet with WMD Commission staff.

April 14, 1999, 10 a.m.—Subcommittee on International Trade and Finance—Hearing on the Export Control Process.

April 28, 1999, 1 p.m.—Enzi staff meet with Kyl staff.

June 7, 1999, 9 a.m.—Banking staff meet with Cox Commission investigator.

June 10, 1999, 10 a.m.—Banking Committee Hearing on Export Control Issues in the Cox Report.

June 17, 1999, 10 a.m.—Banking Committee Hearing on Emerging Technology Issues and Reauthorization of the Export Administration Act.

June 22, 1999, 10:30 a.m.—Enzi meets with John Barker, State Department.

June 23, 1999, 10 a.m.—Banking Committee Hearing on Reauthorization of the Export Administration Act: Government Agency Views.

June 24, 1999, 10 a.m.—Banking Committee Hearing on Reauthorization of the Export Administration Act: Private Sector Views.

June 28, 1999, 4 p.m.—Enzi staff meet with Mack staff.

July 29, 1999, 9:30 a.m.—Enzi staff meet with Kyl staff.

June—July/Sept. 1999—Numerous meetings with Administration (BXA, State, Defense, intelligence), industry, Senators and staff to discuss draft EAA.

Sept. 16, 1999, 9 a.m.—Banking Committee staff meet with AIPAC staff.

Sept. 23, 1999, 10 a.m.—Banking Committee Votes 20–0 to Approve Export Administration Act of 1999.

Sept. 27, 1999, 11 a.m.—Banking Committee meets with DoD staff to discuss S. 1712 issues.

Oct. 6, 1999, 10 a.m.—Banking Committee meets with AIPAC staff.

Oct. 10, 1999, 10 a.m.—Enzi meets with Cochran. Cochran says he will not hold up consideration of the bill.

Oct. 20, 1999, 11:30 a.m.—Enzi meets with Kyl. Kyl says we did not listen to his staff at all when putting bill together.

Oct. 25, 1999, 4:15 p.m.—Warner meets with Gramm/Enzi. Warner staff (SASC Joan) says she has not seen the reported bill. Warner commits that his staff will review the bill and get back to us.

Oct. 28, 1999, 4 p.m.—Gramm/Enzi meet with Lott to discuss consideration of bill. Lott says window is narrow. Will consider if it will only take one or two days.

Nov. 1, 1999, 6 p.m.—Banking Committee staff meet with SFRC staff (Marshall Billingslea). He provides us with extensive list of concerns, mostly jurisdictional in nature.

Nov. 4, 1999, 3 p.m.—Banking Committee staff meet with SASC staff. SASC says they don't know how the bill will impact military since military now incorporates more off the shelf commercial items.

Nov. 5, 1999, 1:30 p.m.—Banking Committee staff meet with SASC staff, Hamre, NSA.

Dec. 14, 1999, 11 a.m.—Banking Committee staff meet with Thompson staff (Curt Silvers introduces Chris Ford, new staff).

Fri., Jan. 21, 12:30 a.m.—Banking Committee staff to meet with Marshall Billingslea.

Wed., Feb. 2, 10 a.m.—Banking staff meets with SASC staff.

Wed., Feb. 9—Senators Warner, Helms, Shelby, and Thompson send a letter to Senator Lott expressing concerns with S. 1712 and requesting referral to the Committees on Armed Services, Foreign Relations, Governmental Affairs, and Intelligence.

Wed., Feb. 9, 3 p.m.—Senators Gramm and Enzi meet with Senator Lott in the Leader's office.

Thu., Feb. 10, 5 p.m.—Senators Gramm and Enzi meet with business community in Senator Gramm's office.

Fri., Feb. 11, 10 a.m.—Lott staff holds meeting with Gramm, Enzi, Warner, Helms, Shelby, and Thompson staff in Appropriations Committee room [3 hours].

Tue., Feb. 15, 11 a.m.—Lott staff schedules staff meeting/canceled by Lott staff.

Wed., Feb. 16, 12 p.m.—Lott staff holds second meeting with Gramm, Enzi, Warner, Helms, Shelby, Thompson and Kyl staff in Leader's office [2.5 hours].

Thu., Feb. 17, 3 p.m.—Banking staff hold informational briefing re S. 1712 for all Senate staff in Banking hearing room.

Fri., Feb. 18, 1 p.m.—Lott staff hosts third meeting with Gramm, Enzi, Warner, Helms, Shelby, Thompson, and Kyl staff in Leader's office; Gramm/Enzi staff provide document outlining provisions that may be accepted. [45 min].

Tue., Feb. 22 9:30 a.m.—Senator Lott meets with Senators Gramm, Enzi, Warner, Kyl, Shelby, and Thompson in Leader's office; Senators Gramm and Enzi identify three key issues in contention; agree to provide Managers' Amdt.

Wed., Feb. 23—Gramm and Enzi staff provide Managers' Amendment CRA00.098 to other senators' staff.

Fri., Feb. 25—Gramm and Enzi staff provide pullout CRA00.120 regarding three issues to other senators' staff.

Fri., Feb. 25—Senator Thompson sends a letter to Senators Gramm and Enzi, cc'd to Senator Lott and the other senators, expressing ''grave concerns'' about S. 1712.

Mon., Feb. 28, 4 p.m.—Senator Warner holds SASC hearing on EAA; Senators Enzi and Johnson among witnesses.

Mon., Feb. 28, 6 p.m.—Warner staff host impromptu meeting with DOD and DOC officials and Enzi and Johnson staff in SASC hearing room; walk through differences [4 hours].

Tue., Feb. 29, 10 a.m.—Warner staff host meeting with DOD and DOC officials and Gramm, Enzi, Sarbanes, Johnson, Levin staff in SASC hearing room [2.5 hours].

Tue., Feb. 29—Senators Warner, Helms, Shelby, Kyl, Thompson, Roberts, Inhofe, and B. Smith send a letter to Senator Lott to express ''continuing concerns'' with S. 1712, stating that ''even with its proposed managers' amendment'' the bill fails to address concerns, and objecting to its consideration.

Tue., Feb. 29—Senators Abraham and Bennett send a letter to Senators Lott and Daschle urging that they make Senate consideration of S. 1712 a priority.

Wed., Mar. 1, 2 p.m.—Gramm, Enzi, Sarbanes, Johnson staff meet with business community in Banking hearing room.

Fri., Mar. 3, 2 p.m.—Senators Gramm and Enzi meet with Senators Warner, Helms, Kyl, and Thompson in Senator Gramm's office; walk through their concerns [3.5 hours].

Mon., Mar. 6, 11 a.m.—Senator Gramm meets with Senator Kyl in Senator Gramm's office to discuss concerns [1 hour].

Mon., Mar. 6, 1 p.m.—Senators Gramm, Enzi, Johnson, with Sarbanes staff, meet in Senator Gramm's office to discuss concerns raised [1 hour].

Mon., Mar. 6, 3:30 p.m.—Senators Gramm and Enzi meet with Senators Warner, Helms, Shelby, Kyl, and Thompson in Senator Gramm's office; finish walking through their concerns [2 hours].

Tue., Mar. 7, 8 a.m.—Senators Gramm and Enzi meet with business community in Banking hearing room to discuss ongoing member negotiations.

Tue., Mar. 7, 4:30 p.m.—Gram and Enzi staff meet with Warner, Helms, Kyl, Thompson, and Shelby staff; walk through 4-page Managers' Amendment document [1.5 hours].

Tue., Mar. 7, 5:45 p.m.—Senator Lott brings up EAA by unanimous consent (Senator Thompson raises concerns on floor but does not object).

Wed., Mar. 8, 11 a.m.—Senators Gramm and Enzi meet with Senators Warner, Helms, Shelby, Kyl, and Thompson at those senators' request. Members agree to suspend floor consideration of EAA until details agreed; Gramm/Enzi provide revised 4-page Managers' Amendment document and ask for comments by the end of the day [1 hour].

Wed., Mar. 8, 12:30 p.m.—Senator Gramm takes EAA off floor via special UC agreement among Senators Lott, Daschle, Thompson, Reid, and others.

Wed., Mar. 8, 4 p.m.—Gramm and Enzi staff provide other senators' staff with revised Managers' Amendment CRA00.262.

Thu., Mar. 9, 3 p.m.—Senator Warner gives Senators Gramm and Enzi misdated letter with attachment of proposed amendments to Managers' Amdt.

Thu., Mar. 9—Senators Warner, Helms, Shelby, Kyl, and Thompson send another letter to Senator Lott expressing ''continuing concerns'' with S. 1712 and objecting to moving to its consideration.

Fri., Mar. 10, 12 p.m.—Senator Gramm meets with Senator Warner (other senators represented by staff); gives him Gramm/Enzi final response document; asks for final decision from senators.

Week of Mar. 13–17—Gramm/Enzi staff wait for response re 3/10 document.

Thu., Mar. 16—Senator Gramm schedules members' meeting for 10 a.m. Fri. 17th to get response to 3/10 document; postpones to following week after being told that Kyl/Helms/Shelby not in town and Warner and his staff both ''unable to attend.''

Mon., Mar. 20—Senator Gramm schedules members' meeting for 2 p.m. Tues. 21st to get response to 3/10 document; postpones to later same week after being told that Shelby not back til Tues. night and that the senators first need to meet to confer.

Week of Mar. 20–23—Gramm/Enzi staff continue to wait for response re 3/10 document.

Tue., Mar. 21—Senator Warner announces sudden SASC hearing for Thurs. 23d; cites ''considerable differences'' remaining between Banking and other senators.

Wed., Mar. 22, 1 p.m.—House International Relations Subcommittee on Economic Policy reluctantly removes Senators Gramm and Enzi from their witness list, and instead holds hearing solely with industry witnesses; hints at marking up narrow EAA bills.

Wed., Mar. 22—[Other senators apparently hold meeting to confer].

Thu., Mar. 23, 10 a.m.—Senator Warner holds second SASC hearing, at which he presses GAO witness to say S. 1712 ''must'' be strengthened, and states that ''the four chairmen have not received some legislative language which we feel is essential to making our decisions on this.''

Thu., Mar. 23—Senator Reid gives floor statement urging Senate passage of S. 1712, noting that its sponsors ''tried to move a bill . . . but frankly, the majority is unable to join with us to allow us to move this bill forward.''

Fri., Mar. 24—Two weeks from the date on which they gave the other seniors their final offer, Senators GRAMM and ENZI receive a letter dated March 23 from Senators WARNER, HELMS, SHELBY, KYL, and THOMPSON. The letter stated:

''As you know, on March 6 [sic], 2000, we provided you with a package describing the issues that we consider critical to reaching an agreement on the proposed reauthorization of S. 1712 [sic], the Export Administration Act. We were disappointed that you were only able to agree to at most four of the eighteen issues we identified, and were unable to agree to some issues on which we believed we had previously reached agreement in principle. Accordingly, we cannot agree at this time to return the bill to the Senate floor under the terms of the unanimous consent agreement filed on March 8.

''There are important issues remaining to be resolved, and we feel that negotiations should continue in order to for there being hope for achieving an Export Administration Act that successfully balances the needs of industry and national security.''

Week of Mar. 27–31—Gramm/Enzi staff do not hear from other senators' staff.

Week of Apr. 3—Gramm/Enzi staff do not hear from other senators' staff.

Tues., Apr. 4—Senator MCCAIN holds hearing on S. 1712, at which he expresses concern that the bill does not adequately protect national security. Senators THOMPSON and ENZI testify.

Tues., April 11—Gramm staff call the staff of other senators to alert them that Senator LOTT planned to make a pro forma effort to bring up S. 1712 by UC on Wed., at which point Senator GRAMM would object pursuant to the gentleman's agreement made with the other senators on Mar. 8; and that Senators LOTT and GRAMM then would file a cloture on a motion to proceed to S. 1712.

Wed., Apr. 12—At Senator LOTT's request, Senators GRAMM and ENZI give Senator LOTT two cloture petitions (one on a motion to proceed to S. 1712, and one on S. 1712); both were signed by 16 Republicans representing a broad diversity of states and of Senate Committees (including SASC, SFRC, SGAC, and SCST).

Wed., Apr. 12—Senator THOMPSON holds SGAC hearing on multilateral export controls.

Apr., May—Gramm/Enzi staff do not hear from other senators' staff.

Thurs., May 25—Senators THOMPSON and TORRICELLI hold a press conference on S. 2645. According to press reports, Senator THOMPSON said that in his opinion, legislation to reauthorize the Export Administration Act is probably dead as a stand-alone measure in 2000; when asked whether he was partly responsible, he replied, ''Let's just say that truth and justice were served''.

Fri., May 26—Senator THOMPSON holds SGAC hearing on mass market/foreign availability; no Administration witnesses are invited.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I thank the Chair.

Mr. President, what is the time arrangement? Is Senator ENZI controlling time?

The PRESIDING OFFICER. There is no control of time.

Mr. HAGEL. Mr. President, I rise this afternoon to support the Export Administration Act of 2001. I support the effort to move this debate along for all the reasons my distinguished colleagues have mentioned.

I am an original cosponsor of this bill. I have participated in a number of the hearings over the last 2 years, so I have some sense of the thoughtfulness and the depth of the hearings, the testimony taken and the analysis given to this bill. I do want to make some brief comments, but as I lead into those comments, I want to make a couple of general observations.

First, Senator ENZI said a few minutes ago that the previous administration supported this bill and the current administration supports this bill. The current administration consists of Vice President CHENEY, who has some practical and working knowledge of national security as he served with great distinction in the House of Representatives, was the No. 2 Republican there for years, and he was our Secretary of Defense at a very critical time in the history of this country.

Secretary of State Powell supports this bill. Secretary of State Powell's entire life has been about national security as he served as National Security Adviser to President Reagan, as he served as Chairman of the Joint Chiefs of Staff under Presidents Reagan and Bush; two tours in Vietnam, decorated. I do not think there is a question about whether Secretary Powell or Vice President CHENEY would risk national security for the dynamics of any legislation, but yet they strongly support this bill.

Our current Secretary of Defense, Don Rumsfeld—we all recall that Secretary Rumsfeld is on his second tour of duty as Secretary of Defense. I ask the same question about Secretary Rumsfeld: Would he, in fact, be supporting a bill that would jeopardize the national security interests of this country? I do not think so, nor do I think President Clinton would have risked the national security interests of this country, nor do I believe President Bush would risk the national security interests of this country.

So this talk about national security not being well thought through and not being advanced and prioritized, that somehow we are selling out to big business and commercial interests, with all due respect, that is nonsense. That is complete fabrication.

Senator ENZI talked a bit about the current law, the current rules, restrictions, and regulations that we are dealing with today. Does it enhance our national security? Is it relevant to today's challenges? No, it is not. This update, this new bill makes our export control regime relevant to the challenges of a very complicated new world.

America is faced with a very challenging dilemma. We live in an unpredictable and dangerous world. Part of our dilemma is a result of the fact that America leads the world in products and technologies that can be used for the best possible technologies, ends, and purposes and also the worst technologies, ends, and purposes.

Again, there is no higher interest for America than our national security interest. We all agree America's national security interest is its most fundamental interest, so let's not cloud this debate about that.

While always putting our national security first, our responsibility and challenge is to develop a workable and relevant balance that allows America's economic and trade interests to be protected as well. That is the challenge. In fact, our economic and trade interests are very much integral and part of our national security interest. They are not separate. You do not deal with trade and economic interests in this vacuum and national security interest in this vacuum. It doesn't work that way.

The Export Administration Act of 2001 is a very important piece of legislation. It represents an effort to deal with this balance, to come to grips with the realities of this balance: How do we ensure we continue to sustain our economic growth and yet ensure, as best we can, that Saddam Hussein and other dangerous tyrants on the world stage do not gain access to our technologies that could aid in advancing their weapons programs, detrimental to our national security interests and the national interests of the world.

We will begin to build a missile defense system in the near future because of the real and growing threat posed by infant ballistic missile programs in other nations. The world's collective failure to prevent nuclear proliferation is a constant threat to civilization. We need an export control regime that recognizes the real threats to this Nation, to our allies, to all the world and, at the same time, recognizes the utter futility of trying to control everything.

This bill is based on the premise we need to build a higher fence around a smaller number of items, just as Senator ENZI said a few minutes ago. In the 1970s, you could track high-performance computers worldwide because there were fewer of them, less sophisticated, less powerful, easy to do in a bipolar world—the Soviet Union and the United States. Today, computers with nearly unlimited power, far more powerful than anything we saw in the 1970s or the 1980s, with far more capacity and capability, are available at Radio Shack. Are we going to shut down Radio Shack? Let's get real with a sense of economic sense in how we deal with this.

Many components manufactured and sold in the United States are reproduced by foreign competitors with little lapse of time or effort. The world is simply too integrated. Some may not like that, but it is a fact of life. Capabilities abroad advanced so far to put the old system in jeopardy are not working, and we are dealing now with an old system that, in fact, is not effective. It is no longer relevant to today's global economy and national security interests and world threats.

Our exports must recognize the realities of today's worldwide interconnections. The President of the United States, Secretaries of Commerce and Defense, our entire intelligence community, and our business community can all work within this legislative structure to provide a flexible export regime and continue to protect our national security interests. This bill establishes a system which meets both our security and commercial concerns.

Only a control regime that raises the fence on the most critical dual-use technologies makes any sense. Our dilemma on exporting technology can only be solved by making control of critical technology a critical issue. Exporters and national security officials need clarity.

We should not treat exporters as unpatriotic or unconcerned about proliferation or our national security interests. I have heard in the Senate over the last year not so veiled charges to that point. I have heard in the Senate things such as the almighty dollar is most important for many of the corporations of America. My goodness, what are we saying?

I come from the business world. I am a businessman personally offended by that kind of statement. I don't know one businessman—there may be a businessman out there—I do not know one responsible corporate citizen in this country who would say to me privately or publicly that the interests of his or her company are more important than the national security interests of this country. It isn't true. Be careful about throwing around loose language, saying many of America's companies and corporations are more concerned about their bottom line than the national security interests of this country. That is not correct.

This legislation provides a structure that will allow our exporters to be partners in the overall objective of helping to prevent weapons development by the world's most dangerous and irresponsible dictators. We need to work more closely with our allies to continue to enhance multilateral controls and reporting on the movement of sophisticated technologies.

America continues to provide the leadership and the negotiating process, as we have from the beginning, for more effective, multilateral controls. This bill ensures continued U.S. participation in multilateral export control regimes that support U.S. national security objectives. The United States will continue to exercise its leadership in export controls worldwide under this bill.

In conclusion, I acknowledge Chairman GRAMM and Senators ENZI, SARBANES, and JOHNSON. These four have worked tirelessly, effectively, over the last 2 years to bring together a responsible, relevant piece of legislation of which we can be proud, and I am proud of being part of it. They have developed a commonsense and strong proposal for improving the current system. I look forward to continuing to work with them to get this legislation enacted so we can update America's approach to export controls for this hopeful new world where all 6 billion people reside together. That is doable. Let's get on with the work at hand.

I yield the floor.

Mr. JOHNSON. I ask unanimous consent to have printed in the RECORD a document I received from the White House and their Office of Management and Budget, a statement of administration policy expressing support for S. 149 and also clarifying that there is minimal pay-go consequence to this legislation.

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

STATEMENT OF ADMINISTRATION POLICY

The Administration supports S. 149, as reported by the Senate Banking Committee. The bill provides authority for controlling exports of dual-use goods and technologies. The Administration believes that S. 149 would allow the United States to successfully meet its national security and foreign policy objectives without impairing the ability of U.S. companies to compete effectively in the global marketplace. As reported, S. 149 includes a number of changes that the Administration sought to strengthen the President's national security and foreign policy authorities to control dual-use exports. The Administration will continue to work with Congress to ensure that our national security needs are incorporated into a rational export control system.

PAY-AS-YOU-GO SCORING

S. 149 would affect receipts and direct spending; therefore, it is subject to the pay-as-you-go (PAYGO) requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. OMB's preliminary scoring estimates is that the PAYGO effect of this bill is minimal. Final scoring of this legislation may deviate from this estimate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, first, I express regret the Senate is being asked

to take up this legislation at this time. As pointed out earlier, the Export Administration Act, which this bill reauthorizes, with changes, has not been reauthorized for over a decade. It is not as if there is an emergency to do it this week. We have lived without a reauthorized bill for over 10 years.

What we have done is reauthorized it on a year-to-year basis from time to time—most recently, last year. I believe it is in October that reauthorization runs out, so we have to take some action before that time. I believe we should. I believe the Senate should act on this legislation before that time. I suspect there will be some amendments offered. I suspect there will be a healthy debate.

But at the end of the day, in one form or another, the bill will pass and the Export Administration Act will be reauthorized as significantly modified. President Bush, when campaigning, campaigned on that promise, and he has made good on that promise by supporting this legislation. I appreciate that effort on his behalf. But I think it would be wrong to suggest that it was the administration that requested the bill be considered at this time.

The administration was asked by a group of Senators who have expertise in national security matters to evaluate the bill that is before us. In less than a 2-week period that evaluation was complete, and it was done largely by people about whom Senator THOMPSON was talking this morning, who are not new additions to this administration. Meeting this morning with Secretary Rumsfeld, we found that there are only two confirmed positions in the Defense Department—Secretary Rumsfeld and the No. 2 person in the Defense Department, Secretary Wolfowitz: That is it. So it is not as if a new Bush team has evaluated this legislation, has had the time to give it the kind of critical look I had hoped it would be able to do.

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

Mr. KYL. I would like to continue making a point. The Senator has had quite a bit of time. I will note, however, I have heard the questions of my colleague. The question is the same: Essentially, as a good Republican, why wouldn't you support the Republican administration with all its expertise on this? I guess part of my answer is if the Senator from South Dakota is willing to abide by the expertise and recommendations of this administration on all matters from here on, I would almost be persuaded to sit down and to pocket his votes on the tax cuts, education bill, all the defense matters that come before us, and everything else.

The fact is, reasonable people can differ. The Senator from South Dakota can agree with the administration on some things and disagree with them on others, just as people on this side of the aisle can do. So it is no great argument to say if you belong to the party of the President, you have to walk in lockstep with the President or somehow there is a suggestion that your position is tainted.

But let me go on with my point.

Mr. JOHNSON. If I might respond?

Mr. KYL. I will be happy to yield for a moment.

Mr. JOHNSON. I will be very brief. I appreciate the Senator's thoughtful remarks. I do not want to delay his proceeding with those.

The question is not whether the Senator supports the White House on each and every issue. The question simply is, Does the Senator support the administration and Colin Powell and the defense establishment of this administration on this specific issue?

The point the President has made is that he wished this legislation would be brought up in a very timely, very expeditious manner. The question is not whether he supports the President—of either of our parties, all the time. Certainly we do not. The question is whether there was a disagreement with the defense establishment of this administration on this specific issue.

Mr. KYL. I appreciate the question being reasked by the Senator from South Dakota, and my answer is as I indicated and as I will continue to demonstrate in my remarks. I think it would be a mistake for us to take the position on either side that this is an all-or-nothing proposition. It is not.

I respect, for example, the work of Senator ENZI from Wyoming, a member of the Banking Committee, who has worked very hard on this issue, and in good faith, and his chairman, Senator GRAMM. There is no one in this body for whom I have greater respect than Senator GRAMM, the chairman of the committee. Because they are putting this legislation forward at this time, and some other Senators disagree on national security grounds as to whether it is exactly the right bill to be passing at this time, I would think it absolutely appalling that anyone would question in any way their commitment to national security because that would simply be wrong.

By the same token, it would be wrong for anyone to question the sincerity or the knowledge of those who may oppose every jot and tittle of this legislation on the grounds that they are somehow either not in synchronization with the administration, not in favor of free trade, or somehow caught in cold war legislation, or something of that sort.

Anytime you get that kind of personal suggestion in a debate, it lowers the tone of the debate and is not productive to a rational and constructive solution to the problem.

What is the problem? We need to reauthorize the law in a way that properly melds both the trade and national security ramifications. There are those in this body with a great deal of expertise in national security matters who have come to the conclusion that the bill that came out of the Banking Committee would in some respects be inimical to national security and have asked for an opportunity, a greater opportunity, to try to work out some of the differences they have with the sponsors of the bill.

These are not people without expertise. We are talking about committee chairmen of every committee in this body that has jurisdiction over national security matters; specifically, Senator JOHN WARNER, chairman of the Armed Services Committee, who I believe is going to be here within the hour to speak to the issue; Senator SHELBY, who is chairman of the Intelligence Committee on which I sit; Senator THOMPSON, who chairs the Governmental Affairs Committee, the committee that had the jurisdiction to look into Chinese espionage and other matters; Senator MCCAIN, chairman of the Commerce Committee and also a member of the Armed Services Committee; and Senator HELMS, chairman of the Foreign Relations Committee. All of these Senators have extensive experience in matters relating to our national security.

I have not added up the combined years of wisdom represented by them, but it is not inconsiderable. They have all raised a red flag. None of them has said they are opposed to reauthorization of an Export Administration Act. All of them assume we are going to do this. But all would like to do so in a way that accommodates both interests. These Senators simply are not of the view that we have had the opportunity to do that yet.

I spoke to the issue of timing a moment ago. There is another reason I think it is unfortunate that the legislation is brought up right now. Not only is it not critical that it be done this week or even this month, I am fearful that having this kind of debate at this time could very well send the wrong signal to China. China is very much in the news today. It holds our reconnaissance aircraft. It improperly held American crewmen for 11 days. Its pilot wrongly and accidentally endangered the lives of our crew members, in the process of which he lost his own life. China has been making extraordinarily belligerent comments in recent months. It has continued to hold and has arrested people, some of whom are U.S. citizens or relatives of U.S. citizens, without much explanation, and it has acted very negatively to the U.S. response to these actions.

This is all in the context of a buildup of military might across from Taiwan, accompanied by threats that if Taiwan does not negotiate its return as a province to mainland China, there is a possibility that China would use force

against Taiwan to achieve that reunification.

This is all quite troubling, and it is a circumstance that requires great care on the part of the United States. We want to live in peace with China. We expect we are going to be able to do that for decades and decades. We would like very much to have good trading relationships with China. But we also understand that there are some tensions in our relationship.

Part of the reason for these tensions is, I suspect, misunderstanding between the leaders of our two countries—misunderstandings, frankly, between the peoples of our two countries. It is frequently said we just do not understand the Chinese well enough and we do not deal with them very well as a result. I suspect the converse is true as well. So there is a great deal of talk about sending messages. I think it is important for us not to send the wrong messages.

I think in this regard the President was masterful in his handling of what was a serious crisis. A country was improperly holding U.S. citizens. The President, in a very understated but very firm way, was able to effect the return of our people and I hope not send any negative messages and in fact send some pretty positive messages, at least designed to elicit cooperation from China.

He was very sensitive, in other words, to the notion of what kind of messages were being sent. He sent another message when he decided to sell defensive arms to Taiwan—arms necessary for Taiwan's defense in the face of an attack by the PRC. That has grated on the PRC. And they reacted publicly to it. But he was very candid and clear about obligations of the United States in this regard. Again, he sent the right message: We mean you no harm. Obviously, we want to avoid conflict.

The best way to do that is to ensure that Taiwan can defend itself because, obviously, we wouldn't want the PRC to be tempted to engage in any kind of belligerent activity toward Taiwan.

Messages that are sent are very important. My fear is that by acting on this legislation at this time, whatever we end up doing, we are going to end up sending the wrong message. To the extent that this debate boils down to a question of whether or not those who are in favor of enhancing trade prevail over those who are involved in trying to preserve our national security—a very false dichotomy—but to the extent that is the way it is played—and it will be played that way by the media—we send a very bad message to our friends in China. It is a message that trade trumps national security. That is wrong. It would be an incorrect interpretation. But that is a message that I guarantee you will be in the headlines and in the papers to the extent that people pay attention to this debate.

I am trying to bend over backwards not to characterize it that way. The people who are sponsoring this bill are very interested in national security, and they believe they have crafted a bill that meets national security requirements, as does the administration.

There are others who very much believe in free trade and expanding our trade with China but who believe there are additional changes that need to be effected in this legislation and that it can best be done before the bill is brought to the floor for the amendment process.

It will be a wrong message, but it will be, nonetheless, a message that will be delivered, and I guarantee you that the longer this debate goes on the more of us are going to be called by the talk shows. They are going to call, for example, the Senator from Wyoming and myself. They are going to say: Will the two of you debate trade versus national security? Both of us are going to say that we really do not want to debate this issue in those terms because that is a false dichotomy. But that is the way it is going to be interpreted. It would be the wrong message at this crucial time in our sensitive relations with China. China represents only something like 1 percent of our trade and much less than that relates to dual technology.

In some sense, this whole question about what kind of export controls to put on dual technology items is much overblown. It is not nearly as important as a lot of people would have us believe. We are not talking about an amount of trade that is going to affect the U.S. economy, or even any specific segment of our economy. We are talking about a very small number of items.

I happen to agree with the authors of the bill that there are many items that can be decontrolled. That is the word we use. It is now possible because of the evolution in technology to take items that were at one time deemed to be sophisticated off the list because they are simply no longer state of the art, and they are no longer all that useful if applied to military weaponry.

That is one of the features of the bill that I think is good. I think we all agree with that. But I also think it would be a big mistake to assume that just because the cold war is over there is no longer any concern or shouldn't be any concern on our part and any justification on national security grounds for controlling the exports of technologies which have dual uses; that is to say, both civilian uses and military uses. It would be just as wrong to characterize the proponents of this legislation as believing in that.

There is a middle ground. I think one of the problems with the legislation that has not been adequately addressed is the fact that a new regime has been introduced. The regime is that if these items are readily available, either domestically or on the foreign market, then they are no longer subject to the same kinds of stringent controls that they were before. That something has a dual application to both civilian use and military use, by definition virtually everything that we are concerned about will, therefore, have applicability because it will be available either in the United States or on the foreign market for civilian uses, and, therefore, for military uses as well.

That is the definition of dual-use technology, and that is the concern we have. The mere fact that something is available to be purchased in the United States or abroad for civilian purposes doesn't necessarily mean we should forget about any kind of restrictions with respect to its export, irrespective of whether its export might result in its use in military equipment that could be used against the United States. It doesn't mean that at all.

Yet because of provisions of this bill, it is going to be very difficult to regulate the export of items which one can argue are available either in the United States or abroad.

Why is that argument so important?

When it comes to U.S. military equipment, we have always had superior technology, and while it is possible that a particular item might be available in another country—I am just speaking hypothetically. But let's say the French manufacture it, the Israelis manufacture it, and maybe the Germans manufacture it as well as the United States. It doesn't necessarily stand true that all of those items are equal and that purchasers of those items are indiscriminate with respect to from whom they buy it. If that were the case, it wouldn't much matter unless the U.S. products were a whole lot cheaper. These other countries are going to be able to export their products, in any event.

The truth is that in most cases, even when U.S. products are more expensive—in some cases much more expensive—they are the items that are sought because other countries understand that for various reasons the U.S. product is superior. Some of these products have intelligence components associated with them. They know that in certain cases other countries have certain capabilities with respect to that equipment that makes their use suspect. Not so with the United States. They know they can buy these products from the United States and have no worry about being compromised through their use. They cannot be so sure with respect to the very same item that they might buy from someone else.

Just because an item is available someplace else doesn't necessarily mean that it is comparable, or that the United States should allow our product

to be exported even when we know that its use will be embedded in military equipment and it could be used against the United States in the future.

That is part of the problem. While the legislation itself grants to the President, and only the President, the ability to waive certain of these requirements, even the President is limited. He can only do it three times. He can only do it for 6 months at a time, and after 18 months even he can't control the item or require an export license for it.

There are some significant concerns that I think we have to be aware of before we just necessarily assume that because we are all for free trade—and most of us are for free trade—therefore, we ought to adopt this legislation.

The very fact that the President just this week announced the arms sales to Taiwan because of the threat that China poses to Taiwan should give us some pause. China is the same country which bought fiberoptic-cable technology items from American companies and then was found to have helped the Iraqis imbed those fiberoptic cables in Iraqi air defenses causing the United States enough concern that in February the President ordered U.S. jets—and British jets accompanied ours—to carry out airstrikes against those very same Iraqi air defense systems. It was because of the upgrade through the installation of the fiberoptic cable provided and installed by China.

Fiberoptic cable is a dual-use item, and it is of considerable strategic importance. Its export to China is permissible under Senate bill S. 149. Let there be no mistake, fiberoptic cable not only increases the amount of data that can be transmitted, virtually exponentially, but it is also extraordinarily difficult to intercept signals in fiberoptic cable as opposed to, for example, through microwave transmissions or through regular copper wire.

This is an item that is in clear use all over the United States. You can buy it on the market. But when it is applied to certain kinds of military uses, such as military equipment, it can become very dangerous to the United States. We have actually taken action against it for that very reason.

Why should we liberalize its export to countries? If Iraq could have gotten that equipment and China could have gotten that equipment from anywhere else in the world, why didn't they? They buy it from the United States because we have the best products. If we deny that for military use to countries in the world that we do not want to have it, then they are going to have to accept an inferior product, one which presumably, at least, hopefully, we would be able to deal with much better than our own particular product.

Let me try to also put in perspective what all the bill relates to. There are literally thousands of items on the list of dual-technology materials or services that could be, in effect, decontrolled through this legislation. I certainly do not have time to go through all of them. Let me give you some ideas of what some of these are. I have a very lengthy report which, given the time, I will be happy to go through in some detail because I think it is most illustrative in relation to those who believe there is not much of a problem. One of my colleagues said that you can buy it all from Radio Shack. The truth is, you cannot buy all this from Radio Shack. Yet it has enough availability to escape the requirements of an export license.

We talked about the Chinese company that helped Iraq outfit its air defenses with fiberoptic equipment. This results in high-speed switching and routing. That equipment is all provided by U.S. companies which, by the way, would like to sell some additional items, various communications technology, to the very same Chinese firm that provided this technology to Iraq. Is that what we want to be doing? I am not so sure. I think we want to think about this very carefully.

We ought to have the ability to deny an export license for this kind of dual-use technology to a company such as the Chinese company that bought it in this case. Yet under this bill these technologies would be determined to have foreign availability because of their marketing abroad, and they would meet the mass market criteria in the bill. Therefore, unless the President himself exercised the authority that I talked about, they would be eligible for export.

That is a very recent example. Let's go back to look at some other examples. There were news stories at the time of ball-bearing grinders purchased from the United States. Since then, there have been quite a few public reports, although much of it is classified. But the fact is, in the 1970s the Soviet Union purchased ball-bearing grinders from the United States ostensibly for its use in civil industry. It used them, in fact, to produce pin-sized bearings for use in the SS–18 guidance system.

The SS–18 is the most fearsome weapon on the Earth today—a nuclear-tipped intercontinental ballistic missile. These ball bearings are crucial to produce the guidance system capable of ensuring the very high degree of accuracy which this missile possesses. Those are the missiles that could incinerate every American living today. The guidance systems are perfected because of the ball bearings produced by equipment that the United States sent.

These precision machine tools and ball bearings are controlled by the Commerce Department under the authorities granted by the Export Administration Act. But under the legislation pending here, these items would be available to foreign sources. The bill prohibits export controls on them unless the President is able to set aside the determination. And he can only do that for 6 months at a time.

Submarines have to be quiet in order to be effective. The advantage of United States submarines is that they are the quietest submarines in the world. The other side cannot detect them, and we can pretty much go where we want to at will.

The dual-use technology control list contains numerous technologies that can be used to make submarines quieter. This technology is, to some extent, available from foreign suppliers. Its export should be regulated to prevent nations such as China from freely purchasing it from American companies.

While foreign submarine manufacturers such as Russia and Sweden have made great strides in submarine technology, we think U.S. technology is superior, and it is unique to U.S. submarines, and, if nothing else, its export could compromise the vital capability of U.S. submarines.

There are those in Government who also like to talk about something a lot more mundane. I am choosing examples almost at random, but this caught my eye: a variety of devices that can be used to torture prisoners.

We are now talking human rights, folks. These devices that can be used to torture prisoners—some of which are as mundane as electric prods and shock batons and shackles, and so on—are controlled for export due to human rights considerations. You can get these on the open market. If you are a bad guy, and you go shopping for them, you can find them somewhere in the world.

Should the United States be selling them to countries that we know engage in human rights abuses? That is the kind of consideration that distinguishes America from many of the rest of the nations of the world. We just do not sell equipment and items to other countries that we know will be used to hurt people improperly, even though that equipment can be obtained from other places.

It is perhaps a small point, but I think it makes a big difference. Even if people can buy something from someplace else, it is not necessarily a good idea for the United States to be selling it, again, partially because of the signals that we send.

I may, if I have a little time later, also discuss in greater detail about technology that relates to the production of nuclear weapons, nuclear reactors, tritium plants, fissile material, liquid and solid propellant rocket engines, chemical and biological processing equipment, encryption software, flow-forming machines for a variety of production applications. All of these are items that are on the dual-use control list.

I am going to talk a bit about maraging steel and gas centrifuges in

just a moment. But suffice it to say, on this list there is page after page after page of items that have dual uses; that is to say, perfectly permissible civilian uses and also very sophisticated and, in some cases, very dangerous military uses.

The question is, just because you can buy them for civilian purposes, should the United States be allowing the export of these items, without some control, to nations of the world that we believe would or could use them against us?

In some cases, we use the export control regime for the purpose of not prohibiting the export but providing some conditions on it or limiting it in some way. Part of the ability to calibrate what we allow to be exported is lost as a result of the specifics of this legislation.

I am sure my colleagues would agree with me—those who are supporting this legislation—that in some cases we may want to ultimately grant the export license but to have certain conditions on them.

One of the conditions we have had in the past, for example, has to do with who the end user is. There are some fairly well-known cases of situations in which we thought that the end user was a civilian entity, and it turned out not to be the case. I have in mind two cases. One of the cases is where McDonnell Douglas—a very prominent company; a company that was formerly in my State, as a matter of fact—thought it was selling machine tools for the manufacture of civilian aircraft, and it turned out it went to China for the production of military aircraft.

We also had some very sophisticated computers that we did not want to go to a military end user in China. It went, I think, to a research institute. But it ended up in the wrong hands. My recollection is, in that case, because of some limitations we had put on the export license, we were able to pull it back.

There are cases where if you have some ability to regulate the specifics of how the license is granted, you can actually prevent items from falling into the wrong hands.

I haven't talked about computers yet. We know that high-performance computers are one of the main areas of contention here because the evolution of the technology is so rapid now that something that was really leading edge a year or 18 months ago is relatively passe today, overtaken by much more high speed and capable computers. U.S. computer technology exceeds that of all foreign competitors, yet our manufacturers argue for more and more liberal ability to export, to the point that the Clinton administration, for all practical purposes, eliminated controls on high-performance computers without any compelling evidence that reasonably comparable foreign systems were seriously sought by foreign customers.

That brings up another question. There isn't any real definition in this bill of what we mean by ''availability.'' It is a very subjective term. One wonders why or how it is that we are going to judge something to be available. If the market that they really want to buy from is the U.S. market, then maybe the availability of a so-called comparable foreign product isn't as great as we might think it to be. That is an element that needs a further look.

There is a very interesting example that was pointed out by Gary Milhollin of the Wisconsin Project on Nuclear Arms Control. He noted that high-precision electronic switches needed to detonate nuclear weapons would be decontrolled under the act because of their civil application in medical instruments. I believe this device is used in the lithotripters, the equipment now that can actually blast apart gall stones so you don't have to painfully extract them from an individual. They are blasted apart and taken out like little bits of sand. The electronics of that are the very same electronics that are used in the nuclear detonation components of weapons.

Similarly, he points out that glass and carbon fibers are used in ballistic and cruise missile construction as well as in the enrichment of uranium for nuclear weapons and that they could be decontrolled because of their use in the manufacture of skis and tennis rackets and boats and golf clubs. We have heard recent reports in the news about the possibility that different countries—Iraq comes to mind—might be buying some of these items off the shelf in fairly huge quantities. Everyone asks: Why would they be buying so many of those? The speculation is, of course, that it just might be because they want to apply them to one of their military uses.

I mentioned maraging steel before. This is a very special kind of steel that is used in the manufacture of solid rocket motor cases, propellant tanks, and interstages for missiles as well as in the enrichment of uranium. It would be decontrolled because its application in commercial rocketry and also the fact that in many forums it is available in other countries. There are many other items.

I will summarize a couple: Corrosion resistant valves used in the enrichment of uranium for nuclear weapons; they are also used in the commercial paper, energy, and cryogenic industries. This is a list of pretty deadly serious military applications of items that nonetheless would be decontrolled under this legislation because of their applicability to civilian uses as well.

I talked in the beginning about a concern I had that this legislation is being debated at the wrong time. I hope I am not, by articulating this list of items—and again, we can talk about a lot more—leaving the impression that there is no role for the approach of this legislation to get rid of a lot of items on the list that have both civilian and military applications. The legislation moves in the right direction because there are a lot of items that don't need to have this kind of regulation. There are some that do. The question is, have we discriminated properly in drawing the dividing line between those that do and those that do not?

There is another provision of this bill that has to do with another way we can judge whether or not something would be automatically exempt from the export control regime. It has to do with how much value an embedded component has. On the surface, you would say, what difference should that make? If you have a very highly classified component and it represents only, let's say, 10 percent of the cost of an item, simply because it is only 10 percent of the cost of the overall item, should that mean that the entire item is decontrolled and another country has the ability, then, to reverse engineer the entire component so that it can take out the part that is highly classified?

That is what this legislation allows. It says that if only a certain percentage of the value is in this very highly controlled component, you can go ahead and sell it. There is sort of a presumption that it can't be all that big a deal if it is only a small percentage of value—10 or 25 percent. A case that I don't think is included in this legislation, because of action that the Congress took last year to take it out of the Commerce Department and put it back with the State Department, but which obviously we had to act on or it would have been, is the case of rocket motors. I shouldn't say rocket motors, rather, the so-called kick motors that are in many cases embedded in satellites. These are very highly classified items. We take a satellite that we want to launch, and when it is kicked into its final orbit by this little motor, it can actually perform the way we want it to perform.

In the case of China, for example, the Chinese have made it a condition for some companies doing business in China that those companies allow China to launch a certain percentage of the satellites that they want to launch. So those companies, in order to do business in China, have to agree to that, and they have. These satellites are supposed to be under the control of Americans at all times because they are very sophisticated. We don't want them to fall into the wrong hands and to be reverse engineered. We don't want our technology to be stolen from them. That certainly applies to an item such as the kick motor embedded in the satellite.

We recall that a couple years ago there was a great deal of evidence of

the fact that certain American companies had allowed satellite launches in China without adequate security, the result of which was that we believe there was some compromise of American technology by the Chinese. It is not only the kick motors. There are other components, too. Had Congress not acted last year to retrieve those satellite items from the Commerce Department and put them back on what was called the munitions list, where the State Department would have the authority to require license, we wouldn't have had the same degree of control over them that we do today. This is the kind of thing that can happen.

Again, the timing is wrong here because we are forced to talk about situations involving China over and over and over again. I don't particularly care to do that. This is a time when it would be nice if we could kind of lower the rhetoric and try to develop a relationship with China which very clearly states our goals and tries to deal with China in a way that doesn't result in more belligerency on their part.

By the authors of the legislation being insistent on bringing it up now, some of us have no choice but to use examples that are, unfortunately, very real examples of where we believe that sensitive technology has been either sold to or acquired by China in ways that this legislation would not prevent. I wish we didn't need to talk about that at this time, but since they are very real examples, we will talk about them. Again, I hope the message isn't misunderstood. This is not about either having trade or national security. The authors of this legislation agree with me and I with them that we can do both. We have to do both. We will do both. But this will be portrayed as trade trumping national security. That would be a mistake.

With the indulgence of my colleagues, I will continue now to discuss some of this other technology that I mentioned would be impacted by this legislation. I talked before about maraging steel. Here are some of the countries where this product is of particular interest. This, again, is the high-alloy steel that has very high yield strength. Pakistan has used it for uranium enrichment centrifuges; India for its polar satellite launch vehicle; Russia and Iran, special alloys for missiles.

I talked before about the bearings and gas centrifuge. There are military applications for high uranium production, and there is some evidence that China has sold this technology to Pakistan for the production of nuclear weapons in Pakistan. The centrifugal isotope separation plant, equipment and components, the military applications: Russia's uranium isotope separation plant has played a significant role in warhead production. The plant is primarily a centrifuge enrichment facility, and it has produced about 40 percent of the Soviet Union's enrichment uranium. I talked about explosive detonators earlier.

Aluminum alloys is another very interesting case. This is obviously very useful in rocket technology and missile technology for casings. China has developed a welded aluminum alloy used in the design of the torpedo hull. It manufactures aluminum alloy casings. India is manufacturing heavy-duty aluminum alloy extruded composition and has conducted studies on this that are very significant relating to its satellite launch vehicle.

All of these are items that would be impacted by this legislation. The ceramic composite materials are a new and increasingly important kind of material because they don't conduct electricity. Therefore, they have some very unique military applications. They have been used in ballistic missiles and reentry vehicle antenna windows, for example. They are produced, by the way, by companies in France, Germany, India, Japan, Russia, as well as the United States.

Laminates: Again, missile parts are often made from these other kinds of materials. Composite structures and laminates are materials used in rocket systems, including ballistic missiles and space vehicles, and they are produced in a whole variety of countries, including the United States.

There are military applications to something called crucibles. These are used to melt and reduce and cast uranium and plutonium for nuclear explosive devices. I realize when I read these, people may say: Wait a minute; we are not talking about just putting these things on the open market. What I am saying, folks, is they would be items that are no longer controlled under the dual technology control regime under the old Export Administration Act, which everybody would like to see reauthorized, with some changes. Because of the liberalization under this act, these items, in effect, become decontrolled.

In the early 1990s, for example, the U.S. was licensed to sell a significant volume of this equipment for making crucibles for high-performance furnace systems. It found its way to Iraq and to Iraq's nuclear missile and chemical weapons program, and for its nuclear weapons design and research center. This particular item at that time, because of a law that existed, was stopped by Presidential order. That would not be possible today if this legislation were to pass.

Guidance sets for missiles—you might think this is pretty technical stuff that we should not be selling on the open market. But there are items here that have dual uses. So ballistic missile guidance sets are often built to fit into a particular missile to be used in a hostile environment, and it would perform with a high degree of accuracy. It could have both civilian and military uses. They are produced in a whole variety of countries, in addition to the U.S.

There are services as well as products—and I will not go into all of these. We are not just talking about the military applications of specific pieces of equipment. We are also talking about certain kinds of services showing people how to do certain kinds of things.

We talked about propulsion systems and components. Here are some of the military applications of that. On one occasion, they were disguised as automotive spare parts on the airwaves of a certain country and were destined for Libya. This was very recently, by the way. Some of the paperwork indicated that the seized shipments had already reached Libya, I might add.

The China Aerospace Science and Technology Corporation, which was sanctioned by the U.S. in August of 1993 for missile proliferation activities, designed and researched propulsion systems, among other things. Russia aided Iran with the design of guidance and propulsion systems, some of which found their way into the Shahab 3 and Shahab 4 ballistic missiles for Iran. There are a variety of examples that I can give you.

Reentry vehicles—we are familiar with those—for both commercial and military applications. These, too, would be subject to the provisions of this legislation.

And I hate to talk about China again, and I wish we didn't have this debate right now. Chinese engineers were arrested for trying to steal some blueprints from a plant in the Ukraine. Yet these very items would be subject to sale because they are produced by a variety of countries and have dual applications.

Without getting into a lot of detail, I will indicate the nature of some of these other activities or products. Propellant additives, propellant control systems, propellant production equipment, radar software—you can easily understand why that could be a dual item—radiation-hardened computers. The applications here for military use are obvious.

Ramjet engines: The military applications there, I think, are fairly obvious; rocket motor mounts and sounding rockets as well. These all have to do with space, and also aircraft, such as airborne radar, navigational systems, depleted uranium, fly-by-wire flight control. Obviously, that is the way our commercial aircraft is now designed. It is also a very important military design. We have various kinds of noise reduction and acoustic mounts and valves and other kinds of things that are used in quieting for the Navy, primarily.

Precision tracking systems: We are all familiar with how we are able both

in civilian and military applications to precisely track using the global system. Yet many of those items would also be covered by this legislation and no longer require license: side-looking airborne radar, sonar signal processing equipment, underwater breathing apparatus, wind tunnel applications.

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

Mr. KYL. Yes.

Mr. ENZI. Mr. President, is the Senator aware that we are not doing away with the control list and any item on the list continues to stay on the list unless it goes through the process? Is the Senator aware that we have added country tiering so that rogue states are taken care of that way?

Mr. KYL. Yes. Is China defined as a rogue state in the legislation?

Mr. ENZI. It could be.

Mr. KYL. But it is not.

Mr. ENZI. It doesn't say any particular state.

Mr. KYL. I answer the Senator that I am aware that the items are not automatically decontrolled. But by virtue of what I talked about before—and I think the Senator was here—because of availability for commercial purposes, the items will also be available under the dual technology regime that is contemplated by the legislation.

Mr. SARBANES. If the Senator will yield, the legislation specifically gives the President the authority to continue to control any item. I don't think the items the Senator is listing would be mass market items under this legislation. But even if one or a few were to be sold classified, the President has the authority under this legislation to deny that category and to continue to control the item.

Mr. KYL. First of all——

Mr. SARBANES. I don't understand.

Mr. KYL. Does my colleague want an answer to his question?

Mr. SARBANES. There are examples that happened under the previous regime. This bill will actually improve the regime.

Mr. KYL. The Senator has mischaracterized what I said. I pointed out a couple of instances in which these items got into the wrong hands in the past. But under the previous law, we had the ability to pull them back. I did cite some examples. We would not have that authority under the legislation as the Senator has written it. Moreover, I am perfectly aware that many of these items would not necessarily be mass marketed. Yet every one of them would be subject to the definition of availability, foreign availability, or U.S. availability.

That is precisely why I picked these items because under any reasonable definition, you would have to say, yes, those are available someplace. Now, if the Senator is telling me some of those look serious and I don't think we would want to consider them available, then I say we have to be more careful about how we draft this legislation.

On that point I agree with the Senator, but as to the first point, the Senator raised the suggestion—I heard it made several times: The President has the authority to waive this. No, the President does not have the authority to waive this. The authority is very constricted. The President, and only the President—as if he did not have anything else to do—can three times for 6 months only, for a total of 18 months, waive the applicability of that section.

Mr. GRAMM. That is not right.

Mr. KYL. That is absolutely correct, and I would be happy to cite the provision of the legislation. To think it is going to work very well——

Mr. SARBANES. Would the Senator do that for us?

Mr. KYL. To think it would work very well to have a regime in place where the President is going to have to continually be waiving its requirements I think is going at it the wrong way.

Therefore, while it is important for any President to have a waiver component—we frequently have national security waivers of one kind or another—if you set up the presumption that it is going to be sold and require only the President to stop it, you are going to be putting a pretty big burden on him.

In the past, the presumption has been effectively the other way. Part of this is due to the fact that there is no really clear way of defining availability. I talked to that before the Senator arrived.

Mr. President, my colleague from Wyoming may wish to join in this. If so, that is perfectly fine with me. I stand corrected. The authorization for this current extension of the EAA runs through a date in August—August 31?

Mr. ENZI. August 20.

Mr. KYL. Not October. We will either have to pass a resolution extending the date beyond that, which I presume would be relatively easy to do, or act on the reauthorization of the EAA in some form prior to that time.

Frankly, that is fine with me. As I have said now several times, the effort of the Banking Committee to rewrite this legislation in light of changed circumstances in the last decade is a laudable effort, and there are a lot of changes that need to be made in the legislation. There is no argument about that. That, frankly, is what President Bush campaigned on and what he said he was for. That is perfectly appropriate.

We are talking about details. It is evident that reasonable people—or at least I hope the chairmen of these committees would be deemed to be reasonable; certainly my friends in this administration are extraordinarily competent on these matters. I believe with a little bit of time reasonable people will be able to resolve whatever differences exist. I know some are not quite that sanguine about those prospects.

I also am aware of the fact that the administration has an idea which is a good one. That is, not everything in this regard ought to be put in the legislation itself, which can become relatively inflexible. As we have seen, it is a little bit harder to change than an administrative action. Therefore, the administration has in mind developing an Executive order that would implement this legislation and related legislation in such a way as to provide the President with a little more flexibility to handle particularly those situations that arise very quickly.

The shelf life of some of the equipment we are talking about is very short, and therefore sometimes there may be a need to act with alacrity. Under the provisions of the bill, it may be too slow, though they intend to speed it up.

There are also intelligence considerations which I cannot go into at this point, but they, too, can be dealt with by means of an Executive order.

I applaud those members of the administration who raised this as a possible way of dealing with some of these issues. The fact is they have not had time to do this, and I fully appreciate that. Those of us who have concerns about the legislation would very much appreciate the opportunity to await the drafting of that order. As I said, I suspect that will remove many of the concerns some of us have just about the bill itself.

That said, I go back to the point I made in the beginning, which is, this is the wrong time to bring up this legislation.

I also, again with some trepidation, make the following point: Some of my colleagues have said: Look, bringing it up now actually helps you because you are able to talk about a situation that has rubbed the American public pretty raw these days, and that is a belligerent and overly hostile China. In fact, China has obtained a lot of its technology in the past, not all of it properly so, as pointed out before. So actually this is a good time to bring this up because you will be at your strongest in arguing we should not be passing this legislation right now when it could only make it easier for China to obtain this equipment.

At the same time, some of these folks say: Look, this legislation is actually tighter; it is more strict; it is more conservative than ever in the past. We are actually tightening the law; we are enhancing national security. Mr. President, you cannot have it both ways. It is my view the legislation is not tight enough, that it could result in technological acquisition by countries that would use that technology against the United States and that we do not want

to do that; there are ways to prevent that.

Our argument is over some relatively narrow points. If we appreciate that, then we can also appreciate that it is possible to come together on those, come to closure on those without necessarily engaging in a great long public debate which I really do not think serves anybody's purpose at this point in time, especially given the circumstances that exist with respect to our current relationship with China.

My hope is the authors of the legislation on this Thursday afternoon will say, all right, let's talk about this for a little bit, get a date certain to bring up the legislation, and see what additional fixes are needed, if necessary, and get additional amendments that might be offered so we can persuade colleagues, if there are certain changes to make, we can do that and take it up at a time when perhaps nerves are not quite as raw.

Frankly, I fully expect the administration to engage at that point in time because they have a great deal of expertise and they are all people whom I know people on this side of the aisle respect a great deal. So we will be taking their views very much into consideration.

That is my hope. I hope our leadership will focus on elements of this President's agenda of which everybody on our side of the aisle is very much in favor, including this tax cut and education proposals.

By virtue of the fact I had to be on the floor, I missed discussion of the tax proposals that I very much hoped to attend because we are trying to put together the final package that will effectuate President Bush's campaign promise of tax relief for all Americans. I hope we can take that up next week. If not, we will take up education reforms next week and take the tax bill up the week after that.

If we are stuck debating the Export Administration Act, all of that gets delayed. That is not good for the American people. My hope is the authors of the legislation will be willing to work with us and defer this until we take care of these other items that are a little bit more important, in my view, and then come back to this with plenty of time to do it prior to the time the authorization expires. If need be, we can clearly do a temporary resolution extending the time of the EAA until we are able to act upon it later this year.

With that, I relinquish the floor at this time.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Wyoming.

Mr. ENZI. Mr. President, I need to answer some of the items that have been raised. I appreciate the Senator correcting the date on which the present extension of the EAA runs out. I know that confusion came from me. I am involved in another bill with a sunset at a later date, and I mentioned the wrong date. August 20 is the drop-dead date on the Export Administration Act.

Can we extend it again? It was extended last time under a unanimous consent agreement in both Houses. That won't necessarily happen again. Unanimous consent is not the easiest thing to get. We were running out of time under appropriations last time and believed that was an appropriate action to take. However, it is not necessarily the same action that will be taken again.

We are running out of time to solve the export administration problem. Education will be coming to the floor. I am on the Health, Education, Labor, and Pensions Committee. We did the education bill. It actually went through committee faster than any other ESEA bill of which I am aware. Normally it takes a couple of weeks for debate. It went through the committee in 2 days. Normally the bills come out of that committee along party lines. It came out unanimously. There are still details on which to work.

I think we will have an Elementary and Secondary Education Act reauthorized shortly. I would not want to stand in its way. However, it is not ready or we would be debating that now. There are still details being worked out.

That leaves a window. It was mentioned that taxes need to be debated. I am one of the proponents of the tax cut and have been working steadily to get that and would not stand in the way of a tax cut. However, the tax cut isn't ready for floor debate. It will be.

Education will be ready. Taxes will be ready. And then something else extremely important to this country—appropriations will come out. We have to pass 13 appropriations bills. That is supposed to be over by October 1, but that usually takes us well into October, sometimes into November. That is past October 20, without an opportunity to do this extensive debate that is purported to be needed.

One of the things we have done is killed 4 hours—not really ''killed'' because everybody needed to make their statement and get their stance out on the Export Administration Act. I am glad we have done that. From this point forward, the time we are taking is time we could actually be debating these amendments.

I have had some Members on the other side say, we know what will happen to those amendments. That is how education works around here. If you don't have the majority of the vote, you lose on your amendment. There is a point to which people see amendments as being reasonable and helping national security, but there is a point where they see it as stopping all trade.

There is a balance. We still intend to be a country that has a good economy—not just a country that is militarily capable of being the best in the world. This bill has been a deliberate and timely attempt to reach that kind of situation.

What we need is the amendment suggestions through the debate process. I submitted the list earlier. It is in the RECORD. You can look at all the meetings we have had—probably not all of them, but the ones we recorded as having. Those produced the suggestions in this bill.

Now a perfect bill will prevent any law from being in place. There isn't such a thing as a perfect bill. When I was legislating on the State level, as well as here, I had a pretty good idea when I was holding hearings on a bill that there was somebody in the audience who knew a loophole to that bill and they were not about to share it until they had taken advantage of it. However, we hope to catch as many of those as possible when it is being considered. That is why we have 100 people, we have 100 different opinions—at least 100 different opinions from 100 different perspectives contributing to a bill.

When we debate whether we go ahead and debate, we are not making any progress toward a final solution.

On the China issue, there probably isn't a time that could be more sensitive. But the ones who are talking about greater security than what this bill provides would have it to their advantage to talk about it because of the timing of the situation with China.

We don't have any problem debating it. We don't have any problem considering amendments to this bill, even in light of the China situation. The reason we don't is that we are sure we have addressed those issues. If we missed something, we need to know about it and take action.

Everybody keeps saying there are a very small number of items that need to be regulated. How do we go about doing that? Give me a suggestion if you have one other than the way we are doing it.

There was a comment that there is a new regime, that we are talking about things readily available in either foreign or mass markets; that these other countries have access to all of those things and we will give up all of our control. Not true. We have tried to address keeping control in every possible way. There still will be a control list. We didn't get rid of the control list. The wording in the bill says any item that is controlled now will continue to be controlled until the committee makes a decision otherwise. So if it is controlled now—and a bunch of the items mentioned were controlled and were against the law, but they were done anyway.

How did somebody get away with that? I imagine things will still be done illegally no matter what kind of bill we

pass because we don't handle ethics and morals; we just handle the law.

One of the problems we have under the law is, for about a 6-year period we did not have sufficient findings to get anybody's attention of the fines and penalties and prevention, more so than beating somebody up after it happens—although that has to be there for the bad actors.

We have a number in this bill that will get people's attention. For those people who are talking about this bill not having enough security, the last version, the one we could have done at the end of last year, had penalties that were twice as big, but we were asked to reduce those to get them more reasonable, to make it closer to what the munitions list has. If anything ought to have fines and penalties to get the attention of people, it ought to be the munitions list. We would not agree to go to that low a level.

In fact, there is even jail time involved in this one. I think some of the those things are needed to keep people's attention. So we have tightened up the bill.

We talked a little bit about Iraq. We have to trust that the administration will rate Iraq as one of those countries that should get a very poor rating under the tier system—the worst. I suspect they will. I will not dictate which ones ought to be the bad guys and which ones ought to be the good guys. I have been contacted by a number of countries that wanted to be specifically mentioned in the bill as one of the good guys. I said: No, the administration makes that decision based on your relationship with the United States and your involvement in making and selling weapons of mass destruction. We have some criteria by which you are considered a good country. I have no doubt the administration will adequately do that rating on those countries.

That is something brand new, too. We did not have the tier system before. Now we have a tier system so countries that are adverse countries will not get items. We have a control list so that items we do not want people to get they cannot get. So some countries are going to be prohibited both for being on the control list and being a country to which we will not sell that kind of item. I do not know how you could make it tighter than that.

Then—and this was at the suggestion of the people who are asking we not be allowed to go ahead and debate this motion—that the President be able to have total control over absolutely any item that can be sold. This is a Presidential enhanced control. Yes, it says the President has to do it. We know the President will get a suggestion from somebody along with all the backup reasoning on why it ought to happen. Some of those decisions will be pretty pro forma. I do not think we are talking about a huge expenditure of time on the President's part. On those items that are really a national security issue, I hope the President is personally and timely involved.

But the President can control absolutely everything. How much documentation, how much review does he have to do? That is for a little transparency, so we know what is being controlled. But the President is the ultimate authority on all of it. We have given him that constitutional right. We have now put it in writing.

We also have some extra control authority, which are on page 183 of this little document that is on every single desk for the end use and end user controls. And then the most important paragraph, the enhanced controls. So if somebody has a suggestion on how to make it tighter than that and still be able to sell to our allies the things that we want our allies to have that would be beneficial to them and to us, tell me how to do that; present an amendment.

Of course, we cannot present an amendment until we get past this debate about how long we are going to debate about whether we get to debate.

I have been here before on this bill. I have to say it is a lot easier to defeat a bill than it is to pass a bill—I noticed that through my legislative career, as well as my senatorial career—because if you create a little confusion, confusion goes a long way.

We have heard a lot of confusion. I think we can address everything that has been mentioned to this point. We can show where it has been covered in the bill. But it is easier to defeat a bill. I have to say in the Senate it is even easier than that because we have this thing called filibuster and that is where you stop the motion to proceed and have people debate on whether to debate for a long period of time.

I understand the other side understands how many people there are who have been working on this bill, been involved in this bill, who will vote for this bill. If we file cloture, we will get cloture. It is just a long process and a way of delaying it. But it is a route that can be taken.

We had the signatures for that last year but ran out of time. I only mention this time again to get back to the original point, which is August 20 is when the bill runs out. If we have not solved it by that time, we may not be able to solve it. So I ask that we get past this motion to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, reluctantly I rise to differ with my good friend from Wyoming. I come from the perspective of chairing the Readiness Subcommittee of the Senate Armed Services Committee. I have looked carefully at some of the problems over the last 8 years in a couple of respects. First of all, we are dramatically and grossly underfunded in most of our accounts for our military relative to the threat that is out there. We have gone through a difficult time with China and hopefully it is coming to an end now. If we go back to 1995 when we started getting some of the very first comments made by the Chinese that have been very threatening to the United States, it was during the elections not long ago in Taiwan when the Chinese were demonstrating their missiles in the Taiwan Strait and the statement was made ''we are not concerned about the United States coming to the aid of Taipei because they would rather defend Los Angeles.'' That is at least an indirect threat.

Most recently there have been statements made from more than one high Chinese official saying war with America is inevitable. Over the last 8 years, we found that half of our nuclear secrets—we had a total of 16—were compromised during the Clinton administration, 8 of them were compromised prior to the Clinton administration. We found out in 1999 that way back in 1995 the other 8 nuclear compromises took place. There was an informant who came in, in 1995, and informed us these compromises had taken place. This was covered up, I am sorry to say, by the administration until the Cox report discovered it and released it in 1999, 4 years later.

We look at those things that have taken place, the transfer of technology to the Chinese, and we now see a massive military buildup by the Chinese. This is the same country that is saying war with America is inevitable. We know they made some purchases of SU27s and SU30s. They will have aircraft that is better and more modern air-to-air aircraft than anything we have in our arsenal, including the F–15. We are looking at a percentage of their budget that is going now to buildups. We also know they have virtually all—at least those 16—of our nuclear secrets.

We have been facing also, during the Clinton administration, the signing of waivers. In order to make it easier to transfer technology, they took the waiver process out of the State Department and put it into the Commerce Department, only to reverse that later on when we found out that many of the transfers had taken place.

We remember regretfully the time President Clinton signed a waiver to allow the transfer of guidance technology that was produced by the Loral Corporation. That is something that would be very dangerous for the other side to have.

Considering what little we do have left in terms of technology, I cannot imagine a worse time in our Nation's history to be making it easier to transfer technology from a pure national security standpoint than right now. So I

am hoping my colleagues will look at what has happened over the last 8 years, look at what has happened over the last 2 weeks, and come to the conclusion that maybe this is a good idea for sometime in the future. It is not a good idea for this time.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMPSON. 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. THOMPSON. Mr. President, we have had considerable discussion about the President's authority under this proposed legislation. The point has been made that we have a fail-safe provision—that the President can always intervene and stop some item from being exported that should not be exported. But I think if you examine the legislation, you would have to conclude that through this legislation the drafters have made it difficult for the President to intervene and step in under those circumstances even in matters that constitute a threat to the national security.

If you look at section 212, which gives the President the right to set aside the foreign availability status—as you recall, under this legislation, something that heretofore has been controlled required a license. If there is a determination made by the Commerce Secretary that it is a matter of foreign availability under the criterion that they come up with, it will be decontrolled. They will be able to send it to China, Russia, or any of the other what have been tier III countries in times past. But there is a provision in here that the President can step in and exercise a set-aside.

Here is what the set-aside language says. It says if the President determines that decontrolling or failing to control an item constitutes a threat to the national security of the United States, and export controls an item which advances the national security interests of the United States—I will skip some of what I don't think are particularly pertinent provisions—it says the President may set aside the Secretary's determination of foreign availability.

Then it goes on to say that the President may not delegate the authority provided in this paragraph.

In the first place, we make it so that the President and only the President must deal with this matter, considering all the matters that he has to deal with, especially as I would again point out while he is trying to build his administration and while he is trying to get his people in place.

Then the act goes on to say that the President shall promptly, if the President chooses to use their nondelegation authority, notify the Congress. He shall promptly report any set-aside determination as described along with any specific reasons for the determination to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations in the House.

In other words, if the President chooses to intervene for reasons of a threat to national security, he must justify that to the Banking Committee and to the Committee on International Relations in the House. Then he must publish the determination in the Federal Registry.

That is not all the President has to do. Then the President has to engage in negotiations with foreign powers. It says in any case in which the export controls are maintained on an item because the President has made a determination under subsection (a), the President shall actively pursue negotiations with the governments of appropriate foreign countries for the purpose of eliminating such availability.

It may be a desirable thing. It might have been a desirable thing to negotiate with foreign countries even before somebody wanted to export something under this act to get them to try to do the right thing. But do we want to require the President to enter into negotiations with foreign countries? I assume we can do that under the separation of powers doctrine, if we choose to do so. But it is a rather significant step—all, again, under the rubric of the conditions that the President must comply with if he is going to step in and exercise this authority that we say he has to stop something from being sent abroad that constitutes a threat to the national security of this country.

That is not all the President has to do. It says he then has to report to Congress. Not later than the date the President begins negotiations, the President shall notify in writing the Committee on Banking, Housing, and Urban Development of the Senate and the Committee on International Relations in the House of Representatives that the President has begun such negotiations, and why the President believes it is important to the national security that the export controls on the items involved be maintained.

Again, the President is required not only to enter into negotiations but to justify to the Senate Banking Committee and to the International Relations House Committee as to why he thinks this is important. But that is not all that we impose on the President if he wants to intercede on behalf of national security because of a threat to the Nation.

There is a periodic review of determination provision. It says the following:

The President shall review a determination described in subsection (a) at least every six months.

Here he has made this determination that this item constitutes a threat to the national security, and now he must review it every 6 months. Promptly after each review is completed, the Secretary shall submit to the committees of Congress a report on the results of the review together with the status of international negotiations to eliminate the foreign availability of the item.

Again, the President has to make the review every 6 months. Then the Secretary has to go back to the committee and give them a report about the review, and then the status of negotiations. The President, through his representative, has to give the committee a status of these negotiations that have been imposed on the President.

But that is not all we require the President to do in order to intervene on behalf of national security.

There is an expiration of Presidential set-aside time. It says the determination by the President described in subsection et cetera shall cease to apply with respect to an item on the earlier date—that is 6 months after the date on which the determination has been made—or if the President has not commenced international negotiations to eliminate the foreign availability of the item within that 6-month period; B, the date on which the negotiations described in paragraph 1 have terminated without achieving an agreement to eliminate foreign availability; C, the date on which the President determined that there is not a high probability of eliminating foreign availability on the item through negotiation; or D, the data is 18 months after the date on which the determination described in subsection et cetera is made if the President has been unable to achieve an agreement to eliminate foreign availability within that 18-month period.

In other words, after setting up all of these obligations on the President, in order for him to intervene on behalf of national security because of a direct threat to this country, the determination that has been made will go away and the thing can still be shipped unless he complies with the provisions I just read—if at the outside it is an 18-month time period, unless he can report back that they have concluded their negotiations successfully.

So then it says:

Action On Expiration Of Presidential Set-Aside.

Upon the expiration of a Presidential set-aside under paragraph (3) with respect to an item, the Secretary shall not require a license or other authorization to export the item.

Then we get to the final point. If the President, after going through this process, has not followed each of these items in any way, then the item is still

shipped even though he originally made a determination that it constituted a threat to national security.

My point is this. I do not particularly object to any particular provision. I have not thought about it enough, quite frankly. I did not realize yesterday we were going to be having this debate in this much detail. But my point is this. Clearly, we are making it kind of tough on the President to intervene on behalf of national security, even when there is a threat to the national security of the United States.

He is going to look at this—and somebody on his behalf, hopefully, will look at it beforehand—and look at the onerous requirements, including entering into negotiations with foreign countries, reporting requirements time after time to congressional committees and certifications, in effect, as to what they are doing, giving up-to-date reports on how negotiations are going.

The President has to make the determination himself because under the act you cannot delegate. He has to do it himself. This is a burden on the President. While it is true that the President, under some circumstances, can intervene on behalf of national security, it is not an easy path for the President to take. That has to do with regard to matters of foreign availability status.

There is another section—I am not going to put you through the entire section 213, but there is another section called the ''Presidential Set-Aside Of Mass-Market Status Determination.'' So even though there is a determination that an item is mass marketed in this country:

> If the President determines that—

And I am reading from the provision—

> decontrolling or failing to control an item constitutes a serious threat to the national security of the United States, and
> export controls on the item would advance the national security interests of the United States, or [et cetera]
> the President may set aside the Secretary's determination of mass-market status with respect to the item.

Why it requires a threat to national security under the foreign availability set-aside, and a serious threat to the national security for the mass-market status determination, I do not know. But there is that distinction.

So here, even more than was applicable in the preceding discussion we had, it focuses our attention on a matter where the President of the United States could make a determination that something is a serious threat to the national security and still ''[i]n any case in which export controls are maintained on an item . . . the President shall promptly report the determination.''

He must give reasons for the determination to the committees that I just mentioned and ''shall publish notice of the determinations in the Federal Register not later than 30 days after the Secretary publishes notice of the Secretary's determination that an item has mass-market status.''

The President shall review a determination made under subsection (a) at least every 6 months.

Here is a President who has made a determination that something is a serious threat to the national security of our country, and we, as a Congress, require him to review that because we want to make sure the President did not make a mistake and say something was a serious national security threat when it was not, presumably. He is required to review it every 6 months. I quote:

> Promptly after each review is completed, the Secretary shall submit a report on the results of the review to the Committee on Banking, Housing, Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives.

So, again, my point is not that there is anything intrinsically wrong with any particular part of what I just read. It is that clearly this legislation is designed to make things more easily subject to export. It is clearly designed to decontrol even to the point where we give the President authority to step in. We are setting up several steps for the President to go through over a period of time before he can do that.

So I want to make sure anyone who might be listening to this understands that, yes, the President can step in under some circumstances with regard to certain determinations but that he cannot snap his fingers, and he cannot pick up the phone, he cannot write out a memo; he has to go through a procedure that is a long-drawn-out procedure involving several steps if he wants to do that.

One of the things we are going to have to ask ourselves when we deal with this in a little bit more detail is whether or not, in matters involving a serious threat to this country, it is so important for us to lower the export standards that we are not willing to give the President a little more leeway, that maybe even if he justifies it to Congress and we do not agree with him, are we not willing to give the President perhaps a little more leeway in making a determination that under the words of the statute is a serious threat to our national security?

That is a serious question. That is one question that we are going to have to answer. That gets back to why we are in this Chamber today. We are still on a motion to proceed today. That is why we do not believe it is appropriate to notify us 24 hours in advance, and to try to push for a resolution of this matter in such a short timeframe, when amendments have not been fully drafted, when the Executive order that the administration is working on has not been drafted.

These are serious matters, serious questions. I may be overly concerned about what I just talked about. I am not sure. I have not had a chance to really digest it. All I know is that it is not enough to say that the President can step in and, lickety-split, there is no problem; he has taken care of the problem. It is not that simple at all.

Mr. KYL. Will the Senator from Tennessee yield for a question?

Mr. THOMPSON. I am delighted to yield.

Mr. KYL. Apart from the steps the President has to take if he is going to obtain this national security waiver, so that the item would be controlled, how long does that order last? And isn't there a limitation so that he can only issue that three times, for 6 months at a time, after which the President no longer has any control? In other words, the longest period of time he can control an item is 18 months. And after that, even the President has no authority.

Mr. THOMPSON. That gets back to the provisions in subsection (3) (A) (B) (C) and (D) on pages 200 and 201 in the document I think we are all looking at. It talks about the expiration of the Presidential set-aside. It says: ''A determination by the President described in subsection (a)(1)(A)(i) or (ii) shall cease to apply with respect to an item. . . .'' and it sets up conditions under which it ceases to apply with respect to the earlier of several dates. The Senator is right, there is an 18-month maximum period.

If some of these things happen earlier than 18 months, it would cease to apply then, as I understand it.

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

Mr. THOMPSON. Yes, I will.

Mr. ENZI. I am beginning to see the problem. We have ignored page 183 which is the section that, when we went through those extensive negotiations, we added that supersedes all of these 18-month, 6-month paragraphs about which we have been talking. Those are options. But undoubtedly the option the President would take would be the one on page 183, which allows the President to override anything in section 204, which are provisions that deal with components we have heard about earlier, and 211, which is the foreign availability and mass market status determination. This is a much easier section for him to use.

It does mention significant threat, but the President gets to determine significant threat. Nobody has the right anywhere in this bill to override whatever the President thinks. There is a reporting requirement, but that is all it is. He reports to the committees that have some jurisdiction on foreign availability and mass marketing. It doesn't say that the committee can challenge anything he says.

There is no recourse for the Congress other than knowing that he did it, and

we asked for the transparency through the process. That paragraph overrides, at your request, the sections on foreign availability and mass marketing. I was hoping that had taken care of the problem and was of the understanding that that did eliminate the problem.

Mr. THOMPSON. This is very good, if I may respond. We did indeed talk about this. I was interested to see whether or not it was your view that this provision you just described did in effect override what I just read. If so—and I ask the Senator if he will agree with me—are these pages I have been discussing with regard to criteria for Presidential set-aside under 212—does that not make those requirements under 212 superfluous or irrelevant, and in what case would 212 apply when the enhanced controls provision would not apply?

Mr. ENZI. We had the language in section 212 in the versions when we were discussing it before. The President could use that. It is a mechanism. We thought that that provided Presidential control, even before we had our discussions. But we were specifically asked for sections 204 and 211, that we do something that was more overriding and more comprehensive, and we did.

Mr. THOMPSON. But 212 is not discretionary. The language of 212, and in certain important respects, requires the President to do certain things—the President shall actively pursue negotiations, et cetera. So if the language remains there, it is mandatory language, and it seems there might be some inconsistency there. I am wondering whether or not one of the things we might talk about is maybe paring this thing down a little bit in terms of some of this language in that it does appear—if my friend agrees that the enhanced control provisions are overriding. It does appear that this language would be superfluous and, if it remains, would be contradictory. I am wondering if perhaps that would be the basis of some discussion.

Mr. ENZI. It wasn't our intent to make it contradictory, but it was language that was already in there. The request was to override those sections, and we did that by putting in another one. Perhaps there could be a way to address this.

Mr. THOMPSON. With all due respect, I suggest there is more to it than that. It is not a matter of shortening it or making it more difficult. We have one provision here that says the President can intervene and override, in effect, if he goes through several steps, including negotiating with foreign countries. Then we have another provision—although the standard is a little bit different—that lets him do the same thing without going through all those steps.

Mr. ENZI. The criteria you mentioned of foreign availability is current law. That is what the President is forced to do at the moment.

Mr. THOMPSON. I am not saying I necessarily object to any portion of this. I am saying there is an inconsistency here.

Mr. ENZI. We were trying to get the administration, whatever administration it was, to work more on multilateral controls because everybody agrees that multilateral controls have more impact than unilateral controls. That is why we were encouraging the President to negotiate with the other governments to get them to fall in line on the controls so that we would have an effective multilateral control process as well. That was covered in the report we put out last Tuesday.

Mr. THOMPSON. Well, I understand it might be desirable for the President to do that. For my part, I would rather leave it up to the President to decide when he wants to negotiate with foreign leaders on these matters.

I will also suggest that when the President makes the determination under this enhanced control provision, that you just pointed out, that an item on one of these lists would constitute a significant threat to the national security, he ought to be given quite a bit of leeway. It might be a good idea to negotiate with foreign leaders; it might be a good idea to do a lot of things. We have to ask ourselves how many hoops we want the President to jump through if, in fact, he makes a determination that it constitutes a significant threat to national security.

I am not trying to negotiate the details of the bill with my friend today. This is one of the benefits of discussing this today and one of the reasons we are not ready to put a bill to bed. I don't claim to have all the answers to it. I haven't had a chance to think all the details through. But I believe we really need to ask ourselves how many hoops we want the President to have to jump through before he can exercise some authority when he makes a determination that there is a significant threat to the national security.

All these requirements I read a while ago having to do with the President negotiating, with reporting to Congress, having the thing expire—it even expires under that set of provisions—that is greatly different from the enhanced control provision that doesn't put any of those requirements on him if he determines that there is a significant threat to national security.

We don't want a court 2 years from now having to be the one to decide what we meant when we drafted this legislation. We need to decide here in this Chamber, after thorough debate and consideration, just exactly how that ought to be worded and whether or not we want to have what appears to me to be inconsistent provisions in the legislation.

I thank my friend for his comments. It is the basis for some discussion, as far as I am concerned, in an attempt to reach some resolution. I was not aware we were going to debate all the details. I welcomed the opportunity to have done that. The issue before us today is whether or not this is the right time, in the midst of everything that is going on in the country right now and everything that is happening internationally, to choose to signal to the world that we want to liberalize our export policies with regard to dual-use, high-tech, military-related items when we know the primary beneficiary of it is going to be China.

It is not a good time, and that is the reason I join my colleagues in opposing the motion to proceed. I do look forward, when we have had a chance to draft our amendments and hopefully have had a chance to look at the administration's Executive order that is supposed to fill in some of the areas that are a little bit sparse, to coming up with an Export Administration Act that is reauthorized but one that does what the Export Administration Act was designed to do—not to balance commerce with national security but to protect national security and do those things that are reasonable.

Nobody is intent on trying to protect things that are unprotectable. Nobody is intent on basing the legislation on yesterday's technology. Everybody knows that the world has changed. But that does not mean we should, without very careful consideration, change a policy we have had in this country for decades in terms of controlling those kinds of items and go to something that might sound reasonable and logical: The genie is out of the bottle; they can get it anywhere else; our friends will sell it to them; we might as well sell it to them. I am not there yet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I wonder if the Senator from Wyoming might respond to a question I have. As I read the bill, the section that he cited before, which relates to an override of sections 204 and 211, does not apply to section 213. Section 212 has to do with foreign availability, 204 deals with incorporated parts and components. The mass marketing section is 213.

As I read the President's authority under enhanced controls in that section the Senator referred to, on page 183, it deals with sections 204 and 211 only.

Mr. ENZI. Section 211 covers both foreign availability and mass market status. You are talking about the set-aside of the mass market status.

Mr. KYL. So the significant threat override authority would apply to any of the three items that we just talked about—mass marketing, foreign availability, or component parts; is that correct?

Mr. ENZI. Yes.

Mr. KYL. I thank the Senator.

Mr. ENZI. We are hoping that adequate information will be given to the Senate for their oversight and their understanding of what is going on. We have always wanted that.

Mr. KYL. I thank the Senator for his information.

Mr. MCCAIN. Mr. President, I join Senators THOMPSON, SHELBY, KYL, and other members in objecting to the rushed consideration of the Export Administration Act of 2001.

This legislation, which governs the exports of sensitive technology to overseas buyers, has critical ramifications for American national security. Republicans in Congress rightly raised grave concerns over the Clinton Administration's export control policies, which had the appearance of being linked to campaign donations, and which we know improperly enhanced Chinese and Iraqi military capabilities. This Republican Congress, and our Republican Administration, must ensure that our national security controls on sensitive exports prevent powerful technology from falling into the hands of those who would do America harm.

This bill does not yet meet that threshold. Since the beginning of this year, six Senators, including Senator KYL and the Chairmen of the Armed Services, Foreign Relations, Intelligence, Governmental Affairs, and Commerce Committees, have sought and continue to hope to work with the sponsors of this bill, and with the Bush Administration, to ensure that S. 149 strikes the proper balance between our country's commercial and national security concerns.

I will save my specific, technical concerns about this legislation for the full floor debate on this measure, whenever it should occur. At this time, let me say that the bill's restrictions on presidential authority to regulate national-security related exports, the enhanced role given the Secretary of Commerce in the national security decision-making process, and the liberalization of exports of all goods, however dangerous to U.S. security interests, that may be otherwise available for sale in the United States or overseas pose problems that need to be resolved before the Senate can properly address this legislation.

As Chairman of the Commerce Committee, and as a strong supporter of free trade, it comes as no surprise to me that American businesses dominate world markets and have propelled the Information Age. Unlike businesses, however, we in this body have responsibility not only for the prosperity of this country, but also for its security in an uncertain and hostile world.

Let's be clear, far less than 1 percent of total U.S. exports fall under the jurisdiction of the EAA. Within that small proportion of exports that are sensitive, we have an obligation to ensure that these goods are appropriately controlled so that the peace and prosperity we enjoy are not threatened.

Have no doubt, our enemies, be they foreign nations or terrorist groups, have no qualms whatsoever with buying dual-use American products and putting them to military use. In this time of peace, let us work to sustain the dynamism of our economy while safeguarding our people by striking the right balance between the commercial and national security provisions in this bill. We have much work to do. That is why I join my distinguished colleagues in objecting to consideration of this measure until we have had the chance to prepare amendments and continue our work with the Administration to improve the bill.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I don't want to interrupt the flow of debate. I have a matter I would like to discuss that doesn't pertain to the matter before us. I see my good friend from Virginia. He may want to comment on this debate. If that is the case, then I will yield for this discussion to go forward, since I don't want to necessarily interrupt the flow.

Mr. WARNER. Mr. President, I have joined my colleagues for the purpose of contributing to the debate at hand. I think maybe I need 10, 12 minutes. Much material has already been covered. I don't wish to be redundant, but there are some points I would like to make.

Mr. DODD. I am happy to yield to my colleague from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I reflected, as I approached the Chamber, that in my 23 years in the Senate, I don't know if I have ever opposed my leader on a motion to proceed. But, reluctantly, I do so this time because of my fervent belief that the views I have and share with a number of my colleagues are in the best interests of our Nation's security. With that in mind, I have tried for over 2 years to work with my distinguished colleagues, who have been speaking for some time, to resolve disputes within this legislation.

These disputes have cut to the very essence of how the United States plans to protect its national security in an era of rapid globalization and proliferation of technology—most particularly technology related to weapons of mass destruction.

On many occasions over the past year, I have joined others and have thought that we were close to obtaining a resolution on how to proceed on this bill. But each time, details have derailed us, regrettably, and those details indeed have overwhelmed the ability to compromise. I say ''details,'' but I think they are very important points.

My goal has been to strike, together with others, the proper balance between national security and commercial interests. This is a complicated issue that cuts across the jurisdiction of six committees. Five committee chairmen with the responsibility for national security matters in this country are together on this issue. I think that carries a subtle message in and of itself.

We have continuously expressed opposition to this bill in a respectful manner. I will not list the others because they are in the RECORD in the course of this debate. In addition, Senator KYL, although not a chairman, has taken a leading role. He has sort of been the ''Paul Revere.'' Each time this matter is approaching, he sounds that alarm and we respond.

This is an effort that requires careful thought and deliberate action. All of our committees should be united in an effort to reform our export control laws. If we do not obtain that type of unanimity—and I say this respectfully to my good friend from Wyoming and my good friend from Texas—we could be doing a disservice to our country.

At the present time, I believe it is premature to move this bill through the Senate, for two very good reasons: First, we need to give the administration, our new President, sufficient time to provide Congress with the promised details on how it plans to implement this legislation. I know full well that it has been stated—and I believe it is factually correct—that the administration has contributed a number of suggestions—which I think is 21—in the Banking Committee. The distinguished manager of the bill is present, and they have incorporated all of those. But when I look at it and listen and talk with the administration, those areas in which we have special concern are to be brought forth in an Executive order.

Very simply, we are just saying allow time for the administration to do the Executive order. Otherwise, we risk spending a lot of time on the floor with amendments if we should go ahead with the bill and proceed in addressing issues that may be better left to the discretion of the executive branch.

Secondly, moving this bill at this time without establishing consensus sends a wrong signal and could complicate a very difficult and tenuous policy toward China, which is still evolving. I cannot think, therefore of a worse time to pass legislation that could result in an increase of exports of high technology to China. I think we should listen carefully to the people in this Nation on this issue. This China policy is not just reserved to the bureaucrats in Washington—I say that respectfully—the executive branch and the Congress. The people of this Nation have very deep-rooted concerns about our relationship with China, and this subject goes to the very heart of those relationships.

I have serious reservations about bringing up the bill at this time, as I

said. We are still awaiting specifics from the administration on how it will implement this bill. We need to give the administration enough time to respond to our inquiries and deliver on their promises of additional information.

The administration reviewed this bill at the request of myself, Senators MCCAIN, SHELBY, THOMPSON, HELMS, and KYL. We had one meeting with the National Security Adviser on this issue. While the review was conducted without the benefit of working level political officials in place with responsibility for export control issues, I am confident the administration did the best it could given the timeframes and the people with whom they had to do the job.

Based on this review, the administration came up with a series of legislative changes that the Banking Committee included in its bill. This was a positive step, and I commend them. I support it, although I would have preferred this review take place with the benefit of the full administration package; that is, these amendments that have been adopted, together with other commitments that they have made to Congress on other issues.

More remains to be done. We have not received specific comments or recommendations from the Department of Defense. That input, in my judgment, is critical. The Banking Committee's bill, including the changes made to the bill at the request of the administration, provides for even less protection for national security than changes proposed to us by the last administration.

When the National Security Committee chairmen of the Senate were briefed on the results of the administration review, we were informed at that time that an interagency agreement had been reached on how the administration would enhance national security controls during implementation of the bill. We were then informed that the national security protections that we have sought would be included in an Executive order that would implement S. 149.

Despite several inquiries on the part of my staff and others to get the information that we sought, we have not been able to get any specifics on what is in this interagency agreement or what might be in the Executive order.

This information is critical in helping this Senator, and I think to not only the team we have put together, but many others, in order to make an informed judgment on this important piece of legislation.

Therefore, I most respectfully urge our majority leader and sponsors of the bill to wait until we have more information from the administration about how it intends to implement the national security protections.

Many of my concerns, as well as those of my colleagues, may be alleviated by the details of the administration's implementation plan.

If, however, we do not get an answer from the administration in a reasonable amount of time, I urge the majority leader to chair a working group of interested members to work to clear as many amendments as possible prior to taking the legislation up on the floor, so as not to waste a great deal of time.

At this time, in the absence of additional information from the administration, I have fundamental concerns with this bill. This bill continues the trend of dismantling our export control structure. During the height of the cold war, this Nation had a carefully formulated and carefully crafted export control process. There was a consensus—both here at home and with our allies—that we needed to protect our Nation's technology. The bottom line: It must never be used against us.

This consensus has broken down with the end of the cold war. Technology is proliferating, and this bill will continue that trend. If our pilots are shot down over Iraq or put in harms' way due to enhanced communications and computing technologies that enhance Iraqi air defense capabilities, we need look no further than to the lack of will and leadership over the last decade to control this technology. While this proliferation of technology may be inevitable, we need to understand the implications of any decision that leads to freer trade in advance technology. With that understanding, we then must do whatever it takes to protect our soldiers, sailors, airmen and marines as they face these new threats.

Since the fall of the Berlin Wall, we have witnessed a slow demise of the cold war consensus on export controls. I make three observations:

First, we have seen a dramatic liberalization—primarily through Executive orders of successive Presidents—of export controls. We are only controlling about 6 percent of what we controlled during the height of the cold war.

Second, because of the decline in defense R&D, technology innovation is primarily advancing in the commercial rather than the defense sector. This makes dual use export controls covered by the EAA even more critical in protecting our national security.

Finally, as a result of both of these developments, we are witnessing the global spread of advanced technology that was once solely in the military realm. This threat will require a significant investment in defense capability to counter.

Simply put, our export control policy has gotten out of balance. The Export Administration Act before the Senate, as currently drafted, tips the balance even further toward meeting commercial needs versus national security needs. There is a predominant emphasis in this bill on export decontrol, without, in my judgment, an adequate assessment of the national security impact of that decontrol. The bill now gives the Commerce Department the predominant role. I believe that this must be brought back into balance with enhanced DOD authorities and discretion. As now drawn, this bill also unnecessarily limits the President's discretion to control items for legitimate national security reasons.

At a minimum, we must address in this bill:

No. 1, the need to protect militarily sensitive technology. DOD and the intelligence community need to be able to protect sensitive technology from falling into the hands of potential adversaries. Technologies which, if proliferated, would undermine U.S. military superiority must be controlled. The national security agencies must be able to block any decontrol or export that might harm national security now or in the future. For example, hot section engine technology and other technologies that DOD and the intelligence community consider critical need to be protected.

No. 2, the need to enhance the role of the Secretary of Defense and the intelligence community in the export control process, given the limited amount of items we are now controlling, and provide for a workable national security waiver for the President. At a minimum, the concurrence of the Secretary of Defense should be required in matters relating to which products should be controlled, the process for reviewing export licenses, the rules for any interagency dispute process, and regulations implementing dual use export controls; and

No. 3, the need to ensure that the national security impacts of any proposed decontrol are well understood and articulated before decontrols are allowed to proceed. This assessment should be based on how this technology can be used as part of, or to develop, a foreign military or intelligence system or capability. Ongoing assessments need to be made to assess the cumulative impact of decontrols and the proliferation of technology.

This last point is critical. Congress needs to look at the impact on national security of export decontrol and the global diffusion of technology. We need to assess the degree of technology proliferation that is occurring and the risk that our adversaries will use this technology to gain some type of asymmetric advantage over our forces. Global technology proliferation could put at risk our military superiority. Future historians may look back on the rapid decontrol and leakage of western technology as the biggest national security lapse of the post-cold-war period.

I also want to ensure that unnecessary restraints on the ability of the private sector to compete in the global marketplace are removed. It is in our

interest that U.S. businesses are able to maintain their commercial and technological edge over foreign competitors. However, when hard decisions must be made, national security must always be the paramount consideration.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Connecticut.

Mr. DODD. Mr. President, I came to speak on an education matter, but I have enjoyed the last 45 minutes. I thank my colleagues from Tennessee, Virginia, and Arizona. I serve on the Banking Committee and have great respect for my colleague from Wyoming who chairs the subcommittee that deals with these issues.

The committee had extensive hearings going back into last year. The Senator from Wyoming deserves a great deal of credit—I know my colleagues share these views—for his tireless efforts to bring forth a bill that reflects not only the desires of exporters, but also takes into consideration the very important national security issues that our colleagues from Virginia, Tennessee, and Arizona have raised this afternoon.

The committee sent out this bill in March after seven different hearings with extensive testimony. I have been supportive of this effort.

I say to my colleague from Virginia, that he raises some very good points. This is not a debate that is going to attract nightly news attention. It can get rather detailed, as the Senator from Tennessee pointed out when he started talking about various provisions and what is intended by them.

As I listened, I clearly heard the spirit with which my colleagues raised these concerns, and they are concerns to which we should all pay attention. I know my colleague from Wyoming does. I, for one, thank them. I do not know what is going to happen with the debate. I hope my colleagues can address some of these concerns. Some amendments may be necessary. I suspect they will get broad-based support.

So, I came over to give a speech about education and I got educated, myself. I thank my colleagues, and I appreciate the points they raise. They are very valuable. The point raised about China is worthy of valuable note.

Mr. WARNER. Mr. President, I thank the Senator for his courtesies as always. It is a very simple equation. The bill got the attention of the administration. It is a new administration. Secretary Rumsfeld, for example, has in place today only three persons who have reached the full confirmation process and are now sworn into office. Six more have been processed by the advise-and-consent procedures of my committee and will come before the full Senate next week.

The administration is struggling to put together this highly technical response. I think they should be given a reasonable period of time before we plow into a legislative process in this Chamber.

Mr. President, I thank my colleague.

Mr. DODD. Mr. President, I thank my good friend and colleague from Virginia.

Mr. President, I am not going to take much time. I see my good friend from West Virginia who always has worthwhile information to share with this body. I see my colleague from Louisiana is here as well.

I ask unanimous consent to speak as in morning business.

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

EDUCATION

Mr. DODD. Mr. President, I am here to continue to raise my voice and express concerns about the forthcoming debate regarding elementary and secondary education.

During almost my entire service in the Senate, I have been fortunate to serve on what now is called the Health, Education, Labor, and Pensions Committee.

I have had the privilege of serving with many wonderful Members, Democrats and Republicans, over the years, who have dedicated themselves to improving the quality of public education in America: Senator Pell, Senator Stafford, Senator KENNEDY, the present ranking member, Senator JEFFORDS, the present chairperson of the committee. Each of them deeply committed to seeing to it that this Nation provides our children the best educational opportunities possible. I believe that the Members of the Committee, today, are anxious to continue that tradition.

I do not know exactly when this matter will come before the Senate for consideration, but I am troubled that during the process of negotiation, while we are trying to work out our differences, not all the issues are on the table for discussion.

It has been most worthwhile for us to deal with the issues of accountability. Our colleague from New Mexico, Senator BINGAMAN, has for years championed the cause of the accountability of our schools across America, both as a Member of this body, and earlier as a Member of the other body. He brings to this debate years of experience and knowledge and I am particularly grateful to him for his help.

Over the years, we typically have passed education bills that enjoyed broad support, 90 or 95 votes, to support our elementary and secondary schools. I enjoyed being part of those truly bipartisan efforts.

Every day, about 50 million children attend public schools in the United States. Many of them, through Title I of the Elementary and Secondary Education Act, depend on Congress to provide them with resources that they need to help them get the education they need and deserve. Yet, we spend only about 2 cents of every Federal dollar on public education. In my view, we have not been a very good partner with our local communities in helping to improve the quality of education. Another—probably surprising—fact is that the Federal government contributes only about 7 cents to every dollar spent on education. Our small towns, cities, counties, and States provide the other 93 cents education.

So, for all we talk about what needs to be done about public education, we really haven't put our money—your money —where our mouth is. A couple weeks ago, we debated the budget of our country. The great debate was over the size of the tax cut that the President has proposed. Virtually every Member, in fact, virtually everyone I know, believes that a tax cut makes sense given the budget surpluses projected.

But how much of a tax cut? The President wants $1.6 trillion, based on ten-year economic projections. I don't know of a single economist worth his or her salt who believes that we can project with any degree of certainty what America's and the world's economic situation will be a decade from now. Yet the President of the United States and those who support him on this matter want to spend $1.6 trillion of this budget over the next 10 years on a tax cut. And, Mr. President, $680 billion of that $1.6 trillion, will go to individuals who presently earn more than $300,000 a year. Over that same period, the President would increase spending on education by $42 billion, or about one-sixteenth of what he would spend on tax cuts for the wealthy.

I think in that context that we really ought to do better than spending only 2 percent of our budget to support America's educational. The administration and others say that full funding for title I of ESEA, which provides Federal dollars to the most needy school districts in America, is just too costly; that full funding for special education is just too costly; that we just can't afford it. But, we can afford $680 billion for a tax cut for people who make more than $300,000 a year which by the way is about twice as much as the Federal, State, and local governments combined spend on education in this country.

I represent the most affluent State in America on a per capita income basis. Some of my constituents want a tax cut. I have represented my State for more than two decades in the U.S. Congress. I am home almost every weekend. I have a fairly good idea of how people in Connecticut feel on issues.

On this issue, the overwhelming majority of my constituents, including those from the most affluent communities, tell me that we don't need this

size tax cut, in light of the economic forecast and the many needs that America has. And, these are the people who would be the direct beneficiaries of the proposal the President is advocating.

This tax cut threatens to throw us back into the situation I encountered when I arrived in this body 20 years ago. I had been here a year, I say to my colleague from West Virginia, when I was asked to vote on a tax cut proposal that I thought was dangerous then. I wasn't sure. I was a new Member.

I was one of 11 people who voted against the tax cut proposal, and as I look back over 20 years of public service in this body, I don't think I ever cast a better vote. And I don't know many Members who were here that day who wouldn't like to have that vote back because of the great harm it did to our country, throwing us into a deficit that took our national debt from $900 billion to almost $5 trillion in a little less than a decade.

Today, we have come out of that situation for a lot of reasons which I will not go into this afternoon. We have been given a second chance not to make the same mistake we did two decades ago. In the midst of this, we are going to have a debate about educational needs. The President has said many times that this is his No. 1 priority. How many times during the past year did we see the President campaigning in from of a banner that said ''Leave No Child Behind.''

I supported Al Gore for the Presidency, but I liked that the President said he was committed to leaving no child behind. And, part of me said that maybe he would take the right track. But, I am sad to report after 100 days that the ''Leave No Child Behind'' administration will do just that, if we adopt their education program that imposes strict new mandates on local communities—that they can't afford on their own—but won't commit the resources to match.

Unlike the defense authorization or the agriculture bill, which we consider every year, we won't consider the elementary and secondary education bill again for seven years. This is our one chance to establish our educational priorities as we start the new global millennium.

A child entering an elementary school in Connecticut today is not competing with a child from Louisiana or West Virginia or Oregon. They are competing with children from Beijing, Moscow, Australia, South Africa, and Europe. We are in a global economy. We have to produce the best educated, best prepared generation America has ever produced. And in no small measure what we do in the next few weeks will determine whether or not we are successful in that endeavor.

We talk about testing teachers and testing students. Well, we are about to take a test, ourselves. The test is whether we can get beyond politics in discussing an education bill, as we used to do around here. It is an embarrassment that we spend only two cents of each dollar of the national budget on education, when the President says that education ought to be our top priority. I agree with the President on that, but not on the resources he is willing to devote to education.

I am very worried that, during the ongoing negotiations, as we talk about testing and accountability, which I agree have and merit, we have not reached a consensus about how we will support real improvements in the schools. Tests are measurements, not reforms. We also need to support the real reforms that the tests will measure.

An educator in my home State of Connecticut said the other day: Taking someone's temperature three times an hour does not improve their health, medicine does. Or, as my good friend and colleague from Louisiana, Senator LANDRIEU, said the other day: Resources without reform are a waste of money. But reform without resources is a waste of time.

That is about as good a statement I have heard in this debate over the last number of weeks. She is exactly right.

I would like to place on the table, in addition to accountability and testing and the other things we are discussing, the principle that we ought to have resources committed to school construction, and other issues. It is a disgrace that the average American child goes to school in a building built in the 1950s. And, we need to help schools get class sizes down to a level where teachers can teach and kids can learn. That ought to be a part of this negotiation.

Teachers do a magnificent job every day. I am somewhat biased in this. My oldest sister has been a teacher for about 30 years in the public schools of my State. She taught in the private schools; in the Montessori system of teaching before that. I have a brother who taught 25 years at the university level and my father's three sisters taught for 40 years apiece in the public school system in my State. All three are now gone, but they prided themselves on that and dedicated themselves as teachers. One of them was a Fulbright scholar. She taught in the Hartford Public High Schools. So I come to this debate and discussion, I suppose, with somewhat of a bias in that I have grown up with two generations of my family dedicated to teaching young people.

Nothing makes me more angry than when I hear people suggest that teachers do not care. Maybe there are some, but I have never met one. The ones I have met, the ones I know, could have chosen other career paths in their lives and been financially rewarded to a far greater extent than they were as teachers. But they were dedicated to improving the educational quality of their pupils.

This Nation is built on a number of great things. One of the best is a commitment to education by a group of people who educate succeeding generations of Americans. Those teachers embrace the values incorporated in our Declaration of Independence and our Constitution. We ought to applaud them every single day and thank them.

I listen to teachers talk about what needs to be done. We all ought to pay attention to that. We ought to listen to our PTAs and school boards, people who work every day with these issues. When I talk about class size, school construction, afterschool programs, teacher quality—these are not my ideas; these are not issues the Senator from Louisiana or the Senator from West Virginia or the Senator from Oregon thought up on our own. We were back listening to the folks at home who told us this is what is needed to make the system work better.

In the remaining hours and days here, before we begin a debate on this subject matter, let us not be co-architects of a plan we will come to regret. There are those who are anxious to see the public educational system of this country disappear. I know that sounds like a radical thought, but there are those who believe it. I believe we may be setting up a system that will have a self-fulfilling prophecy ingrained in it, to produce the result that schools do not work and that we have to come up with alternatives to those to educate people in this country.

That is not an answer. Mr. President, 55 million children went to school today: 50 million went to a public school, 5 million went to a private or parochial school, 5 million. There is no way in the world we are going to create a private or parochial school system to accommodate the educational needs of generations of Americans for the 21st century and beyond. We have an obligation, every one of us here and at home, to weigh in and to make our schools better. We need national leadership that is going to put their shoulders behind that effort. And you cannot do it on the cheap. You cannot go around the country and talk about it every day and show up in classrooms for photo opportunities and come back here and say: We just cannot afford to do this, but we can afford to spend $1.6 trillion on a tax cut, nearly half of which goes to the most affluent.

I hope my colleagues in the coming days will find that common ground and put these items on the table. Let's negotiate these items as well before we come to the floor with an education bill that runs the risk of testing kids and holding schools accountable but not providing the resources that our most needy schools require to implement reforms.

I apologize to my colleagues for taking a bit more time than I thought I would, but I thank you for your attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I congratulate my colleague on his speech this afternoon. I share his thoughts, so beautifully and so eloquently expressed on this Senate floor. I salute him, and I will be working shoulder to shoulder with him to advance the education of our children.

During a recent break, I read a book by Sir Francis Bacon. The book is entitled, ''The Advancement Of Learning.'' He was talking about some of the same things we are talking about today: the need for equipment in our educational institutions; the need to pay, the need to remunerate the people who teach in these schools. So I think we are—I was about to say ''walking in good footsteps.'' I hesitated because Sir Francis Bacon was impeached and went to the tower for a while. But anyway, I congratulate my friend.

Mr. President, I understand my friend and colleague from Louisiana is also interested in speaking. May I ask her how much time she would need?

Ms. LANDRIEU. I could probably use 5 minutes, if the Senator could be so gracious to allow that, for comments on education.

Mr. BYRD. I have three speeches. I am not noted for brevity in my speeches, but I do not worry about that too much because Cicero was once asked which of Demosthenes' speeches, he, Cicero, liked the best.

Cicero's answer was, ''the longest.'' He liked the longest of Demosthenes' speeches the best. Of course his speech ''On the Crown'' was probably the greatest speech ever made.

I wonder if the distinguished Senator will let me do my first speech, which will require less than 10 minutes. Then I ask unanimous consent that I may yield to the Senator for her remarks, and that I retain the floor so I might complete my other two speeches.

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

SENATOR STROM THURMOND

Mr. BYRD. Mr. President, this morning's Washington Post contained a front page story on our distinguished colleague, Senator STROM THURMOND.

I am the Senator in this body who has served longest with Senator THURMOND. I served with Senator THURMOND when Senator THURMOND was a member of the party on this side of the aisle. So, having served with Senator THURMOND all of these long years, I began reading the story, thinking how nice it was that the paper would devote time and space to take notice of the longest serving U.S. Senator in American history, Senator THURMOND, who has cast more than 15,800 votes. He is a man who loved his country so much that he gave up his draft exemption status during World War II in order to enlist in the U.S. military and take part in the invasion of Normandy and the liberation of Europe. I salute Senator THURMOND for his patriotism. He didn't have to do that, but he did it.

As I read the story, I was filled with dismay, then revulsion. Contrary to my expectation, what I was reading was a demeaning drivel filled with denigrating language and insensitive images.

As I read, I kept asking myself, what is the point of this story? Is there any purpose to be served by it?

This is certainly not a news story. Yet, it is on the front page of a major national newspaper—a newspaper that is read around the world everyday, a newspaper that is a great newspaper.

I can see neither a point nor a purpose to the story other than a pathetic attempt to demean an outstanding man and a long serving, distinguished federal lawmaker.

Every senior citizen in America ought to be offended by this orgy of pejorative blather which aims only to viciously exploit something as normal as the human aging process.

We are all going to be old one day, if we live long enough. We ought to be conscious of that fact. We should be conscious of it every day regardless of what pursuit we follow in life.

Is there no decency anymore?

Is there no respect for anything anymore?

The people of South Carolina continue to place their confidence and their trust in Senator THURMOND. They elected Senator THURMOND to represent their State in the U.S. Senate. And they have elected him and reelected him many times. That is their judgment to make, and I respect their judgment, and so should everybody else.

The Senate is a collective body of 100 men and women who have been elected by the people of their various States to make the Nation's laws. We are a unique body. One-thousand, eight hundred and sixty-four men and women have served in the Senate since the first day it met in 1789.

We are a special body. While we may have our disagreements on this floor, I believe that the Members of this body for the most part respect each other off the Senate floor as well as on the Senate floor.

However, midway through the story, the Post journalist quotes a Senator who ''agreed to speak candidly only if he was granted anonymity.''

I am speaking candidly today, and I don't do so with anonymity.

At any rate, the story quotes the unnamed Senator as saying, in talking about Senator THURMOND, ''At what point do you draw the line?''

That is the question I kept asking myself as I read this inappropriate, tasteless, cheap-shot piece of journalism: At what point do you draw the line?

That is the very question the Washington Post should have been asking before they chose to print their tabloid tripe: At what point do you draw the line?

May I suggest that the real story here is not Senator THURMOND's age. The real story should be that he loves this institution so much and loves serving the people of South Carolina so much that he, at the age of 98, continues to serve and have the courage to carry on, and that he loves his country so much that he was willing to set aside his exempt status in World War II and participate in that dreadful landing on the beaches of Normandy and risk his life, as so many others risked their lives. And many of them never returned. Senator THURMOND continues to serve and have the courage to carry on, in spite of non-news, deeply offensive stories such as the one in today's Washington Post.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

EDUCATION

Ms. LANDRIEU. Mr. President, I thank the Senator from West Virginia for his heartfelt and wonderful remarks. I thank him for yielding just a few minutes this afternoon to me to speak about the subject of education to follow up on many of the things our colleague from Connecticut, Senator DODD, said so eloquently just a few minutes ago. I appreciate the Senator from West Virginia yielding.

I could actually spend over an hour speaking about this subject because it is so important to our Nation, and it is so important to the State I represent, Louisiana. I will come back often during this debate to try to help focus our attention on some of the aspects of this educational debate that is so important.

Let me begin by simply saying that we are spending a good amount of money on education today. We are spending about $18 billion. That is a lot of money. It is a lot of money to the people of Louisiana. And title I is $8.6 billion with a ''b''—not a million but a billion. That is a huge amount of money, but, unfortunately, I am here to say today that it is not enough to do the things we know we need to do to help reform and improve our schools and to truly give every child in this country a chance to succeed.

As the Senator from West Virginia knows, there are no guarantees in this life. The Government cannot guarantee every citizen a good life. But our Constitution, the formation of this country, and the reason we come to work I think every day as Senators and Members of this body is to try to provide at

least equal opportunity and an equal chance to succeed, to be a part of this great Nation.

There are many ways we can try to do that. But one fundamental way is through the process of formal education—providing excellence in education to every child, whether they be born into a wealthy family, or a poor family, a black family, or a white family, whether they are born in California or New York or Louisiana or Minnesota.

Today, as a nation, we believe we have an obligation. We did not always believe that because prior to 1965 education was a very local enterprise. But since 1965, this Government has recognized that the Federal Government does, in fact, have a role to play, not only in helping States with dollars but, hopefully, now helping them with direction, and moving them to reforms into excellence because while some of our public schools are working, too many of them are failing.

So as we speak about this education debate, yes, we are spending a significant amount of money, but it is not nearly enough. In fact, you can look at how our money has really not increased.

For the record, let me share with you that the title I portion, which is $8.6 billion of the $18 billion total, since 1965, has barely kept pace with inflation. So while every year we come to Washington and say education is our No. 1 priority—the polls most certainly indicate that on the Republican side and Democratic side—our budgets have not reflected that because when items are a No. 1 priority, they get greater than an inflationary increase. They get significant increases in the budget to reflect that No. 1 status. That is simply not happening in the area of education, particularly in title I.

So we want to fight for reform. We want to fight for accountability. But we must have those investments to make those reforms real or it is an empty promise and we are going to be leaving many children behind—millions of children, as Senator DODD said.

Let me just share with you, first, a chart that shows that money does matter. There have been hundreds of studies done, but let me just share one with you. This is a New York study that was recently done that links the rises in school financing to test scores.

In New York, 39 low-performing schools were targeted. These are schools that were failing to meet academic standards. These schools were targeted, and they were given a set of reforms: higher standards, testing, all of the things that we want to do; and, in addition, money, anywhere from $500,000 to $1 million was invested, for smaller class sizes, longer school days, and teacher training.

Do you know what happened. Children began to learn because the reforms were matched with the dollars. In this particular study, we saw an increase of 7 percent in reading, and 3.5 percent in math, based on the reforms and the investment.

I could share with you hundreds of studies and case examples in Louisiana, New York, and California where it proves the point that money matters. Will money correct the problem by itself? Absolutely not. We could triple the amount of money in education under the current system, and we probably would not see much in the way of results. But we are on the threshold of mandating rigorous tests, very high standards, and real consequences for failure.

I believe passionately that if we do not match that historic commitment to excellence and accountability with an historic increase in funding, we are going to leave many millions of our children behind, disappoint communities around this Nation, with unfunded mandates and broken hearts and broken promises. We simply cannot do that. We need to increase funding substantially.

Let me share another number for the record. The proposed tax cut will return $69 billion this year. The current education budget provides only $2 billion extra. Mr. President, with $69 billion for investments in tax cuts, $2 billion for investments in education, it is not nearly enough.

The three R's bill that I have been supporting and promoting asks for an $8 billion increase in education. That would be a significant start—more than the rate of inflation. Not only would the increase help to match our commitment to reform and accountability, but the targeting aspect is also important.

Let me share one other chart today.

One of the problems, as I have tried to outline, is the lack of adequate funding and the real need to match these new accountability standards—new testing standards and new standards of excellence—with real dollars to help our schools to meet these new targets. But equally important as the amount of the funding is the way the funding is distributed.

Right now, we are missing the mark. We are missing our targets. The Federal Government provides a portion of education dollars to the State, and all of us agree—Republicans and Democrats alike—that the primary role of the Federal Government is to help level the playing field so that whether you are in a poor community or a poor State, you have an equal opportunity for an excellent education. Regardless of the fact that he or she might live in a district where there is no capacity for raising taxes, that student should still have a chance for a good education.

Our targets are missing the mark. Depicted in the center of this chart are the schools that are up to 100 percent of poverty. After 35 years, we are still not funding 100 percent of the poorest children in our Nation. We have not reached them. We have tried for 35 years, but we are not reaching the target. When you move out to those schools that are between 50 and 75 percent of poverty, we are only reaching 80 percent of our children. When you move out further, to those schools that are between 35 to 50 percent of poverty, we are reaching less than 50 percent of our children. We need 100 percent for the poorest of our children. We need 100 percent for those schools between 50 and 75 percent of poverty. And we need at least 75 to 100 percent for those schools at 35 to 50 percent of poverty. If we do not, the promise that we make to help the poor children in this country, many of whom live in States such as Louisiana, West Virginia, California, and New York—and they exist in every part of this Nation—will simply be empty. It is not fair.

As I conclude, let me just say that not only is it not fair; it is not smart because our Nation will not function at its highest capacity. We cannot remain the supereconomic power that we are. We cannot provide our industries with workers who have had skilled training if we do not make a commitment at the national level to not only increase the amount of funding for education significantly, over and above the inflation rate, but that we also target those extra dollars to the communities that need the most help, hoping that wealthier communities and affluent communities could step up to the plate and do the job, but communities that are poor and disadvantaged, the Federal Government would help.

In conclusion, let me be clear that we want to help every child in every district in every State. In our formula that we are recommending—and I am going to be offering an amendment that will certainly do that—every child, every community, and every school district will get help from the Federal Government. But we will give special help to those districts that need it the most. This is not just about taking temperatures; it is about having the medicine to give to our children to help get them well and to give to our schools to help make them excellent. If we raise the standards and do not help our children meet the standards, we are going to have a high level of frustration, anxiety, and pain across this Nation.

So I commend the President for wanting to move to a system of greater accountability. I have supported that. My State of Louisiana is leading that effort. But if we do not couple that new accountability with increased targeting and increased investment, we will be making a very bad mistake that our Nation will pay for dearly in the decades ahead.

Let us start this new century with a renewed commitment, with renewed vigor, with a commonsense approach; yes, with more accountability and reform, with real dollars to match, targeted in a way that will really bring the promise of this great Nation to each child, whether they live in West Virginia or Louisiana. We can do it. We have the money to do it. The question is, Do we have the will? I believe we do. With the President's leadership, with bipartisan support, we can find the will to do right by our children in their schools and in their communities.

Mr. BYRD. Mr. President, I thank the Senator from Louisiana. I share her enthusiasm for education. I am grateful that she is a Senator who is using her foresight and vision and talents to advance the cause of education.

TAKE YOUR DAUGHTER TO WORK DAY

Ms. LANDRIEU. Mr. President, the Senator from West Virginia should note what for all of us is a special day on Capitol Hill. It is Take Your Daughter to Work Day. While my own precious little 3½-year-old daughter is not with me today because she is not quite old enough to appreciate the significance of this day, I do have nine beautiful little girls from Louisiana whom I have adopted for the day and a whole Girl Scout troop here from Capitol Hill, Troop 4062. I will submit their names for the RECORD.

I want the RECORD to reflect that they were here today working with us to help make this Senate and this country a better place. I wish them all much success. I am glad that so many of our Senators and staff invited the young girls today to share this experience with us.

I thank the Senator for yielding the time and ask unanimous consent to print the names in the RECORD.

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

LOUISIANA GIRLS

Jillian Willard, Tricia Boh, Caitlin LeBlanc, Kristin Scianna, Katie Scianna, Brooke Holmes, Katherine Klimitas, Adriana Klimitas, Ashlyn Wink, Rebecca Wink.

GIRL SCOUTS—TROOP 4062

Vicki Faling, Savannah Jameson, India Teal, Daniella Harvey, Skye Dantzler, Sabina Tarnowka, Danielle Flynn, Sharae Hughley, Casey Beasley, Maeve Wiegand, Blaire Laney, Sybil Bullock, Moredia Akwara, Samantha Snow Marsh, Clara Wiegand, Lakisha Campbell.

Troop leader: Sandy Lelan.

Assistant troop leader: Connie Jameson.

Mothers of Girl Scouts: Carrie Campbell, Mary Ann Snow.

THE ROLE OF TELEVISION

Mr. BYRD. Mr. President, I want to take a few minutes to discuss an issue that I have addressed several times before on this floor—that is, the role of television in the lives of the American people. Today's television would have you believe that the television program ''How to Marry a Millionaire'' is a guide on how to find the perfect mate; that ''Temptation Island'' is a guide to stable relationships; that Al Bundy is a paragon of parental nurturing, while his wife, Peg Bundy is reflective of virtuous American womanhood; that ''Who Wants To Be a Millionaire?'' is educational television.

I am ashamed and embarrassed that according to a survey by the Annenberg Public Policy Center at the University of Pennsylvania, 70 percent of the parents surveyed regard ''Who Wants To Be a Millionaire?'' as educational television.

I regret to say that the sorry state of television is becoming the sorry state of America: 59 percent of Americans can name the three Stooges, but only 17 percent of the American people can name three Supreme Court Justices; only about 50 percent of the American people could identify the Vice President of the United States, but 95 percent could identify Homer, Bart, and Marge Simpson.

Three years ago, I came to this floor to express my shock and utter amazement at the details of a story in Time magazine entitled, ''Everything Your Children Already Know About Sex.'' The story told how our children are learning their sexual values from television programs like ''Dawson's Creek,'' which boasted of a character who lost her virginity at the age of 12 while drunk. There was ''Buffy the Vampire Slayer'' in which a male vampire turned bad after having sex with 17-year-old Buffy.

''Why are we letting our kids watch this morally degrading, thoroughly demeaning, junk on the airwaves?'' I asked.

But from that low point, television has only continued to degenerate. It seems that many television programs are busily intent on answering the question, ''how low can you go?'' with the fare that they put before us.

The land, the society, the country that once produced the works of James Fenimore Cooper, Herman Melville, and Nathaniel Hawthorne, now gives us the works of Howard Stern and Jerry Springer. No wonder the late Steve Allen, a pioneer in the television industry, complained that television had become a ''moral sewer.''

When I think of television today, I seriously wonder whether Charles Darwin's theory of evolution is being stood on its head by popular culture. Evolution implies progress. Going from the musical accomplishments of Beethoven, Bach, and Mozart to the groans and moans of HBO's ''Sex in the City'' is anything but progress.

By the age of 18, the average American child will have viewed about 200,000 acts of violence on television. Before that child leaves elementary school, that child will have watched, on the average, about 20,000 murders and more than 80,000 other assaults. This means that during their most formative years, our children will witness approximately 100,000 acts of violence.

But the problem with television is more than the content of the programs alone. It is the nature of the beast—or should I say, the nature of the boob tube. There are 102 million TV homes in the USA; 42 percent of them have three or more sets. The average American spends four hours of each day—that amounts to two full months of each year—staring at the boob tube. Forty percent of the American people stare at the boob tube even while eating.

The negative impact of too much television is becoming more and more apparent as more and more studies have demonstrated: the link between television violence and real violence; the link between television and increasing obesity among young people; the link between television and declining interest in the fine arts; the link between television viewing and low academic performance. To put it bluntly, Mr. President, television is helping to create a morally irresponsible, overweight, lazy, violent, and ill-informed society.

Mr. President, this week, April 23–29, is national ''TV Turnoff Week.'' Turn it off! Let's have more turnoff weeks; make it 52 weeks of the year, national ''TV Turnoff Week.'' This is an effort sponsored by the TV-Turnoff Network, a grass-roots organization that has organized thousands of schools, clubs, community organizations, and religious groups to get the American people to turn off or limit their television viewing for one week to discover that there is actually life beyond the boob tube. The group has won the support and endorsements of dozens of powerful organizations, such as the American Medical Association. They have certainly won my support and my hearty endorsement. Hallelujah! Turn off that TV.

The organization's motto is, ''Turn off TV. Turn on life.'' Their point is well taken. Life should be more rewarding and interesting than sitting in front of a box and becoming mesmerized with morally degrading, mind-numbing nonsense. That is what it is.

Instead of sitting in front of the television for 4 hours a day, get some exercise! Get out-of-doors. Go for a walk, a hike, a bike ride, or swim. It will be far better for your health.

Instead of sitting in front of the television for 4 hours a day, read a good book! Read Emerson's Essays, Carlyle's ''History of the French Revolution,'' read history, read the Bible, read Milton's ''Paradise Lost, Paradise Regained.'' Read ''Robinson Crusoe.''

Read something that is worth reading. I ask, which will make one a better person, spending hours watching ''Survivor,'' ''Big Brother,'' and ''The Weakest Link,'' or using the time to read a great literary work by Shakespeare, Dickens, or Goethe. Groucho Marx said that he found television to be very educational because, ''Every time somebody turns on a set, I go into the other room and read a book.'' I like that. I say, ''be like Groucho.'' Let's have more Groucho's. Simply turn off the television set and read a good book.

Instead of sitting in front of the television for 4 hours a day, spend some time with the family. Family members can use the opportunity to take a trip together to the local museum or art gallery, or simply talk to each other during dinner. Make your family the center of home life, not the television set. Studies by professor Barbara Brock at Eastern Washington University found that in TV-free families, parents have about an hour of meaningful conversation with their children every day, compared with the national average of 38 minutes a week. Here would be an opportunity for parents to emphasize their values—not Hollywood's—to their most precious asset—their children.

I don't want to leave the impression that all television is bad. I have seen some very educational, very informative, very uplifting, very good pictures, shows, and plays on television. There is much programming that is truly educational. I have been to one movie since I have been in Washington. I have been in Washington now 49 years. I have been to one movie. I left that movie. I didn't stay and watch it through. I became bored and I walked out. Yul Brynner was, I think, the main player in that movie. I walked out. But just within the last few weeks, I watched a picture in which Yul Brynner played. I believe it was—I am trying to remember now. I have watched some good pictures recently. I watched ''The Ten Commandments,'' which was a good picture. That may have been it. Yul Brynner plays in it and I liked him in it. He played well. So I don't want to leave the impression that all television is bad. I think that C-Span, PBS, and the History Channel provide worthwhile viewing to the audience. I also believe that programming like Ken Burns's series on the Civil War is quality programming that expands our knowledge and deepens understanding.

But I do want to emphatically stress that there is much more to life than the boring, degrading, demeaning fare on the boob tube. I urge the American people to use this week to break your addiction to television. Just say no! As the TV-Turnoff Network urges, ''turn off TV, turn on life.''

In addition to becoming healthier, both mentally and physically, one might be able to name three Justices on the Supreme Court.

One might even be able to name the Vice President of the United States.

Mr. President, I applaud the efforts of the TV-Turnoff Network and urge them to keep up the good work. And I urge my colleagues and the American people to participate in national ''TV Turnoff Week.''

Mr. President, I have another statement I want to make. But I am very conscious of the fact that my favorite U.S. Senator on this side of the aisle has been on the floor waiting. I am very willing to set aside my speech and listen to my colleague before I proceed further.

(Mr. ENZI assumed the chair.)

Mr. KENNEDY. If the Senator will yield, I thank the Senator from West Virginia, who is typically courteous, as always. I am very grateful for his thoughtfulness. I welcome the opportunity to continue to listen to his very fine statements. There are many important things that are happening in the Nation's Capitol and around this country today, but I think if the American people will pause and listen to the good advice of my friend and colleague about the importance of reading as opposed to television, in his excellent presentation, I think this would be a wiser and more thoughtful country. I commend the Senator for his statement and the subject matter. I look forward to continue listening.

Mr. BYRD. Mr. President, I thank my colleague. But I want to give him a second chance. I want to give my friend a second chance. I want to warn him that this is poetry month. I am all ready to talk about poetry, and I am ready to at least render my memorization of at least 8 or 10 or 12 poems. So I will give my colleague one more chance. If he would like to make his speech now before I start, I would be happy to yield.

Mr. KENNEDY. The Senator may be even more reluctant to interfere. We have a good prospect of listening to him quote poetry. All of us are enormously impressed that when the Senator travels back to West Virginia, he takes time to learn and to memorize poems. As a result of that experience, and a very long and distinguished career in the Senate, he has an enormous reservoir of knowledge of poetry and an incredible encyclopedic memory for poetry that always seems to be right for every special occasion. I look forward to hearing some of those this afternoon.

Mr. BYRD. Mr. President, I thank Senator KENNEDY. I really have enjoyed my long service with the distinguished senior Senator from Massachusetts. I have learned a great deal from him, and I prize that friendship.

Mr. KENNEDY. If the Senator will yield, does the Senator intend to mention that wonderful poem about the ambulance in the valley? That was always one of my favorites. I don't know whether the Senator planned to include that.

Mr. BYRD. I did not plan to include it, but I will be happy to try to do that.

Mr. KENNEDY. I thank the Senator.

Mr. BYRD. I thank the Senator. That is very thoughtful of him and very good of him. I appreciate his interest in that particular poem, among others. Let's do it this way. I will make my speech and do the poems that I have included, and then I will give the Senator a chance to make his speech, and if he is still interested in my giving that poem, I will be happy to, or I will be happy to wait until another day.

Mr. KENNEDY. I thank the Senator.

A CELEBRATION OF POETRY

Mr. BYRD. Mr. President, this is entitled ''Looking Up At Him'':

I asked the robin, as he sprang
From branch to branch and sweetly sang,
What made his breast so round and red;
Twas ''looking at the sun,'' he said;
I asked the violets, sweet and blue,
Sparkling in the morning dew,
Whence came their colors, then so shy;
They answered, ''looking to the sky'';
I saw the roses, one by one,
Unfold their petals to the sun,
I asked them what made their tints so bright,
They answered, ''looking to the light'';
I asked the thrush, whose silvery note
Came like a song from angel's throat,
Why he sang in the twilight dim;
He answered, ''looking up at Him.''

Mr. President, this month, our nation recognizes National Poetry Month, a celebration of poetry and its place in American society. Like spring, poetry offers man a rebirth of his inner spirit. Poetry expresses our humanity, and, through meter, makes music of the spoken world as it rhythmically sways and floats through our imaginations. It is the laughter of children, the gentle rustle of an autumn breeze, and the pitter-patter of a sun shower. Poetry, simply put, is beauty defined.

Man comes a pilgrim of the universe,
Out of the mystery that was before
The world, out of the wonder of old stars.
Far roads have felt his feet, forgotten wells
Have glassed his beauty bending down to drink.
At altar-fires anterior to Earth
His soul was lighted, and it will burn on
After the suns have wasted on the void.
His feet have felt the pressure of old worlds,
And are to tread on others yet unnamed—
Worlds sleeping yet in some new dream of God.

Whether constructed with long cadenced lines or intricate stanzas, conventional or openhanded sonnetry, light quatrains or heavy ballads, or the age-old epic yarns of Homer and Virgil, the power of poetry surrounds us. It tells of love, of death, of things temporal or spiritual, and of the hereafter. It speaks of the most common of occurrences and the most revealing of emotions, and it flows like a symphony, its

meter enhancing the expressiveness of its words. These virtues can be seen in Alfred Tennyson's ''Crossing the Bar'':

Sunset and evening star,
And one clear call for me!
And my there be no moaning of the bar,
When I put out to sea,
But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.
Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;
For tho' from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crost the bar.

I have often found that a good poet helps me to examine my inner self through the poet's use of words, meter, and rhyme. Such poets enable their readers to look within and to confront their own vexations and perplexities, and then sort out the wheat from the chaff and deal with the inevitable dilemmas of life. An example of this can be seen in Robert Frost's ageless masterpiece, ''The Road Not Taken:''

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth;

Then took the other, as just as fair,
And having perhaps the better claim,
Because it was grassy and wanted wear;
Though as for that, the passing there
Had worn them really about the same,

And both that morning equally lay
In leaves no step had trodden black.
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back.

I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

Frost's words sing, and at the same time, as I reflect on his deft metaphor for the choices we all make in our lives, they burn in my mind. For 83 years I have encountered diverging roads, some in the beautiful woods of West Virginia and many here in this Chamber. The choices that I have made at these crossroads have, in fact, made all the difference.

Speaking of roads, there are many bridges also that we have to cross in this great country of ours. It brings to my mind a poem by Will Dromgoole. One might think this is a man who wrote this poem—Will Dromgoole, but it is a female author:

An old man going a lone highway
Came at the evening, cold and gray,
To a chasm vast and wide and steep,
With waters rolling cold and deep.
The old man crossed in the twilight dim,
The sullen stream had no fears for him;
But he turned when safe on the other side,
And built a bridge to span the tide.

''Old man,'' said a fellow pilgrim near,
''You are wasting your strength with building here.
Your journey will end with the ending day,
You never again will pass this way.
You've crossed the chasm, deep and wide,
Why build you this bridge at eventide?''

The builder lifted his old gray head.
''Good friend, in the path I have come,'' he said,
''There followeth after me today
A youth whose feet must pass this way.
The chasm that was as nought to me
To that fair-haired youth may a pitfall be;
He, too, must cross in the twilight dim—
Good friend, I am building this bridge for him.''

The lines of a poem contain the timeless power of concentrated thought. Whether a poem is as ancient as the ''Aeneid'' by Virgil or as straightforward as the verses of Emily Dickinson or Ella Wheeler Cox, poetry can evoke the full range of human emotions from joy to sadness. Poems are, as William Butler Yeats once said, ''monuments of unaging intellect.'' Poems may also be monuments to historical eras—speaking for every man and woman of the time. One such poem, ''The Right to Labor in Joy,'' by Edwin Markham, captures the discord and tension of the era when the grasp of European despotism began to weaken:

Out on the roads they have gathered, a hundred-thousand men,
To ask for a hold on life as sure as the wolf's hold in his den.
Their need lies close to the quick of life as rain to the furrow sown:
It is as meat to the slender rib, as marrow to the bone.

They ask but the leave to labor for a taste of life's delight,
For a little salt to savor their bread, for houses water-tight.
They ask but the right to labor, and to live by the strength of their hands—
They who have bodies like knotted oaks, and patience like sea-sands.

And the right of a man to labor and his right to labor in joy—
Not all your laws can strangle that right, nor the gates of hell destroy.
For it came with the making of man and was kneaded into his bones,
And it will stand at the last of things on the dust of crumbled thrones.

Whether introspective, political, or pastoral, all poetry is intended to elicit an emotional response. Some poems use free-flowing meter and cleverly crafted verse to bring a smile to the reader's face. But, very often such verses also embody simply universal truths which make us nod our heads in agreement. One such example is the poem, ''Trees,'' written by Joyce Kilmer.

I think that I shall never see
A poem lovely as a tree

A tree whose hungry mouth is prest
Against the earth's sweet flowing breast;

A tree that looks at God all day,
And lifts her leafy arms to pray;

A tree that may in Summer wear
A nest of robins in her hair;

Upon whose bosom snow has lain;
who intimately lives with rain.

Poems are made by fools like me,
But only God can make a tree.

Other poems delve into more complex and profound regions of the human experience. These poems resonate deeply and touch the deep chords of our senses, echoing through our imaginations over and over again. Thomas Moore's ''The Scent of the Roses,'' comments on love, death, and poignant memories.

Let fate do her worst, there are relics of joy,
Bright dreams of the past that she cannot destroy,
That come in the night-time of sorrow and care,
And bring back the features that joy used to wear.

Long, long be my heart with such memories filled,
Like the vase in which roses have once been distilled,
You may break, you may shatter the base if you will,
But the scent of the roses will hang round it still.

Nothing has the capacity of poetry to condense the pain and the beauty of living and to reach the spiritual side of our natures. A talented poet can elicit tears with only a few lines of verse, while the novelist must reach for plot twists and character development to garner a similar response. In no form of expression is the choice of each word so important. Listen to William Earnest Henley's ''Invictus'' and its description of the author's triumph over an infection that almost cost him his only leg and threatened his life.

Out of the night that covers me
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance
I have not winced nor cried aloud;
Under the bludgeonings of chance
My head is bloody, but unbowed.

Beyond this place of wrath and tears
Looms but the Horror of the Shade,
And Yet the menace of the years
Finds, and shall find, me unafraid.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate;
I am the captain of my soul.

In plain and simple words, William Earnest Henley draws from courage and the depths of his soul a supreme strength of human will, while in the crucible of excruciating pain and under the shadow of death.

Poetry has always been a passion of mine, and a form of art which I hold dear to my heart. Consequently, I have sought to discipline my mind through the memorization of lines and verses of poetry. Many people jog today in the exercising of their bodies. I do little of that. But I mostly try to jog my mind, jog my memory, give it exercise, keep it busy. I have memorized poem after poem, trying to capture the beauty and wisdom of each one. Poetry has been my consummate companion over the

years, and the verses that I have committed to memory are not only a delight to my ears, but a balm to my soul as well. I try to be selective in the poems I memorize. It does take time. It takes effort. It takes energy. It takes determination. It takes discipline to memorize poetry. I frequently make use of these poems in my speeches, carefully choosing a verse that captures the essence of my message, always assured that its beauty will deliver in the keenest sense what I try to convey. One such poem which has served me well is by Henry Wadsworth Longfellow: ''The Building of The Ship.''

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What Workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears.
Our faith triumphant o'er our fears,
Are all with thee, are all with thee!

Can one think of a more beautiful description of the promise of America, and of what we as Senators have a duty to protect? We have nothing less than the hopes of mankind in our charge!

Poetry is man's attempt to reach up and out of his human skin, and connect, just for a moment, with something perfect and eternal.

Edwin Markham's, ''A Workman To The Gods,'' could be seen as a tribute to the perfection sought by the poet.

Once Phidias stood, with hammer in his hand,
Carving Minerva from the breathing stone,
Tracing with love the winding of a hair,
A single hair upon her head,
Whereon a youth of Athens cried,
''O Phidias, why do you dally on a hidden hair?
When she is lifted to the lofty front
Of the Parthenon, no human eye will see.''
And Phidias thundered on him:
''Silence, slave: Men will not see, but the Immortals will!''

Like the carving of Minerva that Phidias so carefully chiseled into the relief of the Parthenon, a well crafted poem lifts all of humanity and is an undeniable testimony to the immortal nature and exceptional beauty of the human soul.

A poem is a symphony of words just waiting to be played, and, like any good piece of music, it only improves with the playing. My own repertoire of poems has provided me with great spiritual enrichment and the special comfort of finding meaning in my own experiences which I might not otherwise have easily discerned. I applaud the efforts of the Academy of American Poets and the programs that they have organized for the sixth annual National Poetry Month. Through celebrations such as this, I hope that poetry will come to be appreciated by a new generation of Americans so that they might enjoy the deep spiritual enrichment that poetry has provided to so many. I should mention that great English novelist and poet, Rudyard Kipling, who received the Nobel Prize for literature in 1907 and about whom I was reading when I was yet in high school in the early 1930's

In his ''Recessional'' and similar pieces, Kipling addressed himself to his fellow countryman in times of crises. Today I shall only quote from Kipling's ''The Heritage'':

Our fathers in a wondrous age,
Ere yet the earth was small,
Ensured to us a heritage,
And doubted not at all,
That we, the children of their heart,
Which then did beat so high,
In later time should play like part
For our posterity

Then, fretful, murmur not they gave
So great a charge to keep,
Nor dream that awestruck time shall save
Their labor while we sleep.
Dear-bought and clear, a thousand year
Our father's title runs.
Make we likewise their sacrifice,
Defrauding not our sons.

I shall close with one of the poems by Henry Van Dyke, another poet and essayist popular in the closing days of the 19th century and the early decades of the 20th century. This poem, ''America For Me,'' has been very popular with my own constituents for whom I have quoted it so many, many times during my travels in the West Virginia hills.

Tis fine to see the Old World, and travel up and down
Among the famous palaces and cities of renown,
To admire the crumply castles and the statues of the kings,
But now I think I've had enough of antiquated things.
So it's home again, and home again, America for me!
My heart is turning home again, and there I long to be,
In the land of youth and freedom beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

Oh, London is a man's town, there's power in the air;
And Paris is a woman's town, with flowers in her hair;
And it's sweet to dream in Venice, and it's great to study in Rome
But when it comes to living there is just no place like home.
I like the German fir-woods, in green battalions drilled,
I like the gardens of Versailles with flashing fountains filled;
But, oh, to take your hand, my dear, and ramble for a day
In the friendly western woodland where Nature has her way!
I know that Europe's wonderful, yet something seems to lack:
The Past is too much with her, and the people looking back.
But the glory of the Present is to make the Future free,
We love our land for what she is and what she is to be.
Oh, it's home again, and home again, America for me!
I want a ship that's westward bound to plough the rolling sea,
To the blessed Land of Room Enough beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

Mr. President, Senator KENNEDY was planning to speak. While we are waiting for Senator KENNEDY, I shall quote another poem:

I saw them tearing a building down,
A group of men in a busy town;
With a ''Ho, heave, ho'' and a lusty yell.
They swung a beam and the sidewall fell.

I said to the foreman, ''Are these men skilled
The type you'd hire if you had to build?''
He laughed, and then he said, ''No, indeed,
Just common labor is all I need;
I can easily wreck in a day or two,
That which takes builders years to do.''

I said to myself as I walked away,
''Which of these roles am I trying to play?
Am I a builder who works with care,
Building my life by the rule and square?
Am I shaping my deeds by a well-laid plan,
Patiently building the best I can?
Or am I a fellow who walks the town,
Content with the labor of tearing down?''

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

TRIBUTE TO JIM ENGLISH

Mr. DASCHLE. Mr. President, I come to the floor today to honor a very special person. His name is Jim English. He is the Democratic staff director of the Senate Committee on Appropriations. In the course of the 30 years he has worked in the Federal Government, 23 of which were right here in the Senate, Jim has served the Senate and the American people with great distinction.

I have had the privilege of working with and getting to know Jim well as he carried out his responsibilities on one of the most important committees of the U.S. Senate, the Senate Appropriations Committee. Very few people I have encountered in my time in the Senate—be they members or staff—have made as big a difference in the lives of everyday working people. Throughout his Senate career, Jim has constantly and consistently done what is best for the American public, regardless of their political persuasion and social status.

Although he worked directly for our colleague, Senator BYRD, Jim has always had time to listen to and help deal with the needs and requests of any

Senator who came to him seeking assistance. I have seen first hand his patience, his expertise, and his willingness to lend his considerable talents to help Member after Member do right by their constituencies. Perhaps the greatest tribute one can pay to Jim's professionalism and expertise is that he has managed to attain the absolute trust and confidence of Senator BYRD. Suffice it to say that such a feat is as major as it is rare.

During his time in the Senate, Jim has set a standard of conduct and accomplishment that will be exceedingly difficult to match. In my mind, Jim has come to symbolize what we mean when we use the term public servant. I thank him for choosing to spend part of his life with us. We are all better off as a result.

I wish him well in whatever he chooses to pursue in the next stage of his life and hope that others who follow in his footsteps remember the lofty standards he established.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I came to the floor and I heard Senator BYRD and Senator DASCHLE speak about Jim English. The only thing I can say about Jim English—not nearly as well as the two of them have spoken about him—is, No. 1, he has worked for and with the master, Senator BYRD. I think he knows almost as much as Senator BYRD does about the appropriations process—maybe not quite as much. But I can tell Senator BYRD that I think Jim is a lot like Mike Epstein, my former deputy. I came here and I knew so little. Maybe I now know a little more. I still have a lot to learn.

Jim is just so gracious and so willing, when people are just rushing and rushing, to take time and mentor you and to be your teacher. Jim worked for Senator BYRD, but in a way I believe he was there to work for all of us. He certainly helped me a lot. At the beginning I hesitated to ask him. I knew of his expertise. When he was so gracious and so obliging and never made me feel as if I was a fool, then I believed he was a great teacher, willing to answer more questions. I have asked him many, many questions. He has answered those questions. He has helped me. He has helped a lot of Senators.

He truly represents the very best of public service. We are going to lose a great man. The country is going to lose a great man. There is no question about it.

I thank you, Jim.

Mr. KENNEDY. Mr. President, I am delighted to have the opportunity to join my colleagues in this well-deserved tribute to Jim English, who is retiring from the Senate after 30 years of outstanding service. Jim has done a brilliant job over the years as both a majority staff director and a minority staff director on the Senate Appropriations Committee, and we will all miss him very much.

Jim was talented and always helpful, and he was an enormous source of advice and counsel for all of us on so many aspects of the appropriations process. Whatever the issue, and however complex the process, especially as the annual deadline neared, Jim was always a steady hand and a remarkable source of inspiration and wise counsel.

Jim's name may not be well known to the citizens of our states, but over the years, the people of all 50 states have benefitted immensely from Jim's skillful work.

It is a tribute as well to our distinguished colleague, Senator BYRD, that he has had the remarkable service of such an outstanding member of his staff over the years. We will all miss Jim very much. We thank him for his extraordinary services to the Senate and the nation, and we extend our best wishes to Jim and his family for a long and happy retirement in the years ahead.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 1

Mr. LOTT. Mr. President, I think it is essential that we go forward with our education reform package. A lot of good work has been done in the Health, Education, Labor, and Pensions Committee. Senators on both sides of the aisle—Republican and Democrat—have worked hard. They reported out a bill overwhelmingly from the committee. A great deal of negotiation has gone on since then between members of the committee, the House and Senate, both parties, and the administration. A lot of the reform language has been agreed to, with a lot of understanding about the amount of funds that will be necessary to implement this legislation.

But the important thing is that we go forward. I do not think you could ever get every detail worked out and agreed to in advance. It is called the legislative process. You go to the Chamber, you have debate, you have amendments, you have votes, you get a result, and you pass the bill.

Over the past couple years, I have quite often been criticized that I would not let the Senate work its will. And now, for a week, the Democrats have been blocking going to the bill, blocking the motion to proceed to the education bill.

This is the highest priority for this President, I believe for the Congress, both parties, and for the children.

I believe that if we go forward and have a good debate and have amendments that we will get a result that will be good in improving the quality of education in America.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 23, S. 1, the Elementary and Secondary Education Act.

The PRESIDING OFFICER. Is there an objection?

Mr. WELLSTONE. Reserving the right to object, I say to the majority leader that where I would dissent from his remarks is that actually there is a lot of negotiation going on. I think Senators on our side have made some very basic points. One is, it is important what is in the bill before it comes to the floor. Two, I think we are quite far apart, although hopefully we at some time will be together about whether or not, in fact, there will be the investment in children, to make sure that the children and the teachers and the schools have the tools to succeed. This is really a choice between whether or not you want to put so much into, I say to the majority leader, Robin-Hood-in-reverse tax cuts, with over 40 percent of the benefits going to the top 1 percent of the population, or you are willing to make the investment in education and children.

I am so pleased the President has announced the goal of leaving no child behind. But it cannot be done on a tin cup budget. We are looking at the whole issue of kids with special needs, the IDEA program, the title I program, afterschool programs, teacher recruitment, smaller class size, and doing something about these dilapidated buildings.

So my hope is we will be able to resolve what I think are important questions. But I think the Democrats are very committed to this discussion about education, very committed to doing it right. If, in fact, we are going to call this piece of legislation, as the President has, the BEST, then we ought to be doing our best for children. I have no doubt that the people in Minnesota and the people across this country are looking for a real commitment of resources and the Federal Government living up to its obligation. We should be accountable. Just as we call for the teachers and the children to be accountable, we should be accountable as well. That is what we are going to be strong on.

I object.

Mr. LOTT. To clarify, does the Senator object to bringing up and going forward with the education bill?

Mr. WELLSTONE. I said I object to going forward with the education bill while we are in negotiation, while we do not know what is in the bill, while

we do not have a commitment yet on the investment of resources and the Federal Government and the Senate and the House living up to our commitment to children and education in the country.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I now withdraw the pending motion to proceed to S. 149.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED

Mr. LOTT. I now move to proceed to S. 1, the Elementary and Secondary Education Act.

I say to the Senator from Minnesota, there have been many days of negotiation. A lot of progress has been made. Everybody acknowledges that. But this bill should have been taken up in March. Now here we are almost in May and we are still negotiating. If we are going to have everything wrapped up before it ever comes to the floor of the Senate, there would not be much for the Senate to do around here.

Ordinarily, you get as much of an agreement as you can, get a bill reported out, and bring it to the floor. Negotiations are not going to end. They are going to continue. But on some of them we are not going to be able to reach an agreement.

I say to my colleague, in a State that is trying to improve education, and, again, as a son of a schoolteacher, if just money would solve the problem, we would have a higher quality of education in America than we do today.

We have spent well over $130 billion over the past several years for the title I program. I don't want to demean that program. It has done some good and can do more good, if we give a little more flexibility at the local level where the money can be used, where it may be used differently in Minnesota than it would be in Texas, give a little flexibility to make sure you are addressing the needs of those title I children in an appropriate way.

But just money is not enough. We have to have some real reforms. Money is part of it. I admit that. The President has asked for more money for the reading program. The President has indicated he supports more funding for title I and for IDEA and for bilingual education.

We are making progress. He is moving in the right direction. But I don't know if we can ever come up with enough money in this area or a lot of the other areas to suit every Senator. They can always find some way—it is easy—to say ''give me more.''

One of the reasons we ought to have tax relief is to let the people keep a little bit more of their money to help the children with their needs. That is why I think we ought to double the child tax credit; let the parents get more of the benefit of their money to help their children with their needs. Let them decide if they need a little tutoring, if they need a computer, whatever it may be.

One of the reasons parents can't always do what they need for their own children is that they don't get to keep enough of the money they earn. Why in the world would we take from the mouths of labor the bread that they have earned? That is a quote from Thomas Jefferson—a great line.

At any rate, some Senators are adamant about objecting to proceeding to the education bill. I think that is a mistake. I think we ought to move forward. I suspect that some of the amendments that would be offered—and maybe the Senator from Minnesota would support and I would oppose—probably will pass. What are they worried about? We can bring this to a satisfactory conclusion that would be good for everybody. This is a win-win-win opportunity. Let's not blow it.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending motion to proceed so that we can get under way. I have let the Senate basically mark time now for the last week without achieving any real progress or closing the negotiations. I think it is time we guarantee that we can get on the bill.

The PRESIDING OFFICER (Mr. BENNETT). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 23, S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965:

Trent Lott, Jim Jeffords, Bill Frist, Rick Santorum, Kay Bailey Hutchison, Don Nickles, Tim Hutchinson, Strom Thurmond, Frank Murkowski, Pat Roberts, Sam Brownback, Jeff Sessions, Mike Crapo, Judd Gregg, Susan Collins, and Jesse Helms.

Mr. LOTT. Mr. President, I have consulted with Senator DASCHLE and advised him that I would be filing cloture. This is not a surprise on his part. I know Senator KENNEDY was aware of it. I am sorry he was not on the floor because he has been working very hard doing a good job.

Under the rules, this vote then would occur on Tuesday. I ask unanimous consent that this cloture vote occur at 9:30 a.m. on Tuesday and that the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be 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.

REPORT ON FOREIGN TRAVEL

Mr. SPECTER. Mr. President, I want to make a statement on a recent trip I have made to the Mideast. I want to alert my colleagues to the fact that beyond what is available in the news media, the situation in the Mideast is so serious it is really hard to describe. The concern I have is that the violence is likely to move beyond the borders of Israel where Hamas and Islamic Jihad may be targeting other installations, perhaps even U.S. installations.

I had an opportunity to talk with the Israeli leaders, including Prime Minister Sharon, who has the understandable position that he is not going to negotiate for peace until the violence has ended.

I had an opportunity to talk with Palestinian Authority Chairman Yasser Arafat, who makes representations which simply are not true. Arafat makes the contention that he has issued an unequivocal edict for the Palestinians to cease the violence, citing as an example a speech he made at the Arab summit. When that speech is examined, it is so conditional as to be meaningless.

We had an opportunity to travel as well to Damascus where conversations were held with Foreign Minister Shara.

The situation between Israel and Syria is very tense. Israel retaliated against a Syrian radar installation because of the Hezbollah attacks against Israel from southern Lebanon Hezbollah being backed by Iran with the concurrence of Syria.

The trip I made occurred during the past Easter recess, and I will describe it in some detail in the course of this floor statement.

Upon coming back to the United States, I have written to the President urging him to appoint a special representative in the Mideast, just as that had been the practice going back to the days when Henry Kissinger shuttled for President Nixon, special envoys being appointed by President Jimmy Carter, President Ronald Reagan, President George H. W. Bush, and President Bill Clinton.

Mr. President, from April 7 to April 21, we traveled from New York City to London, Florence, Ashkelon, Tel Aviv, Jerusalem, Cairo, Damascus, Beruit, Souda Bay, Crete, and Rome en route to Philadelphia.

In London, we met at the British Ministry of Defense with Ian Lee, the Director of the NATO and European Security Policy Department, and Deputy Director, A. D. Richards. The meeting touched on a range of issues. Among those were President Bush's position on missile defense, the British outreach to rogue nations, the viability of NATO absent a Soviet threat, plans for the proposed European defense force, and the British thoughts on the War Crimes Tribunal and the International Court.

Mr. Lee stated that the British reaction to President Bush's position on Missile Defense and its effect on the ABM Treaty was one of general support. They have an appreciation for the risks and agree with the United States on the threats. However, they are waiting to see what the actual proposal would be.

Mr. Lee stated that the United Kingdom was at a different stage than the United States in regards to its relation with several rogue nations. Its mission in Iran is moving toward having an ambassador, while it continues an effort to establish diplomatic ties to Libya.

I next met with Mr. Emry Jones Parry, the Political Director and Deputy Undersecretary of State for the Foreign and Commonwealth Office. Also attending was Mr. Jonathan Darby, the U.S. Desk Officer, Foreign and Commonwealth Office, and Mr. Mort Dworken, the Chargé d'Affaires at the American Embassy.

When questioned about the proposed European Defense Force, Mr. Parry offered insight as to why Mr. Blair, who is a strong supporter of NATO, had come out in favor of an European defense force. According to Mr. Parry, Mr. Blair apparently believes that by putting a European flag on the force structure, European nations will be more likely to put money into it as well as spend the money on what they should in a NATO context.

Mr. Parry noted the idea of a European defense force has been around since 1952. He said it is not designed to remove the U.S. from the theater, but make it more likely to have the U.S. there because the Europeans would be pulling more of their own weight.

On the issue of the International Criminal Court, Mr. Parry stated that the U.K. is generally in favor of it. It believes there is a need for a forum to hold those accountable who would otherwise escape justice because of a lack of interest in their home jurisdiction. He was surprised when I told him that War Crimes Tribunal Prosecutor Carla Del Ponte was thinking of indicting General Wesley Clarke and other NATO officers for targeting civilians and for recklessly endangering them in targeting military objectives. Mr. Parry said it was his understanding that British troops could not come under indictment because of provisions that the United Kingdom would take care of its own.

When I asked why we are putting so much into NATO in light of the loss of the Soviet threat, Mr. Parry replied that NATO's actions in Kosovo show that it is still necessary.

Our conversation then turned to the U.K.'s actions with Iran and Iraq. Mr. Parry noted that Britain was looking to keep a relationship open with the nations, and then if firm action was later required, the relationship could be adjusted accordingly.

I then asked Mr. Parry if the Europeans might eventually be on board the idea of missile defense. He responded that the assumption in Britain was the United States would go ahead and deploy a missile defense system, if it would work. The British position is that they will do what is necessary to ensure its success, but would like it to be ''arranged in such a manner as to generate greater solidarity on the issue.''

We then had substantive discussions in a working tea with the Baroness Scotland of Asthal QC, the Parliamentary Under-Secretary of State for Foreign & Commonwealth Affairs with ministerial duties including North America. Over tea at the House of Lords, we discussed the American/British relationship. She also described her background and how she came to be in the House of Lords.

After having tea in the House of Lords, we then walked across Parliament to the House of Commons Central Lobby, where I was met by the Rt. Hon. Geoffrey Johnson Smith, MP, with whom I had a wide ranging discussion of issues. Smith and I had debated in November 1949 when he represented Oxford and I was on the Penn team.

Later that same day, we met with the country team headed by Mort Dworken, Chargé d'Affaires, who briefed us on the latest information regarding foot and mouth disease, fallout from the Administration's position on the Kyoto Accords, European security policy and the status of US/British relations.

In attendance were Mort Dworken, Chargé d'Affaires; Tom Hamby, Foreign Agriculture Minister-Counselor with the U.S. Department of Agriculture; Ed Kaska, Economic Affairs Officer; Captain Stu Barnett, USN, Defense Attaché; and Sonya Tsiros, Political Officer.

We initially asked about the current status of the foot and mouth epidemic and were told the disease was still not under control. The British Government was undertaking a massive control program to try and isolate the virus. This included the slaughter of over 1 million head of livestock with another half million yet to be killed. In addition, the government was restricting movement in the countryside including the closure of such historic sites as Stonehenge.

Tom Hamby, from the U.S. Department of Agriculture, noted that the U.S. currently has sixty veterinarians in the country both to help as well as become educated on successful ways to combat the disease. He described the effort much like a military campaign so that if the virus gets to the U.S., we will have people trained and on the ground to fight it.

We inquired into the political and economic effect of the disease and found that both had been affected. Prime Minister Blair postponed the national elections until June 27th due to the severity of the disease. Economically, the disease had yet to show its full weight. Although the UK has less than 2% of its Gross Domestic Product in agriculture, the closure of the English countryside had a clear economic affect in regards to tourism. At the time, there was no definitive number on the economic impact.

Early the next morning, we traveled to Florence, Italy where our first meeting was with a trio of lawyers with the famed Ferragamo family businesses to discuss trademark protection. During the meeting, we were told that the majority of Ferragamo products which are illegally copied originate in Asia. We asked how counterfeiting was detected, and whether there were any trouble in distinguishing the quality between counterfeit and non-counterfeit goods. The answer was yes, there often is a difference in the quality of the leather and accessories. But that is not always the case. Now counterfeits can often be of a very good quality, and be very difficult to differentiate.

We were surprised that the Italian government doesn't do more to stop this form of theft, especially since so many of the top designers are from Italy, and asked how much litigation they are involved in to protect the Ferragamo name. Most litigation, it turns out, is of a civil nature and is injunctive in nature. Even though most actions are civil, it is very difficult to get damages based upon the design of Italian law.

As for criminal actions, it is recognized as a form of larceny, but the criminal courts consider it to be of nominal value and not as important as other crimes. We were told that in one case often cited by the courts, a customer went to buy a ''Ferragamo'' purse and paid a low price for it. The court reasoned that since the price was so low, the purchaser had to know it wasn't a real Ferragamo purse, and therefore no fraud occurred. I commented that by prosecuting a few white-collar crimes, a real deterrent effect could be achieved.

Later that day, we discussed a wide range of US/Italian/European issues over lunch with Consul General Hilarion Martinez at his home above the American Consulate. During the course of our discussion, he stated that

although American students widely participate in education programs in Florence and all throughout Italy, it was difficult to get Italian students to come to the U.S. because Italian Universities often do not recognize the credit hours bestowed by American Universities, absent a one on one agreement between the institutions.

Early the next day, we set out to visit the Georgetown campus in the hills above Florence. Upon arrival, we were greeted by Ms. Heidi Flores, the Director of the Georgetown program. The campus is located on a beautiful villa overlooking the whole of Florence, and was established in 1981 when the facility was donated to the university. It has 27 students currently enrolled and 6 faculty. Other similar programs in the area include New York University, Syracuse, Smith College, California State, Florida State, Stanford, and the Universities of Michigan and Wisconsin.

We asked them who it was that we could talk to about producing a reciprocal agreement between the U.S. and Italy which would seek to recognize credits equally. The Minister of Universities was identified as the appropriate individual. He could give substantial background information regarding the problem.

During my visit at the Georgetown campus, we met Cuffe Owens a student and a nephew of my colleague Senator JOE BIDEN.

After returning to the city, we met with Mr. Patrick McCormick, the Director of Communications for the UNICEF Innocenti Research Centre on Piazza SS. Annunziata. Mr. McCormick gave me a brief on the activities of his center which was founded in 1988 ''to strengthen the research capability of the United Nations Children's Fund, UNICEF, and to support its advocacy for children worldwide.'' We touched on several areas including an ongoing study in West Africa on trafficking in children, religious persecution in the Sudan and child protection. His firsthand accounts of children as young as five being used as soldiers and camp slaves in Sierra Leone were quite troubling. His organization continues to push for the education of young children which they see ''as central to poor countries economic well-being.''

After leaving UNICEF's Research Center, we participated in a press conference at the Florence City Hall, Palazzo Vecchio, regarding a joint effort between Italian Police and Microsoft in Livorno, Italy, in which a large counterfeiting operation was uncovered. Attending were representatives of Microsoft, and local government officials.

At the news conference, the Microsoft representatives stated that counterfeiting was most prevalent in Tuscany so they had started a law enforcement action in Florence. They said that the reproduction or cloning was so good that it took Microsoft experts some 15 minutes to tell the difference between a counterfeit product and a genuine product. They also stated that they had located in the past year in Europe some 25 million Microsoft counterfeit products on the market at a loss of 1.7 billion dollars.

According to Microsoft, the national (Italy) rate for illegal/counterfeit Microsoft sales was in the 31–37 percent category. In Brescia, the illegal reproduction was 65 percent before passage of the copyright law in 1999, and have since been reduced to 29 percent. The law provides for fines and a jail sentence and also has provisions for search and entry. There have been some efforts to apply the copyright infringements to internet apparently to online sales.

We had an opportunity to discuss with the attorneys whether there had been any criminal prosecutions brought under the new law. They responded with a lengthy description of the process. Apparently, there had been no criminal prosecutions. We then asked if there had been a use of the search and entry law, and he said that they had one such case where counterfeit products had been transported from Singapore to Holland to Milan. The Microsoft experts aided the police in the search and entry, helping to identify counterfeit products.

In Israel, we met with Prime Minister Ariel Sharon, former Prime Minister Ehud Barak and Foreign Minister Shimon Peres. Our first meeting was with Mr. Peres whom I first met in Tel Aviv in 1980 and have seen him on many occasions since, both in the United States and in Israel.

Minister Peres was in good spirits, displayed his great sense of humor, proceeded to give a comprehensive discourse on the state of affairs in the Mideast, and to respond to our questions. Minister Peres started our conversation by saying that terrorism was as un-American as communism used to be. The topic of conversation on our minds was the escalating violence on the border with Gaza, and the northern border with Lebanon. Peres was firm in his conviction that when the time to negotiate comes, everything must be on the table, no impositions on the Israelis, and no impositions on the Palestinians.

Peres then asked me to explain to Palestinian Authority Chairman Arafat whom I was scheduled to meet later in the trip, that some of Sharon's words are very tough, but that the Israelis have several guiding principles. They will respect signed agreements as long as both sides respect them. Israel, he said, is ready to make painful compromises for peace, including redeployment in the territories. He also added that the final proposal offered under former President Clinton is dead since he left office. He stated that he thought it was a big mistake on Arafat's part not to accept that deal.

Peres stated that it is currently very hard to negotiate because of all the anger. Arafat's delivering of ''impossible'' speeches only makes it more difficult as well. His view is that the Palestinians think Israelis are militarily harsh in the territories, and that in order to move forward, a different climate must be created there. The best thing that could happen is to change the conditions there. The answer for the Palestinians is not the battlefield, but the bargaining table—as it has historically been.

I asked Minister Peres whether Arafat could control terrorism. He replied he could do a lot by making a strong and unambiguous declaration against it, and prevent the police force participation in the violence. Minister Peres stated that the current situation was not one of absolutes, except that the Israelis seek absolute effort. The first expression of that effort is an unambiguous, unconditional and strong statement rejecting violence delivered in Arabic.

Following our meeting with Foreign Minister Peres, we walked a block to a meeting with former Prime Minister Ehud Barak. I had first met the former Prime Minister when he was just out of the army, and starting to become active in labor politics, perhaps five or six years ago. I have met him on several occasions subsequently, including his visit to the White House in July 2000 where President and Mrs. CLINTON hosted a large dinner in his office in his honor, in a big tent on the South Lawn.

Mr. Barak was also in good spirits considering the strenuous campaign, his recent election defeat, and the difficult negotiations and tenure as Prime Minister. The former Prime Minister spoke at length about his extensive three-way discussions involving President Clinton, Arafat and himself. He spoke about, as he put it, his ''contemplation'' as to what might have been encompassed in a settlement, but emphasized that none of the discussions about Jerusalem or the concessions on land were final offers until the entire deal was complete.

I told him that I had met in Washington several weeks ago with the Egyptian Foreign Minister who said he knew I had a trip planned to the Mideast and urged me to meet with Arafat. I told him I would consider it. When President Mubarak was in Washington in early April, he also urged me to meet with Arafat and I agreed to do so providing the meeting took place in Cairo. In my discussions with President Mubarak, I had anticipated his being present during my meeting with Arafat. As it worked out, Mubarak was not in Cairo for my scheduled meeting with Arafat. His deputy Osama El-Baz joined me in the meeting.

The former Prime Minister stated that he thought it would be very useful for me to meet with Arafat, so Arafat would understand the thinking of a member of the Senate. I asked Mr. Barak about the prospects for the peace process from this point forward and he said he thought it would be very difficult for the immediate future. He emphasized that he had great admiration, respect and friendship for Prime Minister Sharon whom he has known for decades, and emphasized he would do anything in his power to help the new Prime Minister.

Mr. Barak asked me about Israel's standing in the United States. I replied that U.S. Congressional support for Israel was continuing, and I thought that the new Bush Administration would similarly be very favorably disposed. We talked about the evenly divided Senate, and he was very interested to know about our recent budget battle and the significant role played by Vice President CHENEY. He asked about the economy which we then discussed at some length.

Upon leaving my discussion with former Prime Minister Barak, I met with Ambassador Uri Lubrani, the Lebanon Coordinator for the government of Israel at the Ministry of Defense Headquarters. Joining us was the former Foreign Minister to Iran, Zidma Divon, Deputy Director General of the Foreign Ministry, and John Scott, Counselor for Political Affairs at the American Embassy. They expressed real concern with Iran's backing of the Hezbollah movement in South Lebanon. During the course of our discussion about Iran, Ambassador Lubrani showed me a quote from a report of a British Ambassador to Tehran in the sixties, at the end of his tour of duty: ''The Iranians are people who say the opposite of what they think and do the opposite of what they say. That does not necessarily mean that what they do does not confirm to what they think.''

After our meeting with Ambassador Lubrani, we drove from Tel Aviv to Jerusalem where we met the next morning with Prime Minister Ariel Sharon. Also in attendance was Binyamin Ben-Eliezer, the Minister of Defense, and Daniel Ayalon, the Foreign Policy Advisor to the Prime Minister.

Our meeting was conducted with a backdrop of an escalating conflict. During the previous evening, Israeli planes had bombed a Syrian radar installation in Lebanon in retaliation for the actions of Hezbollah in south Lebanon. I started my conversation with the Prime Minister by noting that the Egyptian Foreign Minister had asked me to talk to Chairman Arafat. Prime Minister Sharon wasted no time in delivering his message. The policy of the Israeli government would be to draw a distinction between the civilian population and terrorists, supporters of terrorists and instigators. He stated that he plans to ease the conditions in the territories. And at the time, he stated he was ready to show flexibility except in one area, under no circumstances will he be flexible with the security of the Israeli citizens.

Although Sharon did express some willingness to negotiate, it was clear that in his eyes the plan pushed by President Clinton in his waning days in office is dead. ''Peace is more painful than war,'' he said, ''because you have to make concessions for peace.'' ''I have a true desire to move the process forward, not the process that has already failed.'' No negotiations would occur, Sharon assured me, under the ''threats of terror.'' The violence must stop. The Prime Minister noted the violence occurring in Gaza, and stated that the violence could not continue. The Israelis wouldn't accept it. ''We are very much interested in stability in the Middle East, but we are not going to pay for it. We have the natural right to exist and defend ourselves.''

I told Sharon that we were planning on driving from Damascus to Beirut as part of our trip. He said the current situation that exists in south Lebanon, is not what was contemplated by the withdrawal agreement. Hezbollah wasn't supposed to occupy the positions they currently hold.

Sharon then stated that Iranian influence continued to grow in the area, with the approval of Syria. ''Iran is building an independent center of international terror, which could not have been done without the support of Syria. Syria could have stopped them.''

Sharon then noted that the actions of the previous evening in bombing the Syrian facility was a warning to Syria. He wanted to send a signal that Israel would not accept the possibility of Israeli soldiers being killed in Israel. Negotiations do not currently exist with Syria. First must come the Palestinian question. ''Israel can't negotiate on two fronts when peace requires painful concessions.''

Our talk concluded with Prime Minister Sharon noting that the immediate threat to stability in the region remained Tehran, and that only the United States could lead the anti-terror struggle in the free world.

After our meeting with Sharon, we flew to Cairo, Egypt and at approximately 6 p.m., had a meeting with Dr. Osama el-Baz, advisor to President Mubarak. Dr. el-Baz and I talked at some length about the current situation in the Middle East, the U.S. role, and about my meeting with Chairman Arafat later that evening. During that meeting, some issues arose as to U.S. intelligence questions, so I called CIA Director George Tenant in Washington to get the current status report.

Dr. el-Baz arranged a boat ride and dinner for us on the Nile river where we met with a variety of Cairo's leading citizens including journalists, professionals, businessmen and industrialists. I was questioned about why the U.S. continued to support Israel when Israel has responded with disproportionate force to the actions of the Palestinians. I responded that the U.S. was trying to carry out the Camp David Accords in which their great President Anwar Sadat had invested so much time and effort, and that Israel had agreed to discuss peace once the violence had stopped.

Shortly before 10:30 p.m., we arrived at Chairman Arafat's guest house. After meeting quite a number of his colleagues Dr. el-Baz, Chairman Arafat and Arafat's chief deputy, Saeb Erakat and I went upstairs to a private room so we could have, as Osama el-Baz said, a tête-á-tête. Arafat and Erakat were visibly disturbed about the status of the violence between Israel and the Palestinian Authority. They were especially distressed because, as they told us immediately upon our arrival, Israel was taking forceful military action against Gaza as we spoke.

During the course of our discussion which lasted more than an hour, we were interrupted six or eight times by Arafat's men who came in and handed Arafat written messages. Arafat spoke in Arabic which was interpreted by Erakat on detailing the action being taken by Israeli military with helicopters and missiles.

Arafat and Erakat described the situation as very serious recounting the number of Arabs who had been killed and wounded and then reciting the number of Israeli casualties which showed a much larger number of Arab casualties. Erakat was especially fervent in pleading for some help as to a way to break the impasse.

After a considerable discussion, I said that I would venture a possible approach which was not a recommendation because I thought that would not be appropriate. I then said that one approach might be for Arafat to make a public statement that the cycle of violence was untenable, and that while he would much prefer to have a joint statement made by Sharon and himself with a schedule on a comprehensive approach, he would make a unilateral statement directing all Palestinians to stop any acts of violence. I said to Arafat that the instruction to stop any acts of violence would be in accordance with his famous letter of September 9, 1993 which was the inducement for Prime Minister Rabin and Peres to meet with Arafat at the White House on September 13, 1993. In that letter Arafat renounced the use of violence and said he would take disciplinary action against any of his people who violated his direction.

Arafat then said that he had said all the things that I had mentioned. Erakat then said that not only had Arafat made these statements in a

speech at the Arab summit, but that Shimon Peres had asked Arafat to make these statements from his own lips, and that Arafat had done so.

Dr. Osama el-Baz and I both stated that we had not heard any such statement. If any such statement was ever made, it was doubtless in a long speech and was followed or preceded by many conditions.

I told Arafat that there was considerable anti-Palestinian Authority sentiment in the Congress with some 87 members of the Senate and over 200 members of the House writing a letter urging action that the Palestinian Authority be ousted from its Washington office.

At one point I asked Arafat why he had not accepted the very generous offer from Barak on territorial concessions on the West Bank and significant concessions on Jerusalem. Arafat replied that he had accepted that offer on a number of occasions including his meeting with President Clinton at the White House. Again, Arafat's statement did not comport with the facts since he had imposed so many conditions.

I said that my staff and I had met with Prime Minister Sharon earlier that day and that Sharon had said, among other things, that peace was more painful than war because in peace you had to make concessions. I thought from that, it was apparent that Sharon was interested in peace talks.

Erakat commented that he had expected a call from an Israeli contact. I told Erakat that I would call the contact which I did the next day. When I telephoned Erakat later in the day, he confirmed that the Israeli contact had called him.

I further told Arafat that Sharon had told me earlier in the day that he was prepared to allow Palestinians to come into Israel for work providing there was no security risks. Sharon had specified that he was not doing this in exchange for anything from the Palestinian Authority because he did not want it viewed that Israel was making concession or buying peace in any way.

I asked Arafat if there was any substance to the contention that the Palestinians had been firing out of Gaza into Israel. Arafat replied that he did have a report of three such mortar shots, but that as soon as Arafat found out about it, he had ordered it stopped with the people doing the shooting to be arrested. In the course of the next several days there was repeated mortar shelling into Israel by Palestinians. Contrary to Arafat's assertions, our intelligence sources advised he had authorized the shelling.

From Cairo, we departed for Beirut by way of Damascus. Climbing up the mountains on the way to Beirut, we passed the location of the Syrian Radar site that Israeli forces destroyed in a raid just a few days earlier. The U.S. Embassy compound in Beirut is the most heavily fortified embassy in the world. Standing in the middle of the compound, as a stark reminder, are the remains of the prior Embassy that was destroyed by a bomb.

While remaining in the compound overnight, we received an in-depth briefing on the current situation in Beirut and Lebanon, with insight provided by Ambassador David Satterfield, and his Deputy Chief of Mission David Hale. As Ambassador Satterfield pointed out, Lebanon was very badly divided because of its charter (its form of a constitution) which divided authority between three Lebanese factions. He commented about how Beirut had the potential to regain its status as ''Paris of the Mideast,'' but that there would have to be major economic reforms. He also commented that the Prime Minister Rafik Hariri had been discussing with the World Bank and International Monetary Fund about ways to get financing which could lead to a revitalization of Beirut. Satterfield also noted that Hezbollah was a very strong force in Southern Lebanon, with only a few hundred fighters.

Beirut still shows the scars of its savage civil war with its once beautiful hotels reduced to shells. There is a rebuilding effort, however, and its central business district has been rebuilt to some extent.

We drove back from Beirut to Damascus. Ambassador Ryan Crocker hosted a dinner for visiting Assistant Secretary of State for Near Eastern Affairs Edward Walker and our party. We had a wide-ranging conversation about the current state of affairs in the Mid-East. I reported on our trip to Beirut, which Ambassador Ryan noted with some interest as he was the Ambassador to Beirut when our embassy was last bombed.

The next morning we met with Syrian Foreign Minister Faruq al-Shara and Deputy Foreign Minister Walid al-Mu'allim. At the start of our meeting we discussed my last visit to Syria, which was for President Assad's funeral. I told Foreign Minister Shara that my fellow Senators were very interested in Syria, and then mentioned that I had just been to see Chairman Arafat in Egypt. I discussed my recent travels in the area, and related that everyone would like the violence to stop. The Foreign Minister asked me what Israel was seeking, and I told him of my discussions with Prime Minister Sharon, who stated that he is determined to avoid Israeli loss of life and will act accordingly. I also told him that the Israelis intended to ease up on the borders as long as there were no threats to security; the Israeli government position was that all the violence must stop prior to any talks taking place. I then encouraged him to talk to the Israelis.

Foreign Minister Shara said I had persuaded Syria, or perhaps, more accurately been a factor, to enter into negotiations with Israel in my numerous discussions with former President Hafez al-Assad during the 1980's and 1990's. I had first visited Damascus in 1984 and had met with President Assad almost every year from 1988 to 1998. Minister Shara stated that only after beginning discussions with the Israelis did it become apparent that they didn't want peace. I reminded him that both sides came very close on the Golan and that a dialogue must continue.

Our attention then turned to Iraq, China and recent American politics as well as efforts to exchange Parliamentarians with Iran.

We left Damascus and flew into Souda Bay, Crete, which houses the U.S. Naval Support Activity Souda Bay, and Fleet Air Reconnaissance Squadron Two, VQ–2, a unit responsible for reconnaissance missions for the Mediterranean, and which is the counterpart to the unit that was involved in the recent mishap with a Chinese pilot in international waters off the coast of China.

I was met by Captain Steve Hoefel, the Base Commanding Officer and was set up in quarters for the night. That night, Rear Admiral Steve Tomaszeski, the Commander of the Mediterranean Air Fleet, flew in for a brief to be held the next morning.

On Friday, April 20, we received a classified brief on the mission of the base and its reconnaissance aircraft. The base's main responsibility is to support and resupply the forward-deployed Navy and Marine Corps forces. It has the largest fuel storage facility, largest ammo storage facility and the deepest port in the Mediterranean, and is strategically located near the Mideast.

We toured the base, and the port facility located nearby. A large amount of construction was occurring on the dock with the installation of new facilities designed to give sailors and Marines all the amenities of home when they dock. I was pleased to find two Pennsylvanians among the many Navy Construction Battalion sailors working on the structures.

We also had the opportunity to tour an EP–3 aircraft similar to that which remains in China, and were briefed on the various station's responsibilities during flight operations, as well as talk to several of the crew members. We also had the opportunity to see an E3 AWACS on the runway.

From Crete we flew to Rome where we received a brief by the Chargé d'Affaires William Pope, and Margaret Dean, Minister-Counselor for Economic Affairs. We discussed the effect of the European Union on NATO, reviewed the current areas of work for the embassy, and the effect of the strong U.S. dollar on tourism. In addition, I briefed

them on parts of my visit to Florence including our meeting with the attorneys for Ferragamo, and our visit to the Georgetown campus.

Margaret Dean was familiar with the case that the Ferragamo attorneys had told us about in which a person purchased counterfeit goods at such a low price that the judiciary reasoned the purchaser could not have believed the goods to be authentic, and therefore found no fraud in the sale. She stated that often, because of that case, sellers of counterfeit goods often go so far to label the goods as ''fake'' to avoid prosecution.

The Embassy reported that it doesn't have anyone overriding area that it concentrates on. It has several areas of concentration which include tourism, trade disputes, military issues, and the Mideast situation. Chargé d'Affaires Pope reported that Italy had changed a lot and had become a fairly different place in the last decade. He reported a recent high-tech emphasis that has helped propel the country's economy to the 6th largest in the world. The country has also benefitted from the increase in tourism generated by the strong American dollar.

On April 21, we flew from Rome to Philadelphia.

Mr. President, I ask unanimous consent to have printed in the RECORD a ''Commentary'' on the mideast peace process.

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

[From the Philadelphia Inquirer, Apr. 27, 2001]

MIDEAST PEACE PROCESS MUST RESUME

(By U.S. Sen. Arlen Specter)

Escalating violence has deadened the Middle East peace process. As usual, all sides look to the United States to influence the parties to end the violence and resume the quest for peace.

In mid-April, at the request of Egyptian President Hosni Mubarak, I met with Palestinian Chairman Yasir Arafat in Cairo. When I arrived for our 10:30 p.m. meeting, Arafat said that as we spoke, Israeli helicopters and missiles were attacking Palestinians in Gaza. He did not mention that the Israeli action was in retaliation for mortars fired into Israel earlier that day.

Our discussion, which lasted until nearly midnight, was interrupted every few moments by aides bringing him the latest dispatch on the fighting. I told Arafat I was convinced Israeli Prime Minister Ariel Sharon would not resume the peace process until the violence ended.

Since the sequence of events demonstrated that Israel was responding to Palestinian provocation, it was up to Arafat to demonstrate his best efforts to stop the violence. After all, it was Arafat's famous letter of Sept. 9, 1993, that induced then-Prime Minister Yitzhak Rabin and Foreign Minister Shimon Peres to shake Arafat's hand at their historic meeting with President Clinton on the White House lawn four days later. In that letter, Arafat renounced violence and promised to punish any Palestinian who violated that commitment.

Arafat responded that he had made an unequivocal declaration at the recent Arab summit. When his statement was examined, it was obvious it was so conditional as to be meaningless. I then asked Arafat why he had rejected former Prime Minister Ehud Barak's generous settlement offer on major concessions on Jerusalem and additional territory on the West Bank. Arafat said he had accepted the Barak proposal. Again, on examination, there were so many ifs, ands and buts that his response was meaningless. Our meeting ended with no realistic hope that any significant action could be expected from Arafat.

The situation was equally bleak when I traveled on to Beirut and Damascus. Hezbollah, backed by Iran and Syria, had continued to attack Israeli border settlements from Southern Lebanon, leading Israel to bomb Syrian radar. Beirut once touted as the Paris of the Middle East, has not recovered from Lebanon's civil war because of factional quarrels and Syria's continuing dominance of the country.

In Damascus, Syria's foreign minister Farouk Shara agreed with Sharon that Israeli-Syrian peace talks on the Golan Heights would be pointless at this time. Before President Hafez al-Assad's death, the parties had come very close to a settlement but were now back to square one.

Notwithstanding the bleak prospects, the Bush administration, aided by Congress, must push the parties back to the bargaining table. There is no doubt that the countries involved listen to Uncle Sam. When Secretary of State Colin Powell criticized Sharon's tough retaliation as ''excessive and disproportionate,'' Israel modified its tactics.

Congress has spoken emphatically: 87 senators and 209 House members wrote on April 6 to the President calling for the closing of the Palestinian office in Washington if the Palestinians did not stop inciting violence. I have urged President Bush to appoint a special envoy for the Middle East just as President Richard Nixon used Henry Kissinger for shuttle diplomacy and Presidents Jimmy Carter, Ronald Reagan, George H.W. Bush and Bill Clinton assigned envoys such as Dennis Ross to the peace process. President Bush may soon find it necessary to become personally involved like his predecessors.

The escalation of Israeli-Palestinian violence may encourage other terrorist groups, such as Hamas and Islamic Jihad, to attack not only Tel Aviv and Jerusalem, but also U.S. interests around the world. The peace process cannot be abandoned; one way or another, a way must be found for Israelis and Palestinians to live together on that tiny parcel of hallowed and historic land. Our vital national interests in the region make it imperative that the United States actively pursue a resumption of the Middle East peace process.

IN APPRECIATION OF ALYCE AND JACK BERGGREN

Mr. DASCHLE. Mr. President, I appreciate the opportunity today to honor two very special people from my hometown of Aberdeen, SD. Alyce and Jack Berggren have contributed tirelessly to the arts of South Dakota, and I am blessed to call Alyce and Jack my long-time friends.

Alyce Bedrosian grew up in Chicago in an Armenian family. After earning a masters degree in piano from Northwestern University, she was hired by Northern State Teachers College in 1947. Though she carried a return train ticket from her concerned father, Alyce decided to remain in South Dakota. She never used the ticket.

Jack Berggren's boyhood was spent a world away in Scottsbluff, a small town in western Nebraska. He studied voice at Hastings College in Hastings, NE, and came to Northern State University in Aberdeen in 1949. There, he met Alyce, and they began performing together. In Jack's own words, he married his ''accompanist'' in 1950.

For almost half a century, the Berggrens have touched the lives of countless NSU students and music lovers of the northern plains. ''Dr. B.,'' as his students affectionately call him, taught voice, directed choirs and served as the NSU Dean of Fine Arts. His annual Messiah performances rekindle fond memories among many Aberdonians. Alyce continues to define excellence in piano performance and teaching, regularly accompanying students to this day.

Over two decades ago, friends, faculty, alumni and students surprised the Berggrens with a musical thank you. In 1978, to honor both Jack and Alyce, their community sponsored ''The Gala Concert for the benefit of the Northern State College Music Department.'' In addition to NSU music students and faculty, the concert included the Aberdeen Barbershop Chorus and the Elks Chorus.

Gala II was held in 1989, and this year, May 5, marks the third Gala concert. I am pleased to know that the Johnson Fine Arts Center will once again display the talents of those touched by the Berggrens. I only regret that I cannot be there in person to enjoy the event and the company of Jack and Alyce. Instead, I hope this statement will serve as my small contribution and a symbol of immense gratitude to Jack and Alyce for their contributions to the musical arts in South Dakota.

TRIBUTE TO KATHRYN COLE

Mr. DASCHLE. Mr. President, I would like to take this opportunity to express my gratitude to a very special person in South Dakota who has dedicated many years to the Northern Black Hills' Retired Seniors Volunteer Program.

Today, the directors and volunteers of this RSVP program will gather at their annual recognition banquet to celebrate the dedication and hard work of Kathryn Cole, who is retiring from this RSVP community after 21 years of service. In fact, for 20 of those years, Kathryn served as the director of this important program.

The generous gift of Kathryn Cole's time and experience has benefitted

those around her in countless ways, and I truly applaud her ''can-do'' spirit, her determination, and her dedication to the betterment of the communities of the Northern Black Hills area. From Spearfish to Belle Fouche to Lead, Kathryn has sent hundreds of volunteers to serve and support local communities. With her warm spirit, she has always made a special effort to ensure that volunteers have the opportunity to participate in the activities that both interest and inspire them. From tutoring at local schools to delivering Meals on Wheels to offering services to the High Plains Heritage Museum and the Mathews Opera House, Kathryn has made an immeasurable contribution to the Northern Black Hills.

There is a special feeling of satisfaction that comes only from volunteering. Through her tremendous leadership, Kathryn Cole has helped seniors experience that satisfaction with service to their communities. I know my colleagues will join me in honoring her dedication to improving the quality of life for area residents. We all owe an enormous debt of gratitude to Kathryn for such an invaluable contribution to the Northern Black Hills and the entire State of South Dakota. We wish her well as she begins her well-deserved retirement.

BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT OF 2001

Mr. DOMENICI. Mr. President, today I want to take a moment to share some thoughts on the Brownfields Revitalization and Environmental Restoration Act. I believe that this act is important and can do positive things in communities across America.

Laws related to brownfields were the result of a much broader Act, which we commonly refer to as Superfund. Superfund was intended to bring about the clean up of some of the most contaminated sites in our nation. As Superfund has been implemented in our society we have found that it is often too cumbersome to bring about clean up and restoration of many brownfield sites. When we talk about brownfields we are not talking about the most contaminated sites in our communities, but about sites that are less contaminated and could realistically be bought, cleaned up, and developed thus bringing economic and other benefits to American citizens. Therefore, I share the thoughts of many of my colleagues and support removing the barriers to brownfields redevelopment.

When the average person wishes to invest in something such as an abandoned gas station, they are often discouraged from doing so for fear of the strict liabilities that could be imposed on them by Superfund. Attempting to relax the daunting liability provisions for those willing to buy brownfields sites for the purpose of cleaning and upgrading them is a huge step in the right direction.

I believe that enactment of this brownfields legislation, will provide a significant foundation for rebuilding many of our communities. Many of these sites are located in downtown areas and often serve as the breeding grounds for crime, drug trafficking and contamination. I am hopeful that passing this legislation will help restore downtown communities making them once again attractive to business, industry and prospective residents.

Many of us have watched these downtown areas slowly die. I know that in Albuquerque, NM, the largest city in the State, we have seen a huge shift away from the downtown area. Local businesses that once thrived were forced to close and slowly, what was once the metropolis of Albuquerque, began to seem like a ghost town.

I support this legislation because of the potential it brings to restoring places like downtown Albuquerque. As I briefly touched on, some of the most important benefits of the bill are its liability and finality provisions. The bill specifies that prospective purchasers, innocent landowners, and contiguous property owners, who exercise due diligence in purchases, are not responsible for paying cleanup costs. The stringent liability scheme under Superfund hinders those who want to invest in these sites for fear of liability. These barriers are unnecessary and do not foster development and growth in our inner cities. Additionally, the bill precludes EPA from taking action on a site that a State has already placed in a cleanup program, unless there is an imminent and substantial endangerment to the environment or public health, and some additional work must be completed.

Finally, the bill authorizes $150 million per year to help State and local governments perform assessments and cleanup at brownfields sites. Further, $50 million per year is also authorized to establish and enhance brownfields programs, more than double the current level of funds available through the current EPA program.

Pumping federal tax dollars back into localities and fostering partnerships with States and their local communities can help rid our communities of the negatives such as crime and contamination while rejuvenating downtown economies.

Economics and Environmental health are not mutually exclusive. This bill would allow these types of areas to be cleaned up, thus providing both economic and environmental benefits. It is a win-win for everyone—cities and citizens alike.

I am hopeful that New Mexico, as well as many other communities across the nation, will see great benefits as a result of this legislation. I hope that we are successful at reviving the ghost towns that currently exist in many downtown areas and that they will once again come alive with prosperity.

CRIME VICTIMS' ASSISTANCE ACT OF 2001

Mr. KENNEDY. Mr. President, victims of crime deserve to have their voices heard and to be notified of important events in the criminal justice system relating to their cases, and they deserve enforceable rights under the law.

Today, this is why my colleagues and I are re-introducing the Crime Victims Assistance Act. It is especially appropriate that we do so this week, which is National Crime Victims' Rights Week. Our bill defines the rights of victims and establishes an effective means to implement and enforce these rights. Equally important, it does so without taking the drastic, unnecessary, and time-consuming step of amending the Constitution.

Our bill provides enhanced protections to victims of both violent and non-violent federal crimes. It assures victims a greater voice in the prosecution of the criminals who injured them and their families. It gives victims the right to be notified and consulted on detention and plea agreements; the right to be heard at sentencing; the right to be notified of the escape or release of a criminal from prison or a grant of executive clemency; and the right to a speedy trial and prompt disposition, free from unreasonable delay.

The rights established by this bill will fill existing gaps in federal criminal law and will be a major step toward guaranteeing that victims of crime receive fair treatment. Our bill achieves these goals in a way that does not interfere with the efforts of the States to protect victims in ways appropriate to each State's unique needs.

Rather than mandating that States modify their criminal justice procedures in particular ways, our bill authorizes the use of federal funds to establish effective pilot programs to promote victim-rights compliance. It increases resources for the development of state-of-the-art systems for notifying victims of important dates and developments in their cases. It provides funds for the development of community-based justice programs relating to those rights. Finally, it creates and funds additional personnel in federal law enforcement agencies to assist victims in obtaining their rights. These initiatives will provide victims with the counseling, information, and assistance they need in order to participate in the criminal justice process to the maximum extent possible.

There is no need to amend the Constitution to achieve these important goals. The Constitution is the foundation of our democracy. It reflects the

enduring principles of our country. The framers deliberately made the Constitution difficult to amend, because it was never intended to be used for normal legislative purposes. If it is not necessary to amend the Constitution to achieve particular goals, it is necessary *not* to amend it. Our legislation is well-designed to establish effective and enforceable rights for victims of crime, and I urge my colleagues to support it.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH or Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, I would like to detail a heinous crime that occurred Nov. 7, 1998 in Easton, MA. An Easton teenager threw a large rock at a 17-year-old boy he thought was gay, kicked him in the head and yelled, swore and called the victim a ''fag.'' The victim suffered a broken nose and a concussion. A week before the assault, the perpetrator told friends he hated gay people and thought they should be beaten up.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

NUANCE MATTERS, GETTING TAIWAN POLICY RIGHT

Mr. BIDEN. Mr. President, as we were reminded yesterday, words matter in diplomacy. Wednesday morning, the President of the United States appeared on national television in an interview taped Tuesday night with Charles Gibson of ABC News. In that interview, the President was asked if the United States had an obligation to defend Taiwan if it was attacked by China.

President Bush replied, ''Yes, we do, and the Chinese must understand that. Yes, I would.''

The interviewer pressed further, asking, ''With the full force of the American military?''

President Bush replied, ''Whatever it took to help Taiwan defend itself.'' He did not elaborate at that time.

A few hours later, the President appeared to back off this startling new commitment, stressing in an interview on CNN that the United States would continue to abide by the Taiwan Relations Act and the One China policy followed by each of the past five Presidential Administrations.

I want to make clear that I believe the security of Taiwan to be a vital interest of the United States.

Senator HELMS and I are among a handful of current members of the U.S. Senate who were around to vote for the Taiwan Relations Act when it was introduced 22 years ago.

And I remain as committed today as I was then to the peaceful resolution of the Taiwan question.

And because of my strong support for Taiwan, I was inclined to believe that the President had made an honest, and mostly harmless, mistake yesterday, especially when the State Department issued a clarification stressing that U.S. policy remained unchanged. State Department spokesman Phil Reeker said, ''Our policy hasn't changed today, it didn't change yesterday, and it didn't change last year, it hasn't changed in terms of what we have followed since 1979 with the passage of the Taiwan Relations Act.''

But by the end of the day, senior national security officials at the White House were singing a different tune, insisting that the President meant what he said in the morning interview.

The President's National Security Adviser claimed that, ''the Taiwan Relations act makes very clear that the U.S. has an obligation that Taiwan's peaceful way of life is not upset by force.'' And a White House Aide said, ''Nothing in the act precludes the President from saying that the U.S. would do whatever it took to help Taiwan defend herself.''

As my colleagues may know, the Taiwan Relations Act obligates the United States to provide Taiwan ''with such defense articles and defense services . . . as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.''

It also states that any attempt to determine the future of Taiwan by other than peaceful means would constitute a ''threat to the peace and security of the Western Pacific area'' and would be, ''of grave concern to the United States.''

Finally, it mandates that in the event of, ''any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom, the President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.''

Contrary to the President's statement to Charles Gibson, the United States is not obligated to defend Taiwan, ''With the full force of the American military,'' and hasn't been since we abrogated the 1954 Mutual Defense Treaty signed by President Eisenhower and ratified by the United States Senate.

And contrary to the White House spokesman's comments, the President does not have the authority unilaterally to commit U.S. forces to the defense of Taiwan. Under the Constitution, as well as the provisions of the Taiwan Relations Act, that is a matter which the President must bring to the American people and to the Congress of the United States.

During the campaign, President Bush implicity criticized the policy of ''strategic ambiguity'' which has governed the use of American forces to defend Taiwan in the event of a conflict with China for more than 20 years since the United States abrogated the 1954 Mutual Defense Treaty with Taiwan and normalized diplomatic relations with China.

The point of that policy, which I support, was to retain the right to use force to defend Taiwan, while reserving to the United States all the decision-making authority about the circumstances in which we might, or might not, commit U.S. forces.

Otherwise, the United States might find itself dragged into a conflict between China and Taiwan even in the event of a unilateral Taiwanese declaration of independence, something the President said yesterday he would not support.

This policy of strategic ambiguity was consistent with our One China policy and also with our desire that the Taiwan question be resolved only through peaceful means.

Well, today I guess we have a new policy, and I am calling it the policy of ''ambiguous strategic ambiguity.''

What worries me is not just what the President said, but the utter disregard for the role of Congress and the vital interest of our key Pacific Allies, specifically Japan.

Perhaps the President is unaware that without using U.S. bases in Japan, we would be hard-pressed to make good on his commitment to use U.S. forces to defend Taiwan in the event of a conflict with China.

Perhaps he is unaware of how sensitive an issue this is for the Japanese government, which has taken great pains to avoid explicitly extending the U.S.-Japan Security Alliance to a Taiwan contingency.

I was quick to praise the President's deft handling of the dispute with China over the fate of the downed U.S. surveillance aircraft.

But in this case, as in his rocky summit meeting with South Korean President Kim Daejung, the President has damaged U.S. credibility with our allies and sewn confusion throughout the Pacific Rim.

Words matter. Nuance matters.

Other events, the challenge of engaging North Korea, the emergence of a reformist prime minister in Japan, and the threat of political instability in Indonesia, will surely test America's resolve and diplomatic agility in the Pacific during the months ahead.

WORLD INTELLECTUAL PROPERTY DAY

Mr. HATCH. Mr. President, it is with great pleasure that I rise today to pay tribute to the first celebration of ''World Intellectual Property Day.''

Last fall, the World Intellectual Property Organization dedicated April 26th as ''World Intellectual Property Day'' with the objective of highlighting the valuable contributions intellectual property makes to economic, cultural and social development and to raise public awareness of just what intellectual property is all about.

Intellectual property, which includes patents, trademarks and copyright protections, is hardly a household phrase, but its significance to all Americans should not be underestimated. Intellectual property is really about creativity and innovation; it is about ideas that start out as just a dream, but then go on to become the creations and products that enrich our daily lives and improve our standard of living.

Included among our Founding Fathers' many accomplishments were the express intellectual property protections of Article 1, Section 8 of our Constitution. This section is so seemingly simple, ''to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries'', but it has done more to shape our Nation's economic growth than almost any other provision in the Constitution.

Indeed, one of the most significant results of this constitutional provision was the creation of the U.S. patent system. Today, more than six million patents have been issued, for inventions ranging from Farnsworth's cathode ray tube to the airplane to life-saving pharmaceuticals. The value of our patent system was perhaps best summarized by President Abraham Lincoln, himself a patent holder, when he noted that it ''adds the fuel of interest to the spark of genius.''

We also are world leaders in copyrighted works. Books, movies, music, and other examples of American creativity entertain and enlighten the world, and make a generous contribution to our balance of trade.

Our country's technological prowess and our high standard of living stem from the creativity, determination, and entrepreneurial drive of our citizens and the protection we provide for their creations. So, today, as nations around the world mark ''World Intellectual Property Day,'' let us take pride in the fact that our intellectual property system is recognized as the most effective in the world. As we look to the future, let us also pledge ourselves to ensuring that the United States remains the world's pre-eminent provider and protector of intellectual property.

CHRONIC INFECTIOUS CHILDHOOD DISEASES

Mr. JEFFORDS. Mr President, I rise today to bring attention to the single most common chronic infectious childhood disease, namely dental decay. In fact, it is five times more common than asthma and seven times more common than hay fever. Young children with severe decay, affecting multiple teeth, may need to be treated in a hospital under general anesthesia. This level of treatment is unnecessarily costly. An estimated $100 million each year is spent for operating room charges associated with treating severe decay in very young children.

One of the most cost effective ways to reduce the burden of tooth decay, before it starts, is community water fluoridation. Since 1945, water fluoridation has been the cornerstone of the nation's oral health, by safely, inexpensively and effectively preventing tooth decay regardless of an individuals' socioeconomic status or ability to obtain dental care. Today, close to 144 million Americans receive this benefit through fluoridated water. Unfortunately, more than 100 million others do not.

This is especially disturbing, because water fluoridation remains the most equitable and cost-effective method of delivering fluoride. The average lifetime cost of fluoridation per person is less than the approximate cost of one dental filling.

In my home State of Vermont, three communities with over 7,000 residents, do not benefit from community water fluoridation. According to the Vermont Department of Health, high school students in one of these communities have the worse dental health in the State, by a significant margin. Because of the high disease rate in these three communities, they have responded by developing dental clinics to serve low-income residents. Although we applaud these communities for responding accordingly, the old adage holds true here, an ounce of prevention is worth a pound of cure.

Dental sealants have also proven to be an effective method of preventing tooth decay. Studies have shown that sealants can reduce tooth decay by over 70 percent. Despite the proven effectiveness of this method, only three percent of low-income children have had sealants applied to their teeth.

The inequities in oral health care are especially apparent in Medicaid patients. In 1993, only 1 in 5 children and adolescents covered by Medicaid received preventive dental service such as application of fluoride or sealants. Alarmed by these statistics, Senator RUSS FEINGOLD and I, along with 26 of our colleagues, wrote to the Health Care Financing Administration asking that they explore what Medicaid could do to improve access to comprehensive dental services for underserved children.

Oral health is a key determinate of overall health. It is essential that we continue to pursue these low-cost and effective measures to ensure that all children in this country, regardless of income and geography, are free of dental disease.

TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTIONS

Mr. CONRAD. Mr. President, I would like to engage the Chair of the HELP Committee in a colloquy regarding eligibility for Section 117 of the Carl Perkins Vocational and Applied Technology Education Act. Section 117 authorizes funding for Tribally Controlled Postsecondary Vocational and Technical Institutions. The funds have been awarded annually to the two existing tribally controlled postsecondary vocational institutions that are devoted to providing vocational and technical education, United Tribes Technical College and Crownpoint Institute of Technology. Historically, these two institutions have not received assistance under the Tribally Controlled College and University Assistance Act, so the Perkins funds are key to their existence.

On March 28, 2001, the Department of Education issued a Request for Proposals, RFP for funding under Section 117 that would open up funding for this program to the tribal colleges. The Department is operating under the mistaken view that the 1998 Perkins Amendments changed the previous Perkins law with regard to eligibility for these funds. In fact, it was not the intent of Congress to in any way alter eligibility for Section 117 funding when it enacted the 1998 Perkins Amendments. The members of the North Dakota and New Mexico delegations disagree with the Department and have written to Secretary Paige stating our view that the 1998 Perkins amendments did not change the eligibility for what is now the Section 117 program. Do the Chairman and Ranking Member of the HELP Committee agree with our view?

Mr. JEFFORDS. Yes, I agree with the view of the North Dakota and New Mexico delegations. The 1998 amendments to the Perkins Act made no substantive changes to the Tribally Controlled Postsecondary Vocational Institutions section of the law concerning eligibility. The section that authorizes the grants retained the purpose of providing assistance solely to institutions whose focus is vocational and technical education.

Mr. DOMENICI. The Crownpoint Institute of Technology and United Tribes Technical College depend on Perkins funding for their core operational funds, and the Department should not make radical changes in eligibility simply by issuing a new grant announcement. The 1992 regulations for

the Tribally Controlled Postsecondary Vocational Institutions Program state, at 34 CFR 440.5, that tribal colleges are not eligible for these funds. The regulations have not been changed. Would the Ranking Member of the HELP Committee comment on this?

Mr. KENNEDY. The senior Senator from New Mexico is correct. The 1992 regulations have not been changed, nor has there been a need to change them because the 1998 Perkins Amendments made no changes concerning which institutions are eligible for the Tribally Controlled Postsecondary Vocational Institutions funding.

Mr. DORGAN. I would like to inquire of the junior Senator from New Mexico and a member of the HELP Committee, what difference, if any, was made in the eligibility for the Tribally Controlled Postsecondary Vocational Institutions funding in 1998?

Mr. BINGAMAN. No change was made. We included a parenthetical reference to the definition of ''institution of higher education,'' this has no practical effect as both the 1990 and 1998 Perkins laws require that a grant recipient be an institution of higher education. The Department should continue providing grants for Section 117 under the current regulations unless and until new regulations are issued pursuant to the Administrative Procedures Act. Crownpoint Institute of Technology and United Tribes Technical College were intended to be the only beneficiaries of this section.

Mr. DORGAN. Thank you. I would like to include for the RECORD a copy of the letter from the North Dakota and New Mexico delegations to Secretary Paige on this matter. I would also like included in the RECORD a letter from Dr. Jim Shanley, President of the American Indian Higher Education Consortium, objecting to the Department's RFP that would open up the Section 117 program to the tribal colleges. Dr. Shanley notes that such an action would likely result in the closing of the doors of the tribally controlled postsecondary vocational institutions.

The letters follow:

WASHINGTON, DC,
March 27, 2001.

Hon. ROD PAIGE,
Secretary of Education, U.S. Department of Education, Washington, DC.

DEAR SECRETARY PAIGE: We write to express serious concerns about the process used by the Department of Education in issuing the March 23, 2001, Federal Register grant announcement for Section 117 of the Carl Perkins Vocational and Technical Education Act. Section 117 is specific to tribally controlled postsecondary vocational institutions, of which there are two: United Tribes Technical College (UTTC) and Crowpoint Institute of Technology (CIT).

We understand that the March 23 notice has been withdrawn for technical reasons but that the Department intends to reissue the notice shortly. The March 23 notice makes drastic changes in Section 117 eligibility and uses of funds that are inconsistent with the existing program regulations in 34 CFR Part 410. The eligible applicant pool would be expanded to include tribally-controlled community colleges for the first time and the uses of the funds would be restricted.

If put into place, these changes could result in closure of the two institutions that have depended on this funding for their core operations. The Perkins funds support the ongoing operations of UTTC and CIT, just as funding under the Tribally Controlled Colleges and Universities Act supports the ongoing operations of tribal colleges. We ask that you not reissue the notice regarding Section 117 but rather engage in a formal rulemaking process. Pending that, the FY 2001 Perkins funds should be issued under the current regulations.

We view the March 23 notice as an end-run around the regulatory process; it is, in effect, a set of new regulations without the benefit of any formal process or consultation with the affected parties. The 1998 amendments to the Perkins Act were signed into law on October 31, 1998—almost two-and-a-half years ago—and no regulations have been issued. Now the Department asserts that the 1998 amendments ''substantially revised'' the tribally controlled postsecondary institutions program and wants to waive the regulatory process on the grounds that there is no time to issue regulations if the awards under Section 117 are to be made in a timely manner. This is disingenuous and certainly not in keeping with the federal government's policy of working with tribes on a government-to-government basis, including consultation with tribes and tribal organizations on policy matters that will affect them.

Again, we urge you to direct that the March 23 grant announcement not be reissued but rather use the existing regulations for Tribally Controlled Postsecondary Vocational Institutions for this grant period. If the Department feels that new regulations are warranted for the 1998 Perkins Act Amendments, such regulations should be issued through the Administrative Procedures Act in consultation with the affected tribal parties.

We appreciate your attention to this important matter.

Sincerely,

KENT CONRAD,
PETE DOMENICI,
BYRON L. DORGAN,
JEFF BINGAMAN,
U.S. Senate.

EARL POMEROY,
TOM UDALL,
U.S. House of Representatives.

AMERICAN INDIAN
HIGHER EDUCATION CONSORTIUM,
Alexandria, VA, March 27, 2001.

Mr. ROBERT MULLER,
Deputy Assistant Secretary (Acting), Office of Vocational and Adult Education, Department of Education, Washington, DC.

DEAR MR. MULLER: On behalf of the 32 Tribal Colleges and Universities, I am writing to request your assistance with a serious matter involving our two tribally-controlled postsecondary vocational institutions, United Tribes Technical College (UTTC) and Crownpoint Institute of Technology (CIT). It has come to my attention that your office is about to publish a solicitation opening up eligibility requirements for Title I, Sec. 117; therefore, significantly changing the intent of the program. It is of great concern that no consultation has been done with our institutions on this matter. To make this change would seriously jeopardize the funding for UTTC and CIT's core operations and force their closure.

Because of the immense ramifications of this action, we strongly urge you to hold the solicitation to be published March 28, 2002. We also request that appropriate consultation occur with AIHEC, UTTC, and CIT as soon as possible so that this matter can be resolved constructively and expeditiously.

It is important to note the value of these two institutions and their historic role in providing vocational education opportunities to American Indian students. UTTC and CIT were founded because of limited access to opportunities in vocational education in serving their respective tribal communities. However, because these two institutions are vocational in nature and did not meet the eligibility requirements of the Tribally Controlled College Assistance Act for core operational support, Sec. 117 was created by AIHEC's advocacy efforts on their behalf.

Thank you for your immediate attention and consideration. We look forward to your response. I can be reached at 703–980–4456/cell or 505–982–4411 until March 29th.

Respectively,

DR. JAMES SHANLEY,
President.

GUN SHOW BACKGROUND CHECK ACT

Mr. LEVIN. Mr. President, this week I joined Senator REED and a number of my colleagues in introducing the Gun Show Background Check Act, which would close the gun show loophole. If enacted, prospective buyers at gun shows would be required to undergo Brady background checks to ensure that they are not felons, fugitives, domestic abusers, or other persons prohibited from purchasing firearms.

It is incredible to me that more than two years after Columbine, lawmakers have not yet acted to reduce the availability of guns to criminals and other prohibited persons by closing this loophole in our federal firearm laws. Just a few days ago, America memorialized the worst school shooting in our nation's history. On April 20, two years ago, Eric Harris and Dylan Klebold brought terror to Columbine High School. Of the four guns used by the two Columbine shooters, three were acquired at a gun show. The teenage shooters took full advantage of the gun show loophole, which allowed their friend, Robyn Anderson, to buy them two rifles and a shotgun without ever submitting to a background check. Later, Robyn Anderson testified about her experience to the Colorado Legislature. She said:

> While we were walking around [at the gun show], Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.
>
> I was not asked any questions at all. There was no background check . . . I would not have bought a gun for Eric and Dylan if I had had to give any personal information or submit any kind of check at all.

I wish a law requiring background checks had been in effect at the time. . . It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

Of all the testimony that came out of Columbine, Robyn Anderson's is among the most memorable. The citizens of Colorado and Oregon, States with high rates of gun ownership, reacted by supporting referenda to close the gun show loopholes in their States. Now, Congress should do the same and enact legislation to close the gun show loophole nationwide.

CAMPAIGN FINANCE

Mr. BIDEN. Mr. President, I rise to call my colleagues' attention to an article by the distinguished First Amendment scholar, Ronald Dworkin, ''Free Speech And The Dimensions Of Democracy.'' The article appears in If Buckley Fell: A First Amendment Blueprint for Regulating Money in Politics, sponsored by the Brennan Center for Justice at New York University's School of Law.

Professor Dworkin's work illustrates a point some of us made during the recent debate on campaign finance reform: the shocking state of our current political life is a perversion of the public discourse envisioned by the Founding Fathers, a perversion directly rooted in the mistaken understanding of the First Amendment underlying the Supreme Court's decision in *Buckley* v. *Valeo*, 424 U.S. 1 (1976).

As Professor Dworkin puts it, ''[o]ur politics are a disgrace and money is the root of the problem.''

There is no need to detail the disgraceful state of our political life brought about by politicians' need to chase dollars. Members of this body, myself included, described the current state of affairs in all its painful and embarrassing detail during the recently concluded debate on campaign finance reform.

Professor Dworkin's article makes explicit what many of us have argued in supporting Senator HOLLINGS' proposal to amend the Constitution so that reasonable limits can be placed on campaign expenditures: Senator HOLLINGS' Amendment is not an affront to the First Amendment, as some have portrayed it; it is an affront to Buckley, which was wrongly decided. Senator HOLLINGS' Amendment is restorative: it returns First Amendment jurisprudence to what it was before the ill-conceived Buckley decision.

In holding that limitations on campaign expenditures violate the First Amendment, Buckley mistakenly equates money and speech. But, as Justice Stevens pointed out recently in *Nixon* v. *Shrink Missouri Government PAC*, 528 U.S. 377 (2000), money is not speech; money is property.

Professor Dworkin's article shows that the mistaken factual premise in Buckley is rooted in a fundamental misconception of First Amendment jurisprudence. Senator HOLLINGS' effort to make clear that reasonable limits can be imposed constitutionally on campaign expenditures would restore that jurisprudence by overturning Buckley.

The First Amendment and most of the important decisions interpreting it presuppose a democracy in which citizens are politically equal, not only as judges of the political process through voting, but also as participants in that process through informed political discourse. Reasonable regulations on campaign expenditures would enhance speech and contribute to a more rational political discourse. Professor Dworkin illustrates this point through a historical and philosophical analysis of First Amendment precedent and the threat that unrestricted campaign expenditures pose to the values underlying the First Amendment. Treating money as speech debases genuine democratic dialogue.

Justice Brandeis made this point in another way in his justly famous dissent in *Whitney* v. *California*, 274 U.S. 357, 375 (1927):

> Those who won our independence believed that the final end of the state was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty; . . . [They believed] that the greatest menace to freedom is an inert people; that public discourse is a political duty; and that this should be a fundamental principle of the American government.

The damage that unrestricted campaign expenditures has done to our public discourse is clear. If money is speech, then inevitably one will need money, and large amounts of it, to speak politically. The result, in Professor Dworkin's words, is that our last two presidential campaigns were ''as much a parody of democracy as democracy itself.''

I will not repeat Professor Dworkin's analysis of the legal precedents interpreting the First Amendment and Buckley's distortion of them, except to point to the oddity that Buckley at times recognizes the constitutional jurisprudence it undermines. It does so in holding that, in contrast to campaign expenditures where any limit purportedly violates the First Amendment, Congress may constitutionally place limits on campaign contributions. The latter holding, as Professor Dworkin points out, is premised on a principle deeply rooted in First Amendment jurisprudence: reasonable restrictions on activity in the political realm, like contributing money, may be erected to protect core First Amendment values, like equality of political discourse. That is all that most proponents of campaign reform want to do, and that is all that the Hollings Amendment will do.

AMERICAN PRISONERS OF THE HOLOCAUST

Mr. HOLLINGS. Mr. President, in September of 1944, the 106th Infantry Division embarked for Europe and soon joined heavy fighting at the Battle of the Bulge. But one member of the division, the Academy Award-winning filmmaker Charles Guggenheim, was left behind in Indiana due to a minor illness. His connection with this brave group and the 350 American soldiers taken prisoner after the battle and sent to a Nazi camp in Berga, Germany led Mr. Guggenheim to undertake a new documentary, which is the subject of an excellent New York Times article by Roger Cohen. So that more Americans can be educated about the events leading up to the Holocaust and the unspeakable horrors inflicted upon Americans as well as Europeans, I ask that Mr. Cohen's article be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 17, 2001]

WHERE G.I.'S WERE CONSUMED BY THE HOLOCAUST'S TERROR; A FILMMAKER HELPS THAW MEMORIES OF WARTIME GUILT

(By Roger Cohen)

BERGA, Germany. Four plain wooden crosses stand in the cemetery above this quiet town in eastern Germany. One of them is inscribed ''Unknown Allied Soldier.'' He is unlikely to be an American, because the G.I.'s who died here were exhumed after World War II and taken home. But the mystery of this soldier's identity is only one of many hanging over Berga and its former Nazi camp.

On a cold, late March day, with snow falling on the graves, a thin, soft-spoken American stands filming in the cemetery. He has hired some local volunteers, one of whom is portraying a Nazi guard, as two others turn the earth in preparation for the burial of the simulated corpses whose limp feet dangle out of sacks. The scene has an eerie luminosity in the silence of the snow.

The weather is cinematographically perfect. It is also unseasonably cold and infernally damp. The American, Charles Guggenheim, shivers as he says: ''This is a slow business, filming something like this. Sort of like watching grass grow.''

But for him the fate of the American soldiers imprisoned and worked to death more than a half-century ago in Berga has become something of an obsession.

Time may be needed for an obsession to take hold, time for the half-thoughts, nagging regrets and suppressed memories to coalesce into a determination to act. Mr. Guggenheim, a documentary filmmaker who has won four Academy Awards, waited a long time to embark on this movie. His daughter, Grace Guggenheim, has a theory as to why. ''This is sort of a survivor's guilt story,'' she said.

In September 1944 Mr. Guggenheim, now 77, was with the American 106th Infantry Division, preparing to go to Europe. But when the other soldiers embarked, he was immobilized with a foot infection. He remained in Indiana while his fellow infantrymen were plunged, within weeks, into the Battle of the

Bulge; two regiments were lost. Thousands of American soldiers were captured, and several hundred who were Jewish or who ''looked'' Jewish ended up in Berga. Up to now their fate has received relatively little attention, partly because the surviving soldiers long tended to repress the trauma.

''I could have been among the captured or the killed,'' Mr. Guggenheim mused. ''I never wished I had come to Europe. Anyone in the infantry who wishes for war has something wrong with them. But I've thought a lot: why in the hell am I here and they not? Perhaps in the next life they'll get even. I'm trying not to believe in a next life.''

Even this life seems incredible enough when gazing at little Berga, a place outside time. It was exploited by the Nazis before being taken over by the Russians, who mined uranium in the area. In 1990 it was made part of a united Germany.

Unemployment here stands at about 24 percent, so Mr. Guggenheim had no problem finding volunteers for his film. To conjure an atmosphere of desolation was not difficult either: beside the unused red-brick textile factory of a vanished Jewish family (named Englander), stray cats wander through junkyards, watched by old men standing huddled against the cold. Germany's ghosts, its myriad secrets, are almost palpable in a place like this.

Among the onlookers near the cemetery is Sabine Knuppel, a municipal worker. She says she has photographs of the ''old days'' in Berga: a lighted swastika glowing among trees heavy with snow. None of the old people in town like to talk about those days, she says, when the Nazis set up a satellite camp to Buchenwald in the middle of town and used the slave laborers imprisoned there to dig tunnels into the rock cliffs bordering the Elster River.

All that, she continues, constitutes a ''lost world.'' But once there were perhaps 1,000 prisoners working in the tunnels, where the Nazis planned to install a factory producing synthetic fuel. But until now, nobody in the town knew there were Americans among the prisoners, Ms. Knuppel says.

After the war the Russians blew up many of the tunnels. In their vestiges bats established a vast colony now officially designated as a German nature reserve. Along the wooded banks of the Elster, a dozen entrances to the tunnels may still be seen; they are barred with steel doors.

Layer upon layer of German secrets: more tangible in a place like Berga than in the west of the country, where postwar prosperity wiped away most traces of tragedy. Mr. Guggenheim, whose award-winning documentaries include ''J. F. K. Remembered'' and an account of the civil rights movement called ''A Time for Justice,'' has been digging into the secrets for two years now. He has interviewed 40 American survivors of Berga for a documentary tentatively titled ''G.I. Holocaust.''

The film, a co-production of Mr. Guggenheim's company and WNET, the public-television station in New York, centers on what happened to a group of American soldiers captured by the Germans after the Battle of the Bulge (which began on Dec. 16, 1944) and later transported to Berga.

This group of about 350 men was selected from among the more than 2,000 American prisoners initially taken to the Stalag 9B prisoner of war camp at Bad Orb, 50 miles north of Frankfurt. Among them was William Shapiro, now a retired doctor living in Florida. A medic attached to the 28th Infantry Division, he was captured on Dec. 17, 1944, the day after the battle began.

''On arrival at the prisoner of war camp, we were interrogated,'' Dr. Shapiro said in a telephone interview. ''With a name like Shapiro, it was quite evident I was Jewish. I was then pushed into a particular barracks, mostly for Jews and other undesirables. Our job was to clean the latrines. We were guarded by the SS with dogs, rather than the Wehrmacht. I'd never even trained with a gun. I thought the Geneva Convention would protect me as a medic. At that time I knew nothing of Auschwitz or the planned extermination of European Jewry, although of course I knew of Hitler's hostility to Jews.''

In the special barracks he was eventually joined by the other 350 Americans who would go to Berga. Their identities had not been as immediately obvious. Many were selected in a grim process recalled to Mr. Guggenheim by several soldiers of his own 106th Division.

They described how prisoners were ordered to stand at attention in the parade ground. The commandant then gave the order for all Jews to step forward. ''Nobody moved,'' said Joseph Littell, one of the survivors. ''He said it again. Nobody moved. He grabbed a rifle butt and hit Hans Kasten, our leader, with a blow you couldn't believe. Hans got up. He hit him again. The commandant said he would kill 10 men every hour until the Jews were identified.''

The group of 350 was eventually assembled of some Jews who identified themselves under pressure; some soldiers, like Mr. Kasten, who volunteered; and some who were picked by the Germans as resembling Jews. Mr. Kasten, an American of German descent, suffered repeated taunts, being told that the thing worse than a Jew was a German who turns against his country. After several weeks the group was loaded into boxcars without food or water, arriving at Berga on Feb. 13, 1945.

The Nazis had a policy, ''annihilation through work,'' and these Americans learned what this meant. Housed in a barracks beside the prison camp, fed only on bread and thin soup, sleeping two to a bed in three-level bunks, deprived of water to wash, urinating and defecating into a hole in the floor, regularly beaten, the soldiers were herded out to work 12 hours a day in the dusty tunnels.

''The purpose was to kill you but to get as much of you before they killed you,'' Milton Stolon of the 106th Division told Mr. Guggenheim. Gangrene, dysentery, pneumonia, diphtheria did their work. In the space of nine weeks about 35 soldiers died.

The persecution of American prisoners at Berga has remained little-known because many of the victims, like Dr. Shapiro, chose not to speak of it for a half-century after the war. With the cold war to fight and West Germany a postwar ally, the United States government had little interest in opening its archives and inflaming conflict between Americans and Germans.

In recent years, however, the research of an Army officer, Mack O'Quinn, who investigated the events at Berga for a master's degree thesis, and a 1994 book by Mitchell Bard, ''Forgotten Victims'' (Westview Press), have thrown light on the treatment of the G.I.'s. Still, many of the soldiers said they spoke about their experiences for the first time to Mr. Guggenheim; the notion that American prisoners of war were persecuted as Jews or Jewish sympathizers has not received broad attention.

Mr. Guggenheim said it was still a shock that this happened to Americans, bringing home the realization that if the Nazis had won the war, ''they would have gotten us, too.''

A descendant of German Jews, he grapples with ambivalent feelings about the country, unable to forget what a ''civilized nation'' did to its Jews even as he is surprised by how civil postwar German society is.

He also grapples with how to find an appropriate treatment of a Holocaust movie, troubled by what he sees as the frequent trivialization of the Holocaust in film. Too often, he said, Hitler's crimes have become a ''quick fix for involvement'' and a good fix for raising money from Jewish families. Like sex and violence, the Holocaust ''demands people's attention, even if they do not feel good about it.''

His answer to the ethical dilemma is the sobriety of his research and treatment: painstaking interviews, careful reconstruction of a little-known chapter in the war, attention to detail. The scenes filmed in Berga will supplement a core of archival film, photography and interviews. ''What is most moving to me is the way the survivors have talked about themselves and about each other, often for the first time,'' he said. ''In many instances they had never talked about this before.''

Dr. Shapiro was among those who suppressed his memories. ''It took 50 years for all of us to begin to come to terms with this,'' he said. In early April 1945, with the American and Soviet armies closing in, the camp at Berga was ordered evacuated, and a death march began for hundreds of prisoners. At least another 50 Americans died in the ensuing days before advance units of the American 11th Armored Division liberated the prisoners on April 22, 1945, near Cham in southeastern Germany.

The rate of attrition—more than 70 American dead in just over two months after arrival at Berga—was among the highest for any group of G.I.'s taken prisoner in Europe. Dr. Shapiro weighed 98 pounds on his liberation; he cannot recall the last days of the forced march despite repeated efforts to do so. ''I had become a zombie,'' he said.

Time has passed, but Dr. Shapiro's voice still cracks a little as he thinks back. Periodic nightmares trouble him. ''I traveled the same road as an American prisoner of war as the Jews of Europe,'' he continued. ''I was put in a boxcar, starved, put on a death march. It was a genocidal type of approach.''

That road might also have been Mr. Guggenheim's. After the war he asked a returning member of the 106th Division about a Jewish soldier he had known and was told the man had died in a German mine. But where, how, why?

The questions lingered in his mind for more than a half-century before taking him where an infected foot prevented him from going in 1944: to a remote town in Germany where the bat-filled tunnels are now sealed and snow falls on a cemetery where an ''Allied Soldier'' lies.

TRIBAL COLLEGES AND UNIVERSITIES

Mr. CONRAD. Mr. President, I would like to engage the Senior Senator from Iowa in a colloquy about funding for the Nation's 32 tribal colleges and universities.

These schools, located in 12 States, serve more than 250 federally recognized tribes nationwide. The colleges serve students older than the traditional college age who are seeking another chance at a productive life. The

vast majority of tribal college students are first-generation college students.

However, the States provide little, if any, funding to the tribal colleges and universities because the vast majority of tribal colleges are located on federal trust lands. Additionally, non-Indians account for about 20 percent of tribal college enrollments, although the States do not provide financial support for these students.

Does the Senator from Iowa agree that the Federal Government needs to play a significant role in funding these schools?

Mr. HARKIN. Yes, I agree with the Senator from North Dakota. The Federal Government provides the core operating funds for the tribal colleges and universities. Without this funding, many of them would have to close their doors.

Mr. CONRAD. And is it the view of the Senator from Iowa that this funding has not reached the level authorized by the Tribally Controlled Colleges and Universities Assistance Act?

Mr. HARKIN. The Senator from North Dakota is correct. Although annual appropriations for tribal colleges have increased in recent years, the per Indian student funding is still less than two-thirds the level authorized by law and significantly lower than the public support given to mainstream community students.

Mr. CONRAD. I thank the Senator. I would also like to note that the need for federal funding is especially critical for these schools because most tribal colleges and universities were founded less than 25 years ago and are located in rural and impoverished areas, and they do not have access to alumni-based funding sources and local financial support.

Mr. JOHNSON. Given the circumstances described by the Senator from North Dakota and my own knowledge of the five tribal colleges in my own State, I ask that every effort be made in Fiscal Year 2002 and beyond to fund the colleges at the level at which they are authorized in the Tribally Controlled College and University Assistance Act. Would the Senator from Iowa agree that with respect to the education funding amendment adopted by the Senate that this will be a priority?

Mr. HARKIN. Yes, I agree with the Senator from North Dakota that a portion of the funding provided by my amendment should be used to help close the gap between the level of funding authorized by the Tribally Controlled College and University Assistance Act and the level of funding the colleges are currently receiving. I believe the funding in my amendment is sufficient to meet the needs of the tribal colleges and universities as well as the other educational needs throughout the country.

Mr. CONRAD. I thank the Senator for his remarks. I am pleased that the Senator from Iowa, who is a champion of education, shares my strongly-held view that Congress must continue work toward current statutory federal funding goals for the tribal colleges. I look forward to continuing to work with him on this.

TRIBUTE TO SENATOR JENNINGS RANDOLPH AND HIS FIGHT FOR THE 26TH AMENDMENT

Mr. ROCKEFELLER. Mr. President, I rise today to pay tribute to Senator Jennings Randolph on the anniversary of the passage of the 26th Amendment. In 1971, a young West Virginian named Debbie Phillips skipped a day of high school. Skipping school is usually frowned upon by parents and teachers, but Debbie, then 18, was anything but another student trying to ditch chemistry, algebra, and history. In fact, Debbie was missing school in order to make history: that day, she registered to vote under the newly-ratified 26th Amendment to the Constitution at the Kanawha County Court House in Charleston, WV. A year later, the 26th Amendment also allowed Debbie to seek an appointment as a delegate at a national convention, making her the first West Virginian under 21 years of age to file for public office.

I was the Secretary of State in West Virginia at the time, so Debbie came to my office to register. Her actions, and those of millions of other young Americans who have accepted the 26th Amendment's invitation to participate in the political process, show how critical young people are to our democracy.

These extraordinary developments were made possible by a great man and a friend of mine—Senator Jennings Randolph, my predecessor as Senator from West Virginia and the ''Father of the 26th Amendment.'' Senator Randolph drafted the amendment and worked tirelessly for its passage, based on his belief that America's youth had a right to be part of our political process. The ratification of the amendment marked a great moment in our country's history. It has allowed young adults to speak for themselves and have their voices heard in the greatest democratic society in the world.

Thirty years ago Saturday, the State of West Virginia ratified the 26th Amendment. This action came in the midst of the Vietnam War, in which nearly half of all the soldiers that America lost were younger than 21. Despite making the ultimate sacrifice for their country, those young soldiers had been unable to vote for the President that was sending them to war. In addition, they were paying taxes and participating in society in every other way; yet they were unable to vote. Senator Randolph changed that forever.

Tomorrow, West Virginia Secretary of State Joe Manchin is holding an event at our State Capitol encouraging schools to register voters under his West Virginia SHARES program—Saving History and Reaching Every Student. It is so important that young people realize what an awesome power Senator Randolph's crusade brought them. Young Americans were excited to have the right to vote in the early 1970s, but today many 18- to 21-year-olds do not even bother to register. With the exception of 1996, voter participation among citizens between the ages of 18 and 24 has decreased in each Presidential election. Secretary of State Manchin's project is therefore of utmost importance. It is essential that we let young people know of their right, and indeed their responsibility, to vote, and help them register to do so.

Again, I salute Senator Randolph for his tireless efforts to allow Debbie Phillips and countless other young people to improve our democracy.

TAX SIMPLIFICATION

Mr. FEINGOLD. Mr. President, I rise to speak on a report issued yesterday by the Joint Committee on Taxation and hearings that are being conducted today in the Finance Committee on the subject of tax simplification.

Last week, on April 16, millions of Americans mailed their tax returns, completing the last step in a process that many found arduous, burdensome, and needlessly confusing. The tax code has become increasingly complex since its last major reform in 1986. Taxpayers grow increasingly frustrated filling out their returns or are forced to pay others to prepare their tax returns for them. The government has thus imposed a kind of tax on paying taxes.

In response to this complexity, most people have apparently thrown up their hands and paid others to fill out their returns. The Internal Revenue Service recently estimated that through the first week of April, about 57 percent of all individual income-tax filers used paid preparers. That rate was up from 56 percent last year.

Paid tax preparers report that they did a booming business this year. Through March 30, H&R Block's revenue for tax preparation services rose by more than 10 percent over last year, to $1.5 billion. Its average fee rose to about $109.

Aside from using paid preparers, to avoid tax complexity, many Americans forgo tax benefits to which they are legally entitled. For example, many people use the standard deduction, even though they would save money by itemizing their deductions. The General Accounting Office recently estimated that on more than half a million returns for 1998, taxpayers did not itemize, even though mortgage interest payments alone would have reduced their taxes or increased their refunds.

GAO estimated that the resulting overpayments may have totaled $311 million, or $610 per tax return.

Earlier this year, the IRS's acting national taxpayer advocate issued a report to Congress in which he summed up: Complexity ''remains the No. 1 problem facing taxpayers, and is the root cause of many of the other problems on the Top 20 list.''

All this complexity comes with substantial costs to our economy. Treasury Secretary Paul O'Neill said recently: ''The [tax] code today encompasses 9,500 pages of very small print. While every word in the code has some justification, in its entirety it is an abomination. It imposes $150 billion or more of annual cost on our society with no value creation.''

The difficulty of filling out the income tax form is undermining Americans' confidence in the system. When people's interaction with the Federal Government is dominated by complex and burdensome tax forms, it can impair the people's trust in government generally.

We need tax reform and simplification. And now is the perfect time to do something about it.

In a fine Brookings Institution Policy Brief issued this month, scholars Len Burman and Bill Gale write:

> Tax complexity is like the weather: everyone talks about it but nobody does anything about it. . . . Unlike the weather, though, policymakers can do something about complexity. And if they do not simplify the tax system now, when there are surplus funds to pay for simplification, they will have lost a golden opportunity.

Burman and Gale are right. Tax simplification needs to be an important part of this year's tax policy debate.

If Congress is to enact a greatly simplified tax code, it needs to have a thorough understanding of the problem as well as specific proposals to consider. Comprehensive studies of the issue can provide a needed impetus. The Report of Secretary of the Treasury Donald Regan, for example, laid the groundwork in substantial part for the 1986 reform.

I chaired the Taxation Committee of the State Senate in Wisconsin when we reformed the tax code in the mid-1980s. Democrats controlled both houses of the Legislature, and we had a Democratic Governor, but we used the Regan tax reform proposal as the basis for much of our own tax reform. The result was a greatly simplified tax system.

Following on that model, in last year's budget resolution, I offered an amendment calling for the Joint Committee on Taxation to conduct a study of means by which we might simplify taxes. The Senate Budget Committee adopted the amendment unanimously. And the budget resolution that Congress adopted on April 13 of last year included it as section 336. That section said, in relevant part: ''It is the sense of the Senate that . . . the Joint Committee on Taxation shall develop a report and alternative proposals on tax simplification by the end of the year. . . .''

The staff of the Joint Committee on Taxation, under the direction of Chief of Staff Lindy Paull, took this and other requests along these lines seriously. They consulted with academics, former chiefs of staff of the Committee, and former Commissioners of the IRS. Staff reviewed proposals that have been made, and considered particular issue areas. The resulting report, released yesterday, suggests ways to accomplish the same policy goals that underlie the current income tax code, but in less duplicative or less convoluted ways.

I am glad to see that the Joint Committee has released its report. Similarly, I am gratified that Finance Committee Chairman CHUCK GRASSLEY is holding a hearing today to receive the report and discuss this important subject.

Although I do not agree with every suggestion put forth in the report, I am convinced that this report and these hearings are exactly the kind of institutional step that we need to take if we are to reform the tax code.

Here are just a few examples of areas where Congress could well simplify the tax code:

The AMT: The complicated Alternative Minimum Tax is beginning to affect more and more middle-income taxpayers. It needs reform.

Capital Gains: Ever since the 1997 law created differing capital gains rates for differing holding periods, the capital gains form has become very complicated. Some have proposed an exclusion from capital gains income for the first several hundred dollars of capital gains income, so that modest investors in mutual funds would not be subjected to filling out the capital gains schedule.

The Earned Income Tax Credit: At the Finance Committee hearing today, Richard Lipton, head of the American Bar Association tax section, argues for simplifying the earned-income tax credit, designed to help low-income working families. In Mr. Lipton's words, ''In effect, Congress has given the poor a tax break with one hand and then taken it away with the other by making it too complex to understand.''

Child Credits: Robert Cherry and Max Sawicky of the Economic Policy Institute have proposed a universal unified child credit that combines the dependent care credit, the earned income tax credit, the child credit, and the additional child credit. Similar work has been advanced by David Ellwood and Jeff Liebman of Harvard University's John F. Kennedy School of Government. Congress could well examine combining various child credits to make them fairer and easier to use.

The Standard Deduction: We could expand the standard deduction so that fewer taxpayers needed to itemize their deductions.

The Personal and Dependent Exemptions: Alternatively, we could expand the personal and dependent exemptions.

The Nanny Tax: Congress has simplified the law by raising the threshold of wages paid for filing employer taxes and by incorporating the filing into the form 1040. The threshold could be further raised.

Education Incentives: Today's code contains several different education incentive provisions, including tuition credits, like Lifetime Learning or the Hope Credit, Education IRAs, State deductible tuition programs, limited interest deductions, and employer provided assistance. These provisions contain numerous and differing eligibility requirements. Congress might work to harmonize these programs.

A simplified tax code makes good economic policy sense. We would improve the economy's efficiency if we could minimize the impact of the tax code on the economic decisions of businesses and individuals.

The tax code's complexity frustrates average households. This is a real issue with many people of fairly modest means. I hold listening sessions in each of Wisconsin's 72 counties every year, and I frequently hear of people's frustrations with the tax code's complexity.

I am gratified to see that the Joint Committee on Taxation has addressed the budget resolution's request seriously, and has produced its extensive product. I commend the Joint Committee's efforts.

We need to advance the process of simplification further. I look forward to working with colleagues in the Finance Committee and the Senate on ways to reform and simplify the tax code.

INFORMATION BROKERS

Mr. NELSON of Florida. Mr. President, the Washington Post reported this morning that several prominent banks, insurance companies and law firms regularly purchased consumers' confidential financial information from an information broker that illegally gathered the data using ''pretext'' calling. This despicable practice involves a caller who contacts a business or government entity and uses a person's social security number or other personal identifier to trick an unsuspecting clerk to provide confidential information about everything from a person's checking account balance to her investment portfolio.

The prohibition against this fraudulent practice was recently strengthened by Congress through the Gramm-Leach-Bliley Act, but reports of abuse have continued. Information brokers with little regard for people's privacy

are doing the dirty work for organizations that otherwise portray themselves as privacy proponents. These so-called information brokers allow companies seeking such information to cut corners at the expense of consumers.

And the apparent willingness of some in the financial industry to purchase such information calls into question the industry's commitment to protecting consumers' privacy. Further, if companies buy information from suspect sources, there are limited prohibitions on redistributing it.

If a company isn't required to get a customer's express consent prior to selling, sharing or disclosing his information, then the customer has little opportunity to stop the spread of inaccurate information.

Earlier this year, I introduced legislation that, if passed, would help minimize the collateral damage that can occur when financial institutions purchase information from these suspect firms. My bill would require a consumer's express consent before a financial company can share personally identifiable financial information with its affiliates and express written consent before it can transfer personally identifiable medical information. I want to put the consumers in control. Consumer control ensures that personally identifiable information is only used for the purpose it was gathered for and protects consumers from the further spread of inaccurate information.

Too often these days, personally identifiable medical and financial information is being shared, bought, or sold; and, it's being done without the consent of the consumer. This practice must stop. And it is our job to pass legislation that will stop it.

I call on my colleagues in the Banking committee to move forward with this legislation as soon as possible, so that it can be considered by the full Senate. Now is the time to close the financial privacy loophole so that we prevent a further erosion of our privacy rights.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 25, 2001, the Federal debt stood at $5,681,916,012,004.34, Five trillion, six hundred eighty-one billion, nine hundred sixteen million, twelve thousand, four dollars and thirty-four cents.

One year ago, April 25, 2000, the Federal debt stood at $5,714,810,000,000, Five trillion, seven hundred fourteen billion, eight hundred ten million.

Five years ago, April 25, 1996, the Federal debt stood at $5,092,768,000,000, Five trillion, ninety-two billion, seven hundred sixty-eight million.

Ten years ago, April 25, 1991, the Federal debt stood at $3,425,956,000,000, Three trillion, four hundred twenty-five billion, nine hundred fifty-six million.

Fifteen years ago, April 25, 1986, the Federal debt stood at $2,003,491,000,000, Two trillion, three billion, four hundred ninety-one million, which reflects a debt increase of more than $3.5 trillion, $3,678,425,012,004.34, Three trillion, six hundred seventy-eight billion, four hundred twenty-five million, twelve thousand, four dollars and thirty-four cents during the past 15 years.

ADDITIONAL STATEMENTS

IN HONOR OF NAVY LIEUTENANT SHANE OSBORN

• Mr. JOHNSON. Mr. President, I rise today to honor South Dakota's native son, Lt. Shane Osborn, the Navy pilot whose leadership and piloting skills saved the lives of the crew detained in China for the first part of April.

Even at three years of age, Shane exhibited a fascination with planes. Shane's family lived on a farm near Rapid City, South Dakota, where the farmer owned a small, two-seat aircraft. The hangar wasn't far from the house, and Shane would often climb into the plane and pretend to take to the skies in flight. This lifelong interest led Shane to the Navy where he trained as a pilot and was commissioned an officer in 1996.

Shane eventually was transferred to Whidbey Island Naval Station in Washington where he was trained to fly naval reconnaissance. As his Navy EP–3E plane recently flew a routine mission near the Chinese coast, it is reported that a Chinese F–8 fighter plane made two passes near the American aircraft, flying within three to five feet of the plane. On the third pass, the Chinese pilot apparently ran into the American plane's propeller, sending Shane and his crew into a steep dive.

With two of the four propellers out of commission, a smashed nose cone, and destroyed navigational instruments, the American plane dropped nearly 7,500 feet toward the China Sea. With sheer will and brute force, Shane managed to bring the plane under control and land safely on the Chinese island of Hainan.

During the ensuing days as Shane and his crew were held by Chinese officials, I spoke with the Chinese Ambassador and urged his government to release the American crew as quickly as possible. I also passed along to the Ambassador an email message Shane's father, Doug, wrote to his son. As the parent of a son in the military, I understood the fear and uncertainty one feels when their child is suddenly placed in harm's way. However, when I spoke with Doug Osborn, I was reminded also of the immense pride and love that a parent feels for their son or daughter in the military.

I commend Lt. Shane Osborn for his heroism in safely landing the disabled American plane and his leadership as mission commander during the 11 days the American crew was detained in China. Shane symbolizes the very best that we have come to expect from the men and women in our military. I will continue to be an advocate on military issues in Congress and make sure that military personnel like Shane receive the ''quality of life'' benefits they and their families deserve. After the numerous sacrifices the men and women in our military make for our country, we in Congress can be expected to do no less.•

HONORING CADET CHIEF PETTY OFFICER THEA I. PECK AS NAVAL SEA CADET CORPS CADET OF THE YEAR

• Mr. SANTORUM. Mr. President, I would like to extend my most sincere congratulations to Cadet Chief Petty Officer Thea I. Peck. On April 28, 2001, she will be awarded the Willis E. Reed Cadet of the Year Award, which recognizes the Naval Sea Cadet who has excelled in all areas of Naval Sea Cadet Corps, NSCC, training. She was initially selected as Mid-Atlantic Cadet of the Year for 2000 out of six states including Pennsylvania, which then lead to her selection as the program-wide Cadet of the Year. This recognition is outstanding as it exemplifies Cadet CPO Peck's leadership, maturity, dedication, and patriotism.

The NSCC was established in 1958 in part of the Department of the Navy to develop an appreciation for the United States' naval history, customs, traditions, and its significant role in national defense. Its purpose is also to develop patriotism, confidence, and pride in our nation's youth and help them to develop strong moral character and good citizenship. It also gives participants a real-life look at military opportunities.

Cadet CPO Peck has been a member of the Naval Sea Cadet Corps Program for over five years. She has completed several training courses over her tenure in the program including time spent at the Foreign Exchange Program with the United Kingdom and Medical Staff Training at Bethesda Naval Hospital. In all of her training periods, Cadet CPO Peck earned the highest performance marks illustrating her dedication to the program and the United States Navy.

In addition to excelling in the Naval Sea Cadet Corps, Cadet CPO Peck is an impeccable student. With a high school grade point average of 3.95, and as a student in all advanced classes, she has mastered time management and the ability to balance academics and outside activities. She has received a number of achievements for her work in various science fairs, and she is also an

outstanding athlete, lettering in indoor track, swimming, lacrosse and soccer.

Cadet CPO Peck is a superior, well-rounded young adult who has chosen to take advantage of all that life has to offer. As a member of the Senate Armed Services Committee, I am grateful to Cadet CPO Peck for her dedication to the United States Navy through the Naval Sea Cadet Corps. With so many opportunities ahead after high school, I am confident that whichever avenue she chooses to pursue, she will bring great energy and leadership to it.

I ask my Senate colleagues to join with me in congratulating this fine young leader as she is recognized as the 2001 NSCC Cadet of the Year and recipient of the Willis E. Reed Award.●

HONORING REVEREND DR. KENNETH L. SAUNDERS, SR.

● Mr. CORZINE. Mr. President, I want to bring to the attention of my colleagues a great man in the State of New Jersey, Reverend Dr. Kenneth L. Saunders, Sr.

Reverend Saunders is a man of integrity who is committed to the spiritual, mental, social, civil and economic well-being of his congregation and residents of the City of Piscataway.

Reverend Saunders has dedicated his life to public service. As Council President of the City of Piscataway, he insures that everyone has a voice. Reverend Saunders is also an outstanding advocate for children and their families.

Reverend Saunders is a true American, who believes that all people should have access to America's Promise. He has the enviable gift of being able to bring people together to work for a common cause. Reverend Saunders is an unselfish man whose motivation is not self-gratification. He possesses a higher calling.

This week, Reverend Saunders is celebrating 12 wonderful years of pastoral ministry at North Stelton A.M.E. Church in Piscataway. Under his unparalleled guidance, North Stelton A.M.E. Church has experienced enormous growth and is a warm congregation filled with joy and love.

I want to also mention his wife, Mrs. Shirley Saunders and want you to know that they make an exceptional team. Her devotion to the community is very well-known, and the State of New Jersey is a better place because of the leadership of Reverend and Mrs. Kenneth L. Saunders, Sr.

Lastly, I am a better man today because of my friendship with Reverend and Mrs. Saunders, and it is an honor for me to bring them to your attention.●

PIKE COUNTY INDIANA SCHOOL CORPORATION

● Mr. LUGAR. Mr. President, I am delighted to rise today with my colleague Senator BAYH to congratulate the Pike County School Corporation located in Petersburg, IN on being named ''One of the Best 100 School Districts in the United States'' for the year 2000 by the Wall Street Journal and Offspring magazine. The Pike Country school administrators, teachers, and students should take great pride in this outstanding accomplishment. This award is based on academic excellence in standardized testing such as the SAT, ACT, Indiana's ISTEP+ test, the number of National Merit Scholars produced by the district, community living costs, and dollar expenditures per student.

In October 1996, I had the distinct honor of meeting with the student body at Pike Central Middle High School. I was able to address the student body and saw first hand the hard work and dedication of the school's administrators and teachers. After addressing the student body I had the pleasure of going for a run with a group of Pike County students. It's a high honor to be standing on the floor of the Senate today reflecting on that visit and recognizing Pike County schools for their outstanding achievements.

National recognition of Pike County's educational accomplishments is particularly timely as the Senate commences debate on President Bush's education program. The schools of Pike County have set standards that all school districts across this great nation should strive to emulate. Five years ago, Pike County School Corporation developed and implemented a district-wide plan to improve scores at all grade levels. They aggressively used standardized tests at all grade levels to ensure classroom standards were being met and student weaknesses were being addressed. Their efforts resulted in a significant increase in the percentage of students from Pike County meeting Indiana's academic standards. Also, the number of students attending college after high school graduation nearly doubled during the 1998–99 school year, the year that was used for the national study conducted by Offspring magazine.

Using Title 1 funds, the Pike County School Corporation developed an early-childhood program that targeted preschool and kindergarten children. Using a corporation-developed assessment process, four-year-old students were placed into the county's three elementary schools for half-day pre-school classes, with five-year-olds invited to participate in extended-day kindergarten. This program has played an important role in the dramatic rise of Pike County ISTEP+ test scores at the third grade level.

Additionally, and of particular note, Pike County School Corporation was able to accomplish these goals while spending approximately $6,500 per student year, one of the lowest spending rates per student in the country. As quoted from Offspring magazine, ''the hallmark of a top-rated school district isn't necessarily how much money it has to spend, but how it spends the money it has.''

This great recognition is a tribute to the superlative efforts of the members of the local school board, the school administration, teachers, and support staff of the PCSC. I congratulate Pike County School Corporation and the Pike County community, and wish them continued academic success.●

NALC FOOD DRIVE STATEMENT

● Mrs. BOXER. Mr. President, this year marks the ninth anniversary of ''Stamp Out Hunger,'' the largest one-day food drive in the United States. I strongly commend and congratulate the National Association of Letter Carriers, NALC, for sponsoring this annual event, and marvel at its rapid expansion, beginning in only ten cities in 1992, it now spans over 10,000 cities and towns across our nation.

More than 1,500 NALC branches, including the California State Association of Letter Carriers in my home State, will participate in this year's ''Stamp Out Hunger.'' On May 12, the second Saturday in May, residents across the country will be asked to place boxes and bags of food next to their mailboxes, where postal workers will pick them up, sort them, and deliver them to community food banks, shelters and pantries.

The success of this program can be seen in the staggering volume of donations: more than 392 million pounds of food have been collected in the program's history. However, what impresses me most is the strong commitment of our nation's postal workers and citizens to end hunger. The only way we will put an end to poverty is to follow their example and take action, become involved, make a concerted effort. I urge all Americans to participate in ''Stamp Out Hunger'' on May 12 to put an end to the poverty that is plaguing far too many children, men and women in our communities and across our nation.●

EISLEBEN LUTHERAN CHURCH

● Mr. BOND. Mr. President, I rise to make a few comments on the 150th anniversary of the Eisleben Lutheran Church in Scott City, MO.

Since the first congregation of nineteen members gathered on April 30th 1848, Eisleben Lutheran Church has grown to become a part of Missouri history. Eisleben Lutheran Church's first house of worship was a log cabin built in the area now known as Scott City. The area surrounding the church was mostly wooded hills and large swamps which were impassible much of the year. In 1867 the second facility known as Rock Church was built.

Today the congregation worships in a church that was completed in 1913 using the stones from the original Rock Church. The congregation of the Eisleben Lutheran Church have maintained a long history of service to the Scott City community, as well as the international community by supporting missionary efforts all over the world.

Over the past 150 years Eisleben Lutheran Church has witnessed and been a part of many historical events. Their devotion to the preservation and continued growth of the church is commendable. I am pleased to join with the Scott City community and the State of Missouri in congratulating the congregation of the Eisleben Lutheran Church.●

WILSON H.S. STUDENTS EXCEL IN COMPETITION

● Mr. HOLLINGS. Mr. President, I would like to recognize a group of students from Wilson High School in Florence, SC who recently participated in the ''We the People . . . The Citizen and the Constitution'' national finals in Washington, D.C. April 21–23. They tested their knowledge of American constitutional government against 49 other student groups from across the country in a familiar format to those of us in the Senate, a congressional hearing. During the simulated hearing, students testified as constitutional experts before a panel of judges. Fifteen students, led by their teacher Yvonne Rhodes, represented Wilson at the competition. They were: Lakisha Boston, Lynette Carr, Christine Chen, Rebecca Derrick, Ashunti Drummond, Elizabeth Fortnum, Albert Hayward, Anthony Henderson, Benjamin Ingram, Janny Liu, Christina Moss, Jason Owens, Anna Stewart, Tyler Thomas and Dheepa Varadarajan. I commend these students for their impressive performance in the ''We the People . . . The Citizen and the Constitution'' program administered by the Center for Civic Education. Their interest in the foundation of our government is refreshing and will prepare them to become active, responsible citizens and community leaders.●

GARFIELD MIDDLE SCHOOL 50TH ANNIVERSARY

● Mr. DOMENICI. Mr. President, I rise today to ask my colleagues to join me in congratulating Garfield Middle School in Albuquerque, which is celebrating its 50th anniversary today, April 26. Built to serve Albuquerque's growing North Valley, the school first opened for the 1950–51 school year. First built with the intention of serving as an elementary school, Garfield actually became the fourth public junior high school to open in my hometown.

Mr. Walter McNutt was Garfield Middle School's first principal. It was under this distinguished man that I served as a public school teacher shortly after graduating from the University of New Mexico. I taught math and coached baseball at the school in the 1955–56 school year.

The Garfield Middle School's long-held mission has been to foster a sense of community among its students, parents and school staff as a means of boosting pupil achievement.

With a multi-cultural enrollment ranging over the years from 650–1,200 students, Garfield has earned a number of award-winning and nationally-recognized programs.

I am proud to also point out that Garfield is actively involved in a program that is close to my heart, Character Counts. The school is nationally recognized as having one of the finest Character Counts programs in the United States. At the school they teach the six pillars of good character: responsibility, respect, trustworthiness, fairness, citizenship, and caring.

I applaud Garfield Middle School for its accomplishments and as it celebrates its 50th Anniversary, we wish them much continued success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:23 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 bill, in which it requests the concurrence of the Senate:

H.R. 503. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 110. Concurrent resolution expressing the sense of the Congress in support of National Children's Memorial Flag Day.

The message further announced that pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. HOYER of Maryland, Mr. CARDIN of Maryland, Ms. SLAUGHTER of New York, and Mr. HASTINGS of Florida.

The message also announced that pursuant to 14 U.S.C. 194(a), the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. TAYLOR of Mississippi.

The message further announced that pursuant to section 5(b) of the James Madison Commemoration Commission Act (Public Law 106–550), the Speaker appoints of the following members on the part of the House of Representatives to the James Madison Commemoration Advisory Committee: Dr. Charles R. Kesler of Claremont, California and Mr. Randy Wright of Richmond, VA.

The message also announced that pursuant to section 12(b)(1) of the Centennial of Flight Commemoration Act (36 U.S.C. 143), and upon the recommendation of the Minority Leader, the Speaker appoints the following citizen of the United States to the First Flight Centennial Federal Advisory Board: Mr. Neil Armstrong of Lebanon, Ohio.

MEASURE REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 110. Concurrent resolution expressing the sense of the Congress in support of National Children's Memorial Flag Day.

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–1614. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidelines on Leveraged Lease Advance Rulings'' (Rev. Proc. 2001–28) received on April 24, 2001; to the Committee on Finance.

EC–1615. A communication from the Administrator of the National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report concerning a High-Energy-Density Physics Study; to the Committee on Appropriations.

EC–1616. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, a report of the designation of acting officer in the position of Administrator, Federal Insurance Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC–1617. A communication from the Counsel for Regulations, Office of the Secretary,

Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Equal Employment Opportunity; Updating of EEO Policies and Procedures'' (RIN2501–AC73) received on April 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1618. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Director of Defense Research and Engineering, Department of Defense; to the Committee on Armed Services.

EC–1619. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination in the position of Under Secretary of Defense (Comptroller); to the Committee on Armed Services.

EC–1620. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Assistant Secretary of Defense, International Security Affairs; to the Committee on Armed Services.

EC–1621. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of the Army; to the Committee on Armed Services.

EC–1622. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a confirmed nomination in the position of Deputy Secretary of Defense; to the Committee on Armed Services.

EC–1623. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination in the position of Deputy Secretary of Defense; to the Committee on Armed Services.

EC–1624. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a discontinuation of service in acting role in the position of Assistant Secretary of Defense, Strategy and Threat Reduction; to the Committee on Armed Services.

EC–1625. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, Force Management Policy; to the Committee on Armed Services.

EC–1626. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Assistant Secretary of Defense, Command, Control, Communication, and Intelligence; to the Committee on Armed Services.

EC–1627. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of Defense, Legislative Affairs; to the Committee on Armed Services.

EC–1628. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, Public Affairs; to the Committee on Armed Services.

EC–1629. A communication from the Assistant General Counsel for Regulatory Law, Office of Defense Programs, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Packaging and Transfer or Transportation of Materials of National Security Interest'' (DOE O 461.1 and DOE M 461.1) received on April 18, 2001; to the Committee on Armed Services.

EC–1630. A communication from the Financial Analysis Technician, Michigan Air National Guard, transmitting, a report relative to Economic Impact Analysis of the 110 Fighter Wing for Fiscal Year 2000; to the Committee on Armed Services.

EC–1631. A communication from the Acting Special Assistant to the Secretary of Defense for Gulf War Illnesses, Medical Readiness, and Military Deployments, transmitting, a commemorative edition of ''GulfNEWS''; to the Committee on Armed Services.

EC–1632. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Monticello, Arkansas, and Bastrop, Louisiana)'' (Doc. No. 99–141) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1633. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Jacksonville, NC)'' (Doc. No. 01–3) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1634. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kankakee and Park Forest, Illinois)'' (Doc. No. 99–330) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1635. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (New Iberia, LA)'' (Doc. No. 01–2) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1636. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Prohibited Area P–49 Crawford; Texas'' ((RIN2120–AA66) (2001–0063)) received on April 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1637. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Budget and Programs, Office of the Secretary; to the Committee on Commerce, Science, and Transportation.

EC–1638. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Budget and Programs, Office of the Secretary; to the Committee on Commerce, Science, and Transportation.

EC–1639. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the designation of acting officer for the position of Associate Director, Preparedness Training and Exercise Director; to the Committee on Environment and Public Works.

EC–1640. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York; Motor Vehicle Inspection and Maintenance Program'' (FRL6924–3) received on April 23, 2001; to the Committee on Environment and Public Works.

EC–1641. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Rhode Island; Plan for Controlling Emissions From Existing Hospital/Medical/Infectious Waste Incinerators'' (FRL6941–1) received on April 23, 2001; to the Committee on Environment and Public Works.

EC–1642. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Illinois'' (FRL6970–6) received on April 23, 2001 ; to the Committee on Environment and Public Works.

EC–1643. A communication from the Acting Director of the Trade and Development Agency, transmitting, the report or a vacancy and the designation of acting officer for the position of Director; to the Committee on Foreign Relations.

EC–1644. A communication from the Acting Director of the Defense Security Cooperation Agency, transmitting, pursuant to law, the annual report on Military Assistance, Military Exports, and Military Imports; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–20. A resolution adopted by the House of the Legislature of the State of Utah relative to Indian Health Services; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 8

Whereas, since the mid-1980's the Navajo Nation and Indian Health Services have planned the construction of the Red Mesa Health Center and staff quarters to improve access to health care for the 10,000 people residing in southeast Utah and northeast Arizona;

Whereas, local land users donated 75 acres of land at Red Mesa, Arizona, for the development of the Red Mesa Health Center and staff quarters;

Whereas, all of the necessary documents including legal surveys and environmental clearance have been completed and the site has been legally withdrawn by the Navajo Nation for the project;

Whereas, the United States Congress appropriated design funds in fiscal year 2000 for the design of the Red Mesa Health Center;

Whereas, the Indian Health Services has hired an architectural firm and the project is currently in design;

Whereas, a construction manager also has been hired to oversee the construction of the project once is it designated and construction funds are appropriated;

Whereas, the Red Mesa Health Center, when completed, will provide adult and pediatric medical service, diagnosis and laboratory services, short stay nursing beds, dental physical therapy, and 24-hour emergency care;

Whereas, most of the services that would be provided by the Red Mesa Health Center are currently unavailable in the proposed service area and the local people have to travel to Shiprock, New Mexico, to receive these services;

Whereas, travel distance to Shiprock for the user population is an average of 60 miles;

Whereas, Indian Health Services planned the Red Mesa Health Center with 93 units of staff quarters due to the remoteness if the site;

Whereas, housing availability is critical in the recruitment and retention of medical doctors, nurses, and other health professionals on the Navajo Nation; and

Whereas, it is vital that the staff quarters to constructed at the same time as the health center in order for the clinic to open with adequate staffing: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah urges the United States Congress to appropriate $48 million in construction funds as part of the Indian Health Services budget for fiscal year 2002 for the Red Mesa Health Center and staff quarters at Red Mesa, Arizona. Be it further

Resolved, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–21. A joint resolution adopted by the Legislature of the State of Utah relative to the Presidential tax relief plan; to the Committee on Finance.

HOUSE RESOLUTION NO. 18

Whereas, federal taxes from all sources are currently the highest ever during peacetime;

Whereas, all taxpayers should be allowed to keep more of their own money;

Whereas, one of the best ways to encourage economic growth is to cut marginal tax rates across all tax brackets;

Whereas, under current tax law, low-income workers often pay the highest marginal rates and President Bush's tax cut would reduce the marginal tax rate by 40–50 percent for low-income families with children;

Whereas, President Bush's tax relief plan will contribute to raising the standard of living for all Americans by reducing tax rates, expending the child tax credit, and reducing the marriage penalty;

Whereas, President Bush's tax relief plan will increase access to the middle class for hard working families, treat all middle class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

Whereas, under President Bush's tax relief plan, the largest percentage reductions will go to the lowest income earners:

Now therefore, be it *Resolved*, That the Legislature of the state of Utah urges the United States Congress to support and work to pass the tax relief plan introduced by President Bush.

Be it further *Resolved*. That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–22. A joint resolution adopted by the Legislature of the State of Utah relative to the repealing, rescinding, and superseding of any and all existing applications to Congress for a constitutional convention previously made; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 15

Whereas, the Legislature of the state of Utah, acting with the best of intentions, has, at various times, previously made applications to the Congress of the United States of America for one or more constitutional conventions for general purposes or for the limited purposes of considering amendments to the Constitution of the United States of America on various subjects and for various purposes;

Whereas, former Justices of the United States Supreme Court and other leading constitutional scholars are in general agreement that a constitutional convention, notwithstanding whatever limitations have been specified in the applications of the several states for a convention, would have within the scope of its authority the complete redrafting of the Constitution of the United States of America, thereby creating an imminent peril to the well-established rights of the people and to the constitutional principles under which we are presently governed;

Whereas, the Constitution of the United States of America has been amended many times in the history of the nation and may yet be amended many more times, and has been interpreted for 200 years and been found to be a sound document which protects the rights and liberties of the people without the need for a constitutional convention;

Whereas, there is no need for—rather, there is great danger in—a new constitution, the adoption of which would only create legal chaos in America and only begin the process of another two centuries of litigation over its meaning and interpretation; and

Whereas, such changes or amendments as may be needed in the present Constitution may be proposed and enacted, pursuant to the process provided therein and previously used throughout the history of this nation, without resort to a constitutional convention: now, therefore, be it

Resolved, By the Legislature of the state of Utah that any and all existing applications to the Congress of the United States of America for a constitutional convention or conventions heretofore made by the Legislature of the state of Utah under Article V of the constitution of the United States of America for any purpose, whether limited or general, be hereby repealed, rescinded, and canceled and rendered null and void to the same effect as if the applications had never been made; be it further

Resolved, That the Legislature of the state of Utah urges the legislatures of each and every state which have applied to Congress for either a general or a limited constitutional convention to repeal and rescind the applications; and be it further

Resolved, That a copy of this resolution be sent to presiding officers of both houses of the legislatures of each of the other states of the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM–23. A joint resolution adopted by the Legislature from the State of Utah relative to a standard national poll closing time; to the Committee on Rules and Administration.

HOUSE RESOLUTION NO. 6

Whereas, during election night in 2000, television networks made declarations of victory for both candidates for President of the United States before the polls had closed;

Whereas, in one erroneous declaration, the winner of the eventually decisive state of Florida was announced hours before polls in the western region of the nation were closed and before all polls in western Florida had closed;

Whereas, when news services declare winners before the nation's polls close, voters in states where polls are not yet closed may conclude that their vote will not affect the outcome and choose not to vote;

Whereas, releasing the vote count results for states whose polls are closed before the closure of polling places in other regions of the country can distort the results of an election by suggesting that votes not yet cast will have no bearing on the outcome;

Whereas, in close races like the most recent election of President of the United States, declarations of victory before polls close can affect the outcome of the vote;

Whereas, a uniform poll closing time would prevent the publicizing of early election returns in one region of the nation from impacting the vote in other regions;

Whereas, if a uniform poll closing time was established for the Eastern, Central, Mountain, and Pacific time zones, polling places in western regions of the country could open earlier on the morning of election day to compensate for their earlier closing time; and

Whereas, uniform poll closing times in these time zones would significantly reduce the possibility that an election could be tainted by premature declarations of victory: now, therefore, be it

Resolved, that the Legislature of the State of Utah urge the United States Congress to institute uniform poll closing times for states in the Eastern, Central, Mountain, and Pacific time zones; be it further

Resolved, that the United States Congress review the factors that contributed to the problems in the 2000 General Election vote for the Presidency of the United States; and be it further

Resolved, that a copy of this resolution be presented to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–24. A joint resolution adopted by the Legislature of the State of Utah relative to the enhancement and modernization of Social Security; to the Committee on Finance.

HOUSE RESOLUTION NO. 2

Whereas, Social Security is a federal program that requires almost unanimous participation by employed workers in the state of Utah and throughout the United States;

Whereas, the retirement portion of the Social Security tax is high, having risen from an initial rate of 1% of the first $3,000 of a worker's income, up to a maximum of $30 per year, to the present rate of 12.4% of the first $80,400 of employee wages or self-employment income up to a maximum of $830.80 per month or $9,969.60 per year.

Whereas, the maximum Social Security retirement tax, paid by almost 11 million workers, has risen 5.51% in 2001 over the year 2000, and is now 57% higher than in 1990;

Whereas, because neither the employee's direct tax contribution to Social Security

nor the employer's contribution on the employee's behalf appears on the employee's federal tax return, few employees understand the amount of Social Security retirement tax they actually pay each month;

Whereas, individuals can estimate their own Social Security tax cost by estimating 1% of annual compensation paid each month—for example, an annual income of $30,000 would yield an estimated monthly Social Security retirement tax cost of $300 per month.

Whereas, the Social Security retirement tax consumes nearly every dollar that many workers of modest income might otherwise be able to save and invest;

Whereas, because higher income workers are better able to save and invest over and above the amounts paid in Social Security taxes, escaping Social Security dependence, but modest income workers cannot, the system creates disproportionate dependence on the system by low and middle-income workers;

Whereas, for many lower income American workers, the Social Security retirement tax represents virtually all of the monthly retirement savings they assemble;

Whereas, with the individual retirement benefit currently ranging from a low of just a few dollars per month to a high of approximately $1,400 per month, and the average monthly retirement benefit currently at about $845 per month, Social Security retirement benefits amount to a below poverty level subsistence for many retirees;

Whereas, although Social Security was originally intended to merely supplement other core retirement income sources, the high tax rate prohibits many workers from ever adequately saving and investing, and as a consequence, Social Security has become the core retirement income source for many Americans;

Whereas, national demographics have shifted significantly since the system was created as a part of President Roosevelt's New Deal policies;

Whereas, in 1945, 41.9 workers supported each retiree, and today just 3.3 workers support each retiree;

Whereas, the ratio is expected to dwindle to 2 workers per retiree within the next 30 years, making the current system unsustainable;

Whereas, tax receipts currently exceed benefit payments, yet, Social Security Trustees estimate that benefit payments will exceed tax receipts, producing annual deficits, beginning in approximately 15 years, or the year 2015;

Whereas, the Social Security Trustees estimate the cumulative annual deficits for years 2015 through 2075 to reach $21.6 trillion;

Whereas, it is unethical to perpetuate a system that accrues benefits for a current generation of retirees at the expense of younger workers who will likely never collect benefits but will inherit the mounting debt;

Whereas, the current system is unfair to future retirees because after a lifetime of paying into the system, a worker retains no legal right nor claim to any amount or benefit, but is subject to future congresses who will set the benefit rates;

Whereas, the current system is unfair to those who die prematurely because it is possible to pay for a lifetime into the system yet draw only minimal benefit or even no benefit prior to death and leave no residual value to any heir;

Whereas, the current system is unfair to widows and widowers because they must forego either their own benefit or their deceased spouse's benefit (''widow(er)'' benefit), and may claim the widow(er) benefit only after attaining qualification age themselves regardless of the age of the deceased spouse;

Whereas, the current system is unfair to women who leave employment to raise families because many women in Utah and throughout the United States work and pay retirement taxes into the system for many years but never complete the required 10 years or 40 quarters, before leaving employment, making them ineligible for retirement benefits;

Whereas, the system is unfair to some ethnic minorities, including African-Americans, whose life expectancies are shorter and will typically collect benefits for a shorter time period;

Whereas, retirement security is best achieved by regularly saving and investing one's own money over a lifetime of work, and public policy regarding Social Security should support, facilitate, and encourage saving rather than discourage or deter it;

Whereas, the objective of Social Security privatization is for individual workers to have legal ownership in a retirement asset that can be used and ultimately passed on to heirs;

Whereas, even with modest return assumptions, the private, individually owned account can be expected to produce a significantly enhanced retirement income;

Whereas, private individually owned accounts accrue value and future benefits to the workers regardless of future congressional actions;

Whereas, private, individually owned accounts grow on behalf of the worker whether or not the worker completes 40 quarters of contributions;

Whereas, private, individually owned accounts can be passed on by inheritance to spouses, children, or grandchildren, affording an opportunity for long-term-generational wealth accumulation:

Whereas, a national system of private, individual accounts can be perpetuated without end and without concern for projected dates of insolvency;

Whereas, private, individual accounts afford workers the opportunity to select from among multiple investment options, including government bonds or prudent, diversified investment models like those used by large pension or endowment funds;

Whereas, workers around the world are embracing privatized systems as a workable solution to an overburdened government Social Security program;

Whereas, the successful pioneer Chilean model was commenced 20 years ago with at least seven other Latin American countries following suit;

Whereas, Great Britain, Australia, and Singapore have also adopted private options, similar reforms are underway in Russia, Hungary, Poland, and Kazakhstan, and the People's Republic of China have embraced a private option with workers contributing one-half of their retirement funds into an individual account system since 1996;

Whereas, some U.S. workers have enjoyed a private account system as certain municipalities, including Galveston, Texas were allowed to opt out of Social Security in favor of a privatized system prior to 1981; and

Whereas, since many Americans are unable to save and invest for retirement beyond the 12.4% payroll tax, a privatized Social Security option may be the only hope for many lower income or economically disadvantaged Americans to achieve financial empowerment and retirement security: now, therefore, be it

Resolved, That the Legislature of the state of Utah urge the United States Congress to enact legislation to allow individual workers to choose to remain in the current system or to select a private account option. Be it further

Resolved, That the Legislature urge that the legislation not disrupt the benefits paid to existing Social Security recipients. Be it further

Resolved, That the legislation create private accounts to be owned and controlled by individual employees or workers, allow the individual employee or worker discretion to invest among multiple prudent and diversified investment options, and create minimum guaranteed income, disability, and death benefits in the private account. Be it further

Resolved, That a copy of this resolution be sent to the Speaker of the United States House of Representative, the President of the United States Senate, and the members of Utah's congressional delegation.

POM–25. A concurrent resolution adopted by the State of Utah relative to remembering those affected by Cold War nuclear testing; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 1

Whereas, January 27, 2001, marks the 50th anniversary of the beginning of nuclear testing at the Nevada test site on January 27, 1951;

Whereas, many Utahns and many other citizens of the United States of America living downwind of those tests suffered as a result of being ''active participants'' in the nation's nuclear testing program; and

Whereas, uranium miners in Utah, Colorado, New Mexico, Arizona, and the Navajo Nation whose work fueled the nuclear weapons program also suffered from exposure to radiation: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, designate January 27, 2001, as a Day of Remembrance to recognize the legacy of the Cold War and express hope for peace, justice, healing, reconciliation, and the fervent desire and commitment to assure that such a legacy will never be repeated. Be it further

Resolved, That the Legislature and the Governor recognize the sacrifices of the downwinders, uranium miners, and all other participants and victims of the Cold War, and their losses due to this tragedy. Be it further

Resolved, That a copy of this resolution be sent to Downwinders, Inc. and the members of Utah's congressional delegation.

POM–26. A concurrent resolution adopted by the Legislature of the State of Utah relative to the appropriation of funds; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 11

Whereas, 1.25 million acres of land in the state of Utah is infested with crickets and grasshoppers;

Whereas, $22.5 million in crop losses have occurred in Box Elder and Tooele counties alone, with an additional $5 million in damages in 16 other counties resulting from the infestation;

Whereas, crickets and grasshoppers have migrated from federal land, where no insecticides were sprayed, to surrounding private lands;

Whereas, on March 15, 2000, Governor Leavitt issued a declaration of agricultural

emergency, sought federal disaster relief, and issued a letter of the United States Department of Agriculture seeking federal commodity credit corporation funds for the relief of affected Utah farmers;

Whereas, during 1999 and 2000, available state funds and limited federal assistance were used to treat affected lands, but little progress was made because the bulk of the federal assistance came late in the treatment season;

Whereas, the cricket and grasshopper infestation will be larger in 2001, with continued large economic losses to property owners and agricultural operators;

Whereas, available state funds will be insufficient to adequately control the situation; and

Whereas, since the problem originated on federal lands, the federal government should fund a substantial portion of the effort to eliminate the infestation and assist those whose livelihood has been devastated: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to provide funds sufficient to relieve Utahans of the devastating economic impact of the state's cricket and grasshopper infestation. Be it further

Resolved, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Agriculture, and the members of Utah's congressional delegation.

POM–27. A concurrent resolution adopted by the Legislature of the State of Utah relative to environmental preservation; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 3

Whereas, the existence of Glen Canyon Dam and Flaming Gorge Dam has allowed the seven Colorado River Basin states to share and cooperatively plan for the beneficial use of water for millions of citizens;

Whereas, Lake Powell and Flaming Gorge Reservoir provide water regulation and flood control capability in the Colorado River system for the citizens of the seven states;

Whereas, electric generating facilities at Glen Canyon Dam and Flaming Gorge Dam provide electricity to more than a million households;

Whereas, millions of visitors annually enjoy the recreational amenities and world-renown fisheries at Lake Powell and Flaming Gorge Reservoir; and

Whereas, the construction of the Glen Canyon Dam and the Flaming Gorge Dam has created a rich riparian habitat below the dams that did not previously exist: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress and the Department of Interior officials to recognize and protect the water, power, recreation, and environmental benefits of Lake Powell and Flaming Gorge Reservoir, and the water regulation and flood control benefits to United States citizens from Glen Canyon Dam and Flaming Gorge Dam. Be it further

Resolved, That the Legislature and the Governor urge the United States Congress and Department of Interior officials to oppose any effort to breach or remove Glen Canyon Dam or Flaming Gorge Dam, or drain Lake Powell or Flaming Gorge Reservoir. Be it further

Resolved, That the Legislature and the Governor urge Congress and Department of Interior officials to prohibit the use of federal funds for any studies concerning the breaching or removal of Glen Canyon Dam, Flaming Gorge Dam, Lake Powell, or Flaming Gorge Reservoir. Be it further

Resolved, That copies of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, and Department of Interior officials.

POM–28. A joint resolution adopted by the Legislature of the State of Maine relative to Support Pay Equity; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, the average American woman who works full time earns approximately 74¢ for each dollar that an average man earns working full time, and the average woman working full time in Maine earns approximately 73¢ for each dollar that an average man working full time in Maine earns; and

Whereas, the significant pay gap between men and women performing jobs of comparable skill, effort and responsibility, even when wages are adjusted for levels of education, contributes to the disproportionately high poverty rate among women and children in the State and across the Nation; and

Whereas, Congress has found that the gender-based wage gap depresses living standards for American women and their families, harms their health and efficiency, prevents the maximum utilization of available labor resources and tends to cause labor disputes, thereby burdening, affecting and obstructing commerce and creating unfair methods of competition; and

Whereas, justice requires that women be paid fairly for the value of their work; and

Whereas, the average wage gap between men and women has continued for decades without significant improvement, notwithstanding federal and state laws that prohibit discrimination in compensation for equal work on the basis of sex, including the federal Fair Labor Standards Act of 1938, Title VII of the federal Civil Rights Act of 1964 and the Maine Revised Statutes, Title 26, section 628; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States strengthen efforts to ensure that women are paid fairly for their work; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 319: A bill to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity. (Rept. No. 107–13).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

John Robert Bolton, of Maryland, to be Under Secretary of State for Arms Control and International Security.

Andrew S. Natsios, of Massachusetts, to be Administrator of the United States Agency for International Development

James Andrew Kelly, of Hawaii, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

Richard Nathan Haass, of Maryland, for the rank of Ambassador during his tenure of Service as Director, Policy Planning Staff, Department of State.

Paula J. Dobriansky, of Virginia, to be an Under Secretary of State (Global Affairs).

Lincoln P. Bloomfield, Jr., of Virginia, to be an Assistant Secretary of State (Political-Military Affairs).

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL (for himself, Mr. KENNEDY, Mr. SCHUMER, Mrs. CLINTON, Mr. DURBIN, Mr. REID, and Mr. KERRY):

S. 778. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 779. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

By Mr. INHOFE:

S. 780. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. JEFFORDS):

S. 781. A bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 782. 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 accommodation or a commercial facility, that an opportunity be provided to correct alleged violations, and for other purposes; to the Committee on Health , Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. MURRAY,

Mr. JOHNSON, Mr. SCHUMER, and Mr. HARKIN):

S. 783. A bill to enhance the rights of victims in the criminal justice system, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 784. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses and individual may deduct against ordinary income, and to allow individuals a 3-year capital loss carryback and unlimited carryovers; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. MURKOWSKI, and Mr. JOHNSON):

S. 785. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a carbon sequestration program to permit owners and operators of land to enroll the land in the program to increase the sequestration of carbon, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. KENNEDY, Mr. SCHUMER, Mrs. BOXER, Ms. STABENOW, Mr. HARKIN, Mr. KERRY, Mr. LEAHY, Mr. WYDEN, Mr. REED, Mr. TORRICELLI, and Mr. CORZINE):

S. 786. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG:

S. 787. A bill to prohibit the importation of diamonds from countries that have not become signatories to an international agreement establishing a certification system for exports and imports of rough diamonds or that have not unilaterally implemented a certification system meeting the standards set forth herein; to the Committee on Finance.

By Mr. SCHUMER:

S. 788. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry that works in conjunction with State organ and tissue donor registries, to create a public-private partnership to launch an aggressive outreach and education campaign about organ and tissue donation and the Registry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON (for himself and Mr. WARNER):

S. 789. A bill to amend title 37, United States Code, to establish an education savings plan to encourage reenlistments and extensions of service by members of the Armed Forces in critical specialties, and for other purposes; to the Committee on Armed Services.

By Mr. BROWNBACK (for himself, Mr. BOND, and Mr. SMITH of New Hampshire):

S. 790. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 791. A bill to amend the Federal rules of Criminal Procedure; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. KOHL, Mrs. CLINTON, and Mr. BYRD):

S. 792. A bill to prohibit the targeted marketing to minors of adult-rated media as an unfair or deceptive practice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 793. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mrs. LINCOLN, Mr. GRASSLEY, and Mr. BAUCUS):

S. 794. A bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry; to the Committee on Finance.

By Mr. THOMPSON (for himself, Ms. COLLINS, Mr. CONRAD, Mr. FRIST, Mrs. LINCOLN, Mr. DEWINE, and Mr. KERRY):

S. 795. 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 Finance.

By Mrs. BOXER (for herself, Mr. REID, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. KENNEDY, and Mr. WELLSTONE):

S. 796. A bill to amend the Safe Drinking Water Act to ensure that drinking water consumers are informed about the risks posed by arsenic in drinking water; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. KERRY):

S. Res. 76. A resolution congratulating the Eagles of Boston College for winning the 2001 men's ice hockey championship; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 77. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental affairs; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. DODD, and Mr. VOINOVICH):

S. Con. Res. 34. A concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 19, a bill to protect the civil rights of all Americans, and for other purposes.

S. 39

At the request of Mr. STEVENS, the name of the Senator from Nebraska (Mr. NELSON of Nebraska) was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 99

At the request of Mr. KOHL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 99, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 133

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 133, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 237

At the request of Mr. HUTCHINSON, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 247

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 247, a bill to provide for the protection of children from tobacco.

S. 270

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 270, a bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 403

At the request of Mr. COCHRAN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Dakota (Mr. JOHNSON), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 403, a bill to improve the National Writing Project.

S. 413

At the request of Mr. COCHRAN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Michigan (Mr. LEVIN), and the Senator from Wyoming (Mr. THOMAS) were added as a cosponsors of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 466

At the request of Mr. HAGEL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 515

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 515, a bill to amend the Internal Revenue Code of 1986 to establish a permanent tax incentive for research and development, and for other purposes.

S. 525

At the request of Mr. GRAHAM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 525, a bill to expand trade benefits to certain Andean countries, and for other purposes.

S. 540

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 549

At the request of Mr. CRAPO, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators.

S. 580

At the request of Mr. HUTCHINSON, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Hawaii (Mr. INOUYE) were added as a cosponsors of S. 580, a bill to expedite the construction of the World War II memorial in the District of Columbia.

S. 587

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 697

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 767

At the request of Mr. REED, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 767, a bill to extend the Brady background checks to gun shows, and for other purposes.

S.J. RES. 7

At the request of Mr. HATCH, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Arizona (Mr. KYL) were added as a cosponsors of S.J. Res. 7, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 16

At the request of Mr. THURMOND, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day.''

S. RES. 19

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $3,400,000,000 in fiscal year 2002.

S. RES. 63

At the request of Mr. CAMPBELL, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Jersey (Mr. CORZINE) were added as a cosponsors of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 68

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Res. 68, a resolution designating September 6, 2001 as ''National Crazy Horse Day.''

S. CON. RES. 28

At the request of Ms. SNOWE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as a cosponsors of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 33

At the request of Mr. GREGG, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution supporting a National Charter Schools Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL (for himself, Mr. KENNEDY, Mr. SCHUMER, Mrs. CLINTON, Mr. DURBIN, Mr. REID, and Mr. KERRY):

S. 778. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator HAGEL, Senator SCHUMER, and Senator CLINTON in introducing legislation to extend section 245(i), a vital provision of U.S. immigration law, which enables persons who are eligible for green cards to adjust their status in the U.S., rather than have to return to their country of origin to do so. Last year, Congress made a major effort to bring greater fairness to the nation's immigration laws. The Legal Immigration Family Equity Act was a sensible compromise worked out on a bipartisan basis to deal with many of the injustices that have been so harmful and so unfair to so many immigrant families in recent years. Included in the legislation was a partial restoration of 245(i).

Under last year's legislation, however, immigrants are required to file their petition by April 30th to qualify for 245(i). This fast-approaching deadline is causing fear and confusion around the country. Eligible immigrants are struggling to file their petitions by April 30th, but little time remains. Across the country, we hear that many qualified persons will not be able to file their petitions by this deadline, because not enough attorneys and legal service organizations are available to handle their cases.

The legislation we are introducing will extend the deadline to April 30, 2002, and provide needed and well-deserved relief to members of our immigrant communities. Spouses, children, parents and siblings of permanent residents and U.S. citizens will be able to adjust their status in the U.S., and avoid needless separation from their loved ones. Similarly, businesses will

be able to retain valued employees. In addition, the INS will receive millions of dollars in additional revenues, at no cost to taxpayers.

Extending the section 245(i) deadline is pro-family and pro-business, and it is also good economic policy and good immigration policy. It is consistent with the goal of legislation to reunite immigrant families.

Representatives PETER KING and CHARLES RANGEL have introduced similar legislation in the House. Congress needs to act quickly to pass this important legislation. I hope that our Republic and Democratic colleagues will join us in supporting this needed extension.

By Mr. INOUYE:

S. 779. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation that would extend to qualified hospital support organizations the debt-financed property rules that currently apply to tax-exempt education institutions and pension funds. This measure is of great importance to the 18,000 inpatients and the more then 200,000 outpatients who receive health care services from the Queen's Health System of Hawaii. Currently, Federal tax laws that were enacted in 1969 stand between the wishes of Queen Emma Kaleleonalani who, in 1885, bequeathed land to the Queen Emma Foundation to support the Queen's Health System, and the citizens of Hawaii who depend on the Queen's Health System for health care services.

The foundation is a nonprofit, tax-exempt, public charity. Its purpose is to support and improve health care services in Hawaii by committing funds generated by foundation-owned properties to the Queen's Medical Center, an accredited teaching hospital in Honolulu that maintains an emergency room open to all, regardless of ability to pay, and that admits Medicare and Medicaid patients. The foundation and the medical center are members of the Queen's Health Systems, which also operates Molokai General Hospital, a small community hospital on the island of Molokai. Additionally, Queen's operates clinics on various islands, provides home health care services, supports nursing programs at Hawaiian colleges and universities, operates a medical library, holds health fairs, and provides other educational services for the benefit of the Hawaiian community.

Presently, the funds that enable the foundation to support these services are generated by Foundation-owned properties that were bequeathed more than 100 years ago by Queen Emma. Most of the foundation's land is now encumbered by long-term, fixed-rent commercial and industrial ground leases. The returns from these ground leases are extremely low, and under their terms, the foundation is unable to increase rents to keep pace with the appreciation of land values in Hawaii. The foundation would like to increase its cash flow by buying out the current leases and re-leasing the land at existing market rates. The foundation would also like to upgrade the improvements on its lands to further enhance their revenue-generating potential. However, current debt-financed property rules under the unrelated business income tax would subject the revenues earned by the foundation from its improved properties to income tax, significantly reducing the funds available to the foundation to meet its obligation to provide quality health care services to the citizens of Hawaii.

Colleges, universities, and pension funds are currently exempt from the debt-financed property rules. The foundation seeks the same treatment that presently applies to educational institutions and pension funds. 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. 779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 (relating to real property acquired by a qualifed organization) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''; or'', and by adding at the end the following new clause:

''(iv) a qualified hospital support organization (as defined in subparagraph (I)).''.

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

''(i) more than half of its assets (by value) at any time since its organization—

''(I) were acquired, directly or indirectly, by gift or devise, and

''(II) consisted of real property, and

''(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 10 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term 'eligible indebtedness' means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.''.

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

By Mr. INHOFE:

S. 780. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce legislation that would create a new era in charitable giving across America. My bill, the Neighbor to Neighbor Act, includes provisions that would allow tax-free distribution of IRA accounts for charitable purposes, and give nonitemizers the same deduction that itemizers enjoy. It would also allow the deduction for charitable gifts of long-term capital gain property to be subject to an annual limit of 50 percent of adjusted gross income instead of the current 30 percent limitation. It would increase the carryover period for charitable deductions from five years to ten years; and it would exclude a charitable deduction from the three percent reduction rule. My bill would allow a taxpayer to deduct charitable contributions up until April 15th, and finally, the Neighbor to Neighbor Act would repeal the current two percent excise tax on private foundations.

My bill would greatly simplify one of the most complex provisions in the tax code. The tax code should reward the generosity of good-hearted Americans, it should not penalize those who choose to give to those in need.

IRA account owners would be permitted to make distributions from their IRAs directly to charities, either outright, or in exchange for a charitable gift annuity, a charitable reminder trust, or pooled income fund in the Neighbor to Neighbor Act. According to the Employer Benefit Research Institute, there are currently more than one trillion dollars in IRA accounts and five trillion dollars in defined contribution accounts, which can be rolled into IRA accounts.

I have numerous examples, totaling hundreds of millions of dollars, from people who have wanted to donate

their excess IRA assets to charity, but were unable to because of the current tax penalties For example, the ability to rollover an IRA to charity would mean literally millions of dollars for Boston College. Syracuse University lost a 1.5 million-dollar gift because the donor could not rollover his IRA into a charitable remainder trust.

A 71-year-old male donor with a 1.3 million IRA wanted to make a life income gift to a major public university in Texas. He wanted to receive annual income payments that would help ensure the care of his wife, who is in the early stages of Alzheimer's. Given the tax consequences of such a gift under current law, the donor has not been able to make the charitable contribution.

The husband of a hospital volunteer at a medical center in Tennessee would like to establish a charitable trust to benefit cancer research in honor of his last wife. He wants to use retirement plan assets of 1.8 million to establish this cancer research fund, to provide himself with annual payments for retirement income, and to reduce the tax burden on his heirs, would be greater for IRA assets than other appreciated securities. He has been advised against such a gift because of tax disincentives under current law.

These are just a few examples of how the current law levies significant taxes and presents serious disincentives to charitable gifts of these assets. Under current, law, any IRA withdrawal is fully taxable as ordinary income in the year in which it occurs. A donor who withdraws IRA assets in order to make a charitable gift is subject to tax on the entire amount withdrawn. Under very best of circumstances, this amount might be offset by a charitable deduction, but even then there are significant limitations.

My bill, which allows the tax-free distribution of individual IRA accounts for charitable purposes, is good public policy. Although IRA assets were originally intended as a supplement to retirement income, withdrawal is now allowed, under certain circumstances, to assist in financing a home or a college education. It is equally appropriate for public policy to allow financially successful individuals, who have reached a point where IRA and other tax-deferred retirement assets are not needed for retirement, to use those assets, not for personal benefit, but to support charities that better the lives of others.

The Neighbor to Neighbor Act would also allow donors who make charitable contributions, but do not itemize their federal income tax deductions, to be entitled to a ''direct'' charitable contribution deduction. Since three out of four taxpayers do not itemize, the charitable deduction is not available to most taxpayers. A report by Price Waterhouse Coopers estimates that the deduction for nonitemizers would translate into 11 million more donors, and could increase giving by as much as 14.6 billion dollars in one year.

The deduction also does not provide an equal treatment for all donors, and it encourages fundraising efforts to focus on a small group of potential donors. By expanding the charitable contribution deduction for nonitemizers, the playing field would be level for all donors, and would lessen the role of government and the political process in charitable giving.

People should not face disincentives that burden charitable giving. My bill would allow the deduction for gifts of long-term capital gain property to public charities to be subject to an annual limit of 50 percent of adjusted gross income instead of the current 30 percent limitation. In addition, the carryover period for charitable deductions that cannot be fully used in a given tax year, due to the applicable percentage limitation, would be increased from the current five year to 10 years.

The current percentage limitations on the deductibility of charitable contributions of long-term capital gain property to public charities, coupled with the reduction in the tax rates applicable to realized, long-term capital gains, are having a chilling effect on immediate charitable giving, the former reduces the incentive to make relatively large gifts of capital assets in the current year if the donor's contribution base is relatively small, compared to the value of the gift that could be made.

For example, just since last June, at Embry-Riddle Aeronautical University, four individuals have indicated an interest in giving amounts ranging from one to three million dollars. These individuals have not yet given because of the tax disincentives of the 30 percent rule; they can only deduct charitable contributions up to 30 percent of their adjusted gross income.

By increasing the income tax charitable deduction reduction percentage for contributions of long-term capital gain property to public charities from 30 percent to 50 percent of the donor's contribution base, gifts of highly-appreciated assets will be put on par with gifts of cash, and the tax law will again boost private philanthropy in America.

The Neighbor to Neighbor Act would also allow a taxpayer to deduct, for the current year, charitable contributions made up to the time for filing the taxpayer's federal income tax return for that tax year. Currently, taxpayers may contribute to their IRAs up until April 15th and still receive a deduction. Charitable donations should have the same tax treatment.

Finally, this bill would repeal the excise tax imposed on the investment income of private foundations. Private foundations are section 501(c)(3) charities that fund the work of a full range of charitable activities across the country. They are often founded by individuals or families, and their income stream comes primarily, if not entirely, from earnings on their investments.

Repeal of the excise tax would have the effect of increasing charitable contributions by hundreds of millions of dollars every year. This is because private foundations are required, annually, to pay out five percent of their assets in charitable distributions, and since the excise tax counts as a credit toward the distribution requirement, repeal would require an increase in charitable distributions by an equal amount.

The excise tax was originally enacted in 1969 as an ''audit fee,'' intended to offset the cost of IRS oversight of private foundations. But today, the tax collects far more than the IRS needs to conduct audits. In 1999, the excise tax produced 500 million dollars in revenue. And this year, the budget of all exempt-organization activities at the IRS is only 59 million dollars. Moreover, audits of private foundations fell from 1,200 in 1990 to 191 in 1999. This ''audit fee'' is not being used for its intended purpose.

The wayward use of these revenues is a good reason to repeal the tax, but not as important as the work we increasingly call on charities to perform. With the focus of the President and the Congress on charitable giving, I believe passage of the Neighbor to Neighbor Act would be one of the most effective steps we could take.

If we hope that charities will join state and federal government efforts to provide services for disadvantaged people and otherwise address important societal needs, then Congress should enhance the tax incentives that encourage voluntary philanthropy. Private foundations, like public charities, are publicly supported to the extent that they receive tax preferences. The provisions of the Neighbor to Neighbor Act are reasonable, efficient steps that will help charities address our common challenges; challenges we increasingly call on individuals and the private sector to take.

In an article for The Journal of Gift Planning, President Bush stated, ''I believe that the government's highest calling is often simply to do no harm—to instead be an enabler, a catalyst that creates a climate that allows America's nonprofits to flourish. A government that serves those who are serving their brothers and sisters. A government that rallies the armies of compassion to heal our nation's ills, one heart and one act of kindness at a time.'' I believe that the Neighbor to Neighbor Act does just that, and I urge my colleagues to join me in support of this legislation.

By Mr. AKAKA (for himself and Mr. JEFFORDS):

S. 781. A bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation along with Senator JEFFORDS that would extend the authority of the Department of Veterans Affairs Home Loan Guaranty Program for members of the Selected Reserve.

I am proud to be the author of the original legislation enacted in 1992 to extend eligibility for the VA Home Loan Guaranty Program to National Guard and Reserve members. Tens of thousands of dedicated reservists who served for at least six years, and continue to serve or have received an honorable discharge, have been able to fulfill their dream of home ownership through this program. The participation of Guard and Reserve members not only benefits these service members, but also stabilizes the financial viability of the program since this group has had a lower default rate than most other program participants. Furthermore, the program serves as an important recruiting incentive for the National Guard and Reserve.

In the 106th Congress, Senator JEFFORDS and I introduced legislation which resulted in the authorization for the program being extended through September 30, 2007. While this was a step in the right direction, using the benefit for a recruiting incentive will no longer be possible since the authority expires in six years and reservists are required to serve for at least six years before they qualify for VA-guaranteed loans. In order to continue using this program as a recruiting incentive for a few more years, I am introducing legislation along with Senator JEFFORDS that would extend the authority for the program through September 30, 2015.

The VA Home Loan Guaranty Program is an important component of a benefits package which makes Guard and Reserve service more attractive to qualified individuals. This is of particular importance during a time when the civilian sector is competing for the same pool of limited applicants, as well as when our military needs are becoming increasingly technical, demanding only the most intelligent, motivated, and competent individuals. An extension of the authority will assist the National Guard and Reserve with their recruitment efforts.

I urge my colleagues to support this measure which would recognize the vital contributions of National Guard and Reserve members to our country, as well as ensure that VA-guaranteed housing loans can continue to be used as a recruiting incentive.

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

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

S. 781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY FOR HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.

Section 3702(a)(2)(E) of title 38, United States Code, is amended by striking ''September 30, 2007'' and inserting ''September 30, 2015''.

By Mr. INOUYE:

S. 782. 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 accommodation or a commercial facility, that an opportunity be provided to correct alleged violations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise today to introduce the Americans with Disabilities Act, ADA, Notification Act. This bill would amend the ADA by including a notice requirement for violations of the ADA before a court could assume jurisdiction over the dispute. This would allow businesses the opportunity to bring properties into compliance without having to face costly litigation.

The ADA currently does not contain a notice requirement, but allows plaintiffs to sue owners of non-compliant businesses immediately. While the public accommodations provisions in Title III of the ADA do not allow plaintiffs to collect damages for violations of any of its access standards, they do permit lawyers to collect attorneys fees. The lack of a notice requirement has encouraged a number of lawyers to sue businesses over infractions that are inexpensive to remedy, but for which the businesses must pay costly plaintiffs' attorneys' fees and expenses.

I believe this legislation is a reasonable means to ensure that businesses will be given notice of violations of the ADA and the opportunity to comply with the ADA before costly litigation is begun. This would foster greater compliance with the ADA by allowing businesses to expend their resources on making their properties more accessible to the disabled, rather than on attorneys' fees.

Please be assured that I simply want to close a loophole in the ADA that unscrupulous lawyers have exploited. I do not suggest or approve of any changes to the ADA that would weaken its substantive requirements for reasonable accommodation to persons with disabilities. We must ensure that the progress begun more than a decade ago continues as we work to make public accommodations more accessible to everyone.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. MURRAY, Mr. JOHNSON, Mr. SCHUMER, and Mr. HARKIN):

S. 783. A bill to enhance the rights of victims in the criminal justice system, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this past Sunday marked the beginning of National Crime Victims' Rights Week. We set this week aside each year to focus attention on the needs and rights of crime victims. I am pleased to take this opportunity to introduce legislation with my good friend from Massachusetts, Senator KENNEDY, and our cosponsors, Senators FEINGOLD, MURRAY, JOHNSON, SCHUMER and HARKIN. Our bill, the Crime Victims Assistance Act of 2001, represents the next step in our continuing efforts to afford dignity and recognition to victims of crime.

My involvement with crime victims began more than three decades ago when I served as State's Attorney in Chittenden County, VT, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime, rather than one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. Over the past two decades, Congress has passed several bills to this end. These bills have included: the Victims Witness Protection Act of 1982; the Victims of Crime Act of 1984; the Victims' Bill of Rights of 1990; the Victims' Rights and Restitution Act of 1990; the Violence Against Women Act of 1994; the Mandatory Victims Restitution Act of 1996; the Victim Rights Clarification Act of 1997; the Victims with Disabilities Awareness Act of 1998; and the Victims of Trafficking and Violence Protection Act of 2000.

The legislation that we introduce today, the Crime Victims Assistance Act of 2001, builds upon this progress. It provides for comprehensive reform of the Federal law to establish enhanced rights and protections for victims of Federal crime. Among other things, our bill provides crime victims with the right to consult with the prosecution prior to detention hearings and the entry of plea agreements, and generally requires the courts to give greater consideration to the views and interests of the victim at all stages of the criminal justice process. Responding to concerns raised by victims of the Oklahoma City bombing, the bill provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial.

Assuring that victims are provided their statutorily guaranteed rights is a critical concern for all those involved in the administration of justice. Our bill would establish an administrative authority in the Department of Justice

to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

In addition to these improvements to the Federal system, the bill proposes several programs to help States provide better assistance for victims of State crimes. These programs would improve compliance with State victim's rights laws, promote the development of state-of-the-art notification systems to keep victims informed of case developments and important dates on a timely and efficient basis, and encourage further experimentation with the community-based restorative justice model in the juvenile court setting.

Finally, the Crime Victims Assistance Act would make several significant amendments to the Victims of Crime Act, VOCA, and improve the manner in which the Crime Victims Fund is managed and preserved. Most significantly, the bill would eliminate the cap on VOCA spending, which has prevented more than $700 million in Fund deposits from reaching victims and supporting essential services.

Congress has capped spending from the Fund for the last two fiscal years, and President Bush has proposed a third cap for fiscal year 2002. These limits on VOCA spending have created a growing sense of confusion and unease by many of those concerned about the future of the Fund.

We should not be imposing artificial caps on VOCA spending while substantial unmet needs continue to exist. The Crime Victims Assistance Act replaces the cap with a formulaic approach, which would ensure stability and protection of Fund assets, while allowing more money to go out to the States for victim compensation and assistance.

These are all matters that can be considered and enacted this year with a simple majority of both Houses of Congress. They need not overcome the delay and higher standards necessitated by proposing to amend the Constitution. They need not wait the hammering out of implementing legislation before making a difference in the lives of crime victims.

The Judiciary Committee has held several hearings over the last five years on a proposed constitutional amendment regarding crime victims. Unfortunately, the Committee has devoted not a minute to consideration of legislative initiatives like the Crime Victims Assistance Act, which Senator KENNEDY and I first introduced in the 105th Congress, to assist crime victims and better protect their rights. Like many other deserving initiatives, it has taken a back seat to the constitutional amendment debate that continues.

I regret that we have not done more for victims this year, or during the last few years. I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered. One notable exception was the Victims of Trafficking and Violence Protection Act of 2000, which included a Leahy-Feinstein amendment dealing with support for victims of international terrorism. Senator FEINSTEIN cares deeply about the rights of victims, and I am pleased that we could work together on some practical, pragmatic improvements to our federal crime victims' laws.

I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have a golden opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve.

I would like to acknowledge several individuals and organizations that have been extremely helpful with regards to the legislation that we are introducing today: Dan Eddy, National Association of Crime Victim Compensation Boards; Steve Derene, Wisconsin Department of Justice Office of Crime Victims Services; Susan Howley, National Center for Victims of Crime; and John Stein, National Organization for Victim Assistance. I would also like to thank Kathryn M. Turman, the Acting Director for the Office for Victims of Crime, and Heather Cartwright and Carolyn Hightower of that office, for their work on this project.

While we have greatly improved our crime victims assistance programs and made advances in recognizing crime victims rights, we still have more to do. That is why it is my hope that Democrats and Republicans, supporters and opponents of a constitutional amendment on this issue, will join in advancing this important legislation through Congress. We can make a difference in the lives of crime victims right now, and I hope Congress will make it a top priority and pass the Crime Victims Assistance Act before the end of the year.

I ask unanimous consent that the text of the bill and the section-by-section analysis be printed in the RECORD.

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

S. 783

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 ''Crime Victims Assistance 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—VICTIM RIGHTS IN THE FEDERAL SYSTEM

Sec. 101. Right to consult concerning detention.
Sec. 102. Right to a speedy trial.
Sec. 103. Right to consult concerning plea.
Sec. 104. Enhanced participatory rights at trial.
Sec. 105. Enhanced participatory rights at sentencing.
Sec. 106. Right to notice concerning sentence adjustment.
Sec. 107. Right to notice concerning discharge from psychiatric facility
Sec. 108. Right to notice concerning executive clemency.
Sec. 109. Procedures to promote compliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to enforce compliance with State crime victim's rights laws.
Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments.
Sec. 203. Restorative justice grants.
Sec. 204. Funding for Federal victim assistance personnel.

TITLE III—VICTIMS OF CRIME ACT AMENDMENTS

Sec. 301. Crime victims fund.
Sec. 302. Crime victim compensation.
Sec. 303. Crime victim assistance.
Sec. 304. Victims of terrorism.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

SEC. 101. RIGHT TO CONSULT CONCERNING DETENTION.

(a) RIGHT TO CONSULT CONCERNING DETENTION.—Section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended by striking paragraph (2) and inserting the following:

''(2) A responsible official shall—

''(A) arrange for a victim to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender; and

''(B) consult with a victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the safety of the victim.''.

(b) COURT CONSIDERATION OF THE VIEWS OF VICTIMS.—Chapter 207 of title 18, United States Code, is amended—

(1) in section 3142—

(A) in subsection (g)—

(i) in paragraph (3), by striking ''and'' at the end;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3) the following:

''(4) the views of the victim; and''; and

(B) by adding at the end the following:

''(k) VIEWS OF THE VICTIM.—During a hearing under subsection (f), the judicial officer shall inquire of the attorney for the Government if the victim has been consulted on the issue of detention and the views of such victim, if any.''.

(2) in section 3156(a)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) the term ''victim'' includes all persons defined as victims in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)(2)).''.

SEC. 102. RIGHT TO A SPEEDY TRIAL.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

''(v) The interests of the victim (as defined in section 10607(e)(2) of title 42, United States Code) in the prompt and appropriate disposition of the case, free from unreasonable delay.''.

SEC. 103. RIGHT TO CONSULT CONCERNING PLEA.

(a) RIGHT TO CONSULT CONCERNING PLEA.—Section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) A responsible official shall make reasonable efforts to notify a victim of, and consider the views of a victim about, any proposed or contemplated plea agreement. In determining what is reasonable, the responsible official should consider factors relevant to the wisdom and practicality of giving notice and considering views in the context of the particular case, including—

''(A) the impact on public safety and risks to personal safety;

''(B) the number of victims;

''(C) the need for confidentiality, including whether the proposed plea involves confidential information or conditions;

''(D) whether time is of the essence in negotiating or entering a proposed plea; and

''(E) whether the victim is a possible witness in the case and the effect that relaying any information may have upon the right of the defendant to a fair trial.''.

(b) COURT CONSIDERATION OF THE VIEWS OF VICTIMS.—Rule 11 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subdivisions (g) and (h) as subdivisions (h) and (i), respectively; and

(2) by inserting after subdivision (f) the following:

''(g) VIEWS OF THE VICTIM.—Notwithstanding the acceptance of a plea of guilty, the court should not enter a judgment upon such plea without making inquiry of the attorney for the Government if the victim (as defined in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990) has been consulted on the issue of the plea and the views of such victim, if any.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), then the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 104. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.

(a) AMENDMENTS TO VICTIM RIGHTS CLARIFICATION ACT.—Section 3510 of title 18, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

''(c) APPLICATION TO TELEVISED PROCEEDINGS.—This section applies to any victim viewing proceedings pursuant to section 235 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608), or any rule issued thereunder.

''(d) STANDING.—

''(1) IN GENERAL.—At the request of any victim of an offense, the attorney for the Government may assert the right of the victim under this section to attend and observe the trial.

''(2) VICTIM STANDING.—If the attorney for the Government declines to assert the right of a victim under this section, then the victim has standing to assert such right.

''(3) APPELLATE REVIEW.—An adverse ruling on a motion or request by an attorney for the Government or a victim under this subsection may be appealed or petitioned under the rules governing appellate actions, provided that no appeal or petition shall constitute grounds for delaying a criminal proceeding.''.

(b) AMENDMENT TO VICTIMS' RIGHTS AND RESTITUTION ACT OF 1990.— Section 502(b) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)) is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim at trial would be materially affected if the victim heard the testimony of other witnesses.''; and

(2) in paragraph (5), by striking ''attorney'' and inserting ''the attorney''.

SEC. 105. ENHANCED PARTICIPATORY RIGHTS AT SENTENCING.

(a) VIEWS OF THE VICTIM.—Section 3553(a) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) the impact of the crime upon any victim of the offense as reflected in any victim impact statement and the views of any victim of the offense concerning punishment, if such statement or views are presented to the court; and''.

(b) ENHANCED RIGHT TO BE HEARD CONCERNING SENTENCE.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (c)(3)(E), by striking ''if the sentence is to be imposed for a crime of violence or sexual abuse,''; and

(2) by amending subdivision (f) to read as follows:

''(f) DEFINITION. For purposes of this rule, 'victim' means any individual against whom an offense has been committed for which a sentence is to be imposed, but the right of allocution under subdivision (c)(3)(E) may be exercised instead by—

''(1) a parent or legal guardian if the victim is below the age of eighteen years or incompetent; or

''(2) one or more family members or relatives designated by the court if the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to participate during the presentencing and sentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), then the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 106. RIGHT TO NOTICE CONCERNING SENTENCE ADJUSTMENT.

Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended by striking subparagraph (A) and inserting:

''(A) the scheduling of a parole hearing or a hearing on modification of probation or supervised release for the offender;''.

SEC. 107. RIGHT TO NOTICE CONCERNING DISCHARGE FROM PSYCHIATRIC FACILITY.

Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended by striking subparagraph (B) and inserting:

''(B) the escape, work release, furlough, discharge or conditional discharge, or any other form of release from custody of the offender, including an offender who was found not guilty by reason of insanity;''.

SEC. 108. RIGHT TO NOTICE CONCERNING EXECUTIVE CLEMENCY.

(a) NOTICE.—Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) the grant of executive clemency, including any pardon, reprieve, commutation of sentence, or remission of fine, to the offender; and''.

(b) REPORTING REQUIREMENT.—The Attorney General shall submit biannually to the Committees on the Judiciary of the House of Representatives and the Senate a report on executive clemency matters or cases delegated for review or investigation to the Attorney General by the President, including for each year—

(1) the number of petitions so delegated;

(2) the number of reports submitted to the President;

(3) the number of petitions for executive clemency granted and the number denied;

(4) the name of each person whose petition for executive clemency was granted or denied and the offenses of conviction of that person for which executive clemency was granted or denied; and

(5) with respect to any person granted executive clemency, the date that any victim of an offense that was the subject of that grant of executive clemency was notified, pursuant to Department of Justice regulations, of a petition for executive clemency, and whether such victim submitted a statement concerning the petition.

SEC. 109. PROCEDURES TO PROMOTE COMPLIANCE.

(a) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Attorney General of the United States shall promulgate regulations to enforce the rights of victims of crime described in section 502 of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606) and to ensure compliance by responsible officials with the obligations described in section 503 of that Act (42 U.S.C. 10607).

(b) CONTENTS.—The regulations promulgated under subsection (a) shall—

(1) establish an administrative authority within the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;

(2) require a course of training for employees and offices of the Department of Justice that fail to comply with provisions of Federal law pertaining to the treatment of victims of crime, and otherwise assist such employees and offices in responding more effectively to the needs of victims;

(3) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who willfully or wantonly fail to comply with provisions of Federal law pertaining to the treatment of victims of crime; and

(4) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the Attorney General by a complainant.

TITLE II—VICTIM ASSISTANCE INITIATIVES

SEC. 201. PILOT PROGRAMS TO ENFORCE COMPLIANCE WITH STATE CRIME VICTIM'S RIGHTS LAWS.

(a) DEFINITIONS.—In this section:

(1) COMPLIANCE AUTHORITY.—The term ''compliance authority'' means one of the compliance authorities established and operated under a program under subsection (b) to enforce the rights of victims of crime.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office for Victims of Crime.

(3) OFFICE.—The term ''Office'' means the Office for Victims of Crime.

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs in 5 States to establish and operate compliance authorities to enforce the rights of victims of crime.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a State to conduct a pilot program referred to in paragraph (1), which agreement shall provide for a grant to assist the State in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the compliance authority shall be established and operated in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a compliance authority under this section (including the applicable reporting duties under subsection (f) and the terms of the agreement), a compliance authority shall operate independently of the Office.

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a compliance authority.

(c) OBJECTIVES.—

(1) MISSION.—The mission of a compliance authority established and operated under a pilot program under this section shall be to promote compliance and effective enforcement of State laws regarding the rights of victims of crime.

(2) DUTIES.—A compliance authority established and operated under a pilot program under this section shall—

(A) receive and investigate complaints relating to the provision or violation of the rights of a crime victim; and

(B) issue findings following such investigations.

(3) OTHER DUTIES.—A compliance authority established and operated under a pilot program under this section may—

(A) pursue legal actions to define or enforce the rights of victims;

(B) review procedures established by public agencies and private organizations that provide services to victims, and evaluate the delivery of services to victims by such agencies and organizations;

(C) coordinate and cooperate with other public agencies and private organizations concerned with the implementation, monitoring, and enforcement of the rights of victims and enter into cooperative agreements with such agencies and organizations for the furtherance of the rights of victims;

(D) ensure a centralized location for victim services information;

(E) recommend changes in State policies concerning victims, including changes in the system for providing victim services;

(F) provide public education, legislative advocacy, and development of proposals for systemic reform; and

(G) advertise to advise the public of its services, purposes, and procedures.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit an application to the Director which includes assurances that—

(1) the State has provided legal rights to victims of crime at the adult and juvenile levels;

(2) a compliance authority that receives funds under this section will include a role for—

(A) representatives of criminal justice agencies, crime victim service organizations, and the educational community;

(B) a medical professional whose work includes work in a hospital emergency room; and

(C) a therapist whose work includes treatment of crime victims; and

(3) Federal funds received under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available to enforce the rights of victims of crime.

(e) PREFERENCE.—In awarding grants under this section, the Attorney General shall give preference to a State that provides legal standing to prosecutors and victims of crime to assert the rights of victims of crime.

(f) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Director may provide technical assistance and training to a State that receives a grant under this section to achieve the purposes of this section.

(2) ANNUAL REPORT.—Each State that receives a grant under this section shall submit to the Director, for each year in which funds from a grant received under this section are expended, a report that contains—

(A) a summary of the activities carried out under the grant and an assessment of the effectiveness of such activities in promoting compliance and effective implementation of the laws of that State regarding the rights of victims of crime;

(B) a strategic plan for the year following the year covered under subparagraph (A); and

(C) such other information as the Director may require.

(g) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) IN GENERAL.—The Director of the National Institute for Justice shall conduct an

evaluation of the pilot programs carried out under this section to determine the effectiveness of the compliance authorities that are the subject of the pilot programs in carrying out the mission and duties described in subsection (c).

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the National Institute of Justice shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report on the results of the evaluation required by paragraph (1).

(h) GRANT PERIOD.—A grant under this section shall be made for a period not longer than 4 years, but may be renewed for a period not to exceed 2 years on such terms as the Director may require.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, to remain available until expended, $8,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003, 2004, and 2005.

(2) 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 incurred in conducting the evaluations and preparing the report required by subsection (g).

SEC. 202. INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

The Victims of Crime Act of 1984 is amended by inserting after section 1404C the following:

"SEC. 1404D. VICTIM NOTIFICATION GRANTS.

''(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue on a timely and efficient basis.

''(b) INTEGRATION OF SYSTEMS.—Systems developed and implemented under this section may be integrated with existing case management systems operated by the recipient of the grant.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C)—

''(1) $10,000,000 for fiscal year 2002;

''(2) $5,000,000 for fiscal year 2003; and

''(3) $5,000,000 for fiscal year 2004.

''(d) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.''.

SEC. 203. RESTORATIVE JUSTICE GRANTS.

The Victims of Crime Act of 1984 is amended by inserting after section 1404D, as added by section 202 of this Act, the following:

"SEC. 1404E. RESTORATIVE JUSTICE GRANTS.

''(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) of this title to States, units of local government, tribal governments, and qualified private entities for the development and implementation of community-based restorative justice programs in juvenile justice systems.

''(b) COMMUNITY-BASED RESTORATIVE JUSTICE PROGRAM.—In this section, the term 'community-based restorative justice program' means a program based upon principles of restorative justice and a concern for maintaining offenders safely in the community.

''(c) MISSION.—The mission of a program developed and implemented under a grant under this section shall be to—

''(1) protect the community through processes in which individual victims, offenders, and the community are all active participants;

''(2) ensure accountability of the offenders to their victims and community; and

''(3) equip offenders with the skills needed to live responsibly and productively.

''(d) VOLUNTARY PROGRAMS.—A program funded under this section shall be fully voluntary for both victims and offenders.

''(e) REPORT.—The Office for Victims of Crime shall conduct a study and report to Congress not later than 3 years after the date of enactment of this Act on the effectiveness of programs that receive grants under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C) of this title, $4,000,000 for each of fiscal years 2002, 2003, and 2004.

''(g) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.''.

SEC. 204. FUNDING FOR FEDERAL VICTIM ASSISTANCE PERSONNEL.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to enable the Attorney General, through the Director of the Office for Victims of Crime, to retain 400 full-time or full-time equivalent employees to serve as victim witness coordinators and victim witness advocates in Federal law enforcement agencies.

(b) VICTIMS ASSISTANCE.—Employees retained pursuant to this section shall provide assistance to victims of criminal offenses investigated or prosecuted by a Federal law enforcement agency and otherwise improve services for the benefit of crime victims in the Federal system.

(c) ALLOCATION OF EMPLOYEES.—Full-time and full-time equivalent employees retained pursuant to this section shall be assigned by the Director of the Office for Victims of Crime, as needed, in Federal law enforcement agencies, including—

(1) 170 to the United States Attorneys Offices; and

(2) 120 to the Federal Bureau of Investigation in field offices in Indian country (as defined in section 1151 of title 18, United States Code) and other field offices that handle investigations involving large numbers of victims, and in the Headquarters Divisions.

TITLE III—VICTIMS OF CRIME ACT AMENDMENTS

SEC. 301. CRIME VICTIMS FUND.

(a) DEPOSIT OF GIFTS IN THE FUND.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) any gifts, bequests, or donations to the Fund from private entities or individuals.''.

(b) FORMULA FOR FUND DISTRIBUTIONS.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended—

(1) in the second sentence—

(A) by striking ''made available for obligation by Congress'' and inserting ''obligated''; and

(B) by inserting ''in reserve'' after ''shall remain''; and

(2) by adding at the end the following: ''Subject to the availability of money in the Fund, the Director shall make available pursuant to this Act, not less than 90 percent nor more than 110 percent of the total amount of funds made available for obligation in the previous fiscal year.''.

(c) FUNDING FOR VICTIM ASSISTANCE PERSONNEL.—Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is repealed.

(d) ALLOCATION OF FUNDS FOR COSTS AND GRANTS.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) in subparagraph (A), by striking ''48.5'' and inserting ''47.5'';

(2) in subparagraph (B), by striking ''48.5'' and inserting ''47.5''; and

(3) in subparagraph (C), by striking ''3'' and inserting ''5''.

(e) ANTITERRORISM EMERGENCY RESERVE.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

''(4)(A) Notwithstanding subsection (c), the Director may set aside up to $50,000,000 from the amounts remaining in the Fund as an antiterrorism emergency reserve fund. The Director may replenish any amounts expended in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year.

''(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B (42 U.S.C. 10603b) and to provide compensation to victims of international terrorism under section 1404C (42 U.S.C. 10603c).''.

SEC. 302. CRIME VICTIM COMPENSATION.

(a) ALLOCATION OF FUNDS FOR COMPENSATION AND ASSISTANCE.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended—

(1) in each of paragraphs (1) and (2), by striking ''40'' and inserting ''60''; and

(2) in paragraph (3), by striking ''5'' and inserting ''10''.

(b) RELATIONSHIP OF CRIME VICTIM COMPENSATION TO MEANS-TESTED FEDERAL BENEFIT PROGRAMS.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

''(c) EXCLUSION FROM INCOME, RESOURCES, AND ASSETS FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law, for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.''.

(c) CONFORMING AMENDMENT.—Section 1403(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(4)) is amended by inserting

''the United States Virgin Islands,'' after ''the Commonwealth of Puerto Rico,''.

SEC. 303. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

''(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).''.

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN VICTIMS.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) does not discriminate against victims because they oppose the death penalty or disagree with the way the State is prosecuting the criminal case.''.

(c) ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(3)) is amended by striking ''5'' and inserting ''10''.

(d) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting '', program evaluation, compliance efforts,'' after ''demonstration projects''.

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) use funds made available to the Director under this subsection—

''(i) for fellowships and clinical internships; and

''(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.''.

SEC. 304. VICTIMS OF TERRORISM.

(a) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking ''who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986''.

(b) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: ''The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.''.

CRIME VICTIMS ASSISTANCE ACT OF 2001—SECTION-BY-SECTION SUMMARY

OVERVIEW

The Crime Victims Assistance Act of 2001 represents an important step in Congress's continuing efforts to provide assistance and afford respect to victims of crime. The bill would accomplish three major goals. First, it would provide enhanced rights and protections for victims of federal crimes. Second, it would assist victims of State crimes through grant programs designed to promote compliance with State victim's rights laws. Third, it would make several significant amendments to the Victims of Crime Act and improve the manner in which the Crime Victims Fund is managed and preserved.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

Sec. 101. Right to consult concerning detention. Requires the government to consult with victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the victim. Requires the court to make inquiry during a detention hearing concerning the views of the victim, and to consider such views in determining whether the suspected offender should be detained.

Sec. 102. Right to a speedy trial. Requires the court to consider the interests of the victim in the prompt and appropriate disposition of the case, free from unreasonable delay.

Sec. 103. Right to consult concerning plea. Requires the government to make reasonable efforts to notify the victim of, and consider the victim's views about, any proposed or contemplated plea agreement. Requires the court, prior to entering judgment on a plea, to make inquiry concerning the views of the victim on the issue of the plea.

Sec. 104. Enhanced participatory rights at trial. Provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial. Extends the Victim Rights Clarification Act to apply to televised proceedings. Amends the Victims' Rights and Restitution Act of 1990 to strengthen the right of crime victims to be present at court proceedings, including trials.

Sec. 105. Enhanced participatory rights at sentencing. Requires the probation officer to include as part of the presentence report any victim impact statement submitted by a victim. Extends to all victims the right to make a statement or present information in relation to the sentence. Requires the court to consider the victim's views concerning punishment, if such views are presented to the court, before imposing sentence.

Sec. 106. Right to notice concerning sentence adjustment. Requires the government to provide the victim the earliest possible notice of the scheduling of a hearing on modification of probation or supervised release for the offender.

Sec. 107. Right to notice concerning discharge from psychiatric facility. Requires the government to provide the victim the earliest possible notice of the discharge or conditional discharge from a psychiatric facility of an offender who was found not guilty by reason of insanity.

Sec. 108. Right to notice concerning executive clemency. Requires the government to provide the victim the earliest possible notice of the grant of executive clemency to the offender. Requires the Attorney General to report to Congress concerning executive clemency matters delegated for review or investigation to the Attorney General.

Sec. 109. Procedures to promote compliance. Establishes an administrative system for enforcing the rights of crime victims in the federal system.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to enforce compliance with victim's rights laws. Authorizes the establishment of pilot programs in five States to establish and operate compliance authorities to promote compliance and effective enforcement of State laws regarding the rights of victims of crime. Compliance authorities would receive and investigate complaints relating to the provision or violation of a crime victim's rights, and issue findings following such investigations. Authorizes appropriations to make grants for these pilot programs.

Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments. Authorizes appropriations for grants to develop and implement crime victim notification systems.

Sec. 203. Restorative justice grants. Authorizes appropriations for grants to develop and implement community-based restorative justice programs in juvenile court settings.

Sec. 204. Funding for federal victim assistance personnel. Authorizes appropriations to retain 400 full-time or full-time equivalent employees to serve as victim witness coordinators and victim witness advocates in Federal law enforcement agencies. These positions are currently funded with money from the Crime Victims Fund.

TITLE III—VICTIMS OF CRIME ACT AMENDMENTS

Sec. 301. Crime Victims Fund. Replaces the annual cap on the Fund with a formula that ensures stability in the amounts distributed to the States, while preserving the amounts remaining in the Fund for use in future years. Discontinues the practice of using Fund money to pay for victim assistance positions in certain federal agencies; these positions would now be funded through direct appropriations under section 204. Increases the portion of the Fund that shall be available to OVC for discretionary victim assistance grants and for assistance to victims of federal crime. Permits OVC to retain a maximum of $50 million in an antiterrorism emergency reserve that can be replenished with up to 5 percent of the amounts retained in the Fund after the annual Fund distribution.

Sec. 302. Crime victim compensation. Increases from 40 to 60 percent the minimum threshold for the annual grant to State crime victim compensation programs. Clarifies that a payment of compensation to a victim shall not reduce the amount of assistance available to that victim under other government programs.

Sec. 303. Crime victim assistance. Authorizes States to give VOCA funds to U.S. Attorney's Offices in jurisdictions where the U.S. Attorney is the local prosecutor. Prohibits State crime victim assistance programs that receive VOCA grants from discriminating against victims because they oppose the death penalty or disagree with the way the State is prosecuting the criminal case. Authorizes OVC to make grants to eligible crime victim assistance programs for program evaluation and compliance efforts. Allows OVC to use funds for fellowships and clinical internships and to carry out training programs.

Sec. 304. Victims of Terrorism. Technical amendment to section 2003 of the Trafficking Victims Protection Act of 2000 (PL 106–386), which inadvertently reversed the existing exclusion under VOCA of individuals eligible

for other federal compensation under the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (ODSA). The exclusion of individuals eligible for compensation under ODSA should have been applied to section 1404C of VOCA, which covers direct compensation to victims of international terrorism, and not to section 1404B, which covers assistance to victims of terrorism.

By Mr. MURKOWSKI:

S. 784. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses any individual may deduct against ordinary income, and to allow individuals a 3-year capital loss carryback and unlimited carryovers; to the Committee on Finance.

Mr. MURKOWSKI. Mr. President, I am today introducing legislation that would soften the blow that many investors have felt as the stock market has declined. My bill would raise the capital loss limit that can be applied against ordinary income. Currently, the limit is $3,000. Under my proposal, the limit would rise to $20,000. Moreover, my legislation allows individual taxpayers to carryback capital losses three years to offset prior capital gains.

This bill reflects the reality of what has happened to many millions of investors. In the past year, more than $4.5 trillion of wealth has been wiped out as our economy has slowed and the markets have declined. For many investors, when they file their taxes next year, they are going to find that if they have no offsetting gains they are only going to be allowed to write off $3,000 of their loss. Of course, they can carry forward that loss. But for an investor who has net capital losses of $20,000 this year he or she will not be able to completely write off that investment loss until 2007, assuming no future capital gains. With $40,000 of losses, it would take until 2014 to write off those losses.

The capital loss/ordinary income limit has been in place since 1976. It seems to me that with 25 years of inflation, that $3,000 limit is far too low. Moreover, I have always believed that if we want to encourage investors to take financial risks investing in new frontier technologies, we should cushion the financial blow when the venture does not succeed. The best way to do that is to allow them to write off a greater portion of their loss immediately.

The bill also allows individuals the opportunity to carry back losses in the same fashion that is allowed to corporations. If their capital losses exceed their capital gains they would be able to carry those losses back three years to offset capital gains incurred in prior years. While I recognize that this may create some complexity for taxpayers since it would require the filing of amended returns, I believe it is an appropriate and fair way to deal with capital losses. If a corporation can take advantage of this benefit, it seems only fair to give that same benefit to individuals.

I would certainly like to see the capital gains rate lowered. But as one Wall Street executive recently was quoted: ''The last time I looked, you had to have gains for this to make any difference.'' I certainly think the proposal I have offered would certainly make a difference to many millions of taxpayers who have suffered grievous losses in the market this year.

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. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CAPITAL LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.

(a) INCREASE IN LIMITATION ON LOSSES ALLOWABLE AGAINST ORDINARY INCOME.—Section 1211(b)(1) of the Internal Revenue Code of 1986 (relating to limitation on capital losses of taxpayers other than corporations) is amended—

(1) by striking ''$3,000'' and inserting ''$20,000'', and

(2) by striking ''$1,500'' and inserting ''$10,000''.

(b) CARRYBACK AND CARRYOVERS OF CAPITAL LOSSES.—Section 1212(b)(1) of the Internal Revenue Code of 1986 (relating to capital loss carrybacks and carryovers of taxpayers other than corporations) is amended to read as follows:

''(1) CARRYBACKS AND CARRYOVERS.—

''(A) IN GENERAL.—If a taxpayer other than a corporation has a net capital loss for any taxable year (the 'loss year')—

''(i) the excess of the net short-term capital loss over the net long-term capital gain for the loss year shall be a capital loss carryback to each of the 3 taxable years preceding the loss year and a capital loss carryover to each taxable year succeeding the loss year, and shall be treated as a short-term capital loss in each such taxable year, and

''(ii) the excess of the net long-term capital loss over the net short-term capital gain for the loss year shall be a capital loss carryback to each of the 3 taxable years preceding the loss year and a capital loss carryover to each taxable year succeeding the loss year, and shall be treated as a long-term capital loss in each of such taxable years.

''(B) AMOUNT CARRIED TO EACH TAXABLE YEAR.—The entire amount of the loss which may be carried to another taxable year under subparagraph (A) shall be carried to the earliest of the taxable years to which the loss may be carried. The portion of such loss which may be carried to any other taxable year shall be the excess (if any) of such loss over the portion of such loss which, after application of subparagraph (C), was allowed as a carryback or carryover to any prior taxable year.

''(C) AMOUNT WHICH MAY BE USED.—An amount shall be allowed as a carryback or carryover from a loss year to another taxable year only to the extent—

''(i) such amount does not exceed the excess (if any) of—

''(I) the sum of the losses from the sale or exchange of capital assets in such other taxable year plus losses carried under this paragraph to such other taxable year from taxable years prior to such loss year, over

''(II) gains from such sales or exchanges in such other taxable year, and

''(ii) the allowance of such carryback or carryover does not increase or produce a net operating loss (as defined in section 172(c)) for such other taxable year.''

(c) CONFORMING AMENDMENTS.—

(1) Section 1212(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''subparagraph (A) or (B) of paragraph (1)'' and inserting ''clause (i) or (ii) of paragraph (1)(A)''.

(2) Section 1212 of such Code is amended by striking subsection (c).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to capital losses arising in taxable years beginning after December 31, 2000.

By Mr. GREGG:

S. 787. A bill to prohibit the importation of diamonds from countries that have not become signatories to an international agreement establishing a certification system for exports and imports of rough diamonds or that have not unilaterally implemented a certification system meeting the standards set forth herein; to the Committee on Finance

Mr. GREGG. Mr. President, the purpose of the Conflict Diamonds Act of 2001 is to eliminate the illegal diamond trade that has fueled violent conflicts in the African nations of Sierra Leone, Liberia, Congo, Angola, Ivory Coast, and Burkina Faso. The sale of illicit diamonds has allowed criminal gangs like the Revolutionary United Front in Sierra Leone to buy arms and supplies in an effort to expand their influence. In the process, they have inflicted unspeakable pain, including torture and amputation, on the innocent people they encounter.

The Conflict Diamonds Act of 2001 bans the importation into the United States of diamonds from countries that fail to observe an effective diamond control system. Under this legislation, no diamond that has ever been in the possession of the RUF or any other rebel group will be allowed to enter the United States. This includes diamonds that pass through another country for cutting or setting. The Conflict Diamonds Act of 2001 authorizes the President of the United States to ban the importation of diamonds and diamond jewelry from countries if he believes that shipments from those countries violate the legislation's intent. Those who knowingly violate the import ban would be subject to criminal and civil penalties under existing U.S. Customs law. The Customs Service would be authorized to seize illicit shipments. The import ban would take effect six months after enactment, regardless of the status of negotiations for an international agreement.

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. 787

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 ''Conflict Diamonds Act of 2001.

TITLE I—PROHIBITION ON IMPORTATION OF CONFLICT DIAMONDS

SEC. 101. FINDINGS.

The Congress finds that—

(1) The use of funds from illegitimate diamond trade to support conflicts in Africa has had devastating effects on the peoples of the regions involved in those conflicts;

(2) U.N. Security Council Resolution 1173 of June 12, 1998 requires the United States and all other U.N. members to take the necessary measures to prohibit the direct or indirect importation from Angola to their territory of all diamonds that are not controlled through the Certificate of Origin regime of the Government of Unity and National Reconciliation (GURN);

(3) U.N. Security Council Resolution 1306 of July 5, 2000 requires the United States and all other U.N. members to take the necessary measures to prohibit the direct or indirect importation of all rough diamonds from Sierra Leone into their territory that are not controlled by the Government of Sierra Leone through its Certificate of Origin regime;

(4) U.N. Security Council Resolution 1344 of March 8, 2001 requires the United States and all other U.N. members to take the necessary measures to prevent the direct or indirect import of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia;

(5) Effective compliance with U.N. Security Council Resolutions 1173, 1306, and 1344 is necessary to eliminate trade in conflict diamonds;

(6) Although the President of the United States has issued Executive Orders to implement Resolution 1173 and Resolution 1306, additional measures are needed to ensure compliance with, and prevent circumvention of, those resolutions;

(7) Further measures are needed to prevent rough diamonds originating in other rebel-controlled conflict areas from entering the global stream of commerce in which legitimate diamonds are sold;

(8) The resolution of the United Nations General Assembly approved on December 1, 2000 provides important guidance on devising effective and pragmatic measures to address the problem of conflict diamonds; and,

(9) Since legitimate diamond trade is of great economic importance to developing countries in Africa, no law should be enacted, nor regulation or other measure implemented, that would impede legitimate diamond trade or diminish confidence in the integrity of the legitimate diamond industry.

SEC. 102. DEFINITIONS.

(a) The term ''diamond'' means a natural mineral consisting of essentially pure carbon crystallized in the isometric system with a hardness of 10 on the Mohs scale, a specific gravity of approximately 3.52, and a refractive index of 2.42.

(b) The term ''rough diamond'' means a diamond that is unworked or simply sawn, cleaved or bruted, as described in Harmonized Tariff Schedule of the United States subheading 7102.31.0000.

(c) The term ''conflict diamond'' means a diamond that has at any time been in the possession of any person belonging to or associated with armed insurgents, rebel forces, or any other movement using violence against civilians or internationally recognized governments.

SEC. 103. RESTRICTIONS ON THE IMPORTATION OF DIAMONDS.

(a) No person may enter into the customs territory of the United States or aid or abet an attempt to enter any diamond, including any diamond set in jewelry, that has been mined in, or mined and set in, and exported directly from, the Republic of Sierra Leone, the Republic of Angola, or the Republic of Liberia except for a diamond or a diamond set in jewelry:

(1) the country of origin of which has been certified as the Republic of Sierra Leone by the internationally recognized government of that country, in accordance with United Nations Security Council Resolution 1306 of July 5, 2000; or

(2) the country of origin of which has been certified as the Republic of Angola by the internationally recognized government of that country, in accordance with United Nations Security Council Resolution 1173 of June 12, 1998.

(b) No person may enter into the customs territory of the United States or aid or abet an attempt to enter any diamond directly from a country that: is subject to a United Nations Security Council resolution similar to those identified in subsection (a) or that is not a signatory to an international agreement that establishes a certification system for exports and imports of rough diamonds, that has not unilaterally implemented such a system, or that is not a ''cooperating country'' as defined in subsection (c) of section 105 of this Act.

SEC. 104. PROHIBITION OF OTHER IMPORTS TO PREVENT CIRCUMVENTION OF U.N. RESOLUTIONS.

The President of the United States is authorized to prohibit the importation of diamonds or diamond jewelry exported from any country except for rough diamonds whose country of origin has been certified as either the Republic of Angola or the Republic of Sierra Leone under the Certificate of Origin regimes described in section 103 (a) (1) or (2), if there are reasonable grounds to believe that such prohibition is necessary to carry out U.N. Security Council Resolution 1173, 1306, or 1344, or any other Resolution banning the exportation or importation of conflict diamonds.

SEC. 105. IMPLEMENTING MEASURES.

(a) The Secretary of the Treasury of the United States is authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act. The public will be notified and given an opportunity of at least 30 days to comment on all proposed rules and regulations before they take effect.

(b) These regulations will provide that an importer is entitled to rely on the country of origin marking that is required under 19 U.S.C. §1304. However, nothing in this Act shall be construed to override an importer's duty to exercise reasonable care.

(c) No later than six months after the date of enactment of this Act, the Secretary of the Treasury will issue a list of countries that are signatories to the international agreement described in Title II, have unilaterally implemented a certification system containing the elements described in subsection (b) of section 203, or are found to be ''cooperating'' countries as defined in this subsection. The Secretary of the Treasury will revise and update this list as necessary. For purposes of this subsection, the Secretary of the Treasury will find that a country is ''cooperating'' if it is acting in good faith to establish and enforce a unilateral certification system meeting the standards described in subsection (b) of section 203 or taking action to ensure that it is not facilitating trade in conflict diamonds. The Secretary of the Treasury, in consultation with appropriate agencies, shall develop and publish criteria that will be used to evaluate whether a country will be deemed a cooperating country. These criteria will be subject to public notice and comment before adoption in final form.

(d) The Secretary of the Treasury may extend cooperating country status for more than six months after the initial designation, but shall provide to Congress an explanation of the reasons for why such an extension is necessary.

(e) The President of the United States shall ensure that implementation of and compliance with Title I of this Act is monitored by appropriate agencies or by an independent body.

SEC. 106. PENALTIES FOR NON-COMPLIANCE.

(a) CIVIL AND CRIMINAL PENALTIES.—Any person who enters or introduces into the commerce of the United States, attempts to enter or introduce, or aids or abets an attempt to enter or introduce, merchandise in violation of Title I of this Act or the implementing regulations for Title I will be subject to civil and criminal penalties in effect under the customs laws of the United States, as set forth in Title 19 of the United States Code. The same administrative procedures and defenses that apply under Title 19 of the United States Code will apply to penalties that are sought to be assessed under this subsection.

(b) SEIZURE.—If the Customs Service has reasonable cause to believe that a person has violated the provisions of subsection (a) of this section and that seizure is essential to prevent the introduction of merchandise into the customs territory of the United States whose importation is prohibited by Title I of this Act, then such merchandise may be seized. Within a reasonable time after any such seizure is made, the Customs Service will issue to the person concerned a written statement containing the reasons for the seizure. A person may seek relief from seizure under the procedures and standards prescribed in 19 U.S.C. §1618 and the Customs Service regulations that implement that provision.

(c) COURT OF INTERNATIONAL TRADE PROCEEDINGS.—

(1) JURISDICTION.—Section 1582 of Title 28, United States Code, is amended by amending paragraph (1) to read as follows:

''(1) to recover a civil penalty under section 592, 593A, 641(b)(6), 641(d)(2)(A), 704(i)(2), or 734(i)(2) of the Tariff Act of 1930.''

(2) STANDARD OF REVIEW.—Notwithstanding any other provision of law, in any proceeding commenced by the United States in the Court of International Trade for the recovery of any monetary penalty under this section, all issues, including the amount of any penalty, shall be tried de novo.

(d) PROCEEDS FROM FINES AND SEIZED GOODS.—The proceeds derived from penalties and seizures under Title I of this Act will, in addition to amounts otherwise available for such purposes, be available only for programs to assist the victims of conflicts involving illicitly traded diamonds.

SEC. 107. REPORT TO CONGRESS.

The President of the United States will report to Congress no later than 180 days after

enactment of this Act and annually thereafter on the implementing measures taken to carry out the provisions of this Title and their effectiveness in stopping imports of conflict diamonds into the United States.

TITLE II—NEGOTIATION OF AN INTERNATIONAL AGREEMENT TO ELIMINATE TRADE IN CONFLICT DIAMONDS

SEC. 201. FINDINGS.

The Congress finds that—

(1) The most effective and desirable means of eliminating international trade in conflict diamonds is through international cooperative efforts involving governments, the private sector, civil society, and appropriate international organizations;

(2) The initiatives of the world diamond industry, as reflected in the Resolution of the World Federation of Diamond Bourses and the International Diamond Manufacturers Association in Antwerp on July 19, 2000, as well as the efforts of the South African-led Working Group on African Diamonds and the World Diamond Council in developing proposals for a global certification system for rough diamonds, are important efforts at international cooperation and may provide effective mechanisms that could be incorporated in an international agreement to eliminate trade in conflict diamonds;

(3) Eliminating imports of rough diamonds from countries where conflict diamonds are mined, transshipped, or subsequently shipped into countries where cutting and polishing occur is the most effective way to eliminate trade in conflict diamonds;

SEC. 202. SENSE OF CONGRESS—NEGOTIATION OF INTERNATIONAL AGREEMENT.

It is the sense of the Congress that the President should engage in negotiations on and seek to conclude an international agreement to eliminate trade in conflict diamonds as soon as possible. The system implementing this agreement shall be transparent and subject to independent verification and monitoring. Participants in such an agreement should include all countries that either export or import diamonds or diamond jewelry.

SEC. 203. OVERALL NEGOTIATING OBJECTIVE OF THE UNITED STATES AND ESSENTIAL ELEMENTS OF AN INTERNATIONAL AGREEMENT.

(a) The overall negotiating objective of the United States is to establish an effective global certification system covering the major exporting and importing countries of rough diamonds that will eliminate trade in conflict diamonds.

(b) The elements of an effective global certification system for rough diamonds that the United States should seek in its negotiations are as follows:

(1) Rough diamonds, when exported from the country in which they were extracted, must be sealed in a secure, transparent container or bag by appropriate government officials of that country;

(2) The sealed container described in paragraph (1) must include a fully visible government document certifying the country of extraction and recording a unique export registration number and the total carat weight of the rough diamonds enclosed;

(3) A database containing information described in paragraph (2) must be established for rough diamond exports in each exporting country, including countries engaged in the re-export of rough diamonds;

(4) No country may allow importation of rough diamonds unless they are sealed in a secure, transparent container that includes a fully visible document that states a unique export registration number for such container and the total carat weight of the rough diamonds enclosed. The legitimacy of such document must be verified by electronic or other reliable means with the database maintained in the country of export.

(5) Provisions shall be made for physical inspection of sealed containers of rough diamonds by appropriate authorities.

(6) Diamonds may be freely imported and exported from a country that implements and enforces a rough diamond certification system that contains the elements specified in paragraphs (1) through (5), or a system that is its functional equivalent, provided that the country of extraction need only be specified when rough diamonds are exported from such country and need not be specified when rough diamonds are exported from a country that implements and enforces such a rough diamond certification system.

SEC. 204. CONSULTATIONS WITH CONGRESS.

The President of the United States shall consult periodically with Congress in developing and negotiating proposals for an international agreement as described in sections 202 and 203.

SEC. 205. REPORT TO CONGRESS.

The President of the United States will provide a written report to Congress no later than 180 days after enactment of this Act and annually thereafter on the progress made towards concluding an international agreement and the progress of the signatories to that agreement in implementing it, including which countries are not implementing it and the effects of their actions on trade in conflict diamonds. Each report shall also describe any technological advances that permit determining a diamond's origin, marking a diamond, and tracking it.

SEC. 206. IMPLEMENTING LEGISLATION.

The President of the United States will submit to Congress a draft bill implementing the provisions of any agreement that is negotiated no later than 60 calendar days after entering into that agreement.

SEC. 207. EFFECTIVE DATE.

Title I will apply with respect to articles entered, or withdrawn from warehouse for consumption, six months after the date of enactment of this Act. Title II will take effect on the date of enactment of this Act.

TITLE III—OTHER PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Such sums as may be necessary are hereby authorized to be appropriated to implement the provisions of this Act, including such sums as are necessary to assist the governments of Sierra Leone and Angola to establish and maintain a diamond certification system.

SEC. 302. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held invalid, it is the intent of Congress that the remainder of this Act and application of such provision to other persons or circumstances will not be affected thereby.

SEC. 303. GAO REPORT.

The General Accounting Office shall report to Congress on the effectiveness of this Act no later than three years after the date of enactment of this Act.

By Mr. HUTCHINSON (for himself and Mr. WARNER):

S. 789. A bill to amend title 37, United States Code, to establish an education savings plan to encourage reenlistments and extensions of service by members of the Armed Forces in critical specialties, and for other purposes; to the Committee on Armed Services.

Mr. HUTCHINSON. Mr. President, today I am introducing a bill that will provide military personnel the ability to provide for the education of their spouses and children in return for their commitment to continue to serve in the armed forces.

The purpose of this bill is to promote retention of members of the armed forces in critical specialties by establishing a bonus savings plan that will provide significant resources for meeting the expenses encountered by service members in providing for the education of members of their families.

I met with the Senior Enlisted Advisors of the four armed services and the Coast Guard. These Senior Enlisted Advisors are the top enlisted persons in their respective services. Their job is to advise the Service Chief on matters pertaining to enlisted personnel. These experienced senior leaders are among the most significant resources available to the generals and admirals, and those of us here in Congress, as we seek answers to questions on recruiting, retention, and quality of life. These enlisted leaders know first-hand and fully understand the life, the demands on and concerns of enlisted personnel in their services.

In my meeting with the Senior Enlisted Advisors, I sought their insight on what factors enlisted service members consider when making that critical decision as to whether to continue their active service or leave the military. I found myself talking to the very people who have faced the stress of these decisions; who have sat with their spouses and families and discussed whether to stay in the military or leave and seek a career outside the military. They were very frank and candid in their discussions.

One thing I learned is that, like many of us, enlisted service members share the goal of giving their children better opportunities than they had. To a person, the Senior Enlisted Advisors said that being able to provide educational opportunities for their families is an important goal and would be a powerful retention tool.

My bill will provide enlisted service members in critical specialties, who agree to serve a six-year term, resources that can be applied to cover the expenses of higher education for their families. Let me explain how this will work.

Service members, officers or enlisted, in critical specialties, who reenlist or extend their service commitment for six years will receive United States Savings Bonds that can be redeemed to cover educational expenses. When these Savings Bonds are redeemed to cover educational costs, the income, under the current tax code, is tax exempt. My bill does not modify the tax code. My

proposal will take advantage of current tax law as it pertains to United States Savings Bonds used for educational purposes.

Military personnel who have less than three years of service when they reenlist or extend their commitment will receive Savings Bonds with a face value of $5,000. For those service members who have between three and nine years of service when they reenlist or extend their commitment will receive Savings Bonds with a face value of $15,000. Those members with more than nine years of service who reenlist or extend their commitment will receive Savings Bonds with a face value of $30,000.

A Service Member who reenlists at the two-year point and receives $5,000 in Savings Bonds subsequently reenlists at the end of his six-year commitment—now with eight years of service—would receive an additional $10,000 in Savings Bonds, for a total of $15,000. This service member could reenlist again at the conclusion of the second six-year term—now in his 14th year—and would receive an additional $15,000 for a career total of $30,000 in United States Savings Bonds that can be used for educational purposes. All tax free.

My bill will provide military personnel the capability to provide for the education of their spouses and children while investing in America.

I am introducing this bill today to enhance the benefits President Bush announced at Fort Stewart, Georgia, on Monday. The President announced that his budget will include $5.7 billion in additional benefits for military personnel; $1.4 billion to increase military pay and allowances; $3.9 billion for military health care; and $0.4 billion for improvements to military housing. These increases are much needed and the announcement was enthusiastically received by the men and women at Fort Stewart, Georgia who know the sacrifices they are required to make in service of their country. My bill enhances President Bush's initiatives by providing educational opportunities that are unavailable today to the children of military personnel. I will hold hearings later this year in the Armed Services Committee to further develop each of these initiatives.

My bill furthers the educational opportunities for military families, increases military readiness by retaining the highly-trained and experienced military personnel we need to continue to be the preeminent military force in the world, and accomplished these lofty goals by investing in America. I urge my colleagues to examine my bill and join Senator WARNER and I as cosponsors of this important initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

It is the purpose of this Act to promote the retention of members of the Armed Forces in critical specialties by establishing a bonus savings plan that provides significant resources for meeting the expenses encountered by the members in providing for the education of the members of their families and other contingencies.

SEC. 2. EDUCATION SAVINGS PLAN FOR REENLISTMENTS AND EXTENSIONS OF SERVICE IN CRITICAL SPECIALTIES.

(a) ESTABLISHMENT OF SAVINGS PLAN.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 323. Incentive bonus: savings plan for education expenses and other contingencies

"(a) BENEFIT AND ELIGIBILITY.—The Secretary concerned shall purchase United States savings bonds under this section for a member of the armed forces who is eligible as follows:

"(1) A member who, before completing three years of service on active duty, enters into a commitment to perform qualifying service.

"(2) A member who, after completing three years of service on active duty but not more than nine years of service on active duty, enters into a commitment to perform qualifying service.

"(3) A member who, after completing nine years of service on active duty, enters into a commitment to perform qualifying service.

"(b) QUALIFYING SERVICE.—For the purposes of this section, qualifying service is service on active duty in a specialty designated by the Secretary concerned as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements) for a period that—

"(1) is not less than six years; and

"(2) does not include any part of a period for which the member is obligated to serve on active duty under an enlistment or other agreement for which a benefit has previously been paid under this section.

"(c) FORMS OF COMMITMENT TO ADDITIONAL SERVICE.—For the purposes of this section, a commitment means—

"(1) in the case of an enlisted member, a reenlistment; and

"(2) in the case of a commissioned officer, an agreement entered into with the Secretary concerned.

"(d) AMOUNTS OF BONDS.—The total of the face amounts of the United States savings bonds purchased for a member under this section for a commitment shall be as follows:

"(1) In the case of a purchase for a member under paragraph (1) of subsection (a), $5,000.

"(2) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount equal to the excess of $15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

"(3) In the case of a purchase for a member under paragraph (3) of subsection (a), the amount equal to the excess of $30,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

"(e) TOTAL AMOUNT OF BENEFIT.—The total amount of the benefit payable for a member when United States savings bonds are purchased for the member under this section by reason of a commitment by that member shall be the sum of—

"(1) the purchase price of the United States savings bonds; and

"(2) the amounts that would be deducted and withheld for the payment of individual income taxes if the total amount computed under this subsection for that commitment were paid to the member as a bonus.

"(f) AMOUNT WITHHELD FOR TAXES.—The total amount payable for a member under subsection (e)(2) for a commitment by that member shall be withheld, credited, and otherwise treated in the same manner as amounts deducted and withheld from the basic pay of the member.

"(g) REPAYMENT FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—(1) If a person fails to complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall refund to the United States the amount that bears the same ratio to the total amount paid for the person (as computed under subsection (e)) for that particular commitment as the uncompleted part of the period of qualifying service bears to the total period of the qualifying service for which obligated.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment or other agreement under this section does not discharge the person signing such reenlistment or other agreement from a debt arising under the reenlistment or agreement, respectively, or this subsection.

"(h) RELATIONSHIP TO OTHER SPECIAL PAYS.—The benefit provided under this section is in addition to any other bonus or incentive or special pay that is paid or payable to a member under any other provision of this chapter for any portion of the same qualifying service.

"(i) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"323. Incentive bonus: savings plan for education and other contingencies.".

(b) EFFECTIVE DATE.—Section 323 of title 37, United States Code (as added by subsection (a)), shall take effect on October 1, 2001, and shall apply with respect to reenlistments and other agreements for qualifying service (described in that section) that are entered into on or after that date.

By Mr. THURMOND:

S. 791. A bill to amend the Federal rules of Criminal Procedure; to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, I rise today to introduce the Video Teleconferencing Improvements Act. This

bill will expand the use of video teleconferencing in criminal court matters, and promote a safer and more efficient federal court system.

The federal courtroom, just like all society, is benefiting from constant advances in technology today. Video teleconferencing is one example of this movement. It allows proceedings to operate more efficiently and at lower costs, while maintaining many of the benefits of communicating in person.

The use of video teleconferencing is becoming increasingly common in federal district and appellate courts for various proceedings, such as prisoner civil rights complaints and certain appellate matters. The state courts are also benefiting from video technology in many ways, including for pretrial criminal proceedings. However, in federal court, the use of this technology in criminal matters is almost nonexistent because the federal rules apparently require the defendant's physical presence in court.

This legislation would amend the Federal Rules of Criminal Procedure to allow the judge to hold pretrial proceedings, including the defendant's arraignment and initial appearance, through video teleconferencing. It would also allow for the sentencing to occur in this manner in special, limited circumstances.

Today, some districts have extremely high volumes of criminal cases that they must process. This is especially true in the Border States, where the number of immigrants who are caught crossing the Mexican Border or committing crimes in the United States has skyrocketed and continues to rise. This creates a great burden and expense on the Marshals Service, which must transport the prisoners, often for very long distances from the holding facility to a far away courthouse. This type of transportation increases the possibility for escape and can create a security risk for law enforcement, court personnel, and the public.

Pretrial proceedings are often very short and routine. If they can be conducted through video, the inmates can stay at the secure facility, greatly decreasing risk and costs. If Marshals could spend less time on other duties, such as apprehending dangerous fugitives from justice. Moreover, this process would help the courts efficiently manage their increasing caseloads.

Similarly, I believe that video teleconferencing could be very important for sentencing defendants in certain limited circumstances. This is especially true when there is a safety or security risk in transporting the prisoner to the courthouse.

For example, in an ongoing case in South Carolina, a dangerous repeat offender was sentenced to a long prison term at the maximum security federal prison in Florence, Colorado. However, the court of appeals required that he be sentenced again. The Federal Bureau of Prisons considered him a danger to transport. He had a long history of psychiatric problems and violent behavior, including repeatedly assaulting prison guards and other inmates. In this case, he had even threatened the sentencing judge and the Assistant U.S. Attorney. Rather than transporting the prisoner back to South Carolina, the judge resentenced him by video teleconferencing. However, the case is now on appeal, and there is legal precedent not allowing this practice. In my view, there is simply no reason why a judge should be prohibited from sentencing by video in these circumstances.

This legislation is not an attempt to eliminate criminal defendants from appearing in person before the judge. Defendants would still be in court for all phases of the trial, which this bill would not effect. In fact, criminal trials must be conducted in person because the accused has the constitutional right to confront the witnesses against him. Further, even with these changes, the judge would maintain the authority to hold any pretrial or sentencing proceeding in person if he wished. This bill would simply give him the authority to conduct certain routine matters, other than the trial, through video teleconferencing.

The Rules Committee of the Judicial Conference has been considering this video technology for some time, and recently proposed some of the specific changes that are included in this legislation. I hope they will provide judges discretion to conduct pretrial proceedings by video teleconference, and go even further than the formal proposals that they have considered to date.

My legislation will help eliminate legal impediments to the reasonable use of video teleconferencing and help courts take advantage of new technology. These reforms are needed today.

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. 791

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 ''Video Teleconferencing Improvements Act of 2001''.

SEC. 2. AUTHORIZATION OF VIDEO TELECONFERENCING FOR THE INITIAL APPEARANCE.

Rule 5 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

''(d) VIDEO TELECONFERENCING.—Video teleconferencing may be used to conduct an appearance under this rule.''.

SEC. 3. AUTHORIZATION OF VIDEO TELECONFERENCING FOR THE ARRAIGNMENT.

Rule 10 of the Federal Rules of Criminal Procedure is amended—

(1) by striking ''Arraignment'' and inserting ''(a) IN GENERAL.—Arraignment''; and

(2) by adding at the end the following:

''(b) VIDEO TELECONFERENCING.—Video teleconferencing may be used to arraign a defendant.''.

SEC. 4. AUTHORIZATION OF VIDEO TELECONFERENCING FOR CERTAIN PROCEEDINGS.

Rule 43 of the Federal Rules of Criminal Procedure is amended—

(1) in subsection (a), by striking ''The'' and inserting ''Except as otherwise provided in this rule, Rule 5, or Rule 10, the'';

(2) in subsection (c)—

(A) in paragraph (3), by striking ''or'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(5) when—

''(A) the proceeding is the sentencing hearing; and

''(B)(i) the defendant, in writing, waives the right to be present in court; or

''(ii) the court finds, for good cause shown in exceptional circumstances and upon appropriate safeguards, that communication with a defendant (who is not physically present before the court) by video teleconferencing is an adequate substitute for the physical presence of the defendant.''.

SEC. 5. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall apply to a criminal complaint filed after the date of enactment of this Act.

By Mr. LIEBERMAN (for himself, Mr. KOHL, Mrs. CLINTON, and Mr. BYRD):

S. 792. A bill to prohibit the targeted marketing to minors of adult-rated media as an unfair or deceptive practice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise today to join with Senators KOHL, CLINTON, and BYRD today in introducing legislation to stop the entertainment industry from deceptively marketing adult-rated material to children, legislation that hopefully will make the hard job of raising kids in today's culture a little easier for America's parents.

As my colleagues may recall, Federal Trade Commission released a groundbreaking report last fall documenting the seriousness of this problem. Specifically, the FTC found that the movie, music, and video game industries had been routinely and aggressively targeting the sale of heavily-violent, adult-rated products to children. Some companies were going so far as to conduct focus groups for R-rated slasher films with 9- and 10-year olds and to pass out promotional materials for other violent R-rated movies at Campfire Girl meetings and Boys and Girls Clubs.

This report engendered a lot of outrage, and with good reason. These industries were making a mockery of the ratings systems that they had created and promoted. They were also making an end run around America's parents, in effect cutting out the middle mom

and dad to target violent, harmful materials directly to children. The report also generated a number of promises from the offending industries to change their ways and strengthen their self-regulatory programs.

This week, the FTC released a follow-up report to evaluate how well the entertainment industry has done in keeping its promises, and there was some encouraging news. The FTC found in their snapshot survey that the movie and video game industries had made real progress in limiting their advertising in popular teen venues and in providing more rating information in their marketing.

Other independent analyses show similarly encouraging results. Ad revenues for R-rated films on MTV are apparently declining. Disney, Warner Brothers, and Fox have pledged not to market R-rated movies to children. And several other studios have decided against making or distributing heavily-violent movies that were once regularly targeted at kids.

I appreciate these steps, which may well result in reduced revenues for some of these companies, and which show that our government can work on behalf of parents to prod the entertainment industry to draw some lines to protect our children without approaching censorship.

But much as I appreciate this progress, I cannot really give a full-blown hooray for Hollywood, because the FTC report makes clear that this problem has not been solved. Some video game makers and movie studios, including those that have pledged not to unfairly target kids, are still advertising adult-rated products in places popular with young teens. And the leading music companies and their trade group, the RIAA, have sadly been MIA, doing little if anything to respond to the FTC report and curb the marketing of obscenity-laced records to kids.

I am also concerned about the future. The FTC rightly recommended that the lasting solution to this problem is responsible self-regulation, specifically, uniform policies adopted by the entertainment industry prohibiting the targeting of adult-rated material to children and meaningful sanctions to enforce those standards. Unfortunately, to date only the video game industry has agreed, and commendably so, to meet this recommendation and truly police themselves. That means there is no permanent mechanism of accountability for the movie and music industries, no ongoing norm or standard that says it is wrong to market adult-rated material to children. And I fear that the competitive pressures in these markets are so intense that they will once again lead companies to do exactly that once the scrutiny goes away.

That is why I feel we must go forward with a legislative response. The bill we are introducing today would provide a narrowly-tailored shield to help protect our children from this kind of unfair and unhealthy targeting. It would treat the marketing of adult-rated movies, music recordings, and video games to children like any other deceptive act that harms consumers, and give the FTC the same authority it has under the current false and deceptive advertising laws to bring actions against companies that engage in deceptive practices. In particular, it would give the FTC the authority to penalize companies that violate this provision with civil fines of up to $11,000 per offense.

Some will claim this is censorship. But the truth is we're not empowering the FTC to regulate content in any way or even to make judgments about what products are appropriate for children. We are simply saying that if you voluntarily label a product as being unsuitable for kids, and then turn around and market it in a way that directly contradicts that rating, you should be held accountable, just like any other company that misleads consumers. That's not censorship, that's common sense.

The bottom line here is that the First Amendment is not a license to deceive. And this legislation translates that important principle into policy. It says to the people who run the entertainment industry that they cannot have it both ways. They cannot label their products for adults and target them to kids. And they cannot continue to undermine their ratings and undercut the authority of parents.

I ask my colleagues today on both sides of the aisle for their support on this bill and the ongoing effort to help protect their children from harmful media messages. I thank the chair, and ask unanimous consent that my statement and bill be included in the RECORD.

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

S. 792

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 ''Media Marketing Accountability Act of 2001''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Children have easy access to a variety of media and entertainment options without leaving their own homes. The vast majority of homes with children have a VCR, a CD player, and either a video game console or a personal computer.

(2) Children, and especially teenagers, spend a large amount of time listening to music, seeing movies, and playing video games. Specifically:

(A) Children ages 8 through 13 spend approximately 3 hours per week in a movie theater, on average. In addition, 62 percent of children ages 9 through 17 spent an average of 52 minutes per day watching video tapes.

(B) 82 percent of children play video games, and do so for 33 minutes per day, on average.

(C) Children ages 14 through 18 listen to music approximately 2½ hours per day on average.

(3) Teenagers spend tens of millions of dollars annually on movies, music, and video games, making them a highly valuable demographic group to the producers and distributors of entertainment products.

(4) Media violence can be harmful to children. Most scholarly studies on the impact of media violence find a high correlation between exposure to violent content and aggressive or violent behavior. Additional studies find a high correlation between exposure to violent content and a desensitization to and acceptance of violence in society.

(5) On September 11, 2000, the Federal Trade Commission reported that companies in the music, movie, and video game industries routinely target children under age 17 in the advertisement of adult-rated products. Specifically:

(A) The Commission found that 80 percent of the R-rated movies studied had been targeted to children. In addition, marketing plans for 64 percent of the R-rated movies studied explicitly mentioned children under age 17 as part of the target audience.

(B) The Commission found that all marketing plans for music recordings with explicit content labels either explicitly mentioned children under age 17 as part of the target audience or called for ad placement in media that would reach a majority or substantial percentage of children under age 17.

(C) The Commission found that 70 percent of Mature-rated video games studied were targeted to children under age 17, and 51 percent explicitly mentioned children under age 17 as part of the target audience. Additionally, the Commission found that 91 percent of the video game manufacturers studied had at one time expressly identified children under age 17 as the core, primary, or secondary audience of an M-rated game.

(6) To correct this problem, the Commission called on these industries to adopt voluntary, uniform policies expressly prohibiting these practices and to enforce these policies with real sanctions for violations.

(7) To date, as the Commission noted in a follow-up report released on April 24, 2001, only the video game industry has agreed to adopt such a marketing code. The Commission also noted that, despite some encouraging changes in behavior since the release of the Commission's original report in 2000, a number of companies in all three industries have nevertheless continued to market adult-rated products in venues popular with children.

(8) Because the entertainment industry continues to target its advertising of adult-rated products to children, there is need for narrowly targeted legislation to prohibit, as a false and deceptive trade practice, the targeting of children in the advertisement and other marketing of products rated for adults, and to authorize the Federal Trade Commission to stop these practices.

TITLE I—TARGETED MARKETING OF ADULT-RATED MEDIA TO CHILDREN

SEC. 101. PROHIBITION ON TARGETED MARKETING TO MINORS OF ADULT-RATED MEDIA AS UNFAIR OR DECEPTIVE PRACTICE.

(a) IN GENERAL.—The targeted advertising or other marketing to minors of an adult-rated motion picture, music recording, or electronic game, in or affecting commerce, shall be treated as a deceptive act or practice within the meaning of section 5 of the

Federal Trade Commission Act (15 U.S.C. 45), and is hereby declared unlawful.

(b) TREATMENT AS TARGETED ADVERTISING OR MARKETING TO MINORS.—For purposes of this section, the advertising or other marketing of an adult-rated motion picture, music recording, or electronic game shall be treated as targeted advertising or other marketing of such product to minors if—

(1) the advertising or marketing—

(A) is intentionally directed to minors; or

(B) is presented to an audience of which a substantial proportion is minors; or

(2) the Commission determines that the advertising or marketing is otherwise directed or targeted to minors.

SEC. 102. SAFE HARBOR.

(a) IN GENERAL.—The advertising or other marketing to minors of an adult-rated motion picture, music recording, or electronic game shall not be treated as targeted advertising or other marketing to minors, for purposes of section 101, if the producer or distributor responsible for the advertising or marketing adheres to a voluntary self-regulatory system with respect to such product that satisfies the criteria under subsection (b) and is subject to the sanctions referred to in subsection (b)(3).

(b) CRITERIA.—The Federal Trade Commission shall, by rule, establish the criteria referred to in subsection (a). Under such criteria, a voluntary self-regulatory system shall include the following elements:

(1) An age-based rating or labeling system for the product in question.

(2) For all products that are rated or labeled as adult-rated under such system—

(A) prohibitions on the targeted advertising or other marketing to minors of such products; and

(B) other policies to restrict, to the extent feasible, the sale, rental, or viewing to or by minors of such products.

(3) Procedures, including sanctions for noncomplying producers and distributors, meeting such requirements as the Commission includes in such criteria in order to assure compliance with the prohibitions and other policies referred to in paragraph (2).

SEC. 103. REGULATIONS.

(a) IN GENERAL.—The Federal Trade Commission shall prescribe rules that define with specificity the acts or practices that are deceptive acts or practices under section 101.

(b) IN PARTICULAR.—The rules under subsection (a)—

(1) shall specify criteria for determining whether or not an audience is comprised of a substantial proportion of minors for purposes of section 101(b)(1)(B); and

(2) may include requirements for the purpose of preventing acts or practices that are deceptive acts or practices under section 101.

SEC. 104. MATTERS RELATING TO REGULATIONS.

(a) IN GENERAL.—The Federal Trade Commission shall prescribe rules under sections 102 and 103 in accordance with the provisions of section 553 of title 5, United States Code.

(b) TIME LIMIT.—The Commission shall prescribe the regulations required under sections 102 and 103(b)(1) not later than 12 months after the date of the enactment of this Act.

SEC. 105. ENFORCEMENT.

(a) IN GENERAL.—This title shall be enforced by the Federal Trade Commission under the provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(b) ACTIONS BY COMMISSION.—

(1) IN GENERAL.—The Commission shall prevent any person from violating section 101, or a rule of the Commission under section 103, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this title.

(2) PARTICULAR RULES.—A rule prescribed under section 103(b)(1) shall be treated as a rule prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)), and any violation of a rule prescribed under such section 103 shall be treated as a violation of a rule respecting unfair or deceptive acts or practices under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) RIGHTS AND LIABILITIES OF PARTIES.—Any person or entity that violates section 101, or a rule of the Commission under section 103, shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(c) EFFECT ON OTHER LAWS.—Nothing in this title shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 106. DEFINITIONS.

In this title:

(1) ADULT-RATED.—The term ''adult-rated'', in the case of a motion picture, music recording, or electronic game, means a rating or label voluntarily assigned by the producer or distributor of such product, including a rating or label assigned pursuant to an industry-wide rating or labeling system, which rating or label—

(A) indicates or signifies that—

(i) such product is or may be appropriate or suitable only for adults; or

(ii) access to such product by minors should be restricted; or

(B) in the case of a music recording, advises or signifies that such product may contain explicit content, including strong language or expressions of violence, sex, or substance abuse.

(2) MINOR.—The term ''minor'' means an individual below the age established under the rating or labeling system in question to be an appropriate audience for adult-oriented material, but in no event includes an individual 17 years of age or older. If no specific age is so established under the rating or labeling system in question, the term means an individual less than 17 years of age.

(3) ADULT.—The term ''adult'' means an individual who is no longer a minor.

(4) ELECTRONIC GAME.—The term ''electronic game'' means any interactive entertainment software, including any computer game, video game, or on-line game, sold or rented on any tangible medium or by any electronic or on-line medium by which the right to play a specified interactive-entertainment-software product is purchased.

(5) MOTION PICTURE.—The term ''motion picture'' means any theatrical motion picture shown in a commercial theater or sold or rented by videotape, digital recording, or other tangible medium or by any electronic or on-line medium by which the right to play an individual theatrical motion picture is purchased, except that such term shall not include anything shown on broadcast television or cable television.

(6) MUSIC RECORDING.—The term ''music recording'' means any recording of music sold or rented on compact disk, tape cassette, vinyl record, music video, or other tangible medium or by any electronic or on-line medium by which the right to hear a specified work of music is purchased, except that such term shall not include anything shown on broadcast television or cable television.

SEC. 107. EFFECTIVE DATE.

This title shall take effect 90 days after the date of the enactment of this Act.

TITLE II—OTHER MATTERS

SEC. 201. STUDY OF MARKETING PRACTICES OF ENTERTAINMENT INDUSTRIES REGARDING ADULT-RATED MATERIALS.

(a) IN GENERAL.—The Federal Trade Commission shall conduct a study of the advertising and other marketing practices of the motion picture industry, music recording industry, and electronic game industry regarding adult-rated motion pictures, music recordings, and electronic games.

(b) MATTERS TO BE STUDIED.—In conducting the study under subsection (a), the Commission may examine—

(1) whether and to what extent the industries referred to in that subsection direct to minors the advertising and marketing of adult-rated materials, including—

(A) whether such materials are advertised or promoted in media outlets in which minors are present in substantial numbers or comprise a substantial percentage of the audience; and

(B) whether such industries use other marketing practices designed to attract minors to such materials;

(2) whether and to what extent retail merchants, movie theaters, or others who engage in the sale or rental for a fee of products of such industries—

(A) have policies to restrict the sale, rental, or viewing to or by minors of adult-rated materials; and

(B) have procedures to ensure compliance with such policies;

(3) whether and to what extent such industries require, monitor, or encourage the enforcement of their voluntary rating or labeling systems by industry members, retail merchants, movie theaters, or others who engage in the sale or rental for a fee of the products of such industries;

(4) whether and to what extent such industries engage in activities to educate the public in the existence, use, or efficacy of their voluntary rating or labeling systems; and

(5) whether and to what extent the policies and procedures referred to in paragraph (2), any activities referred to in paragraphs (3) and (4), and any other activities of such industries are effective in restricting the access of minors to adult-rated materials.

(c) FACTORS IN DETERMINATION.—In determining whether the products of an industry are adult-rated for purposes of subsection (b), the Commission shall use the voluntary industry rating or labeling system of the industry, both as in effect on the date of the enactment of this Act and as modified after that date.

(d) AUTHORITIES.—In conducting the study under subsection (a), the Commission may use its authority under section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) to require the filing of reports or answers in writing to specific questions, as well as to obtain information, oral testimony, documentary material, or tangible things.

(e) REPORTS.—

(1) REQUIREMENT.—The Commission shall submit to Congress and the public two reports on the study under subsection (a), as follows:

(A) An initial report, not later than two years after the date of the enactment of this Act.

(B) A final report, not later than six years after that date.

(2) ELEMENTS.—Each report under paragraph (1) shall include—

(A) a description of the study conducted under subsection (a) during the period covered by the report;

(B) any findings and recommendations of the Commission arising out of the study as of the end of that period; and

(C) the identification of the particular producers and distributors, if any, engaged in advertising or other marketing practices relevant to such findings and recommendations.

(f) DEFINITIONS.—In this section, the terms ''adult-rated'', ''electronic game'', ''motion picture'', ''music recording'', and ''minor'' have the meanings given those terms in section 106.

SEC. 202. SEPARABILITY.

If any provision of this Act, or the application of such provision to any person, partnership, corporation, or circumstance, is held invalid, the remainder of this Act, and the application of such provision to any other person, partnership, corporation, or circumstance, shall not be affected thereby.

Mr. KOHL. Mr. President, I rise today with my colleague Senator LIEBERMAN to introduce the Media Marketing Accountability Act of 2001. For too long, the entertainment industry has drawn a bullseye on our children's backs, targeting them with violent video games, movies and music. Media violence has a clear and dangerous effect on our children, and it must be curbed.

Last fall's Federal Trade Commission report confirmed some of our worst fears. It found that more than 70 percent of movie, video game and music companies aggressively marketed their violent, adult-rated products to children. And while this week's report showed some meaningful progress, the ''snapshot'' it took didn't exactly reveal a pretty picture. Last fall, Senator LIEBERMAN and I pledged not to sit by idly. Today we're here to make good on our promise.

This legislation is simple. It targets the worst behavior. The entertainment industry won't be able to speak out of both sides of their mouths anymore, saying that a product is harmful to children, but then luring them into the theaters or stores to see it or buy it. This bill gives the Federal Trade Commission the authority it needs to go after the bad actors who try to mislead our families and our children.

Let me be a little more specific about what the bill does. This legislation gives the FTC the authority to prosecute entertainment companies for deceptive trade practices if they target adult-rated entertainment to children. This legislation doesn't create a whole new structure of rules and punishments; it simply adds this bad behavior by entertainment companies to a list of misconduct that the FTC already has the power to punish.

But the bill also rewards companies for good behavior. It includes a safe harbor which shields companies from prosecution if they already abide by a self-regulatory system that includes an age-based rating system, prohibits the marketing of adult rated material to children, and punishes for non-compliance. Finally, the legislation calls for two additional studies by the FTC over the next six years.

Let me give you a concrete example of the type of behavior this bill aims to prohibit. Last fall's report uncovered a film industry practice of including young children in the test groups for R-rated films. Studios asked ten-year-olds to explain what they like about a violent, R-rated movie, and then the studio used the feedback to tailor their advertising campaign to lure youngsters into the theaters. We all agree this behavior is just plain wrong, and it is this kind of behavior that our legislation will penalize.

Our bill does not touch the content produced by the industry, it simply targets specific, egregious behavior. After all, no one is saying that the entertainment industry doesn't produce high-quality and important products. But we all agree that not every product is appropriate for children, and the Federal Government has a legitimate interest in protecting children, a vulnerable audience, from being targeted with violent and vulgar content that the industry itself has identified as inappropriate. Our narrowly tailored legislation will help protect children and families from this kind of deception.

Finally, our bill should not discourage the entertainment industry from rating its products. To begin with, companies that are already regulating themselves effectively will qualify for protection under our safe harbor. The industry's threat to alter or eliminate their rating systems is as irresponsible to families as the behavior we're trying to prohibit with this measure. But beyond that, enactment of this legislation would not translate to constant legal action against the entertainment industry. The Federal Trade Commission would only prosecute those companies who have clearly and flagrantly targeted children with adult-rated material. As long as companies advertise their adult-rated products to a logical target audience, they should have no concern about this legislation.

By Mrs. BOXER (for herself, Mr. REID, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. KENNEDY, and Mr. WELLSTONE):

S. 796. A bill to amend the Safe Drinking Water Act to ensure that drinking water consumers are informed about the risks posed by arsenic in drinking water, to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, we have had the same 50 parts per billion standard for arsenic in our drinking water since 1942. Since then, study after study has confirmed that this level of arsenic in our drinking water is unsafe. After decades of review, a final drinking water standard was finally set to go into effect in March of this year. The new standard would have required no more than 10 parts per billion arsenic in drinking water.

Unfortunately, the Bush Administration stopped this new rule from going into effect. This decision was a major blow to public health in this country. Arsenic causes lung cancer, skin cancer, and bladder cancer. We know that if you drink water at the current standard for arsenic you have a 1 in 100 chance of getting cancer. The Bush Administration has decided that we can wait, despite mountains of scientific evidence on the serious health threat posed by arsenic. By suspending the new arsenic standard, the President is preventing communities from getting started on the upgrades they need to make to their drinking water systems. This is unacceptable, and I am a cosponsor of legislation that would restore the 10 parts per billion standard.

Another consequence of the Bush Administration's decision to suspend the new rule for arsenic has received less attention but is also very important. The suspended rule contained provisions on the public's right to know what level of arsenic is in its drinking water and what the possible health effects may be. The suspended rule requires notice to consumers containing very specific information on the health risks posed by arsenic. This notice would have been required at 5 parts per billion. This is less than the maximum level permitted in drinking water, but is necessary because there is still a risk posed by arsenic at this level.

I believe that the public has a right to know if there is an environmental threat in their community. If the public is fully informed about environmental threats, they may have the opportunity to avoid them. So, today I am introducing the ''Community Right to Know Arsenic Risk Act.''

My bill would restore the requirements in the suspended rule on the public's right to know. It would ensure that notice is given at the 5 parts per billion level.

The level of arsenic found in drinking water in many communities poses a serious risk to public health. I am especially concerned about the most vulnerable members of the community, including children, the elderly, and AIDS or cancer patients, to name a few. I am committed to full disclosure to consumers of both the levels of arsenic in drinking water and the possible health effects. Drinking water that may meet federal standards still may pose health risks that should be known to the consumer. This is certainly the case with arsenic. The consumer should have the right to choose alternative water sources or to seek tighter standards. This is a minimum requirement. I encourage my colleagues to co-sponsor

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. 796

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 ''Community Right-to-Know Arsenic Risk Act''.

SEC. 2. NOTICE CONCERNING RISKS POSED BY ARSENIC IN DRINKING WATER.

Part F of the Safe Drinking Water Act (42 U.S.C. 300j–21 et seq.) is amended by adding at the end the following:

''SEC. 1466. NOTICE CONCERNING RISKS POSED BY ARSENIC IN DRINKING WATER.

''(a) IN GENERAL.—A consumer confidence report prepared by a community water system under section 141.154 of title 40, Code of Federal Regulations (or a successor regulation), shall include a short educational statement concerning arsenic that—

''(1) uses language such as the following: 'While your drinking water meets EPA's standard for arsenic, it does contain arsenic. EPA's standard is based not only on the possible health effects of arsenic, but also on the costs of removing arsenic from drinking water. EPA continues to research the health effects of arsenic ingestion, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.''; or

''(2) uses substantially similar language developed by the community water system in consultation with the State agency having jurisdiction over safe drinking water matters.

''(b) APPLICABILITY.—Subsection (a) applies to any community water system that—

''(1) is required to prepare and deliver consumer confidence reports under subpart O of title 40, Code of Federal Regulations (or a successor regulation); and

''(2)(A) with respect to a report required to be delivered under that subpart not later than July 1, 2001, detects arsenic in the drinking water provided by the community water system at a level that is above 0.025 milligrams per liter but below the maximum contaminant level; and

''(B) with respect to a report required to be delivered under that subpart after July 1, 2001, detects arsenic in the drinking water provided by the community water system at a level that is above 0.005 milligrams per liter but that is equal to or below the maximum contaminant level.''.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 76—CONGRATULATING THE EAGLES OF BOSTON COLLEGE FOR WINNING THE 2001 MEN'S ICE HOCKEY CHAMPIONSHIP.

Mr. KENNEDY (for himself and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 76

Whereas the Boston College Eagles men's ice hockey team had a remarkable season, concluding by defeating the tenacious Fighting Sioux of the University of North Dakota 3–2 in overtime.

Whereas the victory by the Boston College Eagles marked the first national championship in ice hockey for Boston College since 1949;

Whereas the championship victory concluded a brilliant season for Boston College in which the team compiled a record of 33 wins, eight loses, and two ties;

Whereas the winning overtime goal for Boston College by Krys Kolanos produced the victory;

Whereas coach Jerry York, who grew up in Watertown, Massachusetts and starred on the 1967 Boston College team, deserves great credit for taking the Boston College Eagles to the ''Frozen Four'' NCAA finals for the past four years;

Whereas eleven players on the Boston College Eagles team grew up in Massachusetts or played high school hockey in the state;

Whereas the Eagles victory was also made possible by goals by Chuck Kobasew and Mike Lephart, and by goalie Scott Clemmensen, who played a magnificent game by making 34 saves for the Eagles.

Whereas the Boston College Eagles are flying high after winning the 2001 National Collegiate Athletic Association Men's Ice Hockey Championship: now, therefore, be it

Resolved, That the Senate commends the Eagles of Boston College for winning the 2001 National Collegiate Athletic Association Men's Ice Hockey Championship.

Mr. KENNEDY. Mr. President, on April 7, the Boston College Eagles Ice Hockey Team defeated the Fighting Sioux of the University of North Dakota 3–2 in overtime to win the NCAA national championship. The victory marked the first national championship in ice hockey for Boston College since 1949, and all of us in Massachusetts are proud of them for their outstanding season.

An overtime goal for Boston College by Krys Kolanos produced the victory and made up for last year's 4–2 defeat by North Dakota in the championship game. Chuck Kobasew and Mike Lephart scored the other two goals for Boston College, and goalie Scott Clemmensen did an excellent job as well, with 34 saves.

The Boston College team compiled an extraordinary record of 33 wins, eight losses, and two ties during the season. Coach Jerry York, a native of Watertown, Massachusetts, had been a star for the Eagles in the 1967 season, was an indispensable part of this year's championship achievement as was all the members on the team.

The Eagles were led effectively this season by captain Brian Gionta and assistant captains Bobby Allen and Mike Lepart. I welcome this opportunity to commend all of the players for their brilliant success, Bill Cass, Anthony D'Arpino, Ales Dolinar, Justin Dziama, Ben Eaves, Tom Egan, J.D Forrest, Jeff Giuliano, Ty Hennes, Marty Hughes, Tim Kelleher, Mark McLennan, Brooks Orpik, Brett Peterson, Joe Schuman, Rob Scuderi, Dan Sullivan, and Tony Voce. I also commend Coach York's assistant coaches, Mike Cavanaugh, Jim Logue, and Scott Paluch.

The Boston College Eagles are flying high. Massachusetts is proud of their championship season, and I urge the Senate to approve this well, deserved resolution.

I ask unanimous consent that an article on the championship Eagles from the Boston College newspaper ''The Chronicle'' be printed in the RECORD.

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

[From the Boston College Chronicle, Apr. 12, 2001]

''EAGLES RULE ROOST—UNIVERSITY CELEBRATES HOCKEY TEAM'S NCAA FROZEN FOUR TRIUMPH''

(By Sean Smith)

On a glorious spring day, the Boston College community paid tribute Monday afternoon to its men of winter.

A jubilant crowd of well-wishers and special guests—including Gov. Paul Cellucci, '70, JD '73, and Boston Mayor Thomas Menino—packed Conte Forum to honor the national champion Eagles hockey team, which won the National Collegiate Athletic Association ''Frozen Four'' tournament Saturday night with a 3–2 overtime victory over defending champion North Dakota in Albany, NY.

BC has a 2–0 lead late in the third period before North Dakota rallied to tie. Krys Kolanos, '04, scored less than five minutes into the extra period to notch the win, giving the Eagles their second NCAA hockey championship, and first in 52 years.

Freshman Chuck Kobasew—named the Frozen Four Most Outstanding Player—and senior Mike Lephart each scored in the second period for BC's other goals.

WEEL–AM sports announcer Ted Sarandis served as master of ceremonies at Monday's celebration, where small children in kid-sized BC hockey shirts cheered the champions alongside elderly alumni and current students in maroon and gold regalia. One alumnus in the crowd received special notice: James Fitzgerald, '49, who scored the winning goal in BC's 1949 championship.

University President William P. Leahy, SJ, thanking coach Jerry York and his players for ''a memorable season,'' said their efforts exemplified BC as ''an institution dedicated to excellence, in the classroom, the laboratory and the hockey rink.''

Cellucci, preparing to start his new job as United States ambassador to Canada, said his last proclamation as governor was to designate April 9, 2001, as ''BC Eagles Hockey Day in Massachusetts.''

Menino extended his congratulations not only to the team but also to the parents ''who drove you to the hockey rinks all those mornings.''

''Wow!'' said Athletic Director Gene DeFilippo as he began his remarks. ''Does it get any better that this?'' He rattled off an impressive list of group and individual achievements by the team's eight seniors, including 117 victories, four Frozen Four and three NCAA title game appearances.

York, who was treated to a standing ovation and cheers of ''Jer-EE! Jer-EE!'' by the crowd, thanked his assistants and support staff, and praised the players for ''representing this world-class university in a world-class manner.''

After senior captains Brian Gionta, Bobby Allen and Lephart offered their own thanks and praises, the moment the crowd had waited for arrived. To the strains of ''We Are the

Champions,'' the players skated around the rink holding aloft the NCAA championship trophy.

The team has at least one more celebration in its future: an invitation to the White House, on a date to be confirmed later.

SENATE RESOLUTION 77—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 77

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has been conducting an investigation into the use of correspondent banking for purposes of money laundering;

Whereas, the Subcommittee has received a number of requests from law enforcement officials, legislative bodies, regulatory agencies, and court-appointed officials for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, legislative bodies, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the use of correspondent banking for the purpose of money laundering.

Mr. LOTT. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has received requests from various law enforcement and regulatory agencies, legislative bodies, and court-appointed officers, both here and abroad, for assistance in connection with pending investigations into the use of correspondent banks for money laundering, which has been the subject of recent investigation by the subcommittee.

This resolution would authorize the chairman and ranking member of the Permanent Subcommittee on Investigations, acting jointly, to provide investigative records, obtained by the subcommittee in the course of its investigations, in response to these requests.

SENATE CONCURRENT RESOLUTION 34—CONGRATULATING THE BALTIC NATIONS OF ESTONIA, LATVIA, AND LITHUANIA ON THE TENTH ANNIVERSARY OF THE REESTABLISHMENT OF THEIR FULL INDEPENDENCE

Mr. CAMPBELL (for himself, Mr. DODD, and Mr. VOINOVICH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 34

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were forcibly and illegally incorporated into the Soviet Union from 1940 until 1991;

Whereas from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression, Sovietization, and Russification in their respective nations;

Whereas despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas during the period of ''glasnost'' and ''perestroika'' in the Soviet Union, the Baltic people led the struggle for democratic reform and national independence; and

Whereas, in the years following the restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates Estonia, Latvia, and Lithuania on the tenth anniversary of the restoration of their full independence; and

(2) calls on the President to continue to build the close and mutually beneficial relations the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

Mr. CAMPBELL. Mr. President, today I am joined by Senators DODD and VOINOVICH, fellow members of the Commission on Security and Cooperation in Europe, in submitting a Concurrent Resolution congratulating the people of Estonia, Latvia, and Lithuania on the tenth anniversary of the restoration of their full independence. The resolution also calls on the President of the United States to build upon the close and mutually beneficial relations with Estonia, Latvia, and Lithuania that have existed since the restoration of their full independence.

This year marks the tenth anniversary of the reestablishment of full independence to the Baltic nations of Estonia, Latvia, and Lithuania after almost five decades of illegal and brutal incorporation into the Soviet Union. The Baltic nations were independent between World War I and World War II. Their freedom and independence were stolen from them in a secret deal struck between Hitler and Stalin.

During the Soviet era, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned or exiled by the Soviet regime as Moscow attempted to repress any resistance to its rule. Besides physically persecuting individuals, the Soviet Union also tried to destroy the rich heritage of the Baltic people, by degrading their culture and attempting to replace their native languages with Russian.

It didn't work. The Baltic people never gave up their hope for freedom and their long-held dream of independence.

Moreover, during the Soviet period of ''glasnost'' and ''perestroika,'' the Baltic people led the struggle for democratic reform and national consciousness. In the ten years following the restoration of their full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and rule of law at home. At the same time, they have actively participated in a wide range of international structures, while pursuing further integration into European political, economic and security organizations.

Earlier today I had the pleasure to meet with President Vike-Freiberga of Latvia, in my capacity as Chairman of the Commission on Security and Cooperation in Europe. I was joined by Co-Chairman CHRIS SMITH and fellow Commissioner ZACH WAMP. President Vike-Freiberga struck us as an impressive leader during our wide-ranging discussion of Euro-Atlantic cooperation and Latvia's development since the restoration of independence. Therefore, it is fitting that we introduce this resolution today, coinciding with President Vike-Freiberga's working visit to Washington.

I urge my colleagues to join in supporting this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 353. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 353. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new title:

TITLE—EXEMPTION FOR AGRICULTURAL COMMODITIES, MEDICINE, AND MEDICAL SUPPLIES

SEC. ___01. EXEMPTION FOR AGRICULTURAL COMMODITIES, MEDICINE, AND MEDICAL SUPPLIES.

Notwithstanding any other provision of law, the export controls imposed on items under title III shall not apply to agricultural

commodities, medicine, and medical supplies.

SEC. ___02. TERMINATION OF EXPORT CONTROLS REQUIRED BY LAW.

Notwithstanding any other provision of law, the President shall terminate any export control mandated by law on agricultural commodities, medicine, and medical supplies upon the date of enactment of this Act except for a control that is specifically reimposed by law.

SEC. ___03. EXCLUSIONS.

Sections ___01 and ___02 do not apply to the following:

(1) The export of agricultural commodities, medicine, and medical supplies that are subject to national security export controls under title II or are listed on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(2) The export of agricultural commodities, medicine, and medical supplies to a country against which an embargo is in effect under the Trading With the Enemy Act.

SEC. ___04. DEFINITION.

For purposes of this title, the term ''agricultural commodity'' means any agricultural commodity, food, fiber, or livestock (including livestock, as defined in section 602(2) of the Emergency Livestock Feed Assistance Act of 1988 (title VI of the Agricultural Act of 1949 (7 U.S.C. 1471(2))), and including insects), and any product thereof.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that three hearings have been scheduled before the Committee on Energy and Natural Resources to consider the President's proposed FY 2002 budget.

The Committee will hear testimony from the following:

1. The Department of the Interior on Tuesday, May 8, 2001, beginning at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

2. The Forest Service on Tuesday, May 8, 2001, beginning at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

3. The Department of Energy on Tuesday, May 10, 2001, beginning at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

For further information, please call Trici Heninger, Staff Assistant at (202) 244–7875, regarding the Department of the Interior and the Department of Energy hearings, and Kathleen Elder, Staff Assistant at (202) 244–7556, regarding the Forest Service hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT OF THE SENATE COMMITTEE ON APPROPRIATIONS

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a joint oversight hearing has been scheduled before the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations.

The hearing will take place on Thursday, May 3rd, 2001 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the state of the nuclear power industry and the future of the industry in a comprehensive energy strategy.

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, 364 Dirksen Senate Office Building, Washington, DC. 20510–6150.

For further information, please call Colleen Deegan, Counsel, Energy Committee at (202) 224–8115 or Clay Sell, Clerk, Energy and Water Subcommittee at (202) 224–7260.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 26, 2001, at 9:30 a.m., in open session to consider the nominations of Edward C. Aldridge to be Under Secretary of Defense for Acquisition and Technology; William J. Haynes II to be general counsel of the Department of Defense; and Powell A. Moore, to be Assistant Secretary of Defense for Legislative Affairs, and in executive session thereafter.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 26, 2001, at 9:30 a.m. on the nomination of Theodore W. Kassinger to be general counsel of the Department of Commerce.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 26, 2001, immediately following the nomination hearing, on S. 718—Amateur Sports Integrity Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. 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 Thursday, April 26, at 9:30 a.m. to conduct an oversight hearing. The committee will consider national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price.

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

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 26, 2001 to hear testimony on the Tax Code Complexity, New Hope for Fresh Solutions.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 26, 2001 at 10 a.m. and 2:30 p.m. to hold a hearing and a business meeting.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 26, 2001, at 10 a.m. in Dirksen Building Room 226.

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

SPECIAL COMMITTEE ON AGING

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, April 26, 2001 from 9 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science and Transportation, be authorized to meet on Thursday, April 26, 2001, at 2:30 p.m. on spamming.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 26, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the energy implications of the Forest Service's Roadless Area Rulemaking.

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

SUBCOMMITTEE ON SEAPOWER

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 26, 2001, at 2 p.m., in open session to receive testimony regarding strategic airlift and sealift imperatives for the 21st century.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to conduct a hearing to receive testimony on budget oversight on the Corps of Engineers program for FY02 on Thursday, April 26 at 9:30 am.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Nicky Yuen on my staff be allowed floor privileges during the duration of the day.

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

CONGRATULATING THE EAGLES OF BOSTON COLLEGE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 76, submitted earlier today by Senators KENNEDY and KERRY.

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

The legislative clerk read as follows:

A resolution (S. Res. 76) congratulating the Eagles of Boston College in Massachusetts for winning the 2001 National Collegiate Athletic Association Men's Ice Hockey championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under ''Submitted Statements on Senate Resolutions.'')

HONORING NEIL L. RUDENSTINE

Mr. LOTT. Mr. President, I ask unanimous consent that the HELP Committee be discharged from consideration of S. Res. 65 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 65) Honoring Neil L. Rudenstine, President of Harvard University.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. 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 to the resolution be printed in the RECORD.

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

The resolution (S. Res. 65) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 65

Whereas Neil L. Rudenstine is retiring as the 26th President of Harvard University in Cambridge, Massachusetts, on June 30, 2001, after 10 years of service in the position;

Whereas Harvard University, founded in 1636, is the oldest university in the United States and 1 of the preeminent academic institutions in the world;

Whereas throughout the history of the United States, graduates of Harvard University have served the United States as leaders in public service, including 7 Presidents and many distinguished members of the United States Senate and the House of Representatives;

Whereas in recognition of his belief in, and Harvard University's continued commitment to, public service as a value of higher education, Neil L. Rudenstine worked to establish the Center for Public Leadership at Harvard University's Kennedy School of Government to prepare individuals for public service and leadership in an ever-changing world;

Whereas in order to make a Harvard University education available to as many qualified young people as possible, during Neil L. Rudenstine's tenure, the University expanded its financial aid budget by $8,300,000 to help students graduate with less debt;

Whereas Neil L. Rudenstine has made Harvard University a good neighbor in the community of Cambridge and greater Boston by launching a $21,000,000 affordable housing program and by creating more than 700 jobs; and

Whereas Neil Rudenstine built an academic career of great distinction, including 2 bachelor's degrees, 1 from Princeton University and the other from Oxford University, a Rhodes Scholarship, a Harvard Ph.D. in English, recognition as a scholar and authority on Renaissance literature, and preeminent positions in higher education: Now, therefore, be it

Resolved,

SECTION 1. HONORING NEIL L. RUDENSTINE.

The Senate—

(1) expresses deep appreciation to President Neil L. Rudenstine of Harvard University for his contributions to higher education, for the spirit of public service that characterized his decade as Harvard University's President, for his many years of academic leadership at other universities, and for the grace and elegance that he brought to all he has done; and

(2) wishes him well in every future endeavor, anticipating the continuing benefit of his thoughtful expertise to American higher education.

SEC. 2. TRANSMITTAL.

The Secretary of the Senate shall transmit a copy of this resolution to Neil L. Rudenstine.

FARMER BANKRUPTCY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 256, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 256) to extend for 11 additional months the period for which chapter 12 of title 11 of the United States code is reenacted.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is finally turning its attention to retroactively renewing Chapter 12 of the Bankruptcy Code, which protects family farmers and helps them prevent foreclosures and forced auctions of their farms.

Unfortunately, many family farmers have been left in legal limbo in bankruptcy courts across the country since Chapter 12 of the Bankruptcy Code expired on July 1, 2000. Last year, the House of Representatives passed narrow legislation to retroactively renew Chapter 12, but that legislation died in the Senate. I worked to adopt the House-passed bill last year to renew Chapter 12, along with a number of Democratic Senators, but the Senate Majority Leader never scheduled a vote on the bill.

This year, Representative NICK SMITH and Representative TAMMY BALDWIN introduced H.R. 256 to retroactively renew Chapter 12. Thanks to their bipartisan efforts the House passed the bill on February 28 by a vote of 408–2. I commend them for their leadership in securing House passage of this legislation.

Earlier this month, Representative SMITH and Representative BALDWIN wrote to me about trying to secure quick Senate passage of H.R. 256. I agreed that the Senate should act immediately to renew Chapter 12 of the Bankruptcy Code and send their legislation to the President for his signature into law. I am glad the Majority Leader is finally taking up our request to take up and pass H.R. 256.

During the debate earlier this year on comprehensive changes to the bankruptcy system, some proponents of the controversial reform bill claimed that it must be passed to restore Chapter 12 to the Bankruptcy Code. I hope today's action to pass a stand alone Chapter 12 bill will make it clear to all that the

Senate does not have to pass a mammoth bankruptcy reform bill to provide family farmers with bankruptcy protection. I also hope today's action will put an end to any efforts to use Chapter 12 as leverage to enact controversial bankruptcy reform legislation. Our family farmers deserve better.

I strongly support H.R. 256 to retroactively give our family farmers bankruptcy protection if they fall on hard times. It is past time for Congress to retroactively renew Chapter 12 of the Bankruptcy Code to provide a safety net for our nation's family farmers.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 256) was read the third time and passed.

AUTHORIZING PRODUCTION OF RECORDS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 77, submitted earlier by myself and Senator DASCHLE.

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

The legislative clerk read as follows:

A resolution (S. Res. 77) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 77) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under ''Submitted Statements on Senate Resolutions.'')

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations reported by the Foreign Relations Committee today: Paula Dobriansky to be an Under Secretary of State; James Andrew Kelly to be an Assistant Secretary of State; Andrew Natsios to be Administrator of the United States Agency for International Development.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

James Andrew Kelly, of Hawaii, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

Paula J. Dobriansky, of Virginia, to be an Under Secretary of State (Global Affairs).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Andrew S. Natsios, of Massachusetts, to be Administrator of the United States Agency for International Development.

Mr. KENNEDY. Mr. President, I strongly support the nomination of Andrew Natsios. Andrew has ably served the State of Massachusetts as a Representative in the State House and as Chief Financial Officer for the State. He is an outstanding choice for the important post of Administrator for the Agency for International Development, and I'm confident he'll serve our country with great distinction.

The Agency plays an invaluable role for the United States, bringing the hope of a better life to those in need around the globe through humanitarian aid and development projects. Its Administrator must understand the challenges facing the Agency both internally and externally. He must be a strong and effective manager. He must be committed to improving the Agency as an institution and have the ability to advance its development mission effectively. I'm confident that Andrew possesses the skills to accomplish these goals and that he will enhance the agency's valuable work around the world.

Andrew has spent much of his distinguished career working on these important issues—most notably as the Assistant Administrator for the Bureau of Food and Humanitarian Assistance at the Agency for International Development, as Director of the Office of Foreign Disaster Assistance and as Vice President of World Vision. Because of his outstanding ability, he was appointed as special coordinator to manage U.S. Government relief efforts during the Somalia famine.

Andrew has written extensively on the challenges posed by humanitarian and intervention assistance and disaster response to U.S. foreign policy interests. He has also lectured at Boston College, the University of Massachusetts, and Northeastern University.

Because of his strong management skills, Andrew was called in to Chair the Massachusetts Turnpike Authority and to oversee the Central Artery Tunnel Project—the nation's largest public project. We all agree that his management has restored credibility to the project. He also served as Governor Cellucci's Chief Financial Officer for Massachusetts and was responsible for a $20 billion state budget.

Andrew has the vision, skills and ability to lead the Agency for International Development very effectively in the years ahead. His knowledge and experience, and his strong commitment to improving the agency will strengthen all of its vital missions.

I look forward very much to working with him as the Administrator of the Agency for International Development.

LEGISLATIVE SESSION

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

ORDERS FOR MONDAY, APRIL 30, 2001

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 2 p.m. on Monday, April 30. I ask unanimous consent that on Monday, 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 begin a period of morning business until 3 p.m. with Senators speaking for up to 10 minutes each, with the following exceptions: Senator DURBIN or his designee from 2 p.m. to 2:30 p.m., Senator THOMAS or his designee from 2:30 p.m. to 3 p.m.

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

PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will convene at 2 p.m on Monday. Following 1 hour of morning business, we will begin debate on the motion to proceed to S. 1, the education bill. Cloture was filed on the motion to proceed to the bill on Thursday, today, with a vote scheduled to occur at 9:30 a.m. on Tuesday. An agreement on the nomination of John Robert Bolton is being discussed, and it is hoped that debate and confirmation can occur prior to lunch on Tuesday. Senators should be aware that there will be no votes during Monday's session. Having said that, the remainder of the week will be extremely busy in an effort to complete action on the education bill and hopefully the budget conference.

ADJOURNMENT UNTIL MONDAY, APRIL 30, 2001, AT 2 P.M.

Mr. LOTT. 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 6:07 p.m., adjourned until Monday, April 30, 2001, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate April 26, 2001:

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JAMES V. AIDALA, RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

to be lieutenant general

MAJ. GEN. ROBERT MAGNUS, 0000

THE FOLLOWING NAMED UNITED STATES MARINE CORPS RESERVE OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5144 AND 601:

to be lieutenant general

MAJ. GEN. DENNIS M. MCCARTHY, 0000

IN THE NAVY

THE FOLLOWING NAMED UNITED STATES NAVAL RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5143 AND 601:

to be vice admiral

REAR ADM. JOHN B. TOTUSHEK, 0000

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

to be lieutenant commander

ROBERT M ABUBO, 0000
DAVID K ANDERSON, 0000
TIMOTHY BARNEY, 0000
MATTHEW BONNER, 0000
CRAIG T BOWDEN, 0000
ROBERT L CHATHAM, 0000
TRACY A DOBEL, 0000
DAVID G ERICKSON, 0000
DARRYL D FIELDER, 0000
DANIEL J GILLEN, 0000
HOWARD D GUBBS, 0000
DAVID K GULUZIAN, 0000
THOMAS HARRILL, 0000
JAMES E KIRBY, 0000
BOBBY L KING, 0000
DOUGLAS W KUNZMAN, 0000
BRYCE D LABMERT, 0000
JOHN LOBUONO, 0000
JOHN J MEAGHER, 0000
KEVIN A MELODY, 0000
KEITH L PAYNE, 0000
ROLAND C ROEDER, 0000
VICTOR S SCHWARTZ, 0000
WILLIAM E SOLOMON III, 0000
ERIC B SVENSSON, 0000
JULIUS TAYLOR, 0000
ZANE R THOMAS, 0000
TREVOR N TYLER, 0000
MAX WILDERMUTH, 0000
ERIC D WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

to be captain

EDWARD P ABBOTT, 0000
ANDREW W ACEVEDO, 0000
SCOTT E ALLEN JR., 0000
JAMES L ALLISON, 0000
JEFFREY R ALLMON, 0000
KEVIN W ALT, 0000
PHILIP J ALTIZER JR., 0000
TIMOTHY M ANDERSEN, 0000
GLENN E ANDERSON, 0000
JOSEPH ARANGO III, 0000
GEORGE M ARVONEN, 0000
JOSEPH W ASHBAKER, 0000
JOHN R ATKINSON, 0000
CHERYL L AUSTIN, 0000
PATRICK J AUSTIN, 0000
ANDREW G BAAN, 0000
GIL A BALAOING, 0000
GEORGE W BALLANCE, 0000
WALTER W BALLARD, 0000
WARREN S BARKLEY II, 0000
STEPHEN C BARTO, 0000
STEPHEN D BAUGHMAN, 0000
MARK E BAUMAN, 0000
JAMES F BECKA, 0000
CHARLES G BELTZ, 0000
JOHN R BENNETT, 0000
DONALD J BENZING, 0000
MARTIN W BERG, 0000
WILLIAM S BEYER, 0000
ROGER D BIRNBAUM, 0000
TIMOTHY J BISHOP, 0000
WANDA O BISKADUROS, 0000
THOMAS M BLAIR, 0000
THOMAS H BLAKENEY JR., 0000
CELIA A BOOTH, 0000
FREDERICK Y BORDEN III, 0000
ROBERT J BOROWSKI, 0000
CHRISTOPHER P BOYLAN, 0000
DEAN C BRACKETT, 0000
STEVEN L BRADLEY, 0000
ROBIN A BRAKE, 0000
CHARLES R BRAUN JR., 0000
RICHARD E BRAUNIG, 0000
RICHARD J BRENNAN JR., 0000
FRANCIS C BRINKER, 0000
MICHAEL C BRINKMANN, 0000
DAVID BROADBENT, 0000
THEODORE L BROOKS, 0000
LEONARD J BROWN, 0000
MICHAEL G BUTCHER, 0000
JON A BUTTRAM, 0000
ALLYSON T CADDELL, 0000
JAMES C CAIN, 0000
JAMES J CAIN, 0000
HAROLD F CANNON JR., 0000
ALLEN F CANTRELL, 0000
THOMAS E CARROLL, 0000
MARK S CHAMBERLAIN, 0000
BRANDAN J CHANG, 0000
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KEITH V GOODSON, 0000
ROBIN L GRAF, 0000
THOMAS P GRAFF, 0000
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CHERYL A GUIDOBONI, 0000
CHRISTOPHER GUYER, 0000
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LORRAINE J ROMANO, 0000
WILLIAM H ROOF, 0000
LEE V ROSSETTI, 0000
WILLIAM A ROTHWELL, 0000
MARK W RUSHING, 0000
DAVID G RUSSELL, 0000
SCOTT E SANDERS, 0000
JOHN E SARCONE, 0000
KRISTINE L SARVER, 0000
LISA A SCHAEFER, 0000
STEVEN L SCHMIDT, 0000
ELIZABETH A SCHNEIDER, 0000
MARK A SCHULER, 0000
JAMES J SHERIDAN, 0000
ROBERT E SIGRIST, 0000
JOHN L SIMS, 0000
ALAN L SINGER, 0000
ROBERT L SINNOKRAK, 0000
GEORGE A SMITH, 0000
MICHAEL C SMITH, 0000
SAMUEL J SMITHERS, 0000
KEVIN F SPALDING, 0000
GEORGE O SPENCER III, 0000
LENNIE W SPENCER, 0000
TIMOTHY J STARK, 0000
JOHN S STRATEMEIER, 0000
ROBERT C SWANEKAMP, 0000
MICHAEL P TAYLOR, 0000
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RICHARD D THOMAS, 0000
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C H TINDAL, 0000
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JAMES W TRIPPEL, 0000
JOHN C TRONTI, 0000
BRUCE A TROUTMAN, 0000
RICHARD TRUITT, 0000
KENNETH L TURNER, 0000
JOHN J TURONIS, 0000
ROBERT F URSO, 0000
CLAUDE P VALLIERE, 0000
REINETTA VANEENDENBURG, 0000
CHARLES L VANGORDEN JR., 0000
JOSEPH L VAUGHAN, 0000
JOSEPH E VOLKL, 0000
RAYMOND M VOLLUZ, 0000
JOYCELYN B WALTERS, 0000
JAMES A WARD, 0000
TERRY S WHITE, 0000
JOSH T WILLIAMS III, 0000
THEODORE M WILLIAMSON, 0000
DONALD E WILSON, 0000
TERRY L WILSON, 0000
RONALD J WILTSIE, 0000
FRANCIS R WINKEL, 0000
DALE W WINSTEAD, 0000
DONALD L WOLVEN, 0000
NICHOLAS C XENOS, 0000
VICTOR J YANEGA III, 0000
MICHAEL J YRACEBURN, 0000
ROBERT ZAUPER, 0000

CONFIRMATIONS

Executive Nominations Confirmed by the Senate April 26, 2001:

DEPARTMENT OF STATE

JAMES ANDREW KELLY, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC AFFAIRS).

PAULA J. DOBRIANSKY, OF VIRGINIA, TO BE AN UNDER SECRETARY OF STATE (GLOBAL AFFAIRS).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ANDREW S. NATSIOS, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.)

EXTENSIONS OF REMARKS

PHYLLIS MARCHAND RECEIVES HUMAN RELATIONS AWARD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of Phyllis Marchand who will receive the Human Relations Award given by the Central New Jersey Chapter of the American Jewish Committee. She receives this award for her outstanding commitment to the Princeton community and the American Jewish Committee.

Ms. Marchand is in her fifteenth year as an elected official in Princeton and her sixth year as the Mayor of Princeton Township. She has led in state affairs as President of both the New Jersey League of Municipalities and the New Jersey Association for Elected Women Officials. Ms. Marchand has been recognized as ''Elected Official of the Year'' by the NJ Municipal Managers Association and has received the Humanitarian Award from the National Conference of Christians and Jews. Ms. Marchand has served as President of the Mercer County Hispanic Association and serves on its board as well as that of the Mercer Council on Alcoholism and Drug Addiction.

A graduate of Skidmore College, Ms. Marchand has been a professional book indexer working on Collier's Encyclopedia, The Papers of Woodrow Wilson and The Samuel Johnson Letters. She is a member of the Princeton Jewish Center, the American Jewish Committee and a life member of Hadassah. During her 35 years in Princeton, she has served on the boards of Hadassah, The Jewish Center, UJA and B'nai B'rith.

Ms. Marchand has made significant contributions to the Princeton community in particular and New Jersey as a whole. I urge all my colleagues to join me today in recognizing Ms. Marchand's dedication and commitment to public service.

A BILL TO REPEAL THE LIMITATION ON THE USE OF FOREIGN TAX CREDITS UNDER THE ALTERNATIVE MINIMUM TAX

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from New York, Mr. RANGEL, together with a bipartisan group of our colleagues, in introducing a bill which would eliminate a fundamental unfairness in the application of the U.S. tax law to taxpayers that have income from foreign sources.

The bill would repeal the present-law limitation on the use of foreign tax credits under the alternative minimum tax that has the effect of subjecting taxpayers to double taxation on foreign income. This bill is identical to the one introduced in the 106th Congress, except for advancing the effective date by a year.

A U. S. citizen or domestic corporation that earns income from sources outside the United States generally is subject to tax by a foreign government on that income. The taxpayer is also subject to U.S. tax on that same income, even though it is earned outside the United States. Thus, the same income is subject to tax both in the country in which it is earned and in the United States. However, the U. S. allows taxpayers to treat the foreign taxes paid on their foreign source income as an offset against the U.S. tax with respect to that same income. The basic principle of this foreign tax credit is simple: to provide relief from double taxation.

When it comes to the alternative minimum tax (AMT), this basic principle of providing relief from double taxation falls by the wayside. The AMT was enacted to ensure that individuals and businesses that qualify for various ''preferences'' in the tax rules nevertheless are subject to a minimum level of taxation. However, the foreign tax credit provisions of the AMT operate to ensure double taxation. Under these AMT rules, the allowable foreign tax credit is limited to 90 percent of the taxpayer's alternative minimum tax liability. Because of this limitation, income that is subject to foreign tax is subject also to the U.S. AMT. The result is double (and even triple) taxation of income that is used to support U.S. jobs, research and experimentation and other activities.

There is no rational basis for denying relief from double taxation to that class of taxpayers that are subject to the AMT. Accordingly, the bill being introduced will eliminate the 90 percent limitation on foreign tax credits for AMT purposes. With the elimination of this limitation, relief from double taxation will be provided to taxpayers that are subject to the AMT in the same manner as it is provided to those taxpayers that are subject to the regular tax.

Concern regarding the unfairness of the AMT limitation on the use of the foreign tax credits is not new. Indeed, the House in 1995 passed a provision repealing the 90 percent limitation as part of a complete package of AMT reforms. Overall reform of the AMT, for individuals and businesses, remains a high priority. This bill to eliminate the 90 percent limitation on foreign tax credits for AMT purposes represents an important step in that direction. We urge our colleagues to join us in cosponsoring this legislation.

TRIBUTE TO JOHN BRATTON DAVIS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Judge John Bratton Davis. On Monday, April 2, it was my pleasure to participate in a very moving ceremony renaming the building housing the United States Bankruptcy Court in Columbia, South Carolina in honor of Judge Davis.

Mr. Davis was born in Hartsville, South Carolina in 1917. After graduating from the University of South Carolina and the University of South Carolina Law School, he took graduate work at Harvard Law School. He served in the South Pacific Theater of Operations, first as an executive officer and later as naval aide to the Commander of the New Hebrides Island Group. After service to his country, Mr. Davis began the practice of law with Graydon, Grimball, Graydon, Faulkenberry, Sawyer, and Suber. He remained in the private practice of law until 1969, when he was appointed as a U.S. Bankruptcy Judge for the District of South Carolina.

In 1986, Judge Bratton Davis was appointed Chief Justice of the Bankruptcy Court, a post he held for fourteen years. He has served as Chairman of the State of South Carolina Development Board, Vice-President of the Richland County Bar Association, and President of the Navy League of South Carolina. In addition, Mr. Davis has served on the Board of Directors of the South Carolina National Bank, Security Federal Savings and Loan Association, and University of South Carolina Educational Foundation.

Committed to his community, Mr. Davis served as State Vice-Commander of the American Legion, Co-Chainnan of the March of Dimes Campaign, President of the Richland County Society for the Prevention of Cruelty to Animals, and President of the Columbia Kiwanis Club. He is a member of the Board of Directors of the Columbia Chapter of the American Red Cross and the National Foundation for Infantile Paralysis. Active in his church, Mr. Davis is a Vestryman at Trinity Cathedral.

Mr. Speaker, please join me in paying tribute to Judge John Bratton Davis for his many years of unselfish service to God and country.

IN HONOR OF MAYOR GERALD GILKEY

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BLUNT. Mr. Speaker, I rise today to salute Mayor Gerald Gilkey on his 42 years of public service to the Lamar city government. Mayor Gilkey retired from public life on April 16th, 2001. His exceptional career with the City of Lamar began in April 1959, with six years as a councilman in Lamar city government. In 1965, he was elected mayor, a position to which he would be re-elected 17 times; serving an astounding total of 36 years.

Mayor Gilkey has diligently served the people of Lamar, Missouri for over three decades. His dedication to public service and to the community of Lamar is to be commended. The Mayor has worked tirelessly to ensure that Lamar continues to grow. Under his dedicated leadership, the city developed a 45 acre city park that includes a multiple outdoor sports complex, walking trails and picnic areas. Recently, Mayor Gilkey led the effort to build Southwest Missouri's first aquatic park located in the Lamar City Park. A $1.3 million water treatment plant was built due to the Mayor's leadership. Mayor Gilkey was instrumental in guiding the construction of an 800 seat, state of the art, ''Thiebaud'' auditorium that is used by the community, area schools and organizations.

Mayor Gilkey is the recipient of numerous awards including the Lamar Chamber of Commerce, ''Man of the Year'' in 1990; in 1982 he shared ''top newsmaker'' with the city council. In 1994, he was honored with the ''Outstanding Community Service'' award from the Lamar Rotary Club. In 1997 at the Homemaker Cooking Show, he was awarded Lamar Democrat's MVP. Mayor Gilkey's presence can also be found throughout the Southwest corner of Missouri. He has served on countless boards and committees where his visionary representation helped influence the growth and improvement of the area.

On June 18, 2001, Gerald and his wife Betty will celebrate their 59th wedding anniversary. Mayor Gilkey has had a great partner and in 1961, Gerald and Betty purchased what is now the Gilkey Automotive Group, and their son, Steve, is now the general manager.

Mr. Speaker, it is clear that we will miss an inspirational member of the Lamar community with Mayor Gilkey's retirement from public service. I am sure that I speak for many when I say that his tireless work will not soon be forgotten and that we are all thankful. I would like to personally wish him well in this new stage of his life and know that he will continue to be a presence in Lamar, Missouri. I am certain that my colleagues will join me in honoring this remarkable man.

CENTRAL NEW JERSEY CELEBRATES THE OPENING OF THE SOUTH BRUNSWICK YMCA

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of the opening of the South Brunswick YMCA. Over the past five years, volunteers from South Brunswick and surrounding communities have pooled their collective resources to take this project from concept to completion.

YMCA is an international not-for-profit community service organization brought from London, England to Boston in 1851. From Boston, YMCAs quickly spread across America. At this time many facilities started opening their doors to boys and men of all ages. Some YMCAs were started to serve specific groups such as railroad and factory workers. After World War II, women and girls could enjoy the full benefits of membership and participation. Today, half of all Y members are female.

The South Brunswick YMCA has brought families from across Southern Middlesex County together to assist in the development of a family-oriented, multifaceted facility driven by a well trained, dedicated and nurturing staff. The YMCA was founded on the commitment to provide a community-based facility to address the health, recreational and social service needs of the community.

The South Brunswick YMCA addresses local community needs through organized activities. Some of the programs offered by the YMCA include swimming lessons, exercise classes for people with disabilities, job training, support groups, water fitness, child care, and dance classes.

Although much has changed over the years, YMCA's mission is the same—to provide the tools needed to build strong kids, strong families and strong communities, and reinforce the values of caring, honesty, respect and responsibility.

WISHING SAN LUIS A HAPPY 150TH BIRTHDAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to wish Colorado's oldest town a happy 150th birthday. Nestled in the Sangre de Cristo mountains is the small town of San Luis, which was founded in 1851. Since then it has been home to many families over the last century and a half.

On April 5, 1851, San Luis de la Culebra was founded by Carlos Beaubien and established by settlers from northern New Mexico. According to Governor Bill Owens, San Luis' ''rich and beautiful heritage'' is attributed to its food, music, language, celebrations and historic buildings.

Under the protection of a group of soldiers from the War Department, the settlers built homes and began to plant. The town continued to grow and in 1861 when Colorado was made a territory, San Luis became the county seat of the newly established Costilla County.

As part of the celebration, Governor Owens proclaimed April as the Oldest Town in Colorado Month, and April 5 as the Oldest Town in Colorado Day. The proclamation refers to San Luis' founding on April 5, 1851, following the pattern of land grants. Carlos Beaubien then gave the people of San Luis the grant of La Vega, a common grazing area which is the last remaining true commons in the United States.

Specifically, the proclamation acknowledges the San Luis Museum and Cultural Center, the Stations of the Cross Shrine and Los Caminos Antiqus Scenic and Historic Byway.

Mr. Speaker, we are all proud of the rich heritage the city of San Luis has established over the last 150 years. And it is with great pleasure that I ask this Congress to recognize San Luis and wish them a happy birthday.

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROVIDE A SPECIAL RULE FOR MEMBERS OF THE UNIFORMED SERVICES AND THE FOREIGN SERVICE, AND OTHER EMPLOYEES, IN DETERMINING THE EXCLUSION OF GAIN FROM THE SALE OF A PRINCIPAL RESIDENCE

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join with several of my colleagues in introducing our bill, which would address an inequity caused by a change in the Internal Revenue Code in 1997. The proposed change would simply adjust an oversight and bring fairness and equality to the Code by recognizing the unique circumstances of the members of the Foreign Service, the Uniformed Services and U.S. business persons who are working abroad. The bill is the same as the one introduced in the 106th Congress, except that the applicability to business persons provision has been added. The bill is retroactive to May 1997, when the change occurred.

The Code was changed in 1997 to provide a benefit to taxpayers who sell their principal residence—a change more generally beneficial than the prior law. Where the prior law provided for rollovers of capital gains and a one-time exclusion, the new law requires that the owner(s) occupy the principal residence for at least two years of the previous five years from the date of sale to qualify for the full exclusion.

However, members of the Foreign Service and the Uniformed Services, as well as certain business persons posted abroad by their U.S. employers, may not be able to take advantage of the generous change enacted in 1997. The problem arises from the fact that we post our Foreign Service abroad for years at a time, and we move the military from post to post in the U.S. and abroad. The same problem can

arise for business persons who are moved abroad for longer and more frequent periods than in the past. With the globalization that is occurring, and affecting most economies, it is essential that our multinational companies compete on a worldwide basis. Globalization is certainly a major factor in our economy. In 2000, exports and imports for the U.S. totaled about $2 trillion—over 20% of our economy.

The problem arises because it is difficult for these individuals to fit into the mold we created in the 1997 law change. This result occurs because their posting abroad and at home is controlled by others. The bill would alleviate this problem for Foreign Service and Uniformed Services members by suspending the five year period for ownership and principal use for any periods during which the taxpayer was under official orders to serve at a duty station away from his or her home. This change would retain the 5 year look-back and the 2 year principal residence rules, but would address the unfairness issue applicable to members of the Foreign Service and Uniformed Services. The bill would also address the issue for business persons by suspending for up to five years, the five year principal residence test for an individual relocated abroad by his or her employer.

The proposed correction of this problem is not new. In fact, the Taxpayer Refund and Relief Act of 1999, H.R. 2488, which was passed by both the House and the Senate included provisions to correct the problem for all three groups. Unfortunately, the bill was vetoed for reasons unrelated to this proposal. Recently, we in the House have been focusing on tax bills that benefit and directly affect the American people—and this bill does just that. We urge our colleagues to join in cosponsoring this legislation.

TRIBUTE TO CHARLIE BROWN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a good friend and former student Charlie Brown of Hilton Head Island, South Carolina. Mr. Brown was recently named a recipient of the J. Willard Marriott Award of Excellence for 2001.

Mr. Brown is the Community Relations and Supplier Diversity Manager for Marriott Vacation Club International on Hilton Head Island. He is a consumate team player, noted for assisting anyone in need and being the first to lend a helping hand. Mr. Brown has become legendary for always being the first to arrive after a hurricane to assist with evacuations and to see where he can be of the most help.

Committed to his community as well as his job, Mr. Brown helped to establish the Hilton Head Medical Center Community Relations Work Group in 1997. He worked toward the start of this group after seeing a need for more open lines of communication between the minority community and the Hilton Head Medical Center and Clinics. Mr. Brown has also been instrumental in seeing the vision of a Minority Business Council on Hilton Head move from the talking stage to fruition.

Selflessly devoting his time, Mr. Brown serves on the boards of the Hilton Head Island Community Foundation, Hilton Head Island American Heart Association, Beaufort County First National Bank, and the NAACP/Housing Initiative Project. In addition, he is the chairman-elect of the Hilton Head Chamber of Commerce and the chairman of the Island Recreation Center Fastline Track Club.

Mr. Speaker, I ask you to join with me and my fellow South Carolinians in honoring Mr. Charlie Brown. He is a wonderful example of commitment to career and community alike and is well-deserving of the Marriott Award of Excellence.

HONORING THOSE WHO MAKE SENSE OF YESTERDAY'S EVENTS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BLUNT. Mr. Speaker, in 1961 work began between two Germanies on a concrete wall 28 miles long which would divide a people and become the physical symbol of the division between two great world powers.

In 1961 the international manned space race began in earnest with Russia beating the United States to the first major goal by placing Cosmonaut Yuri Gagarin into orbit.

In 1961 the robust air carrier TWA became the first airline to offer in-flight movies on international flights.

In 1961 the former African colony of Tanganyika became an independent country.

In 1961 President John F. Kennedy was inaugurated as the nation's youngest President.

And in 1961 two young historians and academics began their teaching careers at Southwest Baptist College in Bolivar, Missouri.

Forty years later the Berlin wall exists only in scattered pieces around the world and Germany once again stands as a single nation. American and Russian astronauts today jointly man the International Space Station. TWA has merged into American Airlines and Tanganyika has joined with Zanzibar to become Tanzania. President Kennedy was felled by an assassin's bullet. What has remained unchanged is that Drs. Harlie Gallatin and Frank Cunningham are still helping students at what is now Southwest Baptist University not only learn the details of history, but understand how events of past decades, centuries and millennia effect our lives today.

I rise today to commend these two men who are scholars in every sense of the word, dedicating their lives to their discipline and their students. Near the beginning of their careers as a student and near the end as University President, I benefitted from their scholarship as well as their example in commitment to Faith and family.

Through the years thousands of young people have not only learned about the heritage of our nation and world, but have developed a deep love and respect for history. Many of those students now make significant contributions to the betterment of our nation and world as civic and governmental leaders, educators, scientists, ministers and at least one congressman.

At the end of this academic year Dr. Gallatin retires as Chairman of the Department of History and Political Science at the University where he has worked tirelessly to develop faculty, curricula, and students. He has seen the school grow from a junior college to a four year institution and finally to a University. Dr. Cunningham although retiring from the full-time faculty in 1996 continues to remain active in the department as Emeritus Senior Professor of History.

Today, I want to thank these two men for their commitment both to the discipline of history and to their sharing a respect for and insight into history with all those young lives they have touched over the past four decades. Both these men repeatedly went out of their way to help struggling students understand difficult concepts, and learn to examine significant events with a discerning eye. They helped students view historic events without having to reject their religious faith. They have not invested their lives in vain.

My colleagues in this chamber often wrestle with the issues of history: how our actions will impact future generations and how we will be viewed. I know they join me in thanking Drs. Gallatin and Cunningham for their work in helping us to use the events of yesterday to craft solutions challenges of tomorrow.

THE REWARDING PERFORMANCE IN COMPENSATION ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BALLENGER. Mr. Speaker, today, I am reintroducing ''The Rewarding Performance in Compensation Act'' which will help workers to share, financially, when their efforts help produce gains for their company in productivity, sales, fewer injuries, or other aspects of performance. The Rewarding Performance in Compensation Act would amend the Fair Labor Standards Act (FLSA) to specify that an hourly employee's regular rate of pay for the purposes of calculating overtime would not be affected by additional payments that reward or provide incentives to employees who meet productivity, quality, efficiency or sales goals. By eliminating disincentives in current law, this legislation will encourage employers to reward their employees and make it easier for employers to ''share the wealth'' with their employees.

The pressures of worldwide competition and rapid technological change have forced most employers to seek continuous improvement in productivity, quality, and other aspects of company performance. Employers often seek to encourage and reward employee efforts to improve productivity, quality, etc. through what are called ''gainsharing'' plans—linking additional compensation to measurable improvements in company, team, or individual performance. Employees are assigned individual or group productivity goals and the savings achieved from improved productivity, or the gains, are then shared between the company and the employees. The payouts are based directly on factors under an employee's control,

such as productivity or costs, rather than on the company's profits. Thus employees directly benefit from improvements that they help to produce by increasing their overall compensation.

Unfortunately, employers who choose to implement such programs for their hourly employees can be burdened with unpredictable and complex requirements by the FLSA, which clearly did not envision these types of ''pay based on performance'' plans.

For example, if a bonus is based on production, performance, or other factors, the payment must be divided by the number of hours worked by the non-exempt employee during the time period that the bonus is meant to cover, and added to the employee's regular hourly pay rate. This adjusted hourly rate must then be used to recalculate the employee's overtime rate of pay. The employer is then responsible to pay the difference between the old overtime pay rate and the new recalculated overtime pay rate. For other types of employees, such as executive, administrative, or professional employees who are exempt from minimum wage and overtime, an employer can easily give financial rewards without having to recalculate rates of pay.

Simply put, this legislation would amend the FLSA to allow employers to give non-exempt hourly employees gainsharing or performance bonuses without making employers go through the cost of recalculating hourly and overtime pay. This would give hourly non-exempt employees the same access to bonuses and gainsharing programs that exempt employees receive.

Performance bonuses and gainsharing programs are a way for employees to share in the success of the company they work for. Whether exempt or non-exempt, all employees should have the same opportunity to receive bonuses for their hard work.

HONORING HAROLD ELAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this time to honor a pillar of the Grand Junction community. Harold Elam is one of the leading citizens of Western Colorado. Throughout his life, Harold has made the Western Colorado a better place to live. For that, I would like this body to pay tribute to him.

Harold currently owns Elam Construction, which has been a business staple in Western Colorado for a very long time. Under Harold's leadership, the company has been very civic minded, both on a local and state level. Elam Construction has helped out numerous citizens and organizations in Grand Junction and throughout the State of Colorado. ''Harold is so generous that he has made the local area and the state a better place to live,'' said Caroline Suplizio, a friend of Harold's and a leader in the community herself.

Harold gives generously to a number of important organizations, like Mesa County School District 51, Mesa State College, Canyon View Park and the Grand Junction Symphony. He sponsors wonderful events such as the Elam Symphony Classic as well as the Elam Tennis Classic.

Harold has been the recipient of many awards, including the 1999 National Award for Community Involvement, and the ''Quality in Construction Award'' given by NAPA. He has also been named the honorary Conductor of the year for his outstanding philanthropic contribution to the community symphony and the State of Colorado. This year, the Grand Junction Symphony is honoring Harold as the ''Philanthropist of the Year''. A fitting tribute to an outstanding man.

Mr. Speaker, Harold Elam has been an incredibly generous member of our community. His generosity has been a tremendous boon and for that I would like to recognize him and thank him with this Congressional Tribute.

Harold, your community, state and nation are proud of you, and we're all grateful for generosity, service and positive leadership.

RECOGNIZING THE WEST SIDE MAGNET SCHOOL, TROUP COUNTY, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BARR of Georgia. Mr. Speaker, although the magnet school concept is not new to the public school system, West Side Magnet School of the Troup County School System in the Seventh District of Georgia has accomplished a goal that most would find challenging. The school was ranked first (with an 87.3 score) of 35 schools in the nation, given exemplary status, and received national recognition from the Getty Trust and National Arts Education Consortium. It was one of only six southern schools chosen to be tested for a period of five years the goal: see what new curriculum combinations result when arts are combined with school reform.

Principal Nancy Stevens says the school's accomplishments are a direct result of support from the school system and the arts community, which includes arts support from the Chattahoochee Valley Art Museum, LaGrange College, the opera guild, and The LaGrange Symphony.

The study found the top scoring schools shared the following characteristics: ''strong'', and supportive leadership either from the principal or key staff, an openness for learning,'' and support for arts ''both in the school and the community.'' The study and its findings will be published in 2002.

I hope all Members of the United States Congress will join me in recognizing the hard work of everyone who has contributed to making the West Side Magnet School a success.

TRIBUTE TO LOWELL SELVIN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a unique individual who is a champion for social justice, a leader in his community, and a trailblazer in the business world.

Lowell Selvin proves time and again, through his words and deeds, that one person can truly make a difference. On May 5, 2001, Congregation Kol Ami of Los Angeles will honor Lowell with its Shomer Tzedek (Guardian of Justice) Award for his untiring commitment to progressive social empowerment and to causes greater than himself.

While the many endeavors Lowell Selvin is involved in are far too numerous to mention, a few highlights help illustrate the vision, energy, and compassion of this remarkable man.

In business, after successfully merging and integrating PlanetOut and Gay.com, Lowell became Chief Executive Officer of PlanetOut Partners, the largest gay and lesbian online services company in the world. In this capacity, Lowell uses his two decades of business acumen, honed by advising some of America's leading corporations, to provide the LGBT community with a platform to network, grow, and conduct commerce with business partners around the world.

In his community, Lowell is on the board of the Los Angeles Gay and Lesbian Center and guided this groundbreaking agency's strategic planning process in its formative years. With his help, this organization is now the largest agency of its kind in the world.

Lowell is on the National Advisory Board of Wendy's Hope, a group devoted to supporting lesbians with cancer. Working in collaboration with Feed the Children, Lowell also founded Arbonne Children's Trust. In addition, he helped found Congregation Kol Ami.

It is my honor to recognize the achievements of my constituent, Lowell Selvin, and to join with Congregation Kol Ami in acknowledging his contributions and on-going commitment to social justice and the betterment of his community.

COLONEL THOMAS M. (''MITCH'') DOCKENS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. ORTIZ. Mr. Speaker, I rise to commend a soldier, patriot ant exceptional leader, Colonel Thomas M. (''Mitch'' Dockens, the Commander of the Corpus Christi Army Depot (CCAD), who will receive the prestigious 13th annual John W. Macy, Jr. Award co-sponsored by the Secretary of the Army and the Army Civilian Personnel Alumni Association.

This award recognizes excellence in the leadership of civilians and accomplishment of mission through the civilian work force. Col. Dockens' exceptional leadership of the CCAD

work force is recognized for the period of July 15, 1999, through December 31, 2000; but his excellence and leadership will always be recognized and appreciated in South Texas where his good works are legendary. Col. Dockens has been an extraordinary leader of the United States Army's only depot-level rotary wing (helicopter) repair facility in the world.

Col. Mitch Dockens is a uniquely qualified officer to lead a civilian workforce. He knows how to bring people together; he can speak to management and labor, and is respected by both. He knows how to produce the best product for the fighting men and women at the best price for the U.S. taxpayer. The mutual respect he has fostered at CCAD is the secret weapon of this one-of-a-kind asset in the United States Army. He and his lovely wife Lynne, who treats the base as extended family, have reinforced the morale at CCAD.

The Corpus Christi Army Depot, with 2,654 civilian employees, is the largest industrial employer in South Texas and is responsible for the repair, overhaul and maintenance of a wide variety of rotary wing aircraft and related engines and components for the Army, Navy, Air Force, Marines, and friendly foreign nations.

Let me give you one example of Col. Dockens' leadership. Last year, when defective transmission gears threatened the CH–47 and Apache helicopter's flight safety, the Army looked to the private sector to inspect and replace the defective parts. However, the Army found no private sector firm capable of completing the work within the Army's established time frames. The potential contractors had too much commercial work that they were contractually obligated to complete before they could address the Army's safety issue. With the fleets grounded, CCAD was the only available repair source able to meet the Army's time frames. In fact, CCAD completed the work on the Apache helicopter fleet before the potential private sector source said it could even begin the repair.

The award Col. Dockens will receive is named for John W. Macy, Jr., a distinguished public official who served four presidents and led the efforts to recognize outstanding individuals in the Army in the field of civilian personnel management.

Col. Dockens' first assignment was the 18th Airborne Corps at Fort Bragg. As he moved up through the ranks in the Army, he commanded a host of operations before coming to CCAD. Just prior to his service at CCAD, he attended the U.S. Army War College in Carlisle, PA, and served as Chief, Material Readiness Division, Office of the Deputy Chief of Staff for Logistics.

His awards include the Bronze Star, Meritorious Service Medal, (5th Leaf, the Army Commendation Medal, Army Achievement Medal, National Defense Service, Overseas Ribbon, Saudi Arabia Kuwait Liberation Medal, Kuwait Liberation Medal, NATO Medal. He is a Senior Army Aviator and is Airborne and Air Assault qualified.

Col. Dockens was named the Macy award winner on April 13, 2001, and will receive the award in an official presentation from Acting Secretary of the Army, Dr. Joseph Westphal, at a Pentagon ceremony on Thursday, May 3, 2001. I ask my colleagues to join me in commending this military leader of a civilian workforce and honor him for his work and his outstanding leadership.

CENTRAL NEW JERSEY CELEBRATES THE 125TH ANNIVERSARY OF THE PENNINGTON PUBLIC LIBRARY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOLT. Mr. Speaker, I rise today in celebration of the 125th anniversary of the Pennington Public Library. In 1876 a dozen local women took it upon themselves to found a library within the village of Pennington. With a late-Victorian zeal for self improvement, the group organized the Ladies' Library Association of Pennington and forever changed the history of this small town.

The Pennington Public Library began with a single bookcase and a purchase fund of $49. In 1889, the library boasted approximately 1,200 volumes. Today, the library has over 3,700 cardholders that enjoy over 23,000 books, 60 magazines, six newspapers, and one computer, complete with Internet capability.

Libraries are true community centers. They create environments where students can do their homework, townspeople can gather, families can interact, seniors can learn new skills, and job seekers can find advice. They are masters at building partnerships, linking everyone from day care centers, garden clubs and 4H clubs to Head Start and junior colleges, to extend their reach throughout the community.

Although much has changed over the years, Pennignton Library's mission is the same—to supply useful and profitable reading for the community and implant in the minds of our youths an everlasting desire for information. Today, a dedicated group of volunteers continue to carry out this 19th-century mission.

For over 125 years the Pennington Public Library has remained an integral part of the Hopewell community. I urge all my colleagues to join me today in recognizing the Library's steadfast dedication to serving the growing needs of our community.

HONORING THE WORK OF THE SMALL BUSINESS ADMINISTRATION'S COLORADO DISTRICT OFFICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to say thank you to the men and women of the Small Business Administration's Colorado District office for all that they do to help small business owners live the American Dream.

In July of 1953, Congress passed the Small Business Act, which created the Small Business Association. Their function was to ''aid counsel, assist and protect, insofar as is possible, the interests of small business concerns.'' In 1964 the SBA created the Equal Opportunity Loan Program to aid poverty. SBA's programs now include financial and federal contract assistance, management assistance, and specialized outreach to women, minorities, and armed forces veterans.

Over the past ten years, the SBA has helped almost 435,000 small businesses nationwide get more than $94.6 billion in loans. In Colorado alone, they have assisted nearly 17,000 customers in 2000 and contributed to the economy by helping to create and retain over 9,000 jobs. They contributed more than $319.8 million in loan guarantees, and almost $4.13 billion in government contracts.

In 2000, the Mi Casa Women's Resource Center expanded into Colorado Springs to assist women interested in starting their own business. This is an outstanding example of the type of ventures that SBA supports in Colorado and throughout the United States.

Mr. Speaker, small business in Colorado would not be as it is today if it were not for the Small Business Administration's dedication and help that they offer for people to live the American dream. For that, my friends at the SBA deserve hearty thanks and congratulations.

THE ARTISTS' CONTRIBUTION TO AMERICAN HERITAGE ACT)

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Maryland, Mr. CARDIN, together with a bipartisan group of our colleagues, in introducing the ''Artists' Contribution to American Heritage Act of 2001''. The bill would alleviate an unfairness in the tax law as it applies to charitable donations of property by the taxpayer/creator and significantly enhance the ability of museums and public libraries to acquire important original works by artists, writers and composers, and ensure the preservation of these works for future generations. The proposed legislation is the same as we introduced in the 106th Congress, except for advancing the effective date by a year.

Since 1969, the law has provided that the creator of the artistic property is only allowed a charitable deduction equal to the cost of the materials that went into the property. For example, an established artist who donates a painting to the local museum is allowed a deduction for the cost of the canvas, brushes and paint, etc. used to produce the painting. Of course, these amounts are de minimus. There is no real tax incentive to contribute such works of art for the public to enjoy. In fact, the tax law works in the other direction. It makes more financial sense to the creator to sell his or her work. If a collector or art buff buys a painting that appreciates over time, because the artist becomes well-established or was a known and collected artist when the painting was purchased, the collector is allowed a deduction for fair market value when

the painting is contributed to the local museum. This is the fairness issue.

There has not always been such disparate tax treatment. Before 1969, the artists/taxpayers received the same treatment—the deduction was based on fair market value. The law was changed, primarily because of the perception that some taxpayers were taking advantage of the law through less than accurate valuations of their charitable gifts.

After the change in 1969, gifts of donor generated art work (paintings, manuscripts, compositions, artistic and historically significant correspondence and papers) to qualifying charitable organizations and governmental entities dropped significantly. Creators were more likely to sell their works than to contribute them. Tom Downey, a former colleague of ours, introduced similar legislation in 1985. In his floor statement he noted that Igor Stravkinsky had planned to donate his papers to the Music Division of the Library of Congress the month the 1969 tax change was signed into law. Instead, the papers were sold to a private foundation in Switzerland. Now, 16 years later the situation has not improved. It is time to change our law to encourage rather than discourage such contributions.

There have been significant changes in the valuation process since 1969. All taxpayers making charitable contributions of art work (other than donor generated art work) are required to: (a) provide and/or retain relevant information as to the value of the gift, (b) provide appraisals by qualified appraisers or, in some cases, (c) subject them to review by the IRS's Art Advisory Panel, depending on the dollar amount of the contribution. These changes would apply to creator-donated property under our proposal.

In addition to the valuation safeguards already in the law, our proposal would add additional protections to prevent abuse. These include the following: (a) limiting the value of the deduction to the amount of income the creator received from similar property and/or similar activities, (b) providing that the deduction can only be claimed in the year of contribution, i.e. the carry over rules do not apply, (c) limiting the deduction to property created at least 18 months before the contribution, (d) limiting the deduction to gifts related to the purpose of the institution which receives it, and (e) excluding contributions of property (letters, memos, etc.) created by taxpayers in their role as employees or officers of an organization.

The benefit to the nation when artists are encouraged to contribute their work during their lifetime cannot be overemphasized. It allows the public, historians, scholars and others to learn from the artist his/her aesthetic aims for the work; how it was intended to be displayed, performed or interpreted; and what influences affected the artist.

Our proposal represents an important step in providing some tax incentive, with needed safeguards, for the creators and moves toward putting them on the same footing as collectors who contribute similar property. Most importantly, it could make the difference in a decision by the creator/donator to contribute some of their created art works to a museum or public library, rather than sell them in the marketplace. That way important works are preserved in the public domain and we all benefit. We urge our colleagues to join us in cosponsoring this legislation.

TRIBUTE TO TRACY YOUNG COOPER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to congratulate Mrs. Tracy Young Cooper, a teacher at C.A. Johnson High School in Columbia, South Carolina. Ms. Young was recently named South Carolina's "Teacher of the Year."

A 29-year-old Columbia native, Mrs. Cooper is a product of Richland School District I schools where her parents were well known educators. She earned a bachelor's degree in English hoping to one day work in broadcast journalism. After attending graduate school, she instead chose to follow in the footsteps of her parents, Mary and Bobby Young of Columbia, and pursue a teaching career. She has been teaching for four years.

Mrs. Cooper, the first African-American to win South Carolina's teaching award in 11 years and the fourth since 1969, initially taught English and reading, and is currently a curriculum-resource teacher. In that position, she aids her principal with administrative duties, but spends most of her time working with colleagues, including serving as a mentor to first-year teachers.

Mrs. Cooper is a graduate of Columbia High School and earned her bachelors degree in English from Georgetown University in Washington, D.C. She holds a master's of arts in teaching from the University of South Carolina and is working toward her doctorate degree in education at my alma mater, South Carolina State University.

Mrs. Cooper is truly an ambassador for education. Last year, she spent 3 weeks in Japan as a participant in the prestigious Fulbright Memorial Teacher Fund Program, which works to bridge the cultural gap between the U.S. and Japan. I commend Mrs. Cooper and wish her the best as she continues to promote the teaching profession and expand her efforts to improve the quality of life of South Carolina's children. Mr. Speaker, please join me and my colleagues in congratulating Mrs. Tracy Young Cooper as South Carolina's 2001 "Teacher of the Year."

STOCKTON LADY TIGERS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BLUNT. Mr. Speaker, the counties comprising the Seventh Congressional District of Missouri are quickly becoming a center of sports excellence for women's teams. Not only are we home to the Lady Bearcats of Southwest Missouri State University which reached the NCAA Final Four this past week, but also the state's 2–A High School Champions. The Lady Tigers of Stockton Missouri used their talent and hard work to turn personal tragedy into a commitment for achievement and success.

In late September, 2000 17 year old Rachael Budd died of injuries suffered in a car crash. Rachael was a member of the girls basketball team and a leader on the court, in the classroom and among her peers. Additionally, the team lost two other starters to serious injuries that sidelined them for the entire season.

The Stockton Girls High School Basketball team of 2001 was built around five seniors on the 14-member squad. They never lost to a 2–A school en route to a 25-win season capped in March by overwhelming Notre Dame of Cape Girardeau in the state finals. The team dedicated their final game to the memory of Rachael Budd.

Along the way the Stockton girl's coach Tony Armstrong earned "coach of the year" honors and his daughter Jenna Armstrong was named to the First-Team All State squad.

Girls high school sports in America have achieved a place of great pride. They have given young women a new platform for competition and achievement allowing them to showcase their talent, hard work and vision. Their teamwork brings communities together and forges new personal friendships.

I know that my colleagues join me in commending the spirit, the competitive excellence and the community support that have shaped the girls basketball program at Stockton High School.

INTRODUCTION OF THE REWARDING PERFORMANCE IN COMPENSATION ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BALLENGER. Mr. Speaker, today, I am reintroducing the "The Rewarding Performance in Compensation Act" which will help workers to share, financially, when their efforts help produce gains for their company in productivity, sales, fewer injuries, or other aspects of performance. The Rewarding Performance in Compensation Act would amend the Fair Labor Standards Act (FLSA) to specify that an hourly employee's regular rate of pay for the purposes of calculating overtime would not be affected by additional payments that reward or provide incentives to employees who meet productivity, quality, efficiency or sales goals. By eliminating disincentives in current law, this legislation will encourage employers to reward their employees and make it easier for employers to "share the wealth" with their employees.

The pressures of worldwide competition and rapid technological change have forced most employers to seek continuous improvement in productivity, quality, and other aspects of company performance. Employers often seek to encourage and reward employee efforts to improve productivity, quality, etc. through what are called "gainsharing" plans—linking additional compensation to measurable improvements in company, team, or individual performance. Employees are assigned individual

or group productivity goals and the savings achieved from improved productivity, or the gains, are then shared between the company and the employees. The payouts are based directly on factors under an employee's control, such as productivity or costs, rather than on the company's profits. Thus employees directly benefit from improvements that they help to produce by increasing their overall compensation.

Unfortunately, employers who choose to implement such programs for their hourly employees can be burdened with unpredictable and complex requirements by the FLSA, which clearly did not envision these types of ''pay based on performance'' plans.

For example, if a bonus is based on production, performance, or other factors, the payment must be divided by the number of hours worked by the non-exempt employee during the time period that the bonus is meant to cover, and added to the employee's regular hourly pay rate. This adjusted hourly rate must then be used to recalculate the employee's overtime rate of pay. The employer is then responsible to pay the difference between the old overtime pay rate and the new recalculated overtime pay rate. For other types of employees, such as executive, administrative, or professional employees who are exempt from minimum wage and overtime, an employer can easily give financial rewards without having to recalculate rates of pay.

Simply put, this legislation would amend the FLSA to allow employers to give nonexempt hourly employees gainsharing, or performance bonuses without making employers go through the cost of recalculating hourly and overtime pay. This would give hourly non-exempt employees the same access to bonuses and gainsharing programs that exempt employees receive.

Performance bonuses and gainsharing programs are a way for employees to share in the success of the company they work for. Whether exempt or non-exempt, all employees should have the same opportunity to receive bonuses for their hard work.

HONORING THE LATE JAMES PAGE KYLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay respects to one of Western Colorado's leading citizens. James Page Kyle, who passed away on March 30. He was 83 years old. Many people through out Western Colorado benefited from Jim and the work he did. Jim was a devoted husband and father. In November of this year, Jim and his wife Evelyn would have celebrated their 60th wedding anniversary.

Jim attended the University of Kansas, Ottawa University and Central Missouri State Teacher's College before joining the Army Air Corps during World War II, where he served for six years. He later retired from the USAF Reserve as a Major. After WWII, Jim settled in Grand Junction where he managed Independent Lumber Company branches in Grand Junction, Palisade, Meeker and Cortez until he started his own contracting business, Kyle Sales Company in Cortez.

Besides his business, Jim managed the Cortez Chamber of Commerce and was associated with the development of the Telluride Ski Corporation. In 1974, Jim returned to Grand Junction where he was the Land Use Administrator for Mesa County. After he retired, Jim felt the need to work again so he became a seasonal Park Ranger at the Colorado National Monument.

During his spare time he was involved with the Church of the Nativity Episcopal Church, the Retired Officers Association, Past Presidents of Rotary International, and was a patron of the arts.

Mr. Speaker, Western Colorado has lost a very hard working and dedicated citizen, which is why I would like to recognize him with this CONGRESSIONAL RECORD.

NATIONAL NURSING HOME WEEK IN CARTERSVILLE, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BARR of Georgia. Mr. Speaker, the population of Americans residing in our nation's nursing home facilities today represents two generations of citizens who worked hard to build the strong and prosperous society we now enjoy. These are the generations of our parents and grandparents; our neighbors and friends.

I am proud to say the residents of long-term care facilities in Georgia's Seventh District will be recognized during National Nursing Home Week, an annual event celebrated at Starcrest Long-Term Care Facility in Cartersville, Georgia.

During the week of May 13, 2001, the community of Cartersville will honor those citizens residing in nursing facilities with festivities, including a Community Beautification Project and a family and friends reception. The celebration's theme, ''Love is Ageless,'' embodies the overarching goal of National Nursing Home Week: to increase awareness and appreciation of these very special citizens.

National Nursing Home Week at Cartersville's Starcrest Long-Term Care Facility is an event designed to give back to those Georgians who have already given mightily for two generations. I join in recognizing this exceptional community celebration.

TRIBUTE TO THE HONORABLE JUDGE REYNALDO G. GARZA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the service of the Honorable Judge Reynaldo G. Garza, a patriot from South Texas who has served our community and our country for 40 years on the federal bench. This weekend, Judge Garza will be honored for his nearly half-century of service.

Judge Garza practiced law in Brownsville before enlisting in the United States Air Force during World War II. He resumed his law practice after the war and was appointed to the United States District Court for the Southern District of Texas in 1961 by the late President John F. Kennedy. He was the first Hispanic jurist to be appointed to the federal bench in South Texas. By 1974 he was the Chief Judge for the Southern District of Texas. Just five years later, President Jimmy Carter appointed him to the Fifth Circuit Court of Appeals.

Judge Garza's deep devotion to education has always been a common thread running throughout his life and service. In front of young audiences, he recalls what his father told his children on his death bed. His father told them he did not leave them wealth, but he did leave with a good education, something that no one could ever take away. Judge Garza has also said many times, ''I do not worry about an educated man in my court for he knows how to take care of himself. I do worry about the uneducated one who is the victim of unscrupulous people who are always trying to take advantage.''

Judge Garza sought political office twice before becoming a Federal Judge. In 1941 he was elected to the School Board of the Brownsville Independent School District, and in 1947, he was elected City Commissioner of the City of Brownsville. He served on the Texas Education Standards Committee and the Committee of Twenty-Five on Education Beyond the High School, which resulted in the creation of the Coordinating Board of Colleges and Universities. He also served as a member of the Select Committee on Higher Education.

His interest in international affairs is evident by his service on the Latin-American Relations Committee of the Brownsville Chamber of Commerce, and on the Valley Chamber of Commerce. He is also one of the original members of the International Good Neighbor Council. He is an active member of our community, serving as President of the Brownsville Rotary Club, director of the United Fund of Brownsville, treasurer of the Cameron County Child Welfare Board, and a member of the Advisory Board of the Rio Grande Council of the Boy Scouts of America.

This talented jurist has a talented family. He and his lovely wife Bertha have five children: Reynaldo Jr., David, Ygnacio, Bertha Elizondo and Monica. They are attorneys, accountants, teachers and public servants. Judge Garza's family is a reflection of his work ethic and love of country.

I ask the Members of the United States House of Representatives to join me today in commending Judge Reynaldo G. Garza, a pioneer in our community, as we commemorate his 40 years of service in our federal judiciary.

ON THE OCCASION OF THE 20TH ANNIVERSARY OF THE GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Ms. PELOSI. Mr. Speaker, this year marks the 20th Anniversary of the creation of the Gulf of the Farallones National Marine Sanctuary (GFNMS) and I rise today to pay tribute to this very unique marine Sanctuary off of the San Francisco coast. The Sanctuary includes 1,235 square miles of wetlands, intertidal, and deep sea resources and is home to a diverse population of fish, invertebrates, algae, marine mammals and seabirds. Throughout the year, The sanctuary is either the #1 or #2 spot in the world for numbers of endangered blue and humpback whales. In addition, the Sanctuary is the home for 33 species of marine mammals, including whales, dolphins and porpoises. In 1991, the area was designated by the United Nations as a United Nations biosphere reserve giving it global importance and status. It is situated in one of the busiest shipping lanes in the world.

Management of this vibrant marine sanctuary has been led by an extraordinary individual named Ed Ueber. Ed has served as chief manager and steward of the Farallones since 1990. On the occasion of the 20th Anniversary of the GFNMS, I join the people of the Bay Area in extending our heart felt appreciation to Ed Ueber for his extraordinary work on behalf of the Gulf of the Farallones National Marine Sanctuary. As Manager, Ed has made it his mission not only to protect and preserve our nation's marine life but to bring ocean life to everyone's lives. Ed has succeeded in building public support and enthusiasm for the national marine sanctuary. His efforts to involve the public has led to the creation of the Nation's first sanctuary support organization—the Farallones Marine Sanctuary Association.

Ed has also created an extensive volunteer program—The Beach Watch Program which enlists volunteers for beach and offshore monitoring. These volunteers actively participate in the monitoring of beaches and marine life, including, seals, birds and whales. In 1993, the Beach Watch Program graduated the first 40 volunteers. In 1997, the Sanctuary Education Awareness and Long-term Stewardship (SEALS) program trained volunteers in harbor seal monitoring and interpretation. In 2000, there were 260 volunteers collecting data, responding to oil spills, educating the public, and entering data.

In the Bay Area, we are blessed by the Marine Sanctuary and its steadfast steward, Ed Ueber. Ed serves the Sanctuary and the people of the Bay Area in the most exemplary way through his careful management of the resources and his special gift of sharing the importance of protecting this precious marine environment.

Congratulations to Ed Ueber and the Gulf of the Farallones National Marine Sanctuary on its 20th Anniversary!

COMMEMORATING ARMENIAN GENOCIDE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOLT. Mr. Speaker, earlier this week, on April 24, we commemorated the 86th anniversary of one of the most harrowing events in modern day history—the beginning of the Armenian Genocide. From 1915 to 1923, over one and a half million Armenians were killed by Turks in inter-communal warfare.

Hundreds of Armenian leaders, writers and professionals in Constantinople were rounded up, deported and killed. Five thousand of the poorest Armenians were butchered in the streets and in their homes. Men, women and children were driven into the desert between Jerablus and Deir ez-Zor to die of starvation, disease and exposure. In 1915, the New York Times reported that families were burned alive in wooden houses or chained together and drowned in Lake Van.

To this day, the human rights abuses and atrocities that were committed against the Armenians by the Turks remain disturbing and continue to have a tremendous impact on the stability of this region.

During a campaign speech in February 2000, President Bush stated, ''The Armenians were subjected to a genocidal campaign that defies comprehension and commands all decent people to remember and acknowledge the facts and lessons of an awful crime in a century of bloody crimes against humanity. If elected President, I would ensure that our nation properly recognizes the tragic suffering of the Armenian people.''

It is important to remind the President of his pledge. As a Member of the Congressional Armenian Caucus, I joined my colleagues in signing a letter to President Bush addressing the need to uphold his promise to recognize the Armenian Genocide as what it was—genocide. We cannot let this statement become an empty campaign promise.

Mr. Speaker, the Congress of the United States remembers the Armenians. It is time for the world to deal honestly with this senseless genocide and redress this tragedy. I urge my colleagues to join me in condemning the genocide and honor the memory of 1. 5 million innocent victims.

HONORING L. COOK JEWELRY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, for 73 years Coloradans have celebrated special events and occasions by buying that special piece of jewelry from L. Cook Jewelry on Main Street in Grand Junction. After 26 years of running the store, the Dan and Connie Rosenthal are retiring, leaving scores of memories and a legacy of service behind. I would like to take this opportunity to thank them for their years of service to the community and wish them all the best in their future endeavors.

''Main Street is losing one of its highest-quality stores,'' said former state Senator Tillman Bishop of the oldest business on Main Street. ''It's really an institution to our community. I've been buying gifts from there since even before we moved here from Denver. There's a lot of history there. It was always a great gathering place.''

Dan and Connie are closing the store as they feel the tug of retirement's strings. Dan has been in the store every Christmas season of his life. Both of them look forward to getting out and enjoying life together and with their daughter. ''It's very sad to saying goodbye, but we're going out on top,'' said Mr. Rosenthal. ''We are really going to miss all of our customers.''

Much of L. Cook's success has come from the same kind of relationships for 73 years. Tillie recalls spending time in the store discussing fishing and hunting with Dan's father. ''People would gather here all day long to discuss their hunting and fishing war stories,'' said Tillie.

Mr. Speaker, although the community is losing a fine jeweler and a good friend, Dan and Connie have earned well the right to slow down a little bit, a move that will turn give them more time to spend with each other and their daughter. As they do, I want to wish them all the best in the future and say thanks for the service to our community.

Dan and Connie, yours was a job well done.

TRIBUTE TO BILL GEORGE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Bill George, an extraordinary American and one of our nation's most respected business leaders on the occasion of his retirement as CEO of Medtronic Inc.

I have had the privilege of knowing Bill George and working with him. In fact, were it not for his leadership, the landmark FDA Reform bill which became law in 1997 would not have been the successful effort it was.

As Chief Executive Officer of one of the world's leading medical technology companies, Bill George has displayed remarkable leadership and unparalleled vision. During his tenure, Medtronic has revolutionized its mission, transforming from a manufacturer of pacemakers to a diversified medical technology company with scientific, manufacturing, education, and sales facilities in 120 countries worldwide. Bill George plotted the course that has taken the company from revenues of $750 million to more than $5 billion, meeting analysts' earnings expectations time and again. The company now employs 25,000 people and has consistently won the praise of investors, analysts and employees. Medtronic has been ranked by Fortune Magazine as one of the ''Best Companies to Work for in America,'' and first among its ''Most Admired Companies.''

Through its Foundation, Medtronic has also fulfilled its mission to restoring people to full lives through full health. Under Bill George's

stewardship, the Medtronic Foundation has been recognized by Business Ethics Magazine for its demonstrated leadership in ethics and social responsibility. The Foundation has reached out to patient groups in exceptional ways, last year alone, offering $12 million in grants to non-profit organizations in communities worldwide.

Bill George's decision to leave the company comes at a time when Medtronic is well-poised to tackle the challenges of a new millennium, and to build upon its rapid developments in medical technology, computer technology, drug therapy and gene therapy. And there is perhaps no one better suited to launch the company's new vision than Art Collins.

Art Collins has already played an integral part in Medtronic's success. As Chief Operating Officer and former President of the Board of Directors, Art Collins has helped to expand the company's global presence. He joined Medtronic in 1992, serving as Corporate Executive Vice President and President of Medtronic International with responsibility for all Medtronic operations outside the United States. He brings a unique perspective and a creative vision to his new post.

Mr. Speaker, I speak on behalf of the millions of patients worldwide who have benefited from Medtronic's work in paying tribute to Bill George. He is a gifted leader, a proud American and a decent man. He's made our country better with all he's done and I shall always be grateful to know him and to have worked with him.

TRIBUTE TO MICHAEL SHANNON, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a friend and constituent of the sixth district whose devotion to his family was paralleled only by his dedication to the labor community.

Born in New York City and raised in the Lafayette section of Jersey City, Michael J. Shannon, Jr. moved to South Amboy, New Jersey in 1968 where he continued to reside with his family.

Michael began his career working his way from shop steward to chief steward at the Maxwell House coffee plant in Hoboken. Facilitating the United Food and Commercial Workers International Union Local 56 as an organizer, business agent, and officer, Michael was ultimately elected local vice president. In addition to these services, he also served as vice president of the Monmouth-Ocean Counties Central Labor Council (AFL–CIO) and was a member of the Rutgers University Trade Union Consulting Council. Because of his dedication and commitment to the labor community, Michael is being honored with the Tenth Annual Partnership Award from the Monmouth County Workforce Investment Board. This award is being presented to recognize Michael's outstanding achievement as a leader in organized labor.

Michael was also a committed husband and father to his wife Patricia and two children, Bridget and Michael. He served our country as a corporal in the Marine Corps and received an honorable discharge in 1962. With community involvement being an important part of his life, Michael was a third degree member of the Knights of Columbus Council 426.

It is my sincere hope that my colleagues will join me in honoring Michael J. Shannon, Jr. for his inexhaustible enthusiasm and many achievements in the progress of organized labor and his community.

INTRODUCTION OF THE AGRICULTURE EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. PAUL. Mr. Speaker, I rise to introduce the Agriculture Education Freedom Act. This bill addresses a great injustice being perpetrated by the Federal Government on those youngsters who participate in programs such as 4–H or the Future Farmers of America. Under current tax law, children are forced to pay federal income tax when they sell livestock they have raised as part of an agricultural education program. Think about this for a moment. These kids are trying to better themselves, earn some money, save some money and what does Congress do? We pick on these kids by taxing them.

It is truly amazing that with all the handwringing in Congress over the alleged need to further restrict liberty and grow the size of government "for the children" we would continue to tax young people who are trying to lead responsible lives and prepare for the future. Even if the serious social problems today's youth face could be solved by new federal bureaucracies and programs, it is still unfair to pick on those kids who are trying to do the right thing.

These children are not even old enough to vote, yet we are forcing them to pay taxes! What ever happened to no taxation without representation? No wonder young people are so cynical about government!

It is time we stopped taxing youngsters who are trying to earn money to go to college by selling livestock they have raised through their participation in programs such as 4–H or Future Farmers of America. Therefore, I call on my colleagues to join me in supporting the Agriculture Education Freedom Act.

STILL A NATION AT RISK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SCHAFFER. Mr. Speaker, today marks the eighteenth anniversary of "A Nation at Risk." The sobering report on declining student performance in American public schools was first published in 1983 by the National Commission on Excellence in Education (NCEE). Its impact on the American education empire has been tragically negligible.

Created in 1981, the NCEE was appointed by then Secretary of Education T.H. Bell and was comprised of university presidents, high school principals, teachers, a former governor, and school board members. The commission's purpose was to "help define the problems afflicting American education and to provide solutions," according to its chairman, David Pierpont Gardner.

In its report entitled "A Nation at Risk: The Imperative for Educational Reform," the NCEE noted the United States, which once enjoyed "unchallenged preeminence in commerce, industry, science and technological innovation, is being overtaken by competitors throughout the world." Eighteen years later, the United States is still a nation at risk.

Last October, a subcommittee of the U.S. House attributed the nation's stagnant student achievement to the government's failure at prioritizing student performance and its reluctance to reward results. America's poorest children are too often trapped in schools that can't teach. Moreover, the Congressional "Education at a Crossroads" report exposed rampant waste, fraud and abuse within the U.S. Department of Education. While states and local schools are held to strict standards for use of federal funds, the Department cannot account for hundreds of millions of dollars.

Despite the NCEE's early warning that America's education system is at risk, little has changed. The government's monopoly on public school services remains unchallenged. Except for poor children in a few courageous communities, real school choice is a privilege for only the rich.

Yet while state and local schools receive billions more in federal spending, they are constrained by new burdensome regulations, unfunded mandates and paperwork requirements which divert scarce resources from classrooms. Today there are more than 760 education-related programs administered by 39 Federal agencies at a cost of $120 billion a year, according to the National Center for Education Statistics.

The federal government's first big offensive into local school management occurred in 1965 with the passage of the Elementary and Secondary Education Act (ESEA). Since that time, federal policy has consistently expanded its bearing on America's classrooms and has tied the hands of state legislators and local school board members, despite the U.S. Constitution's suggestion of state and local primacy of authority. Results have been pathetic.

For example, the federal government's most massive program, Title I, was designed to improve the academic level of poor and underserved students. Federal investments totaling $118 billion since 1965 have left 19% of Title I schools still failing to make adequate annual achievement gains, officially classified as "in need of improvement."

In testimony before Congress, Colorado's state schools chief, Dr. William Moloney explained the government's failure: "ESEA has remained, as always, a neutral phenomena based on inputs rather than results, more on accounting than accountability, an entity always more interested in what you were rather than what you were doing."

Eternally hopeful for their children's futures, taxpayers have shown remarkable patience with the government's education monopoly. So have Republicans. Since capturing the majority in Congress, the GOP has substantially outspent Democrats pumping billions into government-owned schools. In 1983, the average expenditure per student was $3,300, while the average today tops $8,000. Still, American students trail their international peers considerably.

According to the 1999 Third International Mathematics and Science Study Repeat (TIMMS–R), American students have not improved in the areas of math and science since the first TIMMS test in 1995. The comparison included students in 38 industrialized countries. According to the Center for Education Reform, American 8th graders are outranked by 18 other nations in math and by 17 others in science.

President George W. Bush has boldly called on Congress to ''leave no child behind.'' He outlined his desire to empower parents, emphasize local control of schools, send dollars to the classroom and improve basic academics. Incredibly, Congress has so far drafted a 900-page-thick bill, translating Bush's sensible objectives into sizable new programs, fresh mandates, scant choice, and an outrageous 11.5 percent increase in federal education spending over last year.

Before another year of dust begins to settle on ''A Nation at Risk,'' President Bush and the Congress should reassess Washington's education spending and regulatory frenzy. Republicans should stake their majority on free-market solutions to school reform, dramatically shrink the bureaucracy, and give real decision-making power—money—to parents of school-aged children.

America's schoolchildren deserve to be treated like real Americans; like they matter. So long as Republicans look to the federal education empire to rebuild the nation's academic prominence they do nothing to distinguish themselves nor maintain the public trust. They will only become part of the problem further betraying America's children to languish in a nation at risk.

HONORING WORLD WAR II VETERAN C.U. ''PEG'' O'NEILL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute and give thanks to a Colorado resident who risked his life for our country in World War II. C.U. ''Peg'' O'Neill joined the U.S. Army in 1943. He became a C-47 pilot, and was stationed in England.

Peg flew 11 missions into war-torn Europe. ''We could see the German antiaircraft fire coming straight at us,'' said Peg in an article from the Montrose Daily Press. ''We lost four planes out of our squadron of 18 planes that night.'' Peg's first mission began in England on June 5, 1944, were 1,000 C-47 cargo transports flew to the coast of France. The paratroopers mission on D-Day, was to disrupt German communications, secure bridges, and incite confusion, chaos and panic. This was a far cry from his days working at the Hartman Brothers Auto Dealership in Montrose.

Peg participated in the battle for Nijmegen Bridge. During the famous mission for the ''bridge to far'', Peg survived a mid-air collision with another allied plane trying to catch cover from anti-aircraft fire. ''The Germans had opened the sea gates and had flooded the fields,'' said Peg of his first mission. ''I had 14 men from the 101st Airborne to drop. The lightest man weighed 258 pounds in full field gear. Some of them never got out of the swamps. They were drowned.''

Peg returned to the dealership after the war with several medals, and most of all, his life and his health. Peg earned the Air Service Medal with seven bronze stars and the prestigious Presidential Citation, which was awarded to his squadron for its valor on the eve of D-Day.

Mr. Speaker, men like Peg O'Neill deserve our thanks and praises for the life threatening situations they were in during World War II. Peg's story is only one of many stories from our World War II soldiers. We owe them our thanks now and in the future.

TRIBUTE TO KENT KRUKEWITT

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. JOHNSON of Illinois. Mr. Speaker, recently, Mr. Kent Krukewitt was named a Master Farmer by Prairie Farmer magazine. I rise today to congratulate Mr. Krukewitt on this prestigious nomination. Kent represents the fourth generation of his family to farm in Champaign County. Not only does he farm approximately 1,800 acres, he is also a leader in the local campaign to get farmers online, connected with the world and to information that can help them conduct business and communicate with landowners. Kent's eventual goal Is to create a secure link on his extensive Web site that allows landowners to dial in and find out information regarding their fields. There are very few members of a community that serve their fellow citizens with the ambition and sacrifice that Kent has displayed over the years. Kent a current co-chairman of the CCNet Ag Task Force, ditch commissioner, and active member of the Homer United Methodist Church has also served as past president of the Champaign County Farm Bureau, Illini FS director, member of the Champaign County Zoning Board of Appeals, and member of the Homer School Board. I am proud and honored to have such a dedicated and influential person in the 15th District.

RECOGNITION OF MAGGIE WALKER

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. CANTOR. Mr. Speaker, I rise today in tribute to one of our nation's most distinguished women. Maggie Walker, a native of Richmond, Virginia, will be recognized for her vast accomplishments as the country's first African American female bank president on April 26, when she will be inducted into the Junior Achievement National Business Hall of Fame.

Maggie Walker was born in 1867 and grew up in a rented house in downtown Richmond. Her stepfather died when she was a young girl, leaving her mother to raise two children, and Ms. Walker helped support the family by taking in laundry. In describing her childhood, Walker once said: ''I was not born with a silver spoon in my mouth, but instead, with a clothes basket almost upon my head.''

At the age of 14, Ms. Walker joined the Independent Order of St. Luke, a fraternal insurance society created for African Americans to help the sick, bury the dead, and promote humanitarian causes during the post-Civil War period. She quickly moved up through the Order's ranks, and by 1899 she held a national leadership position in the organization. Ms. Walker greatly contributed to the success of the St. Luke Penny Savings Bank and by 1920, the bank had financed 645 African American homes.

Ms. Walker eventually became the President of the St. Luke's Penny Savings Bank, a post she held for almost 30 years until poor health led to her retirement in 1932. Ms. Walker's bank later merged with two others to become the Consolidated Bank and Trust Company. This bank still operates in Richmond and is the oldest continually operating African American bank in the country. The bank carries on some of Walker's goals by teaching children the value of money and providing loans to African Americans for home ownership.

Throughout her life, Walker worked closely with other groups and organizations to benefit women and her race. She was a member of the Virginia State Federation of Colored Women's Club and the Executive Committee of the National Association of Colored Women's Clubs. She helped organize the Richmond Chapter of the National Association for the Advancement of Colored People and participated on its National Board of Directors. She was also affiliated with Virginia Union University, the National Negro Business League, the Richmond Community Hospital, and the Commission on Interracial Cooperation.

This year Maggie Walker will be inducted into the National Business Hall of Fame. The Junior Achievement National Business Hall of Fame was established in 1975 to recognize those individuals who have made outstanding contributions to free enterprise and society. The criteria for selection includes a demonstration of business excellence, courageous thinking and acting, inspired leadership and community mindedness. Since its inception, the Hall of Fame has welcomed 195 laureates. Their achievements are honored in a permanent exhibit in the Chicago Museum of Science and Industry.

Mr. Speaker, Maggie Walker was able to achieve unparalleled success in a society that was governed by prejudice, in a business dominated by men, and in a poor community where poverty was accepted. Her efforts improved the lives of countless Americans, helped revitalize an impoverished community,

and allowed many people to realize the American dream of home ownership. She truly embodied the spirit of the American entrepreneur and I commend Junior Achievement for their recognition of this distinguished Virginian.

TRIBUTE TO THE LATE SARAH PATRICIA McCAMMAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to mourn the loss of Sarah Patricia McCamman, who died suddenly at her home on Tuesday, April 17. She was the sister of John McCamman, my Chief of Staff, who has been with me since I started my career here in the House of Representatives.

Sarah was born in Bakersfield, California on November 27, 1951 to Gertrude Wachob and Kenneth Taylor McCamman. She was a Kansas City, MO resident for the past 26 years.

She was a graduate of University of California at Davis with a Bachelor of Science in Dietetics and Nutrition, and earned a Masters Degree in Dietetics and Nutrition from the University of Kansas.

Sarah was a pediatric nutritionist at the Kansas University Medical Center where she was the Director of Training and Nutrition in the Child Development Center. Sarah trained medical personnel to teach mothers breastfeeding techniques and taught parents of developmentally disabled children how to provide nutrition support.

Sarah was recognized as Young Dietitian of the Year of the Kansas and Missouri Dietitian Association (1978 & 1981) and was awarded the US Public Health Service Medallion in 1986. She was listed in Outstanding Young Women of America (1977). She published numerous articles and training materials associated with lactation management education and promotion and lectured nationwide. Sarah was on the non-profit Board of Directors of Open Options for many years, and was key to the development of the Southern Road group home.

In addition to her many professional accomplishments, Sarah traveled widely in Asia and Central America, and particularly enjoyed exotic and challenging destinations. Sarah was active in Chinese adoptive groups and in ensuring the continued interest of her adopted children in their native culture. Sarah and her daughters were active members of the All Souls Unitarian Universalist Church.

She is survived by her two young daughters, Kai Li (7) and An Mei (3) McCamman; her partner Rick Zbinden; her mother, Gertrude Wachob McCamman formerly of Ventura, CA and now of Kansas City, sisters Claire Westdahl of Atlanta, GA, Jean McCamman of Oakland, CA; brother John McCamman of McLean, VA. She was devoted aunt to Meaghan, Sarah and Michael McCamman of Virginia and Steven and Jon Westdahl of Georgia. Sarah leaves behind many friends and associates.

Mr. Speaker, please join me in offering the McCamman family are sincerest thoughts and prayers as they cope with the loss of their beloved sister, aunt, mother, and friend.

HONORING THE ''CITIZENS OF THE YEAR,'' THE BACON FAMILY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay special tribute to the "Citizens of the Year" in Grand Junction. Herb Bacon, his wife Laura May, and their four children, Steve, Andy, Linda Reid, and Amy Hill were presented the award by the Grand Junction Civic Forum for their involvement in nonprofit organizations. Clearly, the Bacons are highly deserving of this great honor.

Through the Bacon Family Foundation, Herb and his family have been heavily involved in numerous nonprofit organizations, wonderful causes like the United Way, St. Mary's Hospital, Mesa State College, First United Methodist Church and the Grand Junction Rotary Club. "We asked community leaders all over town who they would nominate for this award, and Herb Bacon topped almost every one of their lists," said Kristy McFarland, the project director for the Civic Forum, in a recent Daily Sentinel article.

The foundation was formed in memory of Herb's parents E.L. and Oma Bacon and his brother and sister-in-law LeRoy and Wilma Bacon. Helping others is in their blood. It has been part of their family's values for generations. Three generations of the Bacon family are involved with the foundation, including the grandchildren of Herb and Laura May. "Families have the ability to leave a legacy no matter what their station in life. It's important to remember that they have an obligation to leave the world a little better than how they found it," Herb said in eloquent terms.

Mr. Speaker, for years the Bacon family has been making our community a better place to live, and for that I want this Congress to say thank you for all that they do. These great Americans have left an indelible mark on their community and for that, Mr. Speaker, the Grand Valley is grateful.

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. ESHOO. Mr. Speaker, I rise today, as I have every year at this time, in a proud but solemn tradition to remember and pay tribute to the victims of one of history's worst crimes against humanity, the Armenian genocide of 1915 to 1923.

In 1915, 1.5 million women, children, and men were killed, and 500,000 Armenians were forcibly deported by the Ottoman Empire during an eight year reign of brutal repression. Armenians were deprived of their homes, their dignity, and ultimately their lives.

Yet, America, the greatest democracy in the world, has not made an official statement regarding the Armenian genocide and it is my hope that the Congress will have the courage to bring the resolution to the floor of the House for a vote.

It's fundamental that we learn from our past and never let this kind of tragedy happen again. Opponents have argued that passage of a resolution would severely jeopardize U.S.-Turkey relations.

A resolution is not an indictment of the current Turkish government nor is it a condemnation of any former leader of Turkey. The United States and Turkey can and will be able to continue its partnership should the Congress adopt this important resolution.

Mr. Speaker, as the only Member of Congress of Armenian and Assyrian descent, I am very proud of my heritage. Like many Armenians, I learned from my grandparents of the hardship and suffering endured by so many at the hands of the Ottoman Empire. That is how I came to this understanding and this knowledge and why I bring this story to the House of Representatives.

I am very proud of the contributions which the Armenian people have made to our great Nation. They've distinguished themselves in the arts, in law, in academics, in every walk of life and they continue today to make significant contributions in communities across our country today.

It's essential to not only publicly acknowledge what happened, but also understand that we are teaching present and future generations about the Armenian Genocide.

We need to bring this legislation to enlighten our young people and to remind ourselves that wherever anything like this occurs around the globe that we, as Members of the United States Congress, and as citizens of this great Nation, must raise our voices.

CELEBRATING 50 YEARS OF ADVOCACY AND FELLOWSHIP FOR PEOPLE WITH BLINDNESS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleges to a outstanding organization in the sixth district that has been dedicated to promoting fellowship among the blind and visually impaired in the community for fifty years.

In 1951, a small group of about half a dozen people with blindness or visual impairment met to form the Monmouth County Association of the Blind. That same year, a building at the comer of Belmar Boulevard and Allenwood Road was purchased to serve as the home base of operations and named the Clubhouse of the Association. Twenty years later, in 1971, the Association was formally incorporated and recently received non-profit status.

The Association has several goals all of which are interconnected: to bring together the

blind and visually impaired adult residents of the county to work, to promote equity within our society for the blind or visually impaired, to heighten awareness of legislative action pertaining to blindness or visual impairments, and to create a sense of community and increase sociability among members.

Currently, the Association offers training in computer skills and also provides Braille lessons, training in daily living skills, and self help discussion sessions, in addition to educational and informational sessions on services and programs available to members. To help foster this, the Association works in tandem with the New Jersey Commission for the Blind, along with other New Jersey organizations in the field of blindness.

During the past fifty years, the Monmouth County Association for the Blind has helped hundreds of people with blindness or visual impairment to enjoy a higher standard of living. The Association has also played a key role in improving the understanding of the public on treating and helping those who are blind or visually impaired in a positive and helpful manner. As the senior population swells, we will continue to see an increasing amount of blind or visually impaired seniors, bringing new challenges. Thankfully, the Monmouth County Association for the Blind seems well prepared.

It is my sincere hope that my colleges will join me in honoring the Monmouth County Association for the Blind for their service to the blind, the visually impaired, and the general public.

INTRODUCTION OF LEGISLATION RELATIVE TO THE REPEAL OF THE SELECTIVE SERVICE ACT AND RELATED PORTIONS OF THE US CODE (APRIL 26, 2001)

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. PAUL. Mr. Speaker, I am today introducing legislation to repeal the Selective Service Act and related parts of the US Code. Also, I am placing the attached article from the Taipei Times in today's CONGRESSIONAL RECORD. I fear that this source is not widely read among many in this body or our nation, so I am hopeful this action will serve to bring this letter to a much wider audience. The person who writes this letter is a law student in Taiwan. His arguments against conscription are similar to those offered by people in the United States who oppose the draft. The student argues that conscription is a violation of civil liberties, a costly and ineffective system that harms society and the economy as well as the rights of the individual conscripted, and a system that harms national defense rather than helping it. While we do not currently have conscription in the US we do have draft registration and each argument against the draft is equally applicable to our current selective service system and the registration requirement. I urge my colleagues to seriously consider the arguments against conscription raised in this article and cosponsor my legislation to repeal the Selective Service Act.

[Taipei Times on line edition, Thurs. Apr. 26, 2001]

CONSCRIPTION IS HARMING TAIWAN

By Chang Yung-chien

Some time ago, the media reported on would-be conscripts scrambling to grab a place in the ''alternative service'' to military conscription. There is now an uproar over President Chen Shul-blan's future son-in-law, who escaped doing his term of military service because he had gout. The issue of military service has again struck a sensitive chord in Taiwan's society.

Why do so many people feel disgruntled?

This writer has always advocated a volunteer military recruitment system. But this seems to be a politically incorrect view in a country that faces external threats. The difficulty of getting enough recruits and the increased burden that would be imposed on government coffers are the usual reasons given against a volunteer system. I find these reasons totally incomprehensible.

Military recruitment is a public policy matter. It needs to undergo an analysis for cost-effectiveness. Why do we have ''reserve officers'' and ''alternative service'' systems?

We have them precisely so that skilled people can be more valuable for the country if they are pulled out from the ranks to serve as platoon leaders or as cheap labor for high-tech companies. Once this point is clear, then the alternative service system will seem quite strange. Someone with a PhD in electrical engineering would be working in a high-tech company anyway if he were not doing alternative service. The only difference is that he would be getting a reasonable salary for his work. The conscription system forces conscripts to provide the same service for less pay. By comparison, an outstanding female with a PhD in electrical engineering can get paid according to her market value because she does not have to do military service. Why should we use a conscription system to provide cheap labor to corporations?

Moreover, society as a whole has paid an enormous invisible price for the conscription system. Friends of mine waited almost a year to be conscripted—doing nothing (of course, two years of military service are also spent doing nothing). Still more people see their lifetime plans interrupted. They waste the most creative time of their lives writing military reports that do not help the nation's economy or the people's livelihood.

How many people have left the country before conscription age just to evade those two years, and come back only after they are too old for conscription? How many people have cut their fingers, damaged their eyesight, or otherwise harmed their bodies? How can it be beneficial to the country? How many mutinies have we had in the armed forces?

Our president, who can carry his wife to and from her wheelchair every day, did not have to do military service because of a problem with his ''hands.'' And the president's future son-in-law is busy running in

I would also like to ask: Why can't I finish my studies before serving my country? Even if I have to serve two years as a conscript, I will be of far more use to the country providing legal services to ordinary citizens than just do drills and jogging. How much more of its human resources can Taiwan afford to waste?

As for the question of not finding enough recruits, this should not be a problem as long as the Ministry of National Defense offers competitive salaries. If serving in the military simply means loafing around, then such service may be worth less than $10,000 a month. But there should be no such ''profession.'' If being a soldier is a high-risk profession, there should be a high salary to compensate for that risk. That may increase expenditures for the government, but it must be remembered that only people who can freely enter various professions on the job market can maximize their value.

Unless we believe that the average productivity of conscription-age males is worth less than $10,000 or so per month (the monthly salary of an ordinary soldier), we cannot but agree that society as a whole would gain more wealth without conscription than the government coffers have to lose. Such losses might even be offset by increased government revenue from taxes on the gains made by those conscription-aged men who would be working in society instead.

No talk about ''honor'' solves any problems. Everyone sets out from a rational, self-interested standpoint. What the state should do is maximize the benefits for society as a whole, not limit its thinking to military service. Maintaining a conscription system certainly does more harm than good. Those who wear the badge ''being a soldier is a good experience'' should ask themselves whether they would be willing to do it again.

HONORING MILDRED HART SHAW

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, it is with great sorrow that I now ask that Congress take a moment to pay its respects to a leader in the Grand Junction community. Mildred Hart Shaw passed away on March 25, 2001 at the age of 91. Mildred has been a model citizen of the Western Slope since 1933. For her life of service to Colorado, I would now like to honor her.

For 45 years Mildred's byline appeared in the Daily Sentinel. When she first started out in the media, women reporters were traditionally assigned births, deaths and weddings, but she soon changed that. She started at the Sentinel as the society editor and a copy editor. She finally convinced then publisher Walter Walker to let her cover breaking news stories. Eventually she covered everything from politics to crime, earning the reputation of a talented and ethical journalist.

She is described by her friends as determined, civic minded and thoughtful. ''She was an intelligent, independent woman,'' said William Robinson. ''She was a great supporter of the soul of Grand Junction. She enjoyed life and she enjoyed having people around her who enjoyed life.''

Mildred was active in a whole array of community affairs. She was a strong voice for then Mesa College to become a state college. She served on the Mesa County Art Center board of directors, she was a member of the executive board of the Gifted Child Committee and was chairman of the Civil Defense Committee for Grand Junction during World War II. She also started the Sub for Santa program in Mesa County. Because of her love of books, also Mildred served as the director of the Junior Great Books Program for District 51 for 11 years.

Mr. Speaker, Mildred Hart Shaw will truly be missed by her family, friends, and peers, but her memory and service to the community will be forever etched in our minds. Clearly, western Colorado is a better place for having known Mildred.

HONORING THE CONTRIBUTIONS OF RICHARD A. AUSTIN TO THE STATE OF MICHIGAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. DINGELL. Mr. Speaker, I rise to pay tribute to one of the finest public servants the state of Michigan has ever known. This past Friday, my dear friend Richard Austin passed away. Richard was a man of elegance, grace, dignity, honor, compassion and great intellect. The citizens of Michigan have suffered a tremendous loss.

Richard was Michigan's longest serving Secretary of State, having diligently served Michiganders for nearly two and a half decades, from 1970 to 1994. He was a pioneer in many areas, from breaking the color barrier by being the first African-American to hold statewide office to his numerous original innovations while serving as Secretary of State. He was a model public servant, the embodiment of dedication, service, commitment and trust.

At a time when citizens' faith in our institutions was low, he made the public sector work, and in doing so, gave government a good name. Austin's reforms and innovations during his long service saved the people of Michigan time and money, earning him a reputation as a friend to the taxpayer. More importantly, he streamlined state services and eliminated red tape.

Before Austin's reforms, renewing your driver's license or getting new tags for your license plates could be an all day affair replete with frustrations and long lines. Richard understood those frustrations and worked to make government work for the average citizen, to eliminate the hassles, duplication and inefficiency that are so often associated with state services.

That commitment to protecting the taxpayer and serving public interest came from his training as an accountant. Before being elected as Secretary of State, Richard was Michigan's first African-American CPA. Richard was fiscally conservative and treated the taxpayers' money as if it were his own. Indeed, the reforms and innovations he implemented saved the state and the taxpayers of Michigan hundreds of thousands of dollars.

But one achievement of Richard Austin's outshines all others, including his money-saving reforms, and that is the creation of the "Motor Voter" law.

Voter registration was near and dear to Austin's heart, and he considered it to be the most important function of his office. His passion grew out of his association with the civil rights movement and the long struggle for voting rights that he witnessed and that was a part of his being.

Richard was raised in Alabama and experienced the ugly face of racism, disenfranchisement and bigotry first hand. In Michigan, he battled the subtle racism and prejudice of the North. But Richard did not let the forces of hate or intolerance deter him. He persevered, he broke down walls and ultimately overcame, becoming the first African American to hold statewide office in Michigan.

When Richard was sworn in, voter registration was at the top of his agenda. In his mind were the memories of the lives lost during the Freedom Rides and the voter registration activities in the South and Mississippi. He remembered the black Americans who fought and died for the right to cast a ballot.

Richard Austin knew the disenfranchisement and intimidation that for so long was a part of our history. And thus did Austin appreciate and understand the importance of the vote, and how precious it is. That it is the foundation of our democracy, that "one man, one vote" is the cornerstone of American freedom, that every man and woman was equal inside the voting booth and that liberty, freedom and justice are predicated on access to the ballot box.

Richard thought long and hard about how to eliminate barriers to democratic participation, how to make it easier to vote, and how to encourage and increase voter registration. Austin's solution was the Motor Voter Act. Motor Voter was Austin's brainchild, and it was a very simple concept: register voters in the same office where you register drivers. Austin championed the idea and saw it signed into law in Michigan in 1975.

To his continuing credit, Michigan's experiment was so successful, it served as the model for the federal government when it passed the nationwide act in 1993—a full 18 years after Michigan. It is an association, an accomplishment and a legacy that has bettered this great nation, and it is a fitting tribute to one of Michigan's finest public servants.

Richard is in a better place now. He is survived by his wife of 61 years, Ida, and their daughter. He will be sorely missed by all. Good bye Richard and God Bless you.

INTRODUCING THE REPETITIVE FLOOD LOSS REDUCTION ACT OF 2001

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BENTSEN. Mr. Speaker, I rise to introduce legislation, the Repetitive Flood Loss Reduction Act of 2001, to reform the National Flood Insurance Program (NFIP) at a very critical time. The Bush administration has proposed the most severe NFIP reduction policy seen in years. According to the FY 2002 budget, "flood insurance will no longer be available for several thousand 'repetitive loss' properties," but does not provide a definition. My proposal reforms the program by improving pre-disaster mitigation and facilitating voluntary buyouts of repetitively flooded properties and defines such properties as those with cumulative losses exceeding fair market value. I am confident that an effective pre-disaster mitigation and buyout program will both reduce costs to taxpayers, protect residents in flood-prone areas, and avoid writing off thousands of families' most valuable asset—their home.

I have long championed removing repetitive loss properties from the NFIP, and I drafted my legislation in consultation with the Federal Emergency Management Agency and the Harris County, Texas, Flood Control District, one of the nation's most experienced and most innovative flood control districts. I consider this legislation to be a superior alternative to the Administration's proposal, and I look forward to working with the Administration, my colleagues, constituents, and other interested parties so that fair NFIP reform can be reached.

The need for this legislation was underscored by the 1999 Higher Ground report by the National Wildlife Federation (NWF) that the NFIP has made flood insurance payments exceeding the value of the properties involved to thousands of repetitively flooded properties around the nation. This report, found that from 1978 to 1995, 5,629 repetitively flooded homes had received $416.4 million in payments, far in excess of their market value of $307.5 million. My state of Texas led the nation in the volume of such payments, with more than $144 million, or $44 million more than the market value, paid to 1,305 repetitively flooded homes. The Houston/Harris County area, which I represent, had 132 of the 200 properties that generated the largest flood insurance payments beyond their actual value. These include one property in South Houston that received a total of $929,680 in flood insurance payments from 17 flooding incidents, and another property near the San Jacinto River that received $806,591 for 16 flooding incidents, about seven times the actual value of the home.

Other areas of the country with large numbers of such properties include New Orleans and Orleans Parish, LA; St. Charles County, MO; Jefferson Parish, LA; East Baton Rouge Parish, LA; and Puerto Rico. Altogether, according to the NWF report, although repetitive loss properties represent only two percent of all properties insured by the National Flood Insurance Program, they claimed 40 percent of all NFIP payments during the period studied.

Since its creation in 1968, the NFIP has filled an essential need in offering low-cost flood insurance to homeowners who live inside 100-year flood plains, and the program has helped to limit the exposure of taxpayers to disaster costs associated with flooding. Insurance minimizes risk and liability; it goes hand in hand with economic growth. However, the NWF report clearly points out the need to improve the NFIP to address the problem of repetitive loss properties.

Furthermore, continued losses to the NFIP has increased the call by some of my colleagues, and now the Bush Administration, to increase premiums and reduce the federal subsidy for all homeowners in the flood plain, not just those that suffer from repetitive flooding, in order to reduce federal budget outlays, or to drop homeowners who have filed limited claims against the NFIP. The latest Administration NFIP proposal drops undefined "repetitive loss properties" out of NFIP after the next

claim. Under the Bush proposal, a homeowner who filed a single claim, regardless of the size, would be dropped from the program. Without long-term comprehensive reform of the NFIP, I am concerned that in the future Congress may follow through with the Administration's proposal or other proposals to double or triple flood insurance premiums for all flood-prone homeowners, as was proposed in 1995 and 1996.

While the Administration is pushing people out of the NFIP, it also proposes to reduce the federal share of hazard mitigation grants from 75% to 50%, reducing funds available for flood prevention by $83 million. The administration also proposes to eliminate FEMA's Project Impact, which helps communities protect themselves from the devastating effects of natural disasters. In addition, the 2002 budget cuts the Army Corps of Engineers by $600 million. Of that cut, $451 million comes from Construction General funds, which fund flood control and navigation projects. A policy of reducing flood prevention efforts while reducing insurance will compound the safety risk and financial pain for homeowners in the floodplain.

Instead of stripping away homeowners' flood insurance, my legislation takes a three-pronged approach to addressing this issue: a comprehensive pre-disaster mitigation program; an enhanced repetitive substantial loss property buyout program with consistent criteria and procedures; and improved coordination between FEMA and local goveniments:

Pre-disaster mitigation: The legislation directs the FEMA director to carry out a program to mitigate repetitive flood losses by providing financial assistance in the form of grants to the States, local governments, and local flood management agencies for planning and carrying out activities designed to reduce expenditures from the NFIP. Eligible mitigation activities include elevation, relocation, demolition, floodproofing, and acquisition by States and communities of properties and structures located in flood-risk areas. Grants would be provided on a cost-shared basis, with an Federal Government providing no more than 75 percent of the total cost of the mitigation activities as is the case within traditional watershed management programs.

Repetitive Loss Property Buyout Program: The legislation authorizes the FEMA director, upon determining that an insured property is a repetitive substantial loss property, to offer to purchase the property at fair market value (including structures) at the time of the offer. This offer would remain open as long as the property is covered by the NFEP. The State or local flood management agency may coordinate and carry out the purchase at FEMA's direction. Any property so acquired would have to be used in a way compatible with open space, recreational, or wetlands management practices, providing both environmental and flood management benefits. The legislation establishes a firm damage standard of repetitive flood losses in excess of 125 percent of the value of the property (or structures) to become subject to and receive priority for buyout offers. It also provides incentives for acceptance of buyout offers by establishing increased NFIP premiums and deductibles for owners of substantial repetitive loss properties who decline buyout offers.

Intergovernmental Coordination: The legislation directs the FEMA director, in consultation with regional flood plain administrators, to develop and periodically update a list of repetitive flood lost properties, which will provide a consistent data base for all levels of government. This consistent approach to assessing, ranking, and reporting of repetitive loss properties will result in better targeting of assistance to areas of greatest need.

This legislation authorizes the appropriation of $100 million for fiscal year 2000 to carry out the pre-disaster mitigation and repetitive flood loss property buyout program. I believe this is a cost-effective investment that will reduce the financial exposure of the American taxpayer by better protecting or removing the highest risk properties from the National Flood Insurance Program.

HONORING COLORADO MOUNTAIN COLLEGE'S ''COMMUNITY ADJUNCT FACULTY OF THE YEAR''

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. MCINNIS. Mr. Speaker, it is my great pleasure to ask that this Congress recognize and say thank you to Colorado Mountain College's ''Adjunct Faculty of the Year'' Marcia Hund. Marcia was selected from 1,000 community faculty members for her ability to teach and for her understanding of students. For that, Marcia deserves the recognition of this body.

Marcia teaches the fundamentals of math, and is an instructor in the CMC's Rifle Center Learning Lab. And after school she volunteers as a tutor for Literacy Outreach, teaching adults otherwise unaffiliated with CMC how to read. Marcia is also involved with the students as a faculty advisor. She has worked on CMC's Adjunct Faculty Pay Plan Committee, and has been an active member in the National Association of Developmental Education. ''We are very excited that Marcia has been chosen as the college's adjunct faculty of the year,'' said Dean Harry Silver in a recent Glenwood Springs Post Independent article. ''Marcia epitomizes our adjunct faculty.''

Marcia came to CMC 14 years ago as a science and ecology teacher. She soon began teaching developmental classes. ''Students will come after failing, sometimes again and again in school, and see success as an impossible dream. The wonderful part is for me to see them succeed and see that they can learn,'' said Marcia.

Marcia's supervisor Karen Dunbar says she has the ability to present information to the students in a kind and gentle manner. ''I really do love working with adults who have had problems in school in the past . . . It's more than a job for me, it's something I feel is a valuable contribution, and I'm good at it.''

Mr. Speaker, for the last 15 years Marcia Hund has helped out numerous students trying to finish their education, and for that she deserves the thanks of Congress. I know she will continue to do an outstanding job with her students. For that, we are all grateful.

COMMEMORATING THE 150TH ANNIVERSARY OF THE GLENS FALLS NATIONAL BANK AND TRUST COMPANY

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SWEENEY. Mr. Speaker, I rise today to commemorate a historic institution in the 22nd District of New York. The Glens Falls National Bank and Trust Company is the oldest bank in Warren County.

In 1851, the bank was founded by a dozen pioneering businessmen from the local lumber, limestone, and insurance industries. Under the leadership of its first president, Benjamin Burhans, the bank recorded more than seventeen thousand dollars in deposits in its first month alone.

Despite times of turmoil, such as the Civil War, the Great Depression and the two World Wars, Glens Falls National Bank was able to not only prosper, but grow as a dedicated establishment to downtown Glens Falls and the North Country. Although the bank currently has 23 branches, 350 employees, and over one billion dollars in assets, this landmark has been committed to remaining independent and local.

Glens Falls National is a true pillar of the North Country. The bank and its employees donate money, time, and hard work to more than 300 charitable and community causes including Glens Falls Hospital, the United Way, and the Adirondack Balloon Festival.

Mr. Speaker, as a proud resident of the 22nd Congressional District of New York, I ask my colleagues to join me in commemorating the 150th Anniversary of the Glens Falls National Bank and Trust Company.

COMMEMORATING THE 15TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, fifteen years ago today, the small town of Chernobyl, Ukraine was the scene of the world's greatest nuclear accident in history. The aftermath of Chernobyl brought untold devastation to thousands of families in northern Ukraine. Radiation from blowing winds was spread as far away as the Scandinavian countries, even to coastal areas of southern Alaska and northern California. Even by most conservative experts, Chernobyl unleashed more radiation than 90 Hiroshima-sized bombs. Most of this fallout blanketed heavily populated areas of northern Ukraine and southern Belarus.

Studies have shown thyroid cancer has skyrocketed among children exposed to the radiation. Stillbirths and birth defects in Ukraine have doubled, while the rate of infant mortality is twice the European average. Unfortunately, the effects of radiation exposure, including latent cancers, do not emerge in the body until

ten to twenty years later. In effect, the next five to ten years will be crucial as humanitarian efforts mount to respond to the devastation inflicted over a decade ago.

Although all Chernobyl nuclear reactors have been closed, the community is still suffering. Let us not forget the silent disease affecting the citizens of Ukraine.

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to participate once again in the annual remembrance of the Armenian genocide today, 86 years after this terrible tragedy which claimed the lives of over 1.5 million Armenians between 1915 and 1923.

The Armenian Genocide began in 1915 with the rounding up and killing of Armenian soldiers by the Turkish government. After that, the government turned its attention to slaughtering Armenian intellectuals. They were killed because of their ethnicity, the first group in the 20th Century killed not for their actions, but for who they were.

By the time the bloodshed of the genocide ended, the victims included the aged, women and children who had been forced from their homes and marched to relocation camps, beaten and brutalized along the way. In addition to the 1.5 million dead, over 500,000 Armenians were driven from their homeland.

It is important that we make the time, every year, to remember the victims of the Armenian genocide. We hope that, by remembering the bloodshed and atrocities committed against the Armenians, we can prevent this kind of tragedy from repeating itself Unfortunately, history continues to prove us wrong. That is why we must be so vigilant in remembering the past.

It is important to continue to talk about the Armenian genocide. We must keep alive the memory of those who lost their lives during the eight years of bloodshed in Armenia. We must educate other nations who have not recognized that the Armenian genocide occurred.

Mr. Speaker, I commend Armenian-Americans—the survivors and their descendants—who continue to educate the world about the tragedy of the Armenian Genocide and make valuable contributions to our shared American culture. Because of their efforts, the world will not be allowed to forget the memory of the victims of the first 20th Century holocaust.

TRIBUTE TO DR. GEORGE LINDSEY AND THE UNIVERSITY OF NORTH ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. CRAMER. Mr. Speaker, I rise today to recognize Mr. George Lindsey and the University of North Alabama for their efforts in organizing and participating in the George Lindsey/UNA Television and Film Festival. This film festival is in its fourth year and has become an international affair showcasing and rewarding excellence in film and video endeavors. The cultural and educational benefits for UNA, the Shoals and the entire state of Alabama are immeasurable.

Dr. Lindsey, a 1952 alumnus, is known throughout the country for his role in The Andy Griffith Show. Lindsey also became a staple character on Hee-Haw. His credits and appearances on television and film fill many a page. However, Lindsey has not let his fame and fortune cloud his commitment to good will. Instead, Lindsey has used his success and talents to improve the lives of those around him. He has raised more than one million dollars for the Special Olympics and started the George Lindsey Aquatic Center at the Alabama State Hospital for the Mentally Retarded. His generosity and dedication to the University of North Alabama are legendary.

Along with Bobbie Hurt, Bill Jarnigan, Robert Potts, and Lisa Daniell of UNA, Lindsey had a vision for a festival that would provide aspiring artists, especially those from the state of Alabama, the opportunity to showcase their art while learning from professionals how to strengthen their work. They have succeeded beyond their greatest expectations bringing in such speakers as Tom Cherones, director of Seinfeld and Academy Award-winning actor Ernest Borgnine and launching the careers of several of the participants.

As this year's festival gets underway, I wanted to express my deepest appreciation to Dr. Lindsey and UNA for encouraging the future leaders of the film industry. I also want to thank them for helping share with the world the wonderful things that are going on at UNA. On behalf of the United States Congress and the people of the 5TH district of Alabama, I share my congratulations with UNA for the success of the George Lindsey/UNA Television and Film Festival and I wish them many, many more years of fruitful collaboration.

REAUTHORIZATION OF THE MARITIME SECURITY PROGRAM

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HUNTER. Mr. Speaker, as Chairman of the Merchant Marine Panel of the House Armed Services Committee, I rise today to address a matter under the jurisdiction of my panel which is of the utmost importance to the national security and the maritime capability of the United States, namely the need to reauthorize the Maritime Security Program (MSP).

The MSP program was established by the Maritime Security Act of 1996. The program was designed to maintain the continued presence of an active, privately-owned, U.S.-flag and U.S.-crewed merchant shipping fleet that would provide sustained sealift capability in time of war or national emergency. That Act phased out the operating differential subsidy program, provided reduced payments to vessel operators who agreed to make vessels and associated intermodal assets available to Department of Defense (DOD) upon request, and authorized $100 million annually for MSP program funding. Without the MSP program, U.S.-flag vessel owners would have been forced to shift their operations to foreign flags with foreign crews in order to remain internationally competitive. This would have been detrimental to our national security interests.

The MSP has proved very successful. Today, 47 U.S.-flagged commercial vessels, crewed by U.S. citizens, participate in the MSP program. These vessels are engaged in the foreign commerce of the U.S. and are enrolled in DOD's Emergency Preparedness Program to ensure that such vessels and associated worldwide intermodal transportation and management assets are incorporated into DOD sealift plans and programs, and are immediately available to meet military sealift requirements. Without the MSP the cost to DOD would be substantial—approximately $800 million annually would be required by DOD to provide similar sealift and related system capacity on its own for the rapid and sustained deployment of military vehicles, ammunition and other equipment and material.

Authorization for the MSP is for a ten-year period up through September 2005. To ensure the continued operation and viability of a maritime security fleet of privately-owned, militarily-useful U.S.-flag vessel operators, Congress needs to move forward with the reauthorization of the MSP. This would provide the industry with the timely assurance they need that the MSP program will continue beyond the year 2005.

Additionally, I am concerned over rumors that U.S. citizenship requirements for this program could be modified. I strongly believe that reauthorization of the MSP program must ensure that current United States citizenship requirements continue to apply for operators of U.S.-flagged, U.S. crewed commercial vessels. The MSP program now requires that priority be given to MSP vessel operators that are owned and controlled by United States citizens (such operators are commonly known as "Section 2 citizens" under section 2 of the 1916 Shipping Act). Such U.S.-ownership and U.S.-control requirements are critical to the continued viability of the MSP program and must be preserved.

I look forward to working with my colleagues on this vital effort to enhance the national security of the United States while ensuring that critically important U.S.-ownership standards are maintained.

DESIGNATION OF THE LEE H. HAMILTON FEDERAL BUILDING AND U.S. COURTHOUSE IN NEW ALBANY, INDIANA

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HILL. Mr. Speaker, I am proud to rise today to introduce H.R. 1583, a bill to name the Federal Building and U.S. Courthouse in

New Albany, Indiana, after my friend, mentor, colleague and the former Congressman of southern Indiana's 9th district, Lee Hamilton. I would like to thank State Representatives Bill Cochran and Jim Bottorff of the Indiana General Assembly for urging Congress to designate this building in honor of Lee.

Lee Hamilton served the people of southern Indiana with distinction for 34 years in the United States House of Representatives. In the course of his long career, he established himself as a leader in international affairs, serving as the chairman of the House Foreign Relations Committee, the House Intelligence Committee and the Iran-Contra Investigation Committee. Lee was an honorable, forthright and trustworthy member of Congress whom we could always count on for a calm voice of reason as our nation dealt with foreign policy issues throughout the Cold War.

Lee Hamilton served as my Congressman from the time I was 12 years old until he retired in 1998. Lee's common sense leadership in Congress helped make southern Indiana a better place for Hoosier families to live and work for over thirty years. No matter how important he became out in Washington, we always knew he was working hard for us.

When Lee retired from Congress in 1998, Washington Post columnist David Broder wrote, "Hamilton is a throwback to the old days of the House and not just because he still has the crew cut he wore when he came to Washington as a small-town Hoosier lawyer in the Democratic landslide of 1964. He is an exemplar of the common-sense, instinctively moderate model of legislator that used to be common in Congress but is increasingly rare today."

Lee currently serves as the Director of the Woodrow Wilson International Center for Scholars in Washington, DC and the Director of The Center on Congress at Indiana University. He has received numerous public service awards including the Paul H. Nitze Award for Distinguished Authority on National Security Affairs, the Phillip C. Habib Award for Distinguished Public Service, the American Political Science Association Hubert Humphrey Award, the Indiana Humanities Council Lifetime Achievement Award, and the U.S. Association of Former Members of Congress' Statesmanship Award.

I believe it is only fitting that we designate the Federal Building and U.S. Courthouse in New Albany as the Lee H. Hamilton Building to pay tribute to his limitless dedication and service to the people of southern Indiana.

A TRIBUTE TO RAY GEORGE, DARE DEPUTY FOR MONTEREY COUNTY, CA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor Deputy Ray George of the Monterey County Sheriff's Department and their Drug Abuse Resistence Education (DARE) program. As you may know the DARE program helps bring a multi-faceted approach to staying away from drugs in the classrooms of 5th and 6th graders around the world. Deputy George is one of three full-time deputies assigned to the Monterey County DARE program, and it is for his recent fund-raising efforts that I wish to honor him here.

Mr. Speaker, the Monterey County DARE program, currently under Deputy George, Deputy Vince Hernandez, and Deputy Karen Gentile, was founded in 1993 by Deputy Fabian Barrera. In the past 8 years, they have coordinated with the local police departments through the county, as well as the schools to bring their courses that aim at helping young people face drug abuse in their lives. Some of the key topics they try to bring to their students include: building selfesteem; the consequences of drug use; decision making skills; recognizing and resisting peer pressure; techniques to say no; and ways to deal with stress.

Deputy George recently organized a black-tie fund raiser in Monterey, and his hard work was made clear with the success of this event. Everyone present that evening, myself included, felt that these deputies help bring a crucial message to our communities. Their dedication to this cause is commendable, and I would like to especially honor Deputy George for his commitment to excellence. The service of local officials such as these are an asset to our nation, and I thank the Speaker for this chance to honor them.

TRIBUTE TO BILLY DE FRANK LESBIAN AND GAY COMMUNITY CENTER

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Ms. LOFGREN. Mr. Speaker, I rise today to commend the Billy DeFrank Lesbian and Gay Community Center of San Jose. On April 28th, the DeFrank Center will celebrate 20 years of service to the Santa Clara Valley.

The DeFrank Center opened on Keyes Street in downtown San Jose in 1981. Services in what was then a 2 room storefront included a hotline, counseling, and a switchboard. Today, the Billy DeFrank Lesbian and Gay Center serves a large and diverse community. Lesbian, gay, bisexual and transgender people of all ages and backgrounds find resources here that are not available elsewhere. Each month over a thousand people visit the DeFrank Center's headquarters, and many more call the switchboard. Over 140 meetings, workshops, health programs and special events take place at the DeFrank Center each month.

I am proud of the caring staff and corps of volunteers whose dedication has built the Billy DeFrank Lesbian and Gay Community Center. It is because of their hard work that the DeFrank Center is "a place to call home," and I thank them for their 20 years of service to our community.

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SCHIFF. Mr. Speaker, I was unavoidably detained in my district on Tuesday, April 24, 2001, and I would like the record to indicate how I would have voted had I been present.

For rollcall vote No. 85, the motion to instruct on budget conferees, I would have voted "aye."

For rollcall vote No. 86, to pass a suspension bill, I would have voted "aye".

HONORING CYRIL LAMBERT ON HIS RETIRMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an exceptional leader in the Third Congressional District of Illinois. I would like to honor Cyril "Barry" Lambert on his retirement from the Village of Summit's Board of Trustees and salute his many years as a dedicated Village Trustee. He is retiring from service to the Village on May 7, 2001, which also happens to be his 74th birthday.

Barry started his career as Village Trustee over 33 years ago, and is the longest serving elected official in the Village of Summit's history. During his political career he has taken an active role in the community and has chaired many committees, including the Police and Fire Committee, the Community Development Committee and the Street and Sanitation Committee.

Mr. Lambert is a veteran of World War 11, and served in the United States Navy. He is a member of the V.F.W. Post 6863, and the American Legion Post 735. He is active at St. Joseph's Church in Summit, and participates in the Holy Name Society there. He is also a member of the Summit Senior Citizens.

Barry is well regarded in the community for his personable character, honesty and integrity. He and his wife, Mary, are the parents of Evelyn, Donna, Barry, Mary Beth and Nancy, grandparents to Christopher, Nicole, Rose and Sarah, and great-grandparents to Christopher.

Mr. Speaker, as Barry leaves behind a long and rich history at the Village of Summit's Board of Trustees, I would ask that my colleagues join me in honoring this great man.

A TRIBUTE IN MEMORY OF REVEREND LEON H. SULLIVAN

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the memory of Rev. Leon H. Sullivan. Rev. Sullivan was a giant of a man who

leveraged the economic power of black Americans for social change from urban Philadelphia to the continent of Africa.

As the pastor of the Zion Baptist Church in North Philadelphia where he served for 38 years, he was towering force. His booming voice spread a message of love of God and selfhelp for his people.

Rev. Sullivan, who founded the nation's largest community-based job training program, was regarded as a leader by world leaders. Presidents and corporate heads sought his advice. In 1991, he was awarded the Medal of Freedom by President George Bush. U.N. Secretary-General Kofl Annan says Rev. Sullivan showed the world what one person can do.

Early on in his life, Leon Sullivan was confronted by racism. At the age of 9, while attempting to buy a soda at a drugstore in his hometown in Charleston, West Virginia he was informed he could not sit at the counter. Subsequently he told interviewers that this was a life transforming moment that instilled in him a lifelong commitment to confront injustice.

Rev. Sullivan was known throughout the world because of the establishment of OIC centers in the U.S. and in 17 African nations; the sponsorship of the Sullivan Principles that helped to dismantle South African apartheid; and, his leadership in civil rights. But he was also known and will be remembered for his ability to reach and touch and make a difference in lives of the people of his community.

His death leaves a void in Philadelphia, the nation and the world. His legacy is monumental.

IN TRIBUTE TO J. HANDEL EVANS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to J. Handel Evans, who came to my congressional district five years ago to found Ventura County, California's first four-year public university, and then retired as California State University, Channel Island's first president after a resounding success.

The obstacles Handel faced were enormous. The campus was formerly a state psychiatric hospital. The buildings needed to be refurbished, the school needed a sound financial foundation to augment funding the state would provide, and it needed the support of the state's budget writers.

With skill and patience, Handel built teams and coalitions to achieve his—and our community's—goal.

One example of his skill and perseverance stands out. Last year, the university's ability to open on time was endangered because of a budget battle with the governor. Gov. Davis was withholding a $10 million state budget earmark for CSU Channel Islands because of a dispute over another CSU campus.

Handel reacted by enlisting every state elected official in the area—from both political parties—and others to pressure the governor to release the funding. Without the funding, the university would have been unable to hire faculty and other staff necessary to run a university.

Gov. Davis released the funds, and the university will open on time.

How important is it to launch a new university with such skill and perseverance? It is crucial if you want to attract top professors to instruct our young men and women. The school will open with 23 instructors. When the call went out for applicants, 2,300 responded. That's a huge number when one considers our nation still enjoys nearly full employment and the nation faces a teacher shortage.

CSU Channel Islands will help with that problem as well.

Once opened, the Channel Islands campus will serve public schools and educators by providing continuing education to current and future teachers. With annual student enrollments in California projected to grow at a steady rate of about 80,000 per year, it is estimated that nearly 300,000 additional qualified teachers will be needed in California classrooms over the next 10 years. CSU Channel Islands will help my community, the state of California and our nation meet teacher demand.

Those teachers will provide quality education to our children. Our children will then be better prepared to compete in an ever-changing economic environment.

Handel has handed the reins of the university to Richard Rush, formerly president of Minnesota State University at Mankato. He has the background and skills to continue building on the foundation Handel has laid.

And, Handel and his wife, Carol, have decided to remain in Camarillo, near the university. I know he will continue to be involved in its continued growth.

Mr. Speaker, I know my colleagues will join me in thanking J. Handel Evans for launching what will be known as a top-notch teacher's university and wish him and Carol a long and healthy retirement.

CONGRATULATING WEST MICHIGAN GIRL SCOUT GOLD AWARD RECIPIENTS

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. EHLERS. Mr. Speaker, it is with great pleasure that I rise today to honor eight dedicated young women from West Michigan for receiving the Girl Scout Gold Award, the Girl Scout's highest honor. The award recognizes these outstanding young women for their accomplishments in leadership, community service, career planning and personal development.

Obtaining the Girl Scout Gold Award involves an extensive commitment, and requires the recipients to earn four interest-project patches. The patches include the Career Exploration Pin, the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, as well as designing and implementing a Girl Scout Gold Award project in cooperation with an adult Girl Scout volunteer.

The honorees and a brief summary of their accomplishments for the Girl Scout Gold Award follow: Kyle Johnson, a senior at Zeeland School, created a web page for Zeeland Community Education; Noorain Khan, a Forest Hills Central junior, designed an Islamic Education Youth Director position; Tonya Leeuw, a freshman at Grand Valley State University, utilized her love of gardening by landscaping a portion of the front of the new Byron Community Ministries building; Lauren Magnifico, a junior at Grandville High School, organized the registration records of the Grandville Little League program; Kandace Heinz and Heidi Porter, juniors at Thornapple-Kellogg High School, designed a German cultural event booth for last year's Middleville Heritage Days, and Andrea Dinley, a senior at Byron Center High School, developed a program titled Colorguard Basic Mini-Camp and Video.

Mr. Speaker, I am delighted to recognize the achievements of this select group of young women who have gone above and beyond the call of duty in their scouting duties. The hard work and determination they have exhibited during their pursuit of the Gold Award will serve as valuable lessons as they enter adulthood. I ask that my colleagues join me in applauding this special and dedicated group of young achievers.

SHEDD AQUARIUM CELEBRATES ITS OCEANARIUM'S 10TH ANNIVERSARY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. DAVIS of Illinois. Mr. Speaker, please join me in recognizing the John G. Shedd Aquarium as it celebrates the tenth anniversary of its world-renowned Oceanarium. Shedd's Oceanarium is the largest indoor marine mammal habitat in the world. More than 18 million visitors from Illinois and around the world have gained a better understanding of the environment and marine mammals by visiting the Oceanarium.

Shedd Aquarium is an international leader in aquatic education as well as animal husbandry, care and training. The Aquarium spearheads numerous conservation initiatives, both locally and abroad, participating in animal rescue efforts and performing in-house studies ranging from sensory biology to animal health. Shedd will commemorate the Oceanarium's anniversary with a year-long celebration filled with exciting activities and never before offered behind the scenes glimpses, the unveiling of a new marine mammal show, chances to meet one-on-one with animal-care specialists and an opportunity to eat breakfast with the dolphins.

The Oceanarium has contributed to the body of knowledge about marine life and enhances public understanding and appreciation of aquatic life and conservation. Shedd's participation in the North American Cooperative Beluga Breeding Program allows scientists to study the behavior of beluga whales and other animals that can't easily be studied in the wild, gaining a better understanding of whale biology and behavior. After seeing the beluga

whales up close visitors to the Oceanarium gain a greater appreciation of the special nature of marine mammals and how humans impact their survival in the wild.

On April 27th, Shedd launches a new presentation, ''Totally Training''. The ''Totally Training'' experience gives visitors to the Oceanarium the unique opportunity to watch marine mammal presentations evolve daily as the dolphins and other animals learn new behaviors. Shedd's marine mammal presentations educate by showing natural behaviors of animals—such as dolphins porpoising (jumping). After each presentation, Shedd's expert marine mammal trainers will be available to talk to guests one-on-one.

Mr. Speaker, Shedd Aquarium's ''Oceanarium Turns 10'' celebration highlights a decade of achievements in conservation and education. Since its doors opened in 1991, the Oceanarium has been changing the way Chicagoans and the world think about the environment and marine mammals.

CONGRATULATING THE BEVERLY HIGH SCHOOL BAND AND CHORUS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. TIERNEY. Mr. Speaker, I rise today to applaud a group of 180 students in my Congressional District who visited Washington, DC yesterday morning to entertain gatherers at the Lincoln Memorial. The Beverly High School Band and Chorus deserves to be commended for the hard work and practice it takes to perform at such a high level, and I ask my colleagues to join me in congratulating them.

In addition to a wonderful experience here yesterday, these students have learned many valuable lessons from being part of this talented and impressive group. Clearly, for a band and chorus to be successful, it must work as one. Teamwork is a lesson these students have learned well, and it will be one that they carry with them as they encounter new challenges in the years ahead.

Practice and perseverance have become second nature to the members of this organization. These are cornerstones of living, and these students already have a strong grasp on these concepts at a young age.

Finally, Mr. Speaker, each one of these students, as well as their teachers and chaperones, have found joy in this adventure that began in the Sixth Congressional District of Massachusetts and ended in glory at the Lincoln Memorial. They have made all the people in the Commonwealth proud of their work, and they have provided examples of leadership to all they know. I wish them all the best of luck in their future endeavors, and I am confident that the lessons they have learned will not be forgotten.

50TH ANNIVERSARY OF THE TOWN OF SPRING LAKE, NORTH CAROLINA

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HAYES. Mr. Speaker, I rise today to recognize the 50th anniversary of the town of Spring Lake, North Carolina on May 5, 2001. The entire town will be celebrating at the Golden Anniversary Parade, which is to be one of the biggest parades in the town's history. Over 100 entrants, including antique cars, high school marching bands, and floats and cars sponsored by local businesses and civic groups, will participate in the parade. An Arts & Crafts Bazaar, petting zoo, and a fireworks finale will round out the celebration.

In addition to the revelry and excitement of the parade, a new 50-acre industrial park, the first in the town of Spring Lake, will be dedicated and shall be open for business soon. Also joining members of the town that day will be senior officials from Fort Bragg and Pope Air Force Base, along with members of several veterans' organizations, to dedicate the first-ever military memorial in Spring Lake.

Mr. Speaker, I would like to congratulate the all-American town of Spring Lake, North Carolina on its 50th anniversary, and I would ask all of my colleagues to join me in paying tribute to the hard-working, patriotic men and women who make Spring Lake such a great place to live and work.

PERSONAL EXPLANATION AND STATEMENT REGARDING SOUTH SUBURBAN THIRD AIRPORT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. WELLER. Mr. Speaker, I was unavoidably detained in Springfield, Illinois on April 24, 2001 in order to testify on the merits of the proposed South Suburban Third Airport before the Illinois House Aviation Committee. As a result, I was unable to cast votes for Roll Call votes numbered 85 and 86. Had I been able to be present for votes, I would have voted nay on Roll Call vote number 85, the Motion to Instruct Conferees on H. Con. Res. 83, The Congressional Budget for Fiscal Year 2002. I would have voted yea on Roll Call vote number 86, on motion to suspend the rules and pass H.R. 428 as amended, concerning the participation of Taiwan in the World Health Organization.

Mr. Speaker, I missed these votes because I believe that the development of the South Suburban Third Airport is vitally important to Illinois economy and the Nation's aviation infrastructure. I testified in support of developing the proposed South Suburban Airport and Governor Ryan's appropriation request of $15 million for land acquisition. If the State of Illinois is to remain economically competitive, the air capacity must be increased. Governor George Ryan's decision to move forward with land acquisition shows bold leadership to achieve both.

Seventeen years ago, the Federal Aviation Administration ordered the States of Illinois, Indiana, Wisconsin, and the City of Chicago to evaluate the region's future aviation needs and to determine possible solutions. The Chicago Area Capacity Study was formed by Illinois, Indiana, Wisconsin, and Chicago to look for a new site. That study concluded in 1988 that Chicago needed a supplemental airport to relieve overcrowding at O'Hare and Midway. Subsequent studies found there was a need for additional capacity by the year 2000, and that the supplemental capacity should be located at a new South Suburban Airport.

As we now know, the results of that study accurately foretold the future. In 2000, Chicago hit aviation gridlock as the runways, airspace and ground transportation network near the airports reached capacity. Today, peak travel times to and from O'Hare and Downtown often exceed one hour. Remote parking access to or from the terminals can often take 35 to 45 minutes.

The gridlock at O'Hare and Midway not only affects Chicago and its suburbs, but the entire state and nation. When air capacity is limited, airlines focus on the most profitable routes (international route) and ignore less lucrative business (short-range domestic routes). As we have seen, the process of dumping short lower-profit flights in favor of long, higher profit ones has already begun at O'Hare. In the past two years, O'Hare eliminated service to 13 Midwestern markets, but added service to more than 20 foreign cities. This shift has hurt the downstate Illinois economy and limited transportation options for its residents.

Chicago's capacity problems are well-documented. Numerous studies, including ones by the USDOT, the FAA, IDOT and the City of Chicago, conclude that Chicago needs new runways. The question is where.

The Greater Rockford Airport was once considered a possible third airport site. While Rockford is very important to the northern Illinois area, the Illinois Department of Transportation eliminated it as a third airport site in the 1988 study for the following reasons: It was deemed to be too far—97 miles—from the Chicago Business District. Rockford is 50 miles past Elgin, which is at the edge of the Chicago urbanized area. The Peotone site abuts the edge of suburbia and is 35 miles from Downtown Chicago. The Rockford market area for obtaining origin and destination passengers was too small for a major commercial airport. In comparsion, the Peotone site has 2.5 million people living within a 45 minutes drive. According to the latest census data, Will County is one of the fastest growing areas in Illinois. Two rivers border the Greater Rockford Airport, thus hampering any growth possibilities for longer runways. Additionally, the expanded airport boundaries and accompanying noise contours would severely impact many Rockford residents.

Gary Indiana Municipal Airport also has been considered. However, Gary has very little room to grow. Expanding Gary to a size comparable to the Peotone site would require relocating the Indiana Tollway, the Calumet River, 47 miles of railroads, 1,000 acres of wetlands, several toxic landfills, and about

24,000 residents. The $20 billion cost of expanding Gary would make it virtually impossible for an airline to charge reasonable fares, whereas, the cost of the Peotone site would result in ticket prices comparable to O'Hare.

The Proposed South Suburban Airport would be safer due to its parallel-runway design and ability for future growth. Further, the South Suburban Airport is less expensive than other options. The cost of an inaugural South Suburban Airport is approximately $560 million, compared to $1.5 billion for building one runway at O'Hare. The third airport can also be built sooner than adding an additional runway at O'Hare. The airport can be operational in 4 to 5 years, but it would take 8 to 15 years to design and build an additional runway at O'Hare. The South Suburban Airport would be cleaner than the existing airports as it would be sufficient in size to absorb noise and air pollution. It has road and rail access, but less ground congestion.

Mr. Speaker, I appreciate the opportunity to clarify why I missed Roll Call Votes on April 24, 2001 and to further explain the importance of the proposed South Suburban Airport.

THE IMPORTANCE OF COUNTY GOVERNMENT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BARTON of Texas. Mr. Speaker, in recognition of National County Government Week, I rise today to speak on the importance of county government and to highlight the numerous contributions county governments make in the everyday lives of citizens. Today, counties fill an especially challenging role as they continue to meet the complex demands of modern society.

In Texas, we have 254 counties that serve the needs of more than 18 million Texans. The responsiveness of county government to the needs of the community is a long-standing tradition in Texas. Texas law mandates, with certain exceptions, that all county courthouses be centrally located so that each citizen can travel to the seat, vote, and return home in a day. Most county seats fall within five miles of the county's center.

The structure of Texas county government has its roots in the "municipality," the local unit of government under Spanish and Mexican rule. These large areas, embracing one or more settlements and rural territories, are the foundation of the governmental organization of our present day counties. The Texas Constitution declared counties as the functional agents of the state, or as an "arm of the state." Unlike cities, the areas of responsibility authorized to counties are specifically spelled out in laws passed by the Legislature.

Texas counties range in size from less than 100 residents to more than three million. Major responsibilities include county development planning; building and maintaining roads and recreational facilities; and in some cases, county airports; constructing and operating jails; operating the judicial system; maintaining public records; collecting property taxes; issung vehicle registration and transfers; and registering voters. Counties also provide law enforcement, conduct elections and provide invaluable health and social services to indigent members of the community. In this way, the county structures, more than any other form of government, plays a central role in the everyday functions of communities.

At the heart of each county is the commissioners court. These members of the court collectively conduct the general business of the county and oversee financial matters. Each Texas county has four precinct commissioners and a county judge who serve on this court. Functions of the county, run by individuals employed by the commissioners court, include such departments as public health and human services, personnel and budget, and in some counties, public transportation and emergency medical services. Elected officials, found in most counties, include county attorneys, county and district clerks, county treasurers, sheriffs, tax assessor-collectors, justices of the peace, and constables.

In the last twenty years, a growing number of federal and state responsibilities have been delegated or mandated to the local level, confirming the importance and necessity of local county governments in Texas. Each day, counties deliver a long list of services and work to respond to the ever-changing needs of our dynamic state.

Counties across America provide solutions at the local level that help bring communities together. I believe this traditional form of local county government, which fulfills a multitude of services to communities, is truly indispensable to its citizens.

NATIONAL COUNTY GOVERNMENT WEEK

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SHAW. Mr. Speaker, in recognition of National County Government Week, I rise today to honor the contributions and achievements of our county governments.

We have the opportunity this week to reflect upon the importance of our county governments and show our appreciation for our county officials. As a former mayor, I am very familiar with the role of county government and the need for govenunent at all levels to cooperate in order to best serve Americans, and I appreciate the hard work done at the county level.

I have the privilege of representing the three South Florida counties of Miami-Dade, Broward, and Palm Beach. These county governments serve a diverse population. This population is truly a microcosm of our state and our country. The needs facing these communities can be found in other parts of the country as well. County government has been successful in addressing these needs, and we in Congress can learn a lot from them.

The backbone of county government is the people who provide the vital services that are essential to our health, safety, and well-being. The school teachers, the social workers, the firefighters, the police, and others who are devoting their lives to public service help form the fabric of our government.

County government is the government closest to the people. It is often the face of government to most of our population. It is our obligation as Members of Congress to help support county governments all across the country in order that they may more effectively serve Americans.

INTRODUCTION OF BILL TO MAKE LEAF TOBACCO AN ELIGIBLE COMMODITY FOR THE MARKET ACCESS PROGRAM

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today with my colleagues from other tobacco producing states to introduce a bill to put an end to discrimination against tobacco farmers. For almost eight years, hard-working, God-fearing, taxpaying tobacco farmers have been denied access to the funds provided by the federal Market Access Program, commonly known as MAP.

More than $90 million in MAP funds are available from the U.S. Department of Agriculture (USDA) to promote U.S. agricultural products overseas. Under MAP, agricultural industry trade associations, cooperatives, and state or regional trade groups each year are invited to submit proposals to USDA's Foreign Agricultural Service (FAS) to conduct approved foreign market development projects for various U.S. agricultural, fishery and forestry products. Examples include consumer promotions, market research, technical assistance, and trade servicing. MAP funds have been used to promote a wide range of products from sunflower seeds to catfish and cotton to hops for use in making beer.

Since 1993 USDA has been prohibited from using MAP funds to promote tobacco leaf sales overseas. This is patently unfair, and it is time for this discrimination to end. The future of American agriculture is tied to international trade. Currently, 25% of farmers' gross income comes from exports. The futures of thousands of Tar Heel tobacco farm families depend on exports, and I am not going to stand by and watch other commodities benefit from federal funds to access these markets while tobacco farmers are left out in the cold.

It is high time that tobacco is treated like the legal product that it is, and this legislation is a step in the right direction. I call on President Bush, Secretary Veneman, and my colleagues to support this bill and give our struggling tobacco farm families an opportunity to not just survive, but thrive.

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. ROTHMAN. Mr. Speaker, today I join with my colleagues in commemorating the 86th anniversary of the Armenian Genocide. Along with the Armenian-American community in my district and with people of goodwill throughout the country, Congress today is observing the death of 1.5 million Armenians from the years 1915–1923.

As we gather today, many of my constituents over the weekend participated in solemn services held in the memory of the martyrs of the Armenian Genocide. Whether at St. Leon Armenian Apostolic Church in Fair Lawn, Saints Vartanantz Armenian Apostolic Church in Ridgefield, or at Saint Thomas Armenian Apostolic Church in Tenafly, thousands of Americans of Armenian descent will be joining together in Northern New Jersey this evening to ensure that the world does not forget the first crime against humanity of the 20th century.

And so let me offer my solidarity with those remembering the Armenian Genocide today. And let me also emphasize that we should today not only remember the martyred, but as well, the survivors of the Armenian genocide. Though few survivors of the Armenian Genocide are still living today, those who endured the horrors of 1915, are heroes for all time.

Today, the people of Armenia and her Diaspora are proudly looking to rebuild their country. From the ashes of despair born of the genocide, and from the ravages of seven decades of Communist rule, Armenians the world over are striving to secure a safe and prosperous future for Armenian and Nagonno-Karabagh.

As Armenian-Americans rebuild their homeland, and as they seek to secure an economically prosperous state, founded on firm democratic principles, I will stand by them.

Let me conclude my brief remarks today by encouraging the young people of America to never forget the tragedy and lessons of 1915. Because as George Santayana once remarked, ''Those who forget history are condemned to repeat it.'' And if no clearer evidence of these prescient words are necessary let us remind one another today that before commencing the Holocaust, Hitler himself stated, ''Who today remembers the Armenians?''

As a Jewish-American and being ever mindful of the Holocaust, I join with my colleagues today in observing the Armenian Genocide. And I promise to stand firm against the shameful efforts of those who today seek to deny the Armenian Genocide.

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to join with my colleagues to remember a dark chapter in history and to honor and remember the 1.5 million Armenian Christians victims who lost their lives at the hands of the Ottoman Empire during 1915 to 1923. I would like to thank the Co-Chairs of the Armenian Caucus, the gentlemen from New Jersey, Representative FRANK PALLONE and the gentlemen from Michigan, Representative JOE KNOLLENBERG for organizing this special order commemorating the 86th anniversary of the Armenian Genocide—of one of the greatest tragedies of history and the first genocide of the 20th century.

Today, I join with Armenian-Americans in my congressional district, the Armenian-American community throughout the United States and the Armenian community abroad in mourning the loss of so many innocent lives. It is important that we remember and learn from history, because if we ignore the lessons of the past, we are destined to repeat history. Archbishop Desmond Tutu, in the Preface to the Encyclopedia of Genocide, published in 1999 by the Institute on the Holocaust and Genocide in Jerusalem, writes: ''It is sadly true what a cynic has said, that we learn from history that we do not learn from history. And yet it is possible that if the world had been conscious of the genocide that was committed by the Ottoman Turks against the Armenians, the first genocide of the twentieth century, then perhaps humanity might have been more alert to the warning signs that were being given before Hitler's madness was unleashed on an unbelieving world.''

The facts of the Armenian Genocide are clear and amply documented as demonstrated by official reports and accounts by the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr. In a July 1915 report to the Department of State, U.S. Ambassador Morgenthau, Sr., reported: ''a campaign of race extermination is in progress under a pretext of reprisal against rebellion.'' In describing the events in the Ottoman Empire during 1915 to 1923, Henry Morgenthau stated ''I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.''

As we gather on this day to remember the past and mourn those who lost their lives, their homes, their families and their freedom, let us pledge to do all that we can to ensure that the Armenian Genocide is properly recognized and remembered to prevent such atrocities from occurring in the future.

U.S. MARINE OFFICERS' GOLDEN ANNIVERSARY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. UNDERWOOD. Mr. Speaker, this week, fifty veterans and retirees are gathering in Washington to celebrate the Golden Anniversary of their commissioning as officers of the United States Marines. Although their officers' class (11th SBC) was a relatively small one at a little over 200 members, their backgrounds portray a remarkable tapestry of Americana. They came from hometowns in 34 States of the Union, the District of Columbia, and the Territory of Guam; and, they earned their baccalaureate degrees came from over 100 colleges and universities throughout the land.

In 1951, against the backdrop of a raging war in the Korean Peninsula, they volunteered to serve and took the oath to support and defend the United States of America. And defend it they did, sustaining their share of combat casualties, both wounded and killed in action. One of their members, Sherrod E. Skinner, was awarded the Medal of Honor posthumously; another, John Word, received the nation's second highest combat award, the Navy Cross. Others still, received the medals and decorations for heroism and valor shown on the awards list.

Although only a relatively few members of the class became career officers, many served and retired from the Marine Corps Reserve while pursuing careers in law, education, religious ministry, athletics, engineering, business, and politics. Among those who went into politics is someone well known to many of us, my predecessor, General Ben Blaz, who was elected to the Congress after retiring from the Marines. As a former Member of Congress, Ben will be escorting his comrades to this chamber where deliberations and decisions were made that committed them to combat in Korea and Vietnam.

There is a marvelous irony in my having the privilege to call my colleagues' attention to the contributions that these courageous men of the Corps have made to our country, both in war and peace. During the Spanish-American War, a young man from Gastonia, North Carolina joined the Marines and was part of the contingent that was sent to Guam to formally occupy the island. He was so enchanted by the island and, I hasten to add, its lovely senoritas, that he chose to stay in Guam. In time, he married a native girl and started a family. His name was James Underwood. He was my grandfather.

Mr. Speaker, I thank you for extending me the honor of paying tribute to these veterans and retirees of the Corps and to salute them, in behalf of our grateful nation, on the Golden Anniversary of their commissioning as officers of Marines.

(Roster of members/wives of deceased members of the 11th SBC Marines celebrating the 50th Anniversary of their commissioning as Officers of Marines, May 3–5, 2001):

Robert Altick, Al Bailey, Robert Beezer, Gene Benbow, Charles Bentzen, John Bickley, Ben Blaz, Ted Brothers, Charles

Clifford, John Connor, Frank Delaney, and Bill Diederich.

Tom Fallon, Dale Faust, Marshall Figgatt, Benis Frank, Ced Gifford, Bill Gilwee, Fred Grube, (Mrs.) Don Helgeson, Maurice Heartfield, Bill Keating, John Keck, and Paul Kortepeter.

Bill Kyle, Tom Lamb, Bob Land, Bob Lavine, (Mrs.) James Lindsey, John Lussenhop, Andy McDonald, Harold Marshall, Joe Molitoris, Gene Moyers, (Mrs.) Dick Norlin, and Larry O'Nele.

Herb Oxnam, Dick Paschal, Jordan Peck, Hank Pruitt, Tom Qualls, Stan Rauh, Chayne Stinemetz, Dick Stone, Noval Stephens, Speros Thomaidis, Peter Walker, and Stan Wilson.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. CAPPS. Mr. Speaker, due to recent death of a close friend I was unable to attend votes this week. Had I been here I would have made the following votes:

Rollcall No. 85—"Yes," No. 86—"Yes," and No. 87—"No."

NATIONAL AUTISM AWARENESS MONTH

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SHOWS. Mr. Speaker, I rise today as a proud member of the Congressional Autism Caucus to remind my colleagues that the month of April is National Autism Awareness Month, and that tomorrow, Mississippi, and many other states will recognize April 27th as National Autism Day. The ribbon that I wear is the International symbol for autism, symbolizing the complexity of the disorder. The different colors and shapes represent the diversity of the people and families living with autism, while the brightness of the ribbon signals hope—the hope to be found through increasing research, resources and awareness.

This month gives us a unique opportunity to celebrate the progress we have made in understanding Autism, and the goals we must continue to fulfill. This century we have come a long way in overturning the misconceptions of what autism is. We know that autism is a developmental disability that over 400,000 people in the United States are estimated to have. We know that it is four times more likely to be diagnosed in boys as in girls. We know that there are many degrees of severity of autism, but that all autistic people tend to exhibit deficient social behavior, language and cognitive development. What we still don't know though, is what causes Autism.

Last year, Congress passed landmark bipartisan legislation, the Children's Health Act of 2000, which was signed into law last October. Within this legislation were major provisions for the creation of five regional "centers for excellence" for research into autism, administered the National Institute for Mental Health, as well as education programs on autism for the community. The bi-partisan spirit of cooperation, fueled by the thousands of involved parents, teachers, and doctors in the autism community, enabled us to do what we were intended to do in Congress; to provide a voice and resources for those most in need of advocacy.

So, what do we do now? As Congress looks forward to debating education legislation, we should be vigilant in our support for the Individuals with Disabilities Education Act. In 1975, the U.S. Congress passed the Individuals with Disabilities Education Act, also known as IDEA, mandating that local school districts provide appropriate education to students with special needs. Understanding that this could be a costly endeavor, Congress agreed to fund up to 40 percent of the average per pupil expenditure. However, to date, Congress has only provided States with about 14 percent of the funds promised.

I have listened to countless parents of children with disabilities in my district talk about the struggles and challenges they have in getting their schools to properly educate their children. The years of frustration parents have endured in attempting to get their children appropriate assistance is disgraceful. Parents, particularly those of children who have special needs, should have strong partnerships with their schools. Instead, due to an often appalling lack of resources, our parents and teachers sometimes find themselves having adversarial relationships. This helps no one, least of all the child, whom our schools seek to educate.

National Autism month reminds us to reflect on our responsibility to do a better job of keeping the IDEA promise. As members of Congress, we should celebrate how far we have come in meeting the needs of children with disabilities, but remember that our job is far from over, and our goals far from being fulfilled.

TRIBUTE TO HON. DOUGLAS "TIM" JAMERSON—A GREAT FLORIDIAN AND A GREAT AMERICAN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to the late Douglas L. "Tim" Jamerson, the former Florida Education Commissioner, Labor Secretary, and state legislator who died of cancer this past Saturday at age 53.

I will not recount his incalculable, enormous contributions, other than to say that without Doug Jamerson, Florida would be much less than it is today. Without Doug Jamerson Florida would not be one of the greatest state's in this union.

Mr. Jamerson understood that he was the first African American to serve as Florida's Commissioner of Education. He understood that gave him an obligation beyond his own race. He understood that Floridians would be looking at what he did very carefully, but he also understood that his role was that of doing what he could to improve education in a far more universal sense. Through his many efforts—as Education Commissioner, Labor Secretary, and State Legislator, guidance counselor and friend, he improved the quality of life for millions of Floridians, many more who were not Black, and not the least of them women.

Doug Jamerson, throughout his life, reminded us that Florida is a state of opportunity, and America is a country of great promise, but that that promise and opportunity has not yet been totally fulfilled. Doug reminded us all that we all have a duty to help our state and our nation fulfill its true promise.

The words of the great poet Henry Wadsworth Longfellow in his eulogy to Charles Sumner, apply equally to Doug Jamerson. Wadsworth said:

> Were a star quenched on high for ages would its light still traveling downward from the sky shine on our mortal sight so when a great man dies for years beyond our ken the light behind lies upon the paths of men.

Douglas Jamerson is a uniquely special individual who was a thoughtful and a principled public servant whose life will serve as a reminder of everything that we must all strive to become. He has taught us all, that its not how many years you live, but what you accomplish in the years you have. Doug Jamerson accomplished much in his 53 years.

HONORING SUSAN MUSGRAVE AND THE LOS ALAMOS CHAMBER OF COMMERCE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. UDALL of New Mexico. Mr. Speaker, when a deadly fire devastated Los Alamos, New Mexico, and surrounding communities in May, 2000, Susan Musgrave, the executive director of the Los Alamos Chamber of Commerce stepped up to the challenge of helping the community recover and rebuild. There are hundreds of unsung heroes from the Cerro Grande fire, and Ms. Musgrave is one of them.

The intense Cerro Grande fire forced local residents to evacuate and essentially closed down Los Alamos for eight days. When residents were allowed to return on May 15, they found the fire had left more than 420 people homeless and destroyed a number of local businesses. To help the town get back on its feet, the Chamber took the lead in coordinating relief and rebuilding efforts.

I can attest that Ms. Musgrave and others met with me and my staff during this time to see what they could do and to continue to provide us with assistance. Within five days after the fire, in conjunction with local banking institutions, the Chamber had established a loan fund for Los Alamos businesses. These businesses could apply for a six-month loan up to $25,000 with a 7.5 percent interest rate. The Chamber paid the interest expense on the loans for six months.

Through this effort, more than $640,000 in loans were made available to 37 companies in

Los Alamos. Businesses were able to take care of short-term financial needs and stabilize the effects of lost revenue after being closed for almost eight days. A Web site for construction contractors interested in helping Los Alamos rebuild was on line within a week of the disaster.

Thanks to generous donations from member businesses and individuals, the Chamber was able to extend help to others with an immediate need for funds, including renters and homeowners without insurance. By May 20, gifts in the amount of $1,000 were distributed to 97 families who had lost their homes. As the fund grew, the Chamber was able to make a second distribution in the amount of $500 to the same individuals. The Chamber's total contribution topped $142,000. In addition, 12 college students who lost their homes were each given $1,000 towards their recovery needs.

The Chamber also helped spread the word that Los Alamos was once again "open for business" through an innovative advertising campaign. The Chamber underwrote 80 percent of the costs for member businesses who took out advertisements to let the community know their businesses were up and running against. The Chamber set up a similar advertising campaign with the State of New Mexico's Economic Development Department as a means to successfully bring tourists back to the area.

The Chamber's good deeds did not go unnoticed. Ms. Musgrave was named New Mexico's Chamber Executive of the Year 2000 by the New Mexico Business Journal and the Association of Commerce and Industry. The award recognized her exceptional and exemplary services to the Chamber and the community.

Thanks to the Los Alamos Chamber of Commerce's strong leadership and coordination, Los Alamos recovered quickly. And, the Chamber has earned respect and gratitude from its member businesses and the local community.

Additionally, since then the recovery began, Ms. Musgrave has continually been a leader in seeking to correct the technical setbacks that have faced victims of the Cerro Grande fire. She has kept me informed of the concerns of local businesses and the community in general. Her actions led to my introducing legislation in the House of Representatives, H.R. 1095, intended to make claims of the fire tax-free.

The Chamber has also contacted me on issues that are not fire-related. I am proud to serve as a member of the Small Business Committee and, as a result, work on matters vital to the Chamber. For example, we have worked together on daycare issues facing employees of the Los Alamos National Laboratory and other equally important items.

Mr. Speaker, Susan Musgrave is not only a wonderful asset for the Chamber of Commerce, but she is a true champion for the state of New Mexico. I am proud to know her, and I thank her for her continued service.

TRIBUTE TO THE LATE JOEY RAMONE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. WEINER. Mr. Speaker, I rise today to recognize a constituent of mine and an icon in the music world who recently passed away. Joey Ramone, lead singer of the Ramones died after a long battle with cancer on Easter Sunday. Born Jeff Hyman in Forest Hills, Queens, he changed his name to Joey Ramone at age 23 and began stirring up the music world with what was to become known as punk rock. The Ramones were at the leading edge of the punk rock movement in the early to mid-1970s and spoke to a generation of adolescents looking to find their way through that decade.

Many of my colleagues here in Congress may not be familiar with the music of the Ramones, or the impact they had on many in my generation and on music in general. The Ramones were everything a classic rock and roll band were not. They played short, simple songs. And they did it loudly. They abhorred convention but compared to many of the bands today, they did it with style. Irony, sincerity and humor ran through many of their simple lyrics. They poked fun at the latest fad, and often themselves, in a way that caused adolescents everywhere to nod their heads in agreement.

The Ramones lasted an impressive 22 years. Their music helped spawn musicians who would go on to create their own styles of rock and grunge and rap-rock. At the heart of the Ramones was Joey, a notoriously shy, gangly, nice guy, who until his death, loved to visit the local clubs in New York and listen to the music he helped create.

I would like to submit for the RECORD a story from the April 22, 2001 edition of the New York Times which summarizes well, the life of Joey Ramone:

A STAR OF ANTI-CHARISMA, JOEY RAMONE MADE GEEKS CHIC

(By John Leland)

FROM his home in Queens last week, Monte Melnick remembered a time the Ramones stopped for gas in rural Texas. It was the early days of punk rock, and the woman at the gas station gave the band the once-over: matching leather bomber jackets and ripped jeans, dopey mops of hair, four guys taking the surname Ramone. Mr. Melnick, who was the tour manager, feared there might be trouble. Instead, the woman smiled at him indulgently. As Mr. Melnick, 51, recalled, "She said, 'It's really nice, you taking care of these retarded boys.' "

Joey Ramone, the gawky, geeky, lovable-loser singer of the Ramones, died last Sunday of lymphatic cancer, never to be underestimated again. His real name was Jeffrey Hyman; he was 49.

As the music world celebrates the 25th anniversary of punk, the band's imprint—its goofy fury and delinquent humor—echoes not just in the music of latter-day punks like Green Day and Blink 182, but in the strain of self-aware, loser comedy that has become the dominant adolescent rattle: "The Simpsons" and "South Park," pro wrestling and MTV's blithely moronic "Jackass."

Mickey Leigh, Joey's younger brother, who played in a band called the Rattlers, described the Ramones as a reaction to the Queens streets where the band members grew up. "The humor was inherent to Forest Hills, a Jewish neighborhood, and to the small circle of rejects and misfits that we were," said Mr. Leigh, who, like his brother, was bar mitzvahed. (Several other Ramones were not Jewish.) "We were always on the outside, rejected by the girls—not by all girls, but by the pretty ones, who preferred guys with cars. Our protective shell was to shock people."

Picked on in Forest Hills, Joey made himself a star of anti-charisma, fronting a band whose legend drew on failure as easily as success. When my friends and I heard the Ramones in the late 1970's, as underachieving college students, we formed our own band—awful, but even at our lousiest, always knowing. I like to think we were post-awful.

A set by the Ramones was a furious race to the finish line, blurring bubble-gum riffs and cartoon pathologies: "Now I Wanna Sniff Some Glue," "Teenage Lobotomy," "I Wanna Be Sedated." What you came away with depended in large part on how you took the joke.

"We thought punk rock was going to be the biggest thing ever," said John Holmstrom, 48, a cofounder of Punk magazine, which coined the name for the music. "We thought we were mainstream. It was a shock to everyone at CBGB when one by one it didn't happen."

Charlotte Lesser, Joey's mother, always got the joke. Ms. Lesser ran an art gallery and is a commercial artist. At CBGB, the Bowery dive where the band got started, people used to call her Mama Ramone, she said, adding: "CBGB struck me as too narrow, too crowded, and it had the worst bathrooms you ever saw. But I always saw the whole thing as a funny show."

The Ramones emerged just when the radical thrust in pop music was turning in on itself Hip-hop whittled down disco; punk trimmed rock 'n' roll to its loud essentials.

Writing about the Ramones and CBGB in The Village Voice in 1975, James Wolcott observed, "No longer is the rock impulse revolutionary—i.e., the transformation of oneself and society—but conservative: to carry on the rock tradition." For all their locomotive mayhem, the Ramones were preservationists. Even the name harked back, to the days when Paul McCartney, as a Silver Beatle, called himself Paul Ramon.

I think the impulse had much to do with age. Lou Reed, punk's eminence grise, born in 1942, was able to sing of a girl whose life was saved by rock 'n' roll. For Mr. Reed, whose childhood began before rock, the music bred transformation, both personal and societal. Joey Ramone, born in 1951, arrived as the shutter was closing on this perspective. Punk was a last loud call to embrace these moments of transition, when the world before rock became the world after.

For later punks, these moments were only hearsay. By the time Kurt Cobain, born in 1967, took up the legacy of the Ramones, the music could aspire to be alternative, but not revolutionary.

In his engagingly lurid memoir, "Lobotomy: Surviving the Ramones" (1997), Dee Dee Ramone observed, "A Ramones story can't really have a happy ending." To the end, Joey lived in a one-bedroom apartment in the East Village, originally decorated by

his mother but long since submerged in his accumulated clutter. On good days he walked around the neighborhood in an odd, obsessive-compulsive fashion, always walking past a curb, then back to touch it before moving on.

He became fixated by the stock market; the last great song he wrote, said his friend Arturo Vega, the band's artistic director, was a love song to Maria Bartiromo, the CNBC business anchor.

Last week, fans turned the doorway of CBGB into a shrine and filled Internet message boards with tributes—a testament not just to Joey but to the eternal loneliness of adolescence.

Mickey Leigh continued to ponder the deceptive complexity of the Ramones' music. ''The intelligence was well disguised,'' he said. Then he paused. ''Maybe there wasn't that much intelligence.'' But there was, and warmth as well. And for a still-growing legion of misfits, there is community. As Joey sang, in a signature line culled from the movie ''Freaks,'' ''Gabba gabba, we accept you, we accept you, one of us.''

RE-OPEN PENNSYLVANIA AVENUE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. MORELLA. Mr. Speaker, nearly six years ago, Treasury Secretary Robert Rubin ordered Pennsylvania Avenue closed to vehicular traffic in front of the White House. The Secretary did so with the powers granted to him as head of the Secret Service, which allow him to ''temporarily'' shut down any road in the District of Columbia to protect Presidential safety.

As anyone who has been stuck in the gridlock while trying to drive across town certainly knows, that ''temporary'' blockade still exists. And it exists much to the detriment of our nation's capital, where unsightly concrete barriers make us look like a city under siege, as well as to the detriment of the city of Washington, D.C., which has suffered serious economic consequences as a result.

It's high time to re-open Pennsylvania Avenue and return Pierre L'Enfant's grand boulevard—America's Main Street—to its proper role as an uninterrupted link between the White House and the Congress and as a vital east-west artery for the District of Columbia.

The National Capital Planning Commission is now evaluating what impact the security measures around the White House, the national memorials and Federal buildings have on our nation's capital. The first subject they will be tackling is Pennsylvania Avenue, and the Commission expects to make a recommendation on the Avenue to the President by July.

I am today introducing a Sense of the House resolution urging the Commission to adopt a plan that restores vehicular traffic—and, with it, a sense of democratic openness—to Pennsylvania Avenue.

I do so with the support of ELEANOR HOLMES NORTON and other members of the local congressional delegation—TOM DAVIS and JIM MORAN—and other colleagues who share our concern about the closure of one of America's most famous avenues. D.C. Mayor Anthony Williams and the City Council are fully behind our efforts to re-open the Avenue as well.

To be sure, the security of the President remains paramount to us. But we cannot build a glass bubble around the White House. I am convinced there are prudent steps we can take—including slightly reconfiguring the road and using pedestrian bridges to block truck traffic from the stretch of Pennsylvania Avenue in front of the White House—that will allow us to re-open the road while protecting those who live, work and visit the White House.

EXTRA MILE AWARDS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McGOVERN. Mr. Speaker, today I rise to salute the recipients of the ''Extra Mile'' Awards given by the VNACare Network, Inc. The Extra Mile Award for Caregivers recognizes the dedication of family caregivers who go the extra mile in caring for a loved one. These individuals inspire with their never-ending energy, devotion, and compassion. The Extra Mile Award for Staff is presented to employees who go above and beyond expectations. Their dedication to the VNACare Network makes life easier for those in the office and improves the quality of life for patients and their families.

The Caregiver Award is being given to Gilda Ryan of Ipswich, Massachusetts for the constant care and love she gives her daughter Julie. Staff working with her say this 80-year-old dynamo is a fearless advocate, loving caregiver and her tenacity throughout these past 20 years has allowed her daughter to receive the absolute best care available. She is a true model to nurses and home health aides alike in character and caregiving. Leo Lavigne of Hudson, Massachusetts is also receiving the award for taking care of his wife Frances. His caring and careful attention to her complex medical problems has prompted the staff to say that he may need to be recruited to alleviate the nursing shortage. Richard Law of Worcester, Massachusetts is being recognized for his steadfast, hands-on, loving, and devoted care of his late wife Mary during her last days. He stayed strong—even though his heart was breaking—so that Mary would not feel like a burden to her family. Alan Basmajian and Family of Burlington, Massachusetts are recognized for their courage, commitment, honesty, and love during the last days of their wife and mother, Linda. Her goal of seeing her daughter graduate from eighth grade was realized with incredible support from her family.

The Staff ''Extra Mile'' award is being given to Kathy Cronin-Reardon of Gloucester, Massachusetts for her extraordinary caring and compassion. Her workweek does not consist of 40 hours; she works countless extra hours going unrecognized and even unpaid at times for the sake of the families and patients that need her in difficult times. Laurine Frykberg of Worcester, Massachusetts is being recognized for her willingness to help both patients and staff alike. She is credited with bringing the term ''flexibility'' to a new level, covering New Year's Eve staff shortage with a smile dressed in her evening attire. Sandra Stone of the Watertown, Massachusetts office is an exceptional Home Care Aide who adapts readily to changing department needs with an outstanding commitment to patients needing coverage. Her quiet calmness and professionalism soothes the anxious—both patients and family members. Ana Rodriguez is being recognized for her exemplary work as a Home Care Aide Scheduling Coordinator. Not only has she been a cohesive factor in uniting the office staff, but also she is praised by family members and clinicians for her positive, enthusiastic, and consistent efforts. Finally, Marion Ray is being recognized for her record in the performance of her main responsibility of timely billing and collection of accounts, her ability to manage a large staff with great skill, and her diligence, work ethic and ''can do'' attitude.

Mr. Speaker, it is a great honor for me to recognize these outstanding individuals, and to thank them for all they have done to improve the lives of the people of Massachusetts.

TRIBUTE TO THE BRONX SHEPHERDS RESTORATION CORPORATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SERRANO. Mr. Speaker, once again it is an honor for me to recognize The Bronx Shepherds Restoration Corporation on its twenty-second anniversary. Following is a congratulation letter I wrote to the Executive Director for their continued service to the people of my congressional district.

Mr. THEODORE JEFFERSON,
Executive Director, Bronx Shepherds Restoration Corp., Bronx, NY.

DEAR TED: On the auspicious occasion of the 22nd Anniversary of The Bronx Shepherds Restoration Corporation I want to be amongst the first to once again congratulate you on the outstanding job you do. Your programs have greatly enhanced the lives of the people of our district and your continued commitment to them gives us all hope.

The Bronx Shepherds Restoration Corporation has served as an exemplary model for other agencies seeking to serve neighborhoods such as ours. I believe that as role models you will continue to impact upon more organizations, and in this way in the very near future the development of our Bronx Community will amaze those that did not think such stability and prosperity possible.

Your organization has always provided the support services necessary for individuals to develop into active members of society. Bronx Shepherds Restoration Corporation's record of helping residents find affordable housing, education, and better health care for our senior citizens is both invaluable and impressive.

Once again, congratulations to the Bronx Shepherds on the occasion of your 22nd anniversary. I remain ever grateful for your work

in helping our community resolve the many dilemmas that we encounter. I look forward to the continued growth and development of your Corporation and wish you and your staff every success.

HONORING HILLSBORO HIGH SCHOOL OF NASHVILLE, TENNESSEE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. CLEMENT. Mr. Speaker, I rise today to honor my alma mater Hillsboro High School of Nashville, Tennessee for significant accomplishments in the ''We the People . . . the Citizen and the Constitution'' Program. I am proud to announce that these fine students are representing the state of Tennessee in the national finals of this program on April 21–23 right here in Washington, DC.

More than 1200 students from across the nation will participate in this national event. I know these young scholars from the 5th Congressional District have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

I would like to commend these students and their teacher, Mary Catherine Bradshaw, on this success. These students include: Sherrell Bean, Maria Borea, Amanda Cox, Allysia Chamberlain, Doriada deLeon-Chamorro, Elizabeth Dohrman, Kali Edwards, Adam Finch, Annallise Frank, Jenny Hansen, Chase Hasbrook, Titiana Howell, Aubrey Hunt, Kate Hunter, Enin Hutchenson, Elliot Layda, David McDaniel, Clay Morgan, Dalila Paquiot, Sarah Payne, Riya Perkins, Casey Raetxloff, Ben Rigsby, Julie Schneider, Niti Snighdha, Emily Tarpley, Kathy Tek, Kelly Tek, Shannon Turbeville, Vanja Trubajic, and Savannah Welch.

''We the People . . . the Citizen and the Constitution'' is the most extensive educational program in the country developed specifically to educate young people about the Constitution and Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress.

These hearings consist of oral presentations by high school students before a panel of adult judges. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge. This year's national finals will include questions on James Madison and his legacy in honor of the 250th Anniversary of his birth in 1751.

Administered by the Center for Civic Education, the ''We the People . . .'' Program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide.

The class from Hillsboro High School is currently conducting research and preparing for the upcoming national competition in Washington, DC. I wish these young ''constitutional experts'' the best of luck at the national finals and I look forward to seeing them when they visit Capitol Hill.

TRIBUTE TO HENRY P. BECTON

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to honor Henry P. Becton, Director Emeritus of Becton Dickinson (BD). On May 3, 2001 Henry Becton will be honored by the American Diabetes Association (ADA) for his ''legacy of discovery in diabetes care''.

It is estimated that 300 million people will be affected by diabetes by the year 2005. Currently, in the United States alone, the total annual cost of diabetes is staggering at an estimated $98 billion. Nearly 16 million Americans have the disease and many more are undiagnosed. We desperately need more education and research. BD has been instrumental in furthering efforts to treat and cure diabetes. I am proud that the ADA has chosen to honor Henry and BD as partners in their fine work.

BD has a long history of supporting the development of products and services to people with diabetes. In fact in 1924, BD began to manufacture all-glass syringes for insulin injection. New diabetes initiatives include platforms for enhanced insulin delivery, our inhaled liquid insulin program and the blood glucose monitoring platform.

Some other facts about BD's work with the ADA include:

BD worked in partnership with the ADA to increase awareness of diabetes and promote National Diabetes Awareness Month (now marked each November).

BD is a member of ADA's Banting Circle, denoting participation at the highest level of corporate sponsorship. (The Banting Circle is named for the discoverer of insulin.)

BD provides free products and programs for the 20,000 children who attend ADA summer camps each year. Many BD people volunteer at the camps; others bike, walk and jog to raise funds for diabetes programs and research. In each BD ''getting started kit'' provided to new diabetes patients and new-to-insulin patients, BD also includes information about the ADA to introduce patients to the organization.

Many BD employees have supported ADA programs by serving in leadership positions throughout the ADA. BD has and continues to offer professional workshops in conjunction with the ADA for healthcare professionals and families as well as patients dealing with the disease.

Henry Becton has been a tireless advocate for advancing diabetes research and treatment. Henry epitomizes the care and commitment with his own lifelong spirit of volunteerism and action. In fact, even today Henry sits on the BD corporate contributions committee where he continues to shape BD's charitable programs. For instance, he was a member of the committee in 1994 that established the Diabetes Care Fund to support nonprofit public education initiatives, research activities, and programs to benefit people with diabetes.

Throughout a century of growth, Becton Dickinson's commitment to raising the quality of health care worldwide has remained constant. I can testify to the high standards of personal character and integrity that Henry Becton has brought to the business community and philanthropic and civic communities of northern New Jersey. I congratulate Henry Becton and wish him many years of continued success.

AFFORDABLE STUDENT LOANS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today in support of the Affordable Student Loan Act, which I am introducing today. Student loans—like Pell grants and work-study jobs—are essential to providing all Americans with the opportunity to earn a college degree.

Now more than ever, a college education is one of the best investments of a lifetime. In the workplace, a college degree is worth 75 percent more than a high school diploma, or $600,000 over a career.

Our children should pursue their academic dreams, but the loan burdens we ask them to shoulder are increasingly troubling. Student loan volume has more than doubled over the last seven years to $35 billion a year.

The average student loan debt at four-year public colleges is $12,000. At four-year private colleges, it is $14,300. College graduates with high loan debts may think twice about entering public service, be more likely to default, and delay the purchase of their first home.

To make matters worse, the Federal Government needlessly raises the cost of student loans by charging a fee of up to 4 percent of the loan principal. Students borrowing $1,000 actually receive as little as $960. However, they will still be expected to repay the full $1,000, plus interest.

Nearly all of these fees—up to 3 percent on guaranteed student loans and up to 4 percent on direct student loans—are origination fees, enacted in 1981 to reduce the deficit. Because their only purpose is to raise revenue, the fees are often called ''the student loan tax.'' They do not pay for administrative costs or serve any program purpose.

Nor are the fees necessary to limit the federal cost of student loans. For example, on direct student loans, the Federal Government will ''earn'' more than $5 for every $100 in loans made this year, even after paying for all administrative and default costs. If Congress eliminated on all fees, students would still pay a surcharge—rather than receive a subsidy—on loans through the Direct Student Loan program this year.

Students who borrow guaranteed loans also pay up to I percent insurance fee into reserve funds to pay future default costs. Because these reserve funds are larger than necessary to pay for defaulted loans, the large majority of guaranty agencies waive this fee.

Finally, eliminating the fees will benefit all students. Over the last two years, the Department of Education reduced interest rates and fees on its direct student loans to match terms available from banks on federally guaranteed student loans. The lower rates will save students over $1 billion over the next five years, reduce defaults, and treat students in both the direct and guaranteed loan programs fairly.

In response, a group of financial institutions sued Education to make direct loans more expensive for students and drum up business for their own student loans. The legislation I am introducing today will promote stability in the loan programs by resolving this dispute and benefiting students in both programs. It will leave students and schools free to choose among the programs based upon the quality of service they offer.

Now is the time to end the student loan tax. The Affordable Student Loans Act will save the typical student roughly $400 on their loans and make college more affordable for students in both loan programs. I urge my colleagues to join me in supporting this important legislation.

THE MEDICAID OBESITY TREATMENT ACT OF 2001

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. TOWNS. Mr. Speaker, in honor of National Minority Health Month, today I am introducing the ''Medicaid Obesity Treatment Act of 2001''to elevate the visibility of a national health epidemic that is wreaking particular havoc upon our minority communities. For too long, obesity has escaped adequate attention from both policymakers, scientists and the general public. With this bill, which will simply provide Medicaid coverage for medically necessary treatments for chronically obese beneficiaries, I hope to raise the level of attention to this devastating illness. The Medicaid Obesity Treatment Act of 2001 is the first legislation ever introduced in the Congress to specifically address the need to ensure access for all Americans to drug therapies designed to treat obesity and its related comorbidities, and I am proud to be its sponsor.

Obesity has truly become a national health care crisis. The National Center for Health Statistics reports that 60 percent of Americans over 20 years of age are overweight or clinically obese. Weight-related conditions represent the second leading cause of death in the United States, and result in approximately 300,000 preventable deaths each year.

According to the Surgeon General, the prevalence of overweight and obesity has almost doubled among America's children and adolescents since 1980. It is estimated that one out of five children is obese. The epidemic growth in obesity acquired during childhood or adolescence is particularly threatening to the national health because it often persists into adulthood and increases the risk for some chronic diseases later in life.

The prevalence of obesity in America is at an all time high, affecting every State, both men and women, all ages, races, and education levels. Disparities in health status indicators and risk factors for diet-related disease are evident in many segments of the population based on gender, age, race and ethnicity, and income. Overweight and obesity are observed in all population groups, but obesity is particularly common among Hispanic, African American, Native American, and Pacific Islander women.

Too many Americans, particularly urban residents, have inadequate access to fresh produce and healthy food products. Too many Americans have desk jobs that afford them little opportunity to maintain adequate physical conditioning. And for too many Americans today, the most plentiful, available and affordable food is often the least nutritious.

For years, obesity was considered a lifestyle choice. Now, however, it is increasingly understood to be an illness with serious health consequences. It is proven that overweight and obesity are associated with significantly higher mortality rates. Additionally, obesity substantially increases the risk of other illnesses, including breast cancer, colon cancer, ovarian cancer, prostate cancer, cardiovascular disease, high blood pressure, high cholesterol, type 2 diabetes, heart disease, stroke, gallbladder disease, arthritis, sleep disturbances and respiratory problems.

The costs of obesity on the public health system are truly staggering. The total cost, both in terms of health care and lost productivity, of obesity alone was estimated as $99 billion in 1995. As it becomes more prevalent, obesity's toll on the national economy will only grow.

There is some promising news, however. Science has made great strides in recent years to both understand and combat obesity. Several new drugs offer great promise in the fight to prevent and treat obesity and its related comorbidities.

Unfortunately, however, coverage of these drugs is excludable under Medicaid due to an eleven year old provision that allows states to exclude weight loss drugs, even in cases where these drugs have the potential to save lives. This provision is based upon the outdated notion of obesity as a ''lifestyle choice'' and the notion of anti-obesity medication as cosmetic in nature. These notions, and the provision based upon them, are no longer valid scientifically, and must be stricken from the law. Medically necessary medicine for the treatment of chronic obesity should be covered under Medicaid like any other medically necessary drug. This is the purpose and goal of this bill.

Although this expansion in Medicaid coverage might incur some marginal cost to the overall program, requiring states to cover proven obesity medication may actually reduce Medicaid expenditures as a result of decreases in the costs associated with treating obesity-related comorbidities such as diabetes and heart disease. Given the numerous collateral benefits of reducing obesity, in addition to the underlying treatment of obesity for the disease that it is, it makes good sense and good public policy to provide Medicaid beneficiaries access to life saving antiobesity medicines.

Finally, as the Congress looks towards the formation of a prescription drug benefit for all Americans, we must be wary of simply importing the outdated notions implicit in Medicaid coverage definitions which might have the effect of denying access to medically necessary weight loss drugs. Any prescription drug benefit must provide coverage for medically necessary medications for chronic obesity consistent with its coverage of other medically necessary disease treatments.

Obesity is a growing epidemic across the nation which must be addressed with more than just words. This bill offers an important first step towards stemming the tide against this preventable killer. During this year's observance of National Minority Health Month, I am pleased to introduce this bill to both highlight the epidemic of obesity, which strikes particularly hard in the minority community, and to do something substantive about it. I encourage my colleagues to join me in supporting it.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. LANGEVIN. Mr. Speaker, I rise in opposition to H.J. Res. 41, the Tax Limitation Constitutional Amendment, which would require a two-thirds majority vote in Congress to pass legislation increasing internal Federal revenues, except in time of war or military conflict. While I support a simpler, fairer and more efficient tax code, I cannot back this fiscally irresponsible proposal, which would unnecessarily tamper with the Constitution and undermine its principle of majority rule.

This resolution would deny Congress its legislative ability to address weaknesses in our current tax code and possibly close outdated and costly tax loopholes. Further, this constitutional amendment would prevent us from passing reconciliation bills, which reduce future deficits by making balanced spending cuts and raising revenues, unless there are tax cuts of equal size.

The philosophical battle over supermajorities was waged after the Articles of Confederation was enacted. During, this debate, our Founders became convinced that supermajorities were unfeasible and that a simple majority—our present system for the passage of tax bills—was the most practical. For centuries, our government has abided by this fundamental principle and concluded that our republic would be compromised if a two-thirds majority vote were required for revenue bills and other day-to-day legislative matters routinely before us.

We all want to protect hard-working families from tax increases, but requiring a two-thirds vote to raise revenues to pay for spending initiatives that we have already authorized would make funding our national priorities even more problematic. Furthermore, this constitutional amendment would make it extraordinarily difficult to extend the solvency of Social Security and Medicare and reduce our national debt. Finally, this legislation is largely unworkable, given the vagueness and ambiguity of its language. If Congress is truly concerned about

guarding the American public from unwarranted tax increases, it should pass meaningful tax reform legislation, maintain a balanced budget, and trust American citizens to elect representatives who will legislate in their best interests.

For these reasons, I cannot support this proposed change to the Constitution. I strongly urge my colleagues to vote against this imprudent measure.

HONORING THE MEMORY OF RICHARDSON PREYER, FORMER MEMBER OF THE HOUSE

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mrs. CLAYTON. Mr. Speaker, I rise to say a few words about a North Carolina native son, the Honorable Lunsford Richardson Preyer. He died this month but left a legacy of dedicated, visionary and exemplary service to his family, community, state and nation.

He was bom in Greensboro, NC in 1919 and lived and served during a difficult time in the history of our state and nation. Racial discrimination was widespread during his early life. African Americans were objects of legal, social and economic oppression. However, Richardson Preyer rose above the prevailing conditions and displayed remarkable moral integrity, tolerance and support for racial diversity and human rights.

After graduating from Princeton University and Harvard Law School, he returned home. Although an heir to a family fortune, he chose to engage in efforts to resolve conflicts between contending groups in society. He was well-suited to be a judge; he served as a state court trial judge and in 1961 was appointed to a lifetime position on the federal District Court. A few years later, he left this comfort zone seeking other opportunities to serve. In 1964, he ran unsuccessfully for Governor of North Carolina. He served several years as a bank executive and, in 1968, was elected and served the 6th District of North Carolina for six terms in the United States Congress.

Mr. Preyer was a gentleman and a scholar and a bold and courageous leader. He was given much and he gave much. It is fitting that we pay tribute to his life and legacy. He was a good man.

JESSIE ROBERSON—A GOOD CHOICE FOR A CRUCIAL JOB

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. UDALL of Colorado. Mr. Speaker, one of the most difficult and most important jobs in the Federal Government is overseeing the cleanup of the vast complex of Department of Energy sites where plutonium and other nuclear weapons components were produced or processed.

Coloradans have a big stake in this because our State is home to a number of these sites, notably the Rocky flats site in the district I represent.

So, I rise to applaud the reported decision of President Bush to nominate Ms. Jessie Roberson, to the important position of Assistant Secretary of Energy for Environmental Management. I think it is an excellent choice.

I had the opportunity to work with Jessie when she headed the Rocky flats project in Colorado. I took an immediate liking to her—not just because of her professionalism and no-nonsense style, but also because she seemed to me to enjoy working hard, while maintaining a sense of good humor.

Her tenure at Rocky flats was highly successful. She led agency efforts to keep the commitment, first made by Energy Secretary Federico Pena, to give a high priority to finishing full cleanup and closure of rocky flats on a much earlier timetable than had previously been proposed.

I know I speak for all of my colleagues in the Colorado delegation in wishing her the very best as she undertakes important new responsibilities at the Department of Energy.

A recent editorial by the Denver Post put it right by calling Jessie Roberson a "top flight" pick. For the information of our colleagues, I submit that editorial for the RECORD:

[From the Denver Post, April 3, 2001]

ROBERSON A TOP-FLIGHT PICK

U.S. Energy Secretary Spencer Abrahams is getting some top-flight help in cleaning up the nation's Cold War legacy: Jessie Roberson, who headed the Department of Energy's Rocky Flats closure project in Colorado, is being nominated to manage DOE's entire environmental cleanup program nationwide.

Roberson will be the second Rocky Flats veteran to move into a key DOE post. Earlier, the White House announced it will nominate Robert Card for undersecretary of energy. Card previously headed Kaiser-Hill, the contractor doing the cleanup at Rocky Flats, the mothballed nuclear bomb trigger factory north of Golden.

The Rocky Flats crew led by Roberson and Card accomplished, in just three years of teamwork, more progress toward cleanup and closure than the facility had logged in the previous decade.

It's understandable that Abrahams would look toward the people who brought DOE past success to move the entire department toward its future goals.

Roberson is an excellent choice. She is a nuclear engineer who in 1996 was named the national Black Engineer of the Year for Professional Achievement in Government. That same year, she took the reins at Rocky Flats, where her personable but no-nonsense style got the flagging project on track.

In 1999, the Democratic Clinton administration tapped Roberson for the Defense Nuclear Facilities Board, which provides independent oversight at DOE nuclear sites on all issues affecting health and safety.

Now the Republican Bush Administration also has recognized the value of her 17 years of nuclear safety experience.

As assistant energy secretary for environmental management, Roberson will oversee the cleanup of all the country's Cold War atomic sites. Among them: Hanford, the toxic and radioactive nightmare in eastern Washington. Savannah River, the South Carolina reactor and processing plant that must be modernized. And Rocky Flats, the one place DOE has scored read progress toward cleanup.

With Abrahams at the top and Card in the No. 2 slot, Roberson will round out DOE's civilian management team.

The department's environmental management job, in fact, is one of the toughest positions in the federal government today. There likely isn't a better person around to tackle the task, however, that Jessie Roberson.

TAX LIMITATION AMENDMENT: H.J. RES. 41

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. GILMAN. Mr. Speaker, I rise today in support of H. J. Res. 41, the Tax Limitation Amendment 2001.

H.J. Res. 41 amends the U.S. Constitution to require that any bill, resolution or legislative measure that proposes to change Internal Revenue laws must have the approval of two-thirds of those voting in the House of Representatives and the Senate. This requirement would not apply when a declaration of war is in effect, or when the United States is engaged in a military conflict which causes an imminent and serious threat to national security as found by both Chambers and the President.

Mr. Speaker, in his famous McCulloch vs. Maryland opinion, Chief Justice John Marshall stated that "The power to tax is the power to destroy." This amendment sets out to make it more difficult for the Congress to arbitrarily erase taxes, and presumably, makes the Federal Government more efficient and less bloated with unnecessary spending.

History has demonstrated that it is far easier for Congress to raise taxes to cover spending deficits than it is to reduce that spending to reasonable levels. This is all the more true today, now that the government is operating at a surplus. Neither party wants to be held responsible for any future return to peacetime deficit spending. Should such an event appear likely to occur, the temptation to raise taxes to cover any potential deficit would be overwhelming.

The enactment and ratification of this amendment would thus prevent a return to the situation which existed in this country 25 years ago. During the 1970s, middle-class families were struggling to get by under crippling high marginal tax rates, which, thanks to high inflation and bracket creep, reached deeper into the working class ranks with every passing year.

Accordingly, I urge my colleagues to fully support H. J. Res. 41, The Tax Limitation Constitutional Amendment.

PERSONAL EXPLANATION

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. DAVIS of California. Mr. Speaker, on roll call No. 85 and 86, I was delayed due to

aircraft mechanical problems. Had I been present, I would have voted ''yea'' on both.

PERSONAL EXPLANATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BROWN of South Carolina. Mr. Speaker, on roll call No. 59 I was unavoidably detained. Had I been present, I would have voted ''yea.''

WALTER ARBIB

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. GILMAN. Mr. Speaker, today, I stand to recognize and salute a dear friend and a wonderful human being, Walter Arbib.

A resident and native of Israel before moving to Canada in 1988, Walter Arbib started his career as an Israeli tourist agent and took advantage of the normalized relations between Israel and Egypt for his business. As his work progressed and new horizons seemed to dawn, Walter came upon the idea of moving his work into the international relief area. Already, at this point, as co-owner of a number of SkyLink discount travel offices, Walter established his headquarters in Toronto, Canada and was the catalyst for a dream that has grown exponentially since that time. What began as a group of small travel offices has evolved into SkyLink Group which includes SkyLink Express, an air courier business; SkyLink Travel, a discount airline ticket agency; Sishost Corp., an Internet-based application hosting platform; and Dollar Rent-A-Car.

At a cursory glance, the SkyLink group of companies seems no more than an affordable, expansive travel group. However, Walter Arbib's vision has gone much further than simply affordable travel. SkyLink Aviation, Inc. is an internationally licensed operator of aircraft and helicopters which specializes in Air Support Project Management, Air Charters, Aviation Support, Aircraft Maintenance, Air Courier, Executive Aircraft, Flight Planning and Clearance Services. In short, SkyLink supplies much needed air support for humanitarian and other missions throughout the globe.

Walter's clientele has become as diverse as the United Nations (incidentally one of SkyLink's first contracts). Foreign governments, as well as the United States, have hired Walter Arbib and SkyLink to deliver food to refugees, evacuate workers, and fly into dangerous areas to provide aid and transportation. SkyLink owns approximately fourteen planes and four helicopters, but leases the bulk of its aircraft from a network of companies, sometimes as many as one hundred planes can be involved in any given operation in a matter of hours. Walter's company is always on call. If an emergency request comes through, SkyLink is prepared to act immediately.

Often, Walter doesn't even wait for a call before his aircraft are on their way to participate or spearhead disaster relief halfway across the globe. During severe flooding in Mozambique, SkyLink started to move their helicopters before Walter was even asked. His pro-active approach to work is a combination of good business sense and an understanding of the international need for an operation like SkyLink. Walter Arbib and SkyLink have received thankful letters and honors from many countries that are grateful for the service that he has provided.

SkyLink's work can sometimes deviate from the stated objective. The most illustrative example occurred in 1994 when SkyLink was hired to bring aid to Rwanda, in the midst of war. During this operation, SkyLink's Operation Manager discovered nine hundred orphans with two aid workers struggling in abysmal working conditions. A decision was quickly made that SkyLink would donate its aircraft and manpower to the first wave of supplies, and would help set up an adequate shelter for the orphans. Back at headquarters, Walter stated matter-of-factly that he had heard this incredible story from his manager, and decided to lend a helping hand, because those children were in the middle of nowhere and the people in the field said that they were not leaving before they had a chance to help. Such devotion and goodwill is ever-pervasive in SkyLink under Arbib's leadership.

Walter Arbib has prospered because of SkyLink's extensive business ventures, but never lost sight of the main reason that this business is such a success on a number of levels. More often than not, the SkyLink symbol can be seen on the helicopters and planes evacuating refugees or bringing aid and supplies to needy citizens of other countries. While this has meant greater profits for Walter, it also fills him with a sense of pride that even in a business venture, comfort and aid can be brought to the needy throughout the world.

The international community is extremely grateful to this humanitarian whose work many times provides the difference of life or death for countless people in the path of danger.