HOUSE OF REPRESENTATIVES—*Thursday, May 10, 2001*

The House met at 10 a.m.

The Reverend Ira Combs, Jr., The Greater Bible Way Temple, Jackson, Michigan, offered the following prayer:

Of course let us remember, blessed are the brief, for they shall be heard again.

With bowed heads at this time, we want to, before giving the prayer, give honor to Congressman NICK SMITH, the Honorable President George W. Bush, the Speaker of the House, and all the distinguished Members of this body.

Again with bowed heads, Almighty and Eternal God, our provider and continual sustenance, we Your public servants disrobe ourselves of our personal pride and bow our heads in humility.

We ask for forgiveness for our individual and collective shortcomings as a people. We petition Your divine assistance, requesting that You script our prayers to reflect a deep and abiding appreciation for the rich historicity our Founding Fathers have left us in the creative inspiration of our Nation's Constitution and Bill of Rights.

Inspire us as Republicans, Democrats, Independents and others to never forget the virtues upon which this Nation's democracy was founded, the precepts that are the cause of our current prosperity, and, finally, bless us with reverence for You as a loving and abiding and caring Creator.

Help us seek peaceful and cooperative communion with You, our fellow man, our colleagues, and in each of our communities of faith, never forgetting and ever remembering that it is faith in You that has brought us, blessed us and kept us.

In Your mighty name we pray, and all the people said, Amen.

THE JOURNAL

The SPEAKER. 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. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY 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. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H. Con. Res. 74. Concurrent resolution authorizing the use of the Capitol Grounds for the 20th annual National Peace Officers' Memorial Service.

H. Con. Res. 108. Concurrent resolution honoring the National Science Foundation for 50 years of service to the Nation.

The message also announced that the Senate has passed with amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 428. An act concerning the participation of Taiwan in the World Health Organization.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Idaho (Mr. CRAIG), from the Committee on Appropriations, to the Board of Visitors of the United States Air Force Academy.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, reappoints the following Senators to the Board of Visitors of the United States Air Force Academy—

the Senator from South Carolina (Mr. HOLLINGS) (from the Committee on Appropriations); and

the Senator from Georgia (Mr. CLELAND) (At Large).

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Ohio (Mr. DEWINE), from the Committee on Appropriations, to the Board of Visitors of the United States Military Academy.

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Military Academy—

the Senator from Rhode Island (Mr. REED) (At Large); and

the Senator from Louisiana (Mrs. LANDRIEU) (from the Committee on Appropriations).

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations, to the Board of Visitors of the United States Naval Academy.

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, reappoints the following Senators to the Board of Visitors of the United States Naval Academy—

the Senator from Maryland (Mr. SARBANES) (At Large); and

the Senator from Maryland (Ms. MIKULSKI) (from the Committee on Appropriations).

The message also announced that pursuant to section 194(a) of title 14, United States Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, the Chair, on behalf of the Vice President, reappoints the following Senators to the Board of Visitors of the United States Coast Guard Academy—

the Senator from South Carolina (Mr. HOLLINGS) (from the Committee on Commerce, Science, and Transportation); and

the Senator from Washington (Mrs. MURRAY) (At Large).

The message also announced that pursuant to section 1295(b) of title 46, United States Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Merchant Marine Academy—

the Senator from North Carolina (Mr. EDWARDS) (from the Committee on Commerce, Science, and Transportation); and

the Senator from Louisiana (Mr. BREAUX) (At Large).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The gentleman from Michigan will be recognized for 1 minute. All other 1-minutes will be at the end of the day's business.

WELCOME TO THE REVEREND IRA COMBS, JR.

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

Mr. SMITH of Michigan. Mr. Speaker, I would like to join you in welcoming today's distinguished guest

chaplain, Reverend Ira Combs, Jr., and thank him for leading the House in prayer. Reverend Combs is the founder and pastor of the Greater Bible Way Temple in Jackson, Michigan.

He started that church and now the congregation numbers over 1,000. Reverend Combs has built up his church to serve a growing congregation. He has received the Outstanding Young Men's Award from the National Jaycees and was named in the Marquis Who's Who in America and the Who's Who from the International Business Association, among some of his many awards.

Reverend Combs is distinguished by his love for people, desire to strengthen families and ability to motivate and cultivate those around him. His compassion for the less fortunate has led him to assist many needy families in and around Jackson while working tirelessly to serve his community and his State.

Reverend Combs continues to be a community leader in Jackson. I am proud to welcome him here today as our guest chaplain.

PROVIDING FOR CONSIDERATION OF H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003.

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 138 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 138

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Except as specified in section 2 of this resolution, each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the Majority Leader or his designee announces from the floor a request to that effect.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 138 is a structured rule providing for the consideration of H.R. 1646, the Foreign Relations Authorization Act for fiscal years 2002 and 2003. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on International Relations. The rule waives all points of order against consideration of the bill and the committee amendment in the nature of a substitute. It provides that no further amendment to the bill shall be in order except those printed in the Committee on Rules report.

The rule provides that each amendment printed in the report shall be offered only in the order printed in the report except as specified in section 2 of the resolution. These amendments shall be offered by a Member designated in the report, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against such amendments.

Section 2 of the resolution allows the Chairman of the Committee of the Whole to permit amendments printed in the Committee on Rules report to be considered out of the order printed provided that the majority leader or his designee announces such a request from the floor no sooner than 1 hour before its consideration. Finally, the rule provides one motion to recommit, with or without instructions.

The authority provided in section 2 of the resolution will provide flexibility for the House during the lengthy consideration of this bill and the 26 amendments which have been made in order by the Committee on Rules.

In considering amendments, the Committee on Rules was as fair and open as possible, Mr. Speaker. Of the 71 amendments filed, several of which were duplicative or overlapping, this rule makes in order three bipartisan amendments, 13 Democrat amendments, and 10 Republican amendments. I believe this is a generous composition. I commend the gentleman from California (Mr. DREIER) and my colleagues on the Committee on Rules for reaching this balance.

I support this fair rule which brings forth very important bipartisan legislation authorizing appropriations for 2002 and 2003 for the Department of State, U.S. contributions to international organizations and commissions, international broadcasting activities, security assistance and for other purposes.

This bill authorizes appropriations for the State Department, thereby setting an upper limit on the amounts that may be appropriated in the Commerce-Justice-State and the Foreign Operations appropriations bills. It also sets forth authorities and restrictions under which U.S. foreign policy operations may be conducted during the next 2 years.

It is a good bill, Mr. Speaker. Some of the amendments that have been made in order can make the bill even better by addressing important issues, such as the Mexico City policy and United Nations funding. I believe the rule provides ample opportunity to discuss the pros and cons of the Mexico City policy concerning funding for international family planning organizations that offer abortions by allowing an amendment to strike an amendment that was adopted during the committee consideration of the bill. Members will have a clean vote on this issue after a thorough debate. As a believer in the right to life, I intend to support the Hyde-Barcia-Smith-Oberstar amendment because I believe in preserving the President's legal authority to implement the Mexico City policy. The President should have the same authority as those before him. Preserving this policy will not take any funding away from the $425 million the administration has requested for use in population assistance around the world.

But my view is not what is important, Mr. Speaker. What is important is that this issue will be thoroughly available for debate. Last week, as Members know, the United Nations Economic and Social Council voted to

remove the U.S. from the U.N. Commission on Human Rights for the first time since the commission's inception in 1947.

Unfortunately, the U.N. Commission on Human Rights has more and more become a club of dictatorships, with the inclusion of such regimes as Sudan, China, Libya, Vietnam. The Cuban dictatorship is automatically reelected as a member each time. The expulsion of the United States simply shows, in my opinion, the true nature of a significant portion of that commission. I am confident that the United States Congress through this legislation will make it clear that it takes note of what is unfortunately really happening to the United Nations.

In response to the U.N. actions, we will be debating the Hyde-Lantos-Sweeney amendment, which would send a clear signal to the governments which did not stand with the U.S. on the U.N. vote that expelled the United States from the U.N. Commission on Human Rights. Hyde-Lantos-Sweeney, which I intend to support, ties United States return to the U.N. Human Rights Commission to the release of $244 million in previously appropriated funds to pay U.S. arrearages to the United Nations. If the amendment is adopted, money will still be available to be released for fiscal year 2001; but it would condition the spending of money for 2002 on the readmission of the United States to the U.N. Human Rights Commission, giving the U.N. ample opportunity to meet this condition.

I am also supportive of an amendment sponsored by the gentleman from Colorado (Mr. TANCREDO) which will keep the U.S. from wasting valuable time and funds joining and participating in the U.N. so-called Educational and Scientific Cultural Organization, which in my view is an organization truly in search of a mission. Currently, the U.S. gives approximately $3 million each year on a voluntary basis to support educational, scientific, and cultural projects which we feel are worthwhile, whereas if we were to become a member, we would be funding good and bad projects alike.

This structured rule is not without precedent, Mr. Speaker.

□ 1015

In the 103rd Congress, at the request of the chairman of the Committee on International Relations, the State Department authorization bill was considered under a structured rule.

We also considered last year's American Embassy security bill under a structured rule.

The rule is allowing for 26 amendments, which will obviously take up a significant amount of time of the House, and which are as wide-ranging in subject as they are in sponsorship.

I look forward to a vigorous debate on this bill. I commend the gentleman from Illinois (Mr. HYDE), as well as the ranking member, the gentleman from California (Mr. LANTOS), for their commitment to human rights, their hard work in crafting this bipartisan bill and, as always, for making us all in this House proud.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the time.

Mr. Speaker, this is a restrictive rule. It will allow for consideration of H.R. 1646. It is a bill that would authorize the Department of State for fiscal years 2002 and 2003. As my colleague from Florida has described, the rule provides for 1 hour of debate. It will be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule permits floor consideration of only those amendments selected by the Committee on Rules.

I want to commend the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for their leadership on this bill. It is refreshing to see a State Department authorization bill which increases funding for vital foreign policy programs instead of making major cuts as we have done in the past.

Our Nation's diplomats are the ounce of prevention towards avoiding international conflict, and a good diplomatic corps with sufficient resources can prevent much more costly and disruptive military actions.

I am also pleased that the bill funds our Nation's commitment to international organizations, especially the United Nations.

Last year, former U.S. Ambassador to the United Nations, Richard Holbrooke, negotiated an agreement to lower our U.N. dues, saving America millions of dollars. This legislation will honor that agreement by making the technical changes to current U.S. law. We must now uphold our part of this bargain by paying our back dues to the United Nations. Great nations honor their commitments, and we must pay our bills.

This measure increases the authorization for UNICEF and for refugee assistance. Both of these accounts save lives and they deserve our support. Since 1995, funding for the refugee account has been so low it has not even kept up with inflation. This bill increases the account by more than $100 million above the President's request and will help make up for the shortfall. This funding is especially critical, now since a funding shortfall is anticipated from other donor nations.

Though I am pleased with the bill that was reported out of committee, I must express my disappointment with the rule to accompany the bill that we are now considering. In the 104th and the 105th Congresses, we took up the State Department authorization bill under an open rule. In the 107th Congress, the rule was restrictive but the Committee on Rules made in order most requested amendments. Now this restrictive rule makes in order less than half of the amendments requested.

Moreover, the amendments that are made in order do not fully address the breadth of issues of concern to House Members.

I am especially concerned about one amendment made in order to be offered by the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) to withhold some U.N. dues unless the United States is returned to its seat on the U.N. Human Rights Commission. I must state that I hold these gentlemen in the highest personal regard and I fully support the ultimate goal of their amendment. Like most Americans, I am outraged that the United States was removed from both the United Nations Human Rights Commission and the International Narcotics Control Board. Like the sponsors of this amendment, I want the United States to get back on these commissions in 2002. However, I strongly oppose the approach of the Hyde-Lantos amendment that hold our U.N. back dues hostage to the United States returning to these commissions.

This is the money we owe the U.N. and we have already agreed to pay it. As the gentlemen know, I am opposed to linking back payment of U.N. dues to any cause. With great reluctance, I broke from my pro-life colleagues who wanted to link payment of our dues to funding some international family planning organizations. Then, as now, I fully supported the end result but then, as now, I do not think that threatening to withhold our U.N. dues, our U.N. back dues, was the proper tactic.

Mr. Speaker, this is President Bush's view as well. Yesterday, the President's spokesman stated while the United States is disappointed with the results of the Human Rights Commission election, the President feels strongly that this issue should not be linked to the payment of our arrears to the U.N. and other international organizations.

The United States has been and continues to be a beacon of hope for defending the human rights and freedoms of all people, and this is the promise of the United Nations. I am afraid that the Hyde-Lantos amendment would only further undermine the operations of the U.N. and our ability to provide leadership. Despite my support for the bill, I reluctantly oppose the rule, and ask my colleagues to vote no on this unnecessarily restrictive rule. Should the rule pass, I ask my colleagues to vote no on the Hyde-Lantos amendment.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time.

Mr. Speaker, I rise as a member of the Committee on International Relations but I would like to express my disappointment that of my amendments that were offered to the Committee on Rules, none of them were approved. That was a great disappointment to me.

I will vote for the rule, recognizing the fact that it is hard to accommodate everyone, but nevertheless it is very clear that I have been an outspoken opponent of the United Nations, and the amendments that we will be discussing will really not deal with the essence of whether or not we should be involved as we are in foreign interventionism. I think we are tinkering on the edges and will not do much to improve the bill even if some of the amendments are passed, some of which I will support.

I do think there are some serious things that we must consider. One is the issue of national sovereignty. To support H.R. 1646, one has to vote to give up some of our national sovereignty to the United Nations. There is $844 million for peacekeeping missions. We know now that we live in an age when we go to war not by declaration of the U.S. Congress but we go to war under U.N. resolutions. When we vote for this bill, and if this bill is supported, that concept of giving up our sovereignty and going to war under U.N. resolutions is supported.

I would like to have struck from the bill all the money for population control. I will support the Mexican City language, but it really does not do that much. All funds are fungible, and if we provide hundreds of millions of dollars for population control and say please do not use it for abortion, it is just shifting some funds around. So there is no real prohibition on the use of American taxpayers' money for abortion if we do not strike all of these funds.

The United Nations have already laid plans for an international tax. This January it was proposed that the U.N. would like to put a tax on all currency transactions to raise $1.5 billion. This is abhorrent. This should be abhorrent to all of us. It should be abhorrent to all Americans that we would have an international tax imposed by the United Nations.

Already the United Nations is involved in tax collecting. In Bosnia right now, in Serbia, the U.N. has as one of their functions collecting taxes on goods coming into the country. There was a demonstration not too long ago by the Serbs objecting to this. The idea that U.N. soldiers, paid by the American taxpayers, are now tax collectors in Bosnia should arouse our concern.

The only way, since we do not have the amendments to reject outright some of this wasteful and harmful funding, the only way we who believe that our sovereignty is being challenged is to reject 1646. I see no other way to address this subject, because it is not in our best interest to go along with this.

The way the bill is written right now, we will support the Kyoto Treaty, and the International Criminal Court is also something that we should be contending with.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

Mr. Speaker, I rise to oppose this rule. I am disappointed that the Hastings-Allen amendment was not made in order. Our amendment would establish a special coordinator for Korea to negotiate the end of the North Korean missile program. We can negotiate away the North Korean missile threat, but only if we sit down at the table to discuss the subject. President Bush has refused to do so.

In denying the House a vote on our amendment, Republicans show they have no interest in getting rid of North Korean missiles. Why? Apparently because those missiles are needed to justify the President's extravagant, unworkable missile defense scheme.

It is far easier to defend against a missile that is never built than against a missile that has been launched. There is a new, improved climate on the Korean Peninsula. The North Koreans have voluntarily continued their moratorium on testing. It is a shame on this bill we cannot even vote for a special coordinator to negotiate an end to the North Korean missile threat.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time. I appreciate his great leadership in this body on so many issues.

Mr. Speaker, I rise in opposition to this restrictive rule. The rule should be open and allow for debate of all the issues that could be brought to this floor, because it is extremely important.

Later today I will be speaking about an issue that does not reflect the best of our decisions in the deals that we have made. I am referring to the Hyde-Lantos-Sweeney amendment. This amendment will hold hostage United States payments to the United Nations.

In 1999, under the Helms-Biden agreement, we negotiated a deal with the United Nations. They have held up their end of the bargain. We have not. Because the U.N. has voted the U.S. off the Human Rights Commission, we are deciding that we can break our agreement, that we can break our contract.

This is wrong, and I think we would be ashamed if our children acted in this manner.

Today I am supporting the Bush administration, because they support the funding of the United Nations. If we pass the Hyde-Lantos-Sweeney amendment, it will be the first loss of the Bush administration on Capitol Hill.

I would like to quote from Ari Fleisher, representing the Bush administration. ''While the United States is disappointed with the results of the Human Rights Commission election, the President feels strongly that this issue should not be linked to the payment of our arrears to the United Nations and other international interests.''

If we pass this amendment, we will be sending a message to the world that our word cannot be trusted and that if we do not get what we want, we can break our deal. As I am sure my colleagues will agree, this is not the message we want to send to the world community.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the rule, with great disappointment that the Committee on Rules did not make in order a very important amendment that I had offered. While I understand the restrictions that face the Committee on Rules in selecting a workable number of amendments under tight time constraints, I regret that the committee did not see fit to report my amendment which addresses a very critical and legitimate issue.

The amendment that I had hoped to offer would better coordinate the Federal Government's response to international terrorism. In crafting this bill, my staff and I worked closely with experts in the field of international terrorism, including officials from the Congressional Research Service, the Rand Corporation, the State Department and Department of Justice. In short, I believe this is a very legitimate and growing problem.

Under the measure which I offered also as a bill, H.R. 1338, the Secretary of State would be required to designate an existing Assistant Secretary of State to monitor efforts to bring justice to U.S. victims of terrorism abroad.

□ 1030

Each year, hundreds of thousands of U.S. citizens work and travel overseas, including a growing number of U.S.

employees who work for the energy industry based in my district. Because of the confusing blend of multijurisdictional concerns, U.S. victims of terrorism and their families are often unable to obtain justice, even when the perpetrators' whereabouts are known by Federal authorities.

Under this measure, the Assistant Secretary of State would be required to work directly with the Justice Department and other applicable Federal agencies to identify and track terrorists living abroad who have killed Americans or who are engaged in acts of terrorism that have directly affected American citizens. In addition, the Assistant Secretary would provide an annual report to Congress on the number of Americans kidnapped, killed, or otherwise directly affected by the actions of international terrorists. Also included in the annual report to Congress would be a thorough detailing of what actions State and Justice are undertaking to obtain justice for U.S. victims of international terrorism and a current list of terrorists living abroad.

Mr. Speaker, I am disappointed that the Committee on Rules did not see fit to allow this amendment to be debated on the floor of the House today. As Members of Congress, we have a profound duty to provide an effective response when our constituents have been victims of international terrorists while traveling or working abroad. I am hopeful that I can count on the support of the chairman and the ranking member of the Committee on International Relations in the weeks ahead to address this very important problem.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we oppose the rule. The bill is a pretty good bill. I am very satisfied with the bill, but the rule is very restrictive.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have crafted a fair rule, with 26 amendments made in order, over half from our friends from the other side of the aisle. The key issues have all been made in order for debate. We look forward to a vigorous debate on this important legislation.

Mr. Speaker, I reiterate my support for the rule and the underlying legislation.

Mr. MARKEY. Mr. Speaker, I rise in opposition to the rule. The Rules Committee has blocked an amendment offered by Mr. GILMAN and myself. This amendment, "Accountability to Congress for Nuclear Transfers to North Korea Act", would have provided for thoughtful consideration as the United States and its allies march forward ponderously towards providing nuclear power to North Korea.

North Korea is a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and, as such, is required to submit to inspections by the International Atomic Energy Agency (IAEA). Since the early 1990s, however, North Korea has blocked the IAEA from performing inspections of certain nuclear facilities. This non-compliance was tacitly accepted by the U.S.-North Korean Agreed Framework of 1994, which arranged for the provision of 2,000 megawatts of light water nuclear reactors to the North Koreans in exchange for them to stop operation and construction of their graphite-moderated reactors. IAEA inspections, however, must occur before "key nuclear components" can be delivered.

With a country that is unwilling to fulfill its international obligations, it is important that we scrutinize carefully any transfers of nuclear equipment or technology. At the same time, we must recognize the precarious power predicament in which North Korea finds itself. The nuclear reactors won't be completed for years. And when—and if—they are, North Korea's electric grid is not capable of handling and transmitting the power that will be produced. The people of North Korea will still want for that fundamental building block of an industrialized society—sufficient, reliable electricity.

So we have to balance the various issues; we have to be tough but fair-minded. We have to consider carefully any attempt to transfer nuclear technology or material to North Korea per the Agreed Framework, but we also have to preserve the Agreed Framework, which helped to avoid potential military confrontation on the Korean Peninsula. And as part of ensuring stability there, we have to recognize the legitimate needs of the North Korean people.

The amendment offered by Mr. GILMAN and myself would have accomplished this task. First, it required that before any material or technology was transferred to North Korea under a nuclear cooperation agreement, Congress would have to approve by joint resolution any certification made by the President as specified by the North Korea Threat Reduction Act of 1999. This portion of the amendment passed the House of Representatives in the last Congress by a margin of 374 to 6 on May 15, 2000. Second, the amendment would have prohibited the assumption of liability by the United States government for accidents involving nuclear reactors in North Korea. This portion of the amendment passed the House of Representatives last May by a margin of 334 to 85 as an amendment to the Defense Authorization bill.

Finally, the amendment expressed the sense of Congress that the provision of non-nuclear power generation to North Korea should be considered. This proposal postulated that non-nuclear power was the best way to fulfill the energy needs of North Korea. It encouraged the modernization of the electricity grid. It required that the President report to Congress on the current and projected electricity needs of North Korea and on the cost and time-frame for providing non-nuclear versus nuclear power generation. It was an information-gathering tool. It was a call to think about what we are doing with North Korea. Let us not go blindly along, business-as-usual, and hope that somehow, someday, the nuclear power plants will be built according to the satisfaction of everyone. North Korea will not be satisfied with their lack of electricity, and we in the House of Representatives will not be satisfied with being shut out of the decisionmaking process regarding nuclear transfers to North Korea.

The rule hides from these realities. It should be rejected.

Mr. DIAZ-BALART. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 192, not voting 13, as follows:

[Roll No. 105]

YEAS—226

Aderholt	Dreier	Istook
Akin	Duncan	Jenkins
Armey	Dunn	Johnson (CT)
Bachus	Ehlers	Johnson (IL)
Baker	Ehrlich	Johnson, Sam
Ballenger	Emerson	Jones (NC)
Barcia	English	Keller
Barr	Everett	Kelly
Bartlett	Ferguson	Kennedy (MN)
Barton	Flake	Kerns
Bass	Fletcher	King (NY)
Bereuter	Foley	Kingston
Biggert	Fossella	Kirk
Bilirakis	Frelinghuysen	Knollenberg
Blunt	Gallegly	Kolbe
Boehlert	Ganske	LaHood
Boehner	Gekas	Lantos
Bonilla	Gibbons	Largent
Bono	Gilchrest	Latham
Boyd	Gillmor	LaTourette
Brady (TX)	Gilman	Leach
Brown (SC)	Goode	Lee
Bryant	Goodlatte	Lewis (CA)
Burr	Gordon	Lewis (KY)
Burton	Goss	Linder
Buyer	Graham	Lipinski
Callahan	Granger	LoBiondo
Calvert	Graves	Lucas (OK)
Camp	Green (WI)	Manzullo
Cannon	Greenwood	McCrery
Cantor	Grucci	McHugh
Capito	Gutknecht	McInnis
Castle	Hall (TX)	McKeon
Chabot	Hansen	Mica
Chambliss	Hart	Miller (FL)
Coble	Hastings (WA)	Miller, Gary
Collins	Hayes	Moran (KS)
Combest	Hayworth	Morella
Cooksey	Hefley	Myrick
Cox	Herger	Nethercutt
Crane	Hilleary	Ney
Crenshaw	Hobson	Northup
Culberson	Hoekstra	Norwood
Cunningham	Horn	Nussle
Davis, Jo Ann	Hostettler	Osborne
Davis, Tom	Houghton	Otter
Deal	Hulshof	Oxley
DeLay	Hutchinson	Paul
DeMint	Hyde	Pence
Diaz-Balart	Isakson	Peterson (MN)
Doolittle	Issa	Peterson (PA)

Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
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Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

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Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
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Holden
Holt
Honda
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Inslee
Israel
Jackson (IL)
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Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
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Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
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McGovern
McIntyre
McKinney
McNulty
Meehan
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Millender-McDonald
Miller, George
Mink
Mollohan
Moore
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Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Abercrombie
Clement
Cubin
Delahunt
Engel
Hunter
Menendez
Moakley
Rivers
Ros-Lehtinen
Sensenbrenner
Stump
Young (AK)

□ 1058

Messrs. BARRETT of Wisconsin, CLYBURN, and ROSS, and Mrs. McCARTHY of New York changed their vote from ''yea'' to ''nay.''

Mr. PAUL changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CLEMENT. Mr. Speaker, on rollcall vote No. 105, I was unavoidably detained on official business. Had I been present, I would have voted ''nay.''

Mr. ABERCROMBIE. Mr. Speaker, earlier today I was unavoidably absent and I was unable to cast my vote on rollcall No. 105, the rule for H.R. 1646, the State Department Authorization bill.

Had I been present, I would have voted ''nay.''

AMENDMENT PROCESS FOR H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

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

Mr. DIAZ-BALART. Mr. Speaker, today a ''Dear Colleague'' letter will be sent to all Members informing them that the Committee on Rules is planning to meet the week of May 14 to grant a rule which may limit the amendment process on H.R. 1, the No Child Left Behind Act of 2001. The bill was ordered reported yesterday by the Committee on Education and the Workforce.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H312 in the Capitol no later than noon on Tuesday, May 15.

Amendments should be drafted to the text of H.R. 1 as ordered reported by the Committee on Education and the Workforce. That text will be available at the Committee on Education and the Workforce and will be posted on its Web site tomorrow.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1271

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1271.

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

There was no objection.

□ 1100

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1646.

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

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

The SPEAKER pro tempore. Pursuant to House Resolution 138 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1646.

□ 1100

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1646, the Department of State's authorization for fiscal years 2002 and 2003.

The distinguished gentleman from California, (Mr. LANTOS), the ranking member of the Committee on International Relations, and I introduced the bill, which was favorably reported to the House by voice vote.

I want to emphasize this is not a foreign aid bill. That subject will be discussed at a later time.

Standing at the edge of a new century, it is appropriate to pause and wonder what lies ahead for us, our descendents, and our country. For the United States, the century just past was one of unprecedented American triumph. So great was our prominence,

so expansive our fortune, that it has been called the ''American century.''

For many others around the world, however, the experience of that same period of time was quite different. Universally hailed at its beginning as an era of peace and progress, the 20th century proved to be the bloodiest and most savage in human history.

Tens of millions perished; scores of cities were obliterated, continents were more thoroughly ravaged by modern warfare than any other long-ago barbarian could have dreamed. In our present-day complacency, it is easy to forget how razor thin were the margins by which our civilization survived, how close the enemies of the West came to winning.

So although it is right for us to be hopeful about the next century, we would do well to be mindful of these different experiences and to remember we are guaranteed nothing.

But neither are we at the mercy of chance. In large part, our fate will be determined by our own actions, both wise and foolish. Although we might wish by some simple stratagem to guarantee our success and safety, easy answers promise only to lull us into a deadly sleep.

The only certain advantage we can possess in meeting the future is to steel ourselves as best we can to meet its inevitable surprises. As the saying goes, fortune favors the well prepared.

If the United States were to advance confidently into the future, we require a sober foreign policy that rests upon a solid foundation, one whose prescriptions are rooted in reality. On that score, there is much to be done.

One area in particular that I intend to emphasize is the need to shift our policies away from an excessive focus on short-term problems and recast them towards the achievement of long-term goals. But that is a different task than that which engages us here today. First, we must start with laying a strong foundation. That process begins with this bill.

The President's budget request for the main State Department operating accounts identifies new priorities which support the U.S. State Department and its foreign policy platform. Notably, the budget increases focus on the Administration of Foreign Affairs accounts, which reflect a 19 percent increase over the current fiscal year.

I note the accounts covered in this bill are funded at or above the President's request. Among the bill's principal features: The bill authorizes funds requested by the Bush administration to enhance embassy security, undertake reform of workplace rules and make long-overdue improvements to the Department's less than state-of-the-art computer systems.

It clears the way for the transfer and sale of four *Kidd*-class destroyers to Taiwan, announced late last month by President Bush, a decision hailed by Members of both parties.

The bill also designates Taiwan as the equivalent of a non-NATO ally, a designation which, among other things, permits it to purchase surplus U.S. military equipment.

It creates a special envoy post for Sudan to work for a peaceful settlement of a conflict that has been marked by enormous human rights abuses, persecution of Christian and other minorities, and the deaths of an estimated 4 million people.

It increases funding for activities of the broadcast services of Radio Free Europe, Radio Liberty, Voice of America, Radio Marti, and Radio Free Asia to nations including Russia, Cuba, China, North Korea and Vietnam, whose government-run and controlled media routinely suppress the democratic aspirations of their people.

It significantly reduces the U.S. share of dues paid annually to the United Nations. Our assessed rate for the U.N. regular budget is cut from 25 percent to 22 percent, while the U.S. share of peacekeeping operations will drop from about 32 percent to 28 percent, effective January 1, 2001.

Further reductions in peacekeeping will take place on a sliding scale, reaching about 27.5 percent in July of this year and falling further to near 25 percent by 2006. As part of the agreement to reduce the percentage of the U.N. budget paid by the United States, the U.S. is obliged to pay an arrearage of $582 million primarily for peacekeeping operations. I should note these latter funds were appropriated last year.

It includes a provision from the Contract With America which amends the U.N. Participation Act of 1945 to ensure that no agreement deploying U.S. troops is effective without the approval of Congress.

In sum, the bill provides ample safeguard that the U.N. and its specialized agencies will stay on their present course of management, budget, and personnel reforms.

Now, these are some of the key aspects of this bill. Let me conclude by emphasizing one in particular; namely, that of security. The most important concerns the security of our people and diplomatic facilities around the world.

The State Department states that last year alone, there were over 50 significant incidents involving violence or intrusion at our diplomatic facilities. As the technologies of destruction available to the world's terrorists continue to grow, we cannot stand idly by, waiting for our self-declared enemies to finalize preparations for their next attack which is certain to happen somewhere.

The men and women of the Department of State and other agencies, serving their country far away from home in difficult and often dangerous conditions, deserve the fullest protection we can provide them and their families. We owe them at least that and much more.

For that reason, as well as many others I have laid before you, I urge my colleagues to support H.R. 1646 so that we may get on with the great task of preparing our foreign policy for the new century.

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

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1646, the foreign relations authorization bill for fiscal year 2002 and 2003, as it was reported by our committee.

This is a good bill, Mr. Chairman, and I am proud to be a cosponsor with the gentleman from Illinois (Chairman HYDE), my good friend.

I am very pleased, Mr. Chairman, that the bill fully funds the administration's requests for the Department of State, including funding for upgrading embassy security and improving conditions for the men and women who serve our Nation in far-flung corners of the world.

The diplomatic profession has always been a difficult and dangerous one, but in recent decades the level and nature of threats facing our men and women overseas in the Diplomatic Corps has grown exponentially. The bombing of our embassy in Beirut in the 1980s and, more recently, the tragic bombings in Africa are only the latest and most dramatic examples of the threat and challenges facing our diplomats abroad.

The sad and disturbing fact is that Americans serving in our Diplomatic Corps face the same day-in and day-out threats to their safety as those men and women who serve our Nation in the military. In fact, since the end of World War II, more American Ambassadors have been killed in the line of duty than generals and admirals.

We have done an excellent job in equipping our military with the best and latest technology and equipment. As a result, Mr. Chairman, our military is the best-trained, best-equipped, best-led force in the world. But, unfortunately, we have not done the same for the men and women who serve on the front lines of diplomacy.

As Secretary Powell noted at his confirmation hearing, diplomacy is our first line of defense. We must ensure that this line of defense is as strong and as well equipped as our military defense.

We need to upgrade the technology and the security of our embassies. Our bill contains authorities and resources Secretary Powell has requested to help him do just that.

Frankly, Mr. Chairman, I had hoped that Secretary Powell would have been more ambitious in his request. Given

his high standing in the Congress and in the country, I believe Congress would have supported a bolder request, but as he said in his hearing before our committee, there is always next year; which is why I am pleased that the bill provides flexibility for fiscal year 2003.

Mr. Chairman, there are a few important provisions contained in this bill that I would like to highlight. First, this legislation goes a long way towards paying our past dues to the United Nations. Despite last week's deplorable vote on the U.N. Human Rights Commission, I still strongly support payment of these arrears.

The United Nations is an indispensable partner in our dealings around the globe, and we must not lose sight of that fact. However, I, along with the rest of my colleagues and with the bulk of the American people, am outraged by the vote last week that put the Sudan on the U.N. Human Rights Commission and took the United States off.

The United States has been the champion of human rights long before there was a U.N. Human Rights Commission or even a United Nations. We shall continue to champion human rights and chastise the abusers of those rights, regardless of our membership on any commission.

However, it is incomprehensible that any commission on human rights could include in its membership the worst abusers of human rights in the world. Last week's vote makes a mockery of the commission.

□ 1115

The gentleman from Illinois (Chairman HYDE) and I will introduce an amendment that will add a new condition on paying U.N. arrears. The United States will not pay off all of its arrears to the U.N. until the United States once again becomes a member of the U.N. Commission on Human Rights.

Turning to some other important provisions, this bill contains a significant provision introduced by the gentlewoman from California (Ms. LEE) that overturns the President's Mexico City policy. We will hear much about this provision from my colleagues as they argue that it funds abortions. While I strongly believe in a woman's right to choose, this provision has nothing to do with abortion. No U.S. Government money has gone towards funding abortion since 1973. It has been illegal since that year, and this bill does not change that.

Simply put, the provision of the gentlewoman from California (Ms. LEE) ensures that no foreign nongovernmental organization is denied our funding solely on the basis of health and medical services that it provides through non-U.S. government funds and that no foreign NGOs are restricted in using non-U.S. government funds for advocacy.

Our provision merely tries to safeguard that nongovernmental organizations in developing countries have the same rights to free speech that our Constitution guarantees to every American citizen and every American organization. I hope that in the spirited debate that is soon to follow, Members will keep this fact in mind.

Some other important elements of this bill include two provisions strengthening our relationship and commitment to Taiwan and the sense of the Congress provision urging U.S. reengagement with the Kyoto process regarding global climate change.

Lastly, Mr. Chairman, I was very pleased to work with the gentleman from Iowa (Mr. LEACH) in our successful effort to include the provision in the bill to have the United States rejoin UNESCO, the United Nations Educational Scientific and Cultural Organization.

When UNESCO was founded half a century ago, its slogan was, ''Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must first be constructed.'' This is as true today as it was the day UNESCO came into being. I earnestly hope that my colleagues will support our rejoining UNESCO which is so much in the American interest.

I also find it ironic that, while we are complaining of having been removed from the U.N. Human Rights Commission, we voluntarily remove ourselves from UNESCO where all we need to do is express our desire to rejoin.

This is a very good bill, Mr. Chairman. It is a bipartisan bill. Virtually every element of this bill has the support of some Republicans and some Democrats. This is in large part due to the leadership of the gentleman from Illinois (Chairman HYDE), and I want publicly to salute him for having conducted our hearings and the activities of the committee in a singularly fair and bipartisan fashion. I want to thank him for the open and collegial way in which he has brought this bill through the committee to this floor.

I hope my colleagues in the House will support the bill in the same bipartisan manner in which it was passed by our committee.

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

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman from California (Mr. LANTOS) for his overly generous comments. I can only respond by saying praise from Caesar is praise indeed.

Mr. Chairman, I yield 7 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the pending Foreign Relations Authorization Act crafted so ably by the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the ranking member.

I want to thank the gentleman from Illinois (Mr. HYDE) for his extraordinary leadership as chairman of the committee. I think we are off to a good start, and I commend him and thank him for his great leadership.

H.R. 1646, Mr. Chairman, authorizes a myriad of critical State Department functions, funding for international organizations, freedom broadcasting, democracy initiatives, public diplomacy, cultural and educational exchanges, refugee protection, and funding and conditions on such funding for the United Nations.

This legislation builds on our achievements in the last Congress regarding these issues and is especially important in strengthening security for our missions abroad. In light of the significant increase in threats to our personnel and embassies overseas, Congress has a sacred duty to ensure that every imaginable step be taken to make posting abroad as risk-free as humanly possible. This bill is a faithful attempt to achieve that goal.

Finally, the bill contains several disparate provisions from authorizing the transfer of naval vessels to Taiwan, Poland, Brazil, and Turkey; to the establishment of special envoys within the State Department to Tibet and Sudan; to promoting police reform & peace in Northern Ireland.

After general debate, Mr. Chairman, the House will consider several amendments; and today it is my understanding we will only be getting to the U.N. amendments, so I would like to address some of those briefly.

First, let me urge my colleagues to strongly support a modest compromise amendment to be offered by the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) to condition the release of the third and final arrearage payment of $244 million, which would be released next year, on the U.S. reclaiming its seat on the U.N. Human Rights Commission.

Tragically, the U.N. Human Rights Commission, created to be a watchdog for human rights, has become seriously flawed and compromised. The membership includes some of the most egregious violators of human rights, including countries like China, Cuba, Syria, Libya, Vietnam, and Sudan.

This rogue's gallery of torturers, persecutors, and bullies exploit the commission process to avoid scrutiny and to deflect criticism of their barbarism. In Geneva, the home of the Commission, and in foreign capitals, they aggressively lobby and intimidate nations to effectively silence and paralyze any actions against them; and it works.

The U.S. resolution, for example, condemning China for its pervasive violations of human rights, lost from a no action vote just a few weeks ago. It is no coincidence, Mr. Chairman, that Jiang Zemin made a blitzkrieg tour of

Latin American nations who just happened to be on the commission immediately prior to the vote to shore up his vote count. In the end, money, contracts, and fear prevailed; and China again got off scot-free from scrutiny and exposure for its abusing its own citizens.

Mr. Chairman, permitting dictatorships on the commission, the U.N. Human Rights Commission, which Mary Robinson, the High Commissioner, has called the conscience of humanity, is an outrage. Dictators like China and Cuba, they are not the conscience of humanity. That is an oxymoron, and they do not belong there.

It is time we demanded sweeping reform of the commission itself. At the absolute minimum, and this is reflected in section 603 of the bill, human rights monitors should have unfettered access to any country, including its prisons, who serve on the commission.

Next, I would like to urge Members to support the amendment of the gentleman from Texas (Mr. DELAY) because of the profoundly serious detrimental consequences the international criminal court would have on U.S. service men and women, especially our peacekeepers, and on elected and public officials.

Known as the Rome Statute of the International Criminal Court, 120 delegations voted to establish the tribunal in July of 1998. The Rome Statute is comprised of 128 articles. Those who oppose it included the Clinton administration and six other nations, and there was some 21 countries that abstained.

Core crimes with expansive definitions include genocide, crimes against humanity, war crimes, and aggression. The problem is, Mr. Chairman, there are serious questions as to how the definitions of these crimes will play out.

For example, the definition of war crimes includes extensive destruction and appropriation of property. What is that? The term aggression, Mr. Chairman, is still in the process of being defined.

Then there is the issue of the independence of the prosecutor. Our delegation in Rome had sought a check and a balance that would have vested final authority in the U.N. Security Council. They lost. A more nuanced and problematic two-tier approach was adopted that confers considerable powers to the prosecutor to self-initiate prosecution.

There are problems of constitutionality. As Members know, both Federal laws and treaties entered into and ratified are subordinate to the U.S. Constitution. While the accused enjoy some U.S.-style rights, there are no protections from unreasonable searches, and there are no requirements for a trial by jury.

As we have seen at the United Nations Commission for Human Rights, there is considerable chance that rogue nations will have influence, and I would submit undue influence, in both prosecutions and convictions and in the meting out of sentences, thus subjecting U.S. military personnel and public officials to criminal prosecution that a reasonable person might not think to be a war crime or aggression.

Last July, I asked Ambassador Scheffer, who was our lead negotiator at Rome, and Undersecretary Slocombe if past U.S. military actions from the bombing in Tokyo to Dresden to Hiroshima to Nagasaki or any action in Korea or Vietnam might be construed as an actionable offense. He pointed out that the United States, looking back, would have a good defense if such cases, if my hypothetical case had been tried. Then he underscored that our concern is with politically motivated prosecutions.

I do not want to put our military men and women, our peacekeepers in harm's way. While this may be a well-intentioned court, it certainly has some very serious flaws. I think the amendment by the gentleman from Texas (Mr. DELAY) helps to rectify that, at least in terms of our participation.

Let me say that I take a back seat to no one for pushing for ad hoc tribunals. When the Rwandan as well as the Yugoslavia tribunal were in their infant stages, I offered the amendments in the committee to boost the funding; but it needs to be done on an ad hoc basis. And I do believe it needs to be done in a way that is more likely to lead to prosecution of serious war criminals and not these kinds of prosecutions that would be frivolous and unjust.

Mr. Chairman, I am also pleased that H.R. 1646 includes the Smith/King amendment regarding human rights and the peace process in Northern Ireland.

As adopted by the Committee, our amendment, now Section 203, updates and modifies a provision Mr. KING and I authored two years ago to ban Federal funds from being used to support training or exchange programs conducted by the Federal Bureau of Investigation for the Royal Ulster Constabulary (RUC, Northern Ireland's police force). Specifically, we are intent on ensuring that RUC members who are believed to have committed or condoned human rights violations, including any role in the murder of human rights attorneys Patrick Finucane or Rosemary Nelson, are "vetted out" or prohibited from any program sponsored or subsidized by the U.S. government. We hope that by example, those working on police reform in Northern Ireland will similarly isolate and "vet out" RUC members who condone human rights abuses. Section 203 of this new bill reinforces the ban on the funding—until the President certifies that human rights standards and vetting procedures are integrated into the program—and requires a report, within 60 days of enactment, on the scope of previous training programs.

Section 203 also requires a second report that outlines the extent to which the British government has implemented the 175 recommendations listed in the Patten Commission report on policing reforms in Northern Ireland including those recommendations that emphasize the integration of respect for human rights and emphasize efforts to recruit Catholics for the new police force. As you know, the RUC has proportionally far fewer Catholics than the population of Northern Ireland and the imbalance has underscored the RUC's inability to achieve confidence in all communities who are signatories to the peace process. The required report will also provide information on the integration of members of the Garda Siochana (the national police force of the Republic of Ireland) or other experienced police force applicants into the senior ranks of the RUC by both the British and Irish governments, as envisioned by the Patten report. As part of the Good Friday Agreement, the implementation of the full Patten report is critical to a just and lasting peace in Northern Ireland.

Finally, Mr. Chairman, Section 203 requires that the report also include information on the status of the murder investigations of defense attorneys Rosemary Nelson and Patrick Finucane and the murder of Robert Hamill. In April 1999, the House of Representatives passed by resolution (H. Res. 128) condemning the murder of Rosemary Nelson, who had testified before the International Relations Subcommittee on Human Rights on the status of police reform in Northern Ireland. The House is also on record calling for independent, RUC-free judicial inquiries into the Finucane and Nelson murders. To date, the British government has rebuffed the call, that has also been supported by numerous human rights organizations around the globe. The mandated report is designed to provide Congress with up-to-date information on these matters so that we can continue to effectively promote accountability and justice for these victims and their families.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I rise in support of this important legislation. I want to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, in particular, and my colleagues on the committee for making it possible to include in the bill various provisions that I have sponsored.

The bill includes a resolution I introduced in committee on the Kyoto Protocol that expresses the sense of the Congress that, first, global warming is a serious problem, and the United States must take responsible action to reduce emissions of carbon dioxide and other greenhouse gases from all sectors; and, second, that the United States continue to participate in ongoing international negotiations with the objective of completing the rules and guidelines for the Kyoto Protocol consistent with U.S. interest and respecting the integrity of the Protocol.

On another matter, last Thursday, the GAO reported that, despite years of

effort from the Congress, the State Department has failed to make any significant progress in the recruitment and promotion of qualified minorities to senior management positions. I am glad to have developed language in this bill to ensure that the Department moves forward in its recruitment and promotion to senior most ranks of minorities. I have been working on this, this is my 9th year now, and I am glad to see the bill provides $2 million to increase minority recruitment into the Department and requires that a databank track its results. I urge the President and Secretary Powell to make sure that we obtain results at the State Department in minority recruiting and promotion.

This bill also provides the National Endowment for Democracy with a modest increase for the first time in years. This vital and cost-effective organization promotes internationally our fundamental American values, democracy and human rights. Promoting these values overseas is in our national interest since democracies make peaceful allies and good trading partners and neither support terrorism nor proliferate dangerous weapons. By leading many efforts on the struggle for freedom worldwide, the NED enjoys strong bipartisan support as it advances our national security.

Finally, I urge my colleagues to support my amendment on the IAEA. Iran does not need a nuclear power plant or U.S. money to conduct a nuclear power plant and create a nuclear threat for that part of the world and for our country.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I rise in support of H.R. 1646, and I commend the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) for their leadership in bringing this legislation to the floor.

This legislation would authorize $8.2 billion for the State Department and among other important items provides for the enhancement of embassy security, significantly reduces the U.S. share of dues paid annually to the United Nations, and states that Congress maintain its commitment to relocate the United States Embassy in Israel to Jerusalem.

□ 1130

In addition, the measure increases funding for U.S. broadcast services and requires the United States to oppose nations seeking membership on the United Nations Human Rights Commission that fail to permit monitoring of human rights in their own territory.

In particular, I would like to highlight a provision of this bill that authorizes $15 million for the Middle East Radio Network. I thank the gentleman from Illinois (Mr. HYDE) for his leadership and guidance in securing this funding and commend the gentleman from Florida (Mr. WEXLER) and the gentleman from California (Mr. SHERMAN) for their efforts on behalf of this bipartisan provision.

Currently, Voice of America Arabic only reaches about 2 percent of the population in this region, far behind the British Broadcasting Company and other major international networks. The Middle East Radio Network initiative will serve to broaden the opportunity for open discussion and individual freedom to a region where anti-democratic rhetoric is strong.

This measure will authorize the resources for Middle East Radio Network programming that will be a combination of news, music, talk, and interaction with listeners. Featuring reliable news and discussion of issues relevant to the audience, the Middle East Radio Network will appeal to young adults and to news seekers of all ages. Constant program themes will be individual choice and respect for others.

The MRN is a worthwhile program to promote Jeffersonian ideals and democratic principles. I would again like to thank the gentleman from Illinois (Mr. HYDE) for his support on this issue and Kristen Gilley of the committee staff for her assistance in drafting this provision.

Unfortunately, I remain concerned about several provisions in the bill that were approved during the committee markup for this legislation. Specifically, I opposed the Lee amendment overturning the Mexico City policy that prohibits the use of American tax dollars to fund foreign organizations that perform or actively promote abortion overseas. Under no circumstances should American taxpayers underwrite abortion activities in foreign countries.

In addition, I remain opposed to the Kyoto Protocol and UNESCO provisions, and I urge my colleagues to support elimination of these provisions from the bill.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume to mention to my good friend from Virginia that not one dime of American taxpayer funds are devoted to abortion purposes abroad.

Mr. Chairman, I am delighted to yield 1½ minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), my good friend and colleague.

Mr. FALEOMAVAEGA. Mr. Chairman, I am honored to join my colleagues in strong support of H.R. 1646, the Foreign Relations Authorization Act. I certainly commend the gentleman from Illinois (Mr. HYDE), chairman of our Committee on International Relations, and the gentleman from California (Mr. LANTOS) for their leadership and cooperation which resulted in this exceptionally bipartisan legislation.

The bill contains an uncontested provision urging the administration to continue negotiation of the Kyoto Treaty on the global warming, despite President Bush's recent announcement to the contrary. Our colleagues understand that the American people view global climate change as a serious environmental challenge that must be addressed.

With only 4 percent of the world's population, our Nation accounts for almost 25 percent of the carbon dioxide released into the atmosphere, one of the main causes of global warming. Mr. Speaker, as the world's per capita leader in fossil fuel emissions, our Nation has a moral responsibility and duty to lead global efforts to address climate warming.

What is needed are binding commitments from all nations of the world to remedy the problem of global warming, and the Kyoto Protocol is the means by which a fair and equitable solution to this serious and environmental problem can be achieved.

I also want to commend both the chairman and the ranking member for including a provision expressing the sense of the Congress concerning the human rights problems of West Papua New Guinea, and especially also for the continuous funding of the East-West Center in Honolulu, Hawaii.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, foreign policy issues now matter even more on Chicagoland's Main Street. The Seattle paper said it when the stocktickers will now read ''The Chicago-based Boeing Company.'' On behalf of the people of the northern suburbs, I want to welcome the Boeing headquarters to our community. This move will make Chicago home to the Nation's number two exporter, Motorola, and now America's number one exporter, Boeing. Chicago, Illinois, America's export capital.

This move is a coup for the mayor of Chicago, our Governor and Speaker HASTERT. It is a testament to our infrastructure investments in road, rail, and aviation. To win these battles in the future, we must continue such investments. Exporting jobs are the highest paid in America, and exports soften the blow of a recession and lead our way to economic growth. And Chicago is a toddling town tonight.

I rise to congratulate the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for bringing this important foreign policy bill to the Congress. I would like to thank specifically the gentleman from New Jersey (Mr. SMITH) for his support for international broadcasting and specifically for Radio Free Asia.

RFA, like its predecessor, Radio Free Europe, and Radio Liberty, provides a critical service to the people living under oppression. Currently, RFA

broadcasts to seven Asian countries in nine languages. This bill includes an extension of an increased authorization, which the broadcasting board of governors received last year as part of the China Permanent Normal Trade relations bill. This increased funding for Radio Free Asia and Voice of America is desperately needed to combat the jamming practices of the Chinese Government.

During this time, when the U.S. is at a critical juncture with China, it is essential that various avenues are available to bring democracy to China and freedom to the Tibetan people and stability to the region. Radio Free Asia provides that very important link, a voice of democracy, freedom, and truth.

Radio Free Asia was the first to broadcast the Tiananmen Papers inside China, and it recently linked a Tibetan inside Tibet with the Dalai Lama's private secretary in Darmsala to discuss Commentary Tibetan Buddhism and provided critical news and information to the Chinese during the recent plane incident.

I look forward to RFA's continued service to create an even greater audience to bring democracy and freedom to Asia. I strongly support this bill. I congratulate the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) and especially congratulate the gentleman from New Jersey (Mr. SMITH) on funding for Radio Free Asia.

Mr. LANTOS. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LEE), a valued member of the committee, and my friend and colleague.

Ms. LEE. Mr. Chairman, I rise today in strong support of H.R. 1646, as it passed out of committee with strong bipartisan support. I want to thank our chairman, the gentleman from Illinois (Mr. HYDE), and especially our ranking member, the gentleman from California (Mr. LANTOS), for their leadership. But I urge my colleagues to oppose the Hyde-Smith amendment, which will be offered next week, to strike our bipartisan pro-family planning language incorporated in the bill during our committee hearing.

This amendment added the text of H.R. 755, the bipartisan Lowey-Greenwood-Pelosi-Shays Global Democracy Promotion Act. Now, the Hyde-Smith amendment will eliminate vital family-planning funds. This is for family-planning services. This amendment will eliminate this totally as it relates to our nongovernmental organizations that use their own privately raised funds for their own health care and counseling services.

And I want to remind my colleagues once again that per the 1973 Helms amendment, no United States funds, that is zero, no United States taxpayer funds go to fund abortions overseas. So we must defeat the Hyde-Smith amendment next week to ensure that women overseas have access to vital health care services that they need, and also which amounts to really the same health care services women in our own country are entitled to. Family-planning services are essential for the prevention of the spread of sexually transmitted diseases, including HIV and AIDS, which kills 7,000 people a day.

I also support this bill because it includes a bipartisan measure urging the United States to complete the Kyoto process and address the problems of global warming. I am proud to stand with my colleagues, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Florida (Mr. HASTINGS), and the gentleman from American Samoa (Mr. FALEOMAVAEGA), in recognizing these dangers and in crafting the bipartisan global climate change amendment.

This amendment is so important. It incorporates many of the provisions of the language of my resolution, H.R. 117, the Carbon Dioxide Emissions and Global Climate Change Act. It is very important in terms of our leadership in the world with regard to the reduction of greenhouse gases. As passed by the committee, this bill helps create a more forward-thinking foreign policy that truly advances our values, protects human rights, preserves the environment, and promotes peace.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL), a valued member of the committee.

Mr. HOEFFEL. Mr. Chairman, I rise in strong support of the State Department authorization bill. Under the terms of this bill, we will rejoin the Kyoto Treaty negotiation on global warming, as we should; we will pay our dues to the United Nations, as we should; we will rejoin UNESCO, as we should; and we will lift the gag rule on international family planning, as we should.

I would like to point out two additional things that I sponsored in the committee. With the bipartisan support of the gentleman from Illinois (Mr. HYDE) and the leadership of our ranking member, the gentleman from California (Mr. LANTOS), these measures were included in the bill.

First, requiring the State Department to conduct a 5-year strategic study of our arms control and nonproliferation program; and, secondly, for the Bush administration to undertake a policy review of our relations with China. Both of these are needed with the talk of unilateral deployment of a national missile defense and the unilateral reductions in the number of warheads. It is time for us to have a 5-year strategic plan developed and publicized, and I ask for approval of this bill.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), my friend and colleague.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this bill. I wish to congratulate the chairman, the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from California (Mr. LANTOS), for their leadership. It has some important measures that will improve the United States' standing in the international community.

The bill incorporates the Lee language, which successfully repeals the antiwoman, antidemocratic global gag rule. And the bill contains a provision which would urge the administration to continue negotiations on the Kyoto Treaty. Finally, the bill authorizes the release of the second and third installments of a 3-year $926 million schedule of back payment of U.S. dues to the United Nations.

I am very concerned about the Hyde-Lantos-Sweeney amendment, which will deny the U.N. its rightful U.S. dues. We made a deal with the U.N., and now we want to go back on our word because the U.N. voted us off the Human Rights Commission. This really is not logical. The U.N. did not remove the U.S. from the Human Rights Commission, the action was made by the 54 member states of the U.N. Economic and Social Council. And to quote the Los Angeles Times, ''It is hard to conceive of anything more foolish than making a payment of a legitimate debt conditional on action by a subsidiary of the U.N. body.''

Mr. Chairman, I urge a ''no'' vote on this particular amendment, a ''yes'' vote on the underlying bill.

Mr. HYDE. May I inquire how much time I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) has 10 minutes remaining, and the gentleman from California (Mr. LANTOS) has 13½ minutes remaining.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time. Let me just respond very briefly. I thought we would be having this debate next week, but the Hyde-Barcia-Smith-Oberstar amendment has been mentioned several times and a response is warranted.

Unfortunately, the underlying language that was adopted in committee would reverse the Bush-Mexico City policy. As a matter of historical record, I have been offering the pro-life language since 1984. We have never won, not once, in the Committee on International Relations; but this House in every instance has overturned what the committee had done in every instance as well. So I think that is important to point out, that at the end of

the process, the House votes to uphold the Mexico City Policy.

It is simply inaccurate, to say we do not pay for abortions, when we fund abortion organizations overseas. It is a bookkeeping ploy to fund organizations that fund abortions. We are not fooled. The issue comes down to this: how important are the unborn children? Are they important or are they not?

□ 1145

If we are talking about discrimination or some other issue, we would say that we want to have conditions that would not give money to the organization if it discriminates, even if the nongovernmental organization did something that was laudable, like feeding the hungry. If they practiced discrimination as well, we would simply say thanks, but no thanks; we will find another nongovernmental organization.

The Mexico City policy works this way, and has worked well. During the Reagan and Bush years, when we had this policy in effect for about 9 years, 350 nongovernmental organizations that provide family planning, including 57 international Planned Parenthood affiliates, accepted the pro-life safeguards and provided family planning. We established a wall of separation between family planning and abortion.

Abortion, the killing of an unborn child, is not family planning. We have $425 million currently being used for family planning. That would not be reduced by even one penny, as a result of the Mexico City policy. Every dime will go to NGOs and programs that provide family planning, but not abortion. That is what this is all about.

Mr. Chairman, I would hope that Members next week would vote for the Hyde-Barcia-Smith-Oberstar amendment.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a valued member of the committee.

Mr. BLUMENAUER. Mr. Chairman, I salute the work that the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) have done in moving forward this critical framework for how the Department of State is going to operate. I do appreciate the words that we heard from the Secretary of State, Colin Powell. I think there is going to be a lot of potential progress, and it is embodied in this legislation.

Mr. Chairman, there are two things that I would refer to in the context here. Number one, I am very pleased with the language that has been added to encourage the United States to participate in the implementation of the Kyoto Protocol. I think it is absolutely critical that the United States not abrogate its leadership in issues of the global environment and climate change. I am one of those people who does not sit back, and I am saying that global warming is a problem for the planet. I think the Federal Government should take steps to mitigate the impact of global climate change. Our planet has already warmed by over a degree in the last 100 years. Sea level has risen between 4 and 8 inches. The problems are predicted to be much, much worse.

Mr. Chairman, today more than 50 percent of our Nation's population lives within 30 miles of the coast. If we have increased raising of sea level, increased dramatic climate incidents, heavy rainfall, these are things that are going to be more and more serious for all of our citizens.

Mr. Chairman, Congress can help in many ways, keeping this language in the resolution, and then by stepping forward to do simple, commonsense things to reduce the consumption of energy. A simple one-half mile per gallon improvement in vehicle mileage would be the energy equivalent of what we would drill in ANWR, and would not only protect energy but protect the climate.

Mr. Chairman, I hope that we keep this language in, and I strongly urge its adoption.

Mr. Chairman, the programs and budget contained within the State Department impact the lives of thousands of federal employees, millions of American citizens both at home and abroad, and the diplomatic relations between the United States and the rest of the world. Few other federal agencies that Congress works with have such an impact on our nation's economy, security, and livability.

I have a great interest in bringing about common-sense practices in the planning and management of our overseas buildings infrastructure. I am impressed with the business-like approach being taken by General Chuck Williams (US Army Corps of Engineers, Ret.), Chief Operating Officer for the State Department's Office of Foreign Building Operations and I look forward to working with him on some needed reforms. He has instigated a long-range planning process which will allow us to gain greater value for our investment of resources.

There are some statutory changes that need to be made in order to best assure that our 260 diplomatic missions located in some 130 countries have appropriate facilities to achieve our foreign policy objectives. We must provide all 20,000 employees at our missions with safe, secure, and functional facilities. I want to begin a dialogue on this topic to prepare to make needed changes.

General Williams has done yeoman's work in the short time since he was appointed March 12 and we are just getting started in bringing about these practical reforms. I am working with my colleagues to incorporate needed language into the conference report on this bill. The language that is needed in the conference report on this bill should accomplish the following:

(1) Allow the Office of Foreign Buildings Operations to be a stand-alone organization within the State Department as Secretary Powell has proposed, (2) Transfer the office into a results-based organization, and (3) Create a rent or capital surcharge program to require agencies to share in the cost of secure overseas facilities for their personnel.

Congress can play a constructive role in solving some of these problems. We can begin to make planning drive the funding and thereby help the State Department best do its job.

Mr. HYDE. Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I would like to clarify a couple of points that the gentleman from New Jersey (Mr. SMITH) raised.

Mr. Chairman, let me first mention the purpose of family planning. Family planning's purpose is to allow information to be distributed to women with regard to pregnancy prevention. Family planning information, family planning education, family planning counseling, prevents abortions. Women in developing countries oftentimes are living off of very minimal resources and do not have a lot of money, and they only have maybe one or two health clinics within a radius of 500 or 600 miles. They need to learn how to space their children.

That is what this amendment incorporated in the committee is about. It is about preventing abortions through the use of family planning methods which provide information to women with regard to the spacing of their children and information with regard to how to prevent sexually transmitted diseases, including HIV and AIDS.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I want to very briefly make some short comments with respect to the Hyde-Lantos amendment that will be coming up later on.

First of all, I think it is very important that the United States speak loudly and clearly that nations such as Sudan and Libya and China that are on the human rights committee, that this is an outrageous and hypocritic designation and vote, when some of the biggest violators of human rights are on this commission. The United States needs to use its diplomacy, and it needs to use as leverage its position in the world to make a very strong statement in opposition to this.

However, we cannot oversimplify why we did not get on the commission. I think there are a variety of reasons for that. One, I think it is some reflection around the world of this so-called new foreign policy that the Bush administration has called aggressive unilateralism. Whether that be disagreement with our reluctance to be involved with AIDS or the Kyoto Protocol or the missile shield policy coming from the United States, other countries are having some reaction to this.

Secondly, we were maybe surprised and flat-footed in negotiating and trying to get the votes on this commission. France, Austria, and Sweden all outworked us. We finished fourth. This is not the United Nations saying the United States can or cannot get off. We had to lobby 54 other countries for this vote. We finished fourth. We did not lobby well.

Mr. Chairman, I think this is a balanced approach that the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) have arrived at. It does not overdo and potentially exacerbate the problem. It is a somewhat measured step, but I think we have to work harder to build coalitions in the future.

Mr. GILMAN. Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a distinguished member of the Committee on International Relations.

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me this time.

Shortly we will be considering an amendment labeled the American Servicemembers Protection Act. It purports to protect American soldiers from the dangers they allegedly face from the International Criminal Court. In fact, it would do the opposite. The authors of the amendment make two claims about the International Criminal Court, and both are false.

Mr. Chairman, the first is that the court does not guarantee due process. Clearly they have never read the treaty. It contains perhaps the most extensive list of due process rights ever codified: the presumption of innocence, the right to counsel, the right to remain silent, the right to confront one's accusers, the privilege against self-incrimination; and that is just to start.

The critics also complain that the treaty does not provide for trial by jury. Well, under our Constitution, the right to a jury trial does not apply to military actions on foreign soil. And the last time I looked at the Uniform Code of Military Justice, the law that does apply to crimes by military personnel, it does not provide for trial by jury either.

The second false claim is that the treaty places American soldiers at risk of prosecution abroad. Not only does it not do this, it helps prevent it from happening.

Under the treaty, Americans charged with war crimes would be tried by our military courts, not the International Criminal Court. The court has no jurisdiction unless our government, the American Government, is unable or unwilling to prosecute. And that is the treaty's entire purpose. Not to replace national courts, but to ensure that crimes against humanity do not go unpunished when no legitimate justice system exists.

These provisions were added to the treaty at American insistence, and rightly so. The truth is that our soldiers are at greater risk today without the treaty. Today they can be prosecuted by any nation for actions within its borders. The treaty corrects this by giving primary jurisdiction over American soldiers to American courts.

Mr. Chairman, we have nothing to fear from this treaty and everything to gain, because we benefit from a world order that promotes stability, holds war criminals accountable, and it stems the rule of law. I hope that this amendment is rejected.

Mr. GILMAN. Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise today in protest of the gag rule and in support of the amendment of the gentlewoman from California (Ms. LEE) that would incorporate into the Global Democracy Promotion Act her amendment that came out of committee on a bipartisan vote of 26 to 22, that added to the Department of State authorization bill allowing discussions with regard to family planning.

This is a strong signal that our colleagues on both sides of the aisle realize that the gag rule is wrong-headed. If the gag rule was introduced in our country, it would unconstitutionally restrict free speech and limit the ability of men and women to plan their family. The Hyde-Barcia-Smith-Oberstar amendment would impose on other countries what would be illegal here. I urge my colleagues to vote no next week on this issue.

Mr. Chairman, the global gag rule places unjust restrictions on the way organizations outside the United States use their own money, effectively hampering their ability to provide information on family planning.

Mr. Chairman, I request the rest of my remarks be added into the RECORD.

We know that this policy of the Reagan, Bush, and now the second Bush administration has cost many lives and is a travesty that actually increases unintended pregnancies, illegal abortion, death, and disability.

The Bush administration has claimed that the gag rule prevents taxpayer money from supporting abortions abroad. Don't be fooled. These activities have not been eligible for U.S. funds for decades. What has suffered are programs that provide women, men and young people with the information and services they need to reduce unplanned pregnancies and control their own lives. Programs such as HIV prevention, informational materials and medical referrals, condoms, emergency contraception, telephone hotlines, as well as career advice, skills training, Internet sites on reproductive health, and self esteem training to encourage abstinence.

It is a principal position of policies of family planning groups such as the International Planned Parenthood Federation, that abortion is not a method of family planning. These groups are committed to reducing the numbers of abortions worldwide by ensuring that contraception is widely and safely available. The Bush administration reinstated the gag rule this year to pay back its pro-life campaign supporters. As reflected in its other policies, this is hypocrisy masquerading as compassion.

Real compassion means that we should not impose restrictions on women and men in other countries that disempower and undermine their efforts to extricate themselves from poverty. We know that the economic stability, and thus, the political stability of countries around the world increases when women and men are able to effectively plan their families. Let's show real compassion and real concern. Let's keep the Global Democracy Promotion Act and reject the Hyde amendment.

Mr. WOLF. Mr. Chairman, I appreciate the work of Chairman HYDE and the International Relations Committee to bring this legislation to the floor today. While the bill contains some language that remains to be debated and which is cause for concern, I rise in strong support of the provision calling for the creation of a special envoy post for Sudan.

This position is critical in the work for a just peace to a civil war that has claimed over two million lives, has displaced an estimated four million from their homes, and threatens another two million with death due to famine.

And while I applaud the International Relations Committee for including language calling for a special envoy to Sudan, I also today appeal to President Bush and Secretary Powell to be leaders of action, not just placaters of words. It is time for the administration to take action to appoint a high-profile special envoy who has the President's full backing and commitment to end the continuing atrocities in Sudan.

More people have died in Sudan in the past 15 years—then have died in Somalia, Kosovo, Rwanda and Bosnia combined. The most recent statistics available put the number of dead at 2.2 million. That's an additional 400,000 deaths since I spoke on this floor in June 1999 in support of a House resolution condemning the National Islamic Front (NIF) government and calling for a special envoy to end the suffering of innocent southern Sudanese people.

Well, we got a special envoy then, but unfortunately President Clinton never proved he was serious about ending the suffering. In fairness, that special envoy was not empowered by nor did he have access to the President. So the suffering has gone on and on.

It is time for a high-profile special envoy who has the backing of the President, Secretary of State, Congress and the will of the people to bring an end to the atrocities. It is time for the United States and the nations of the world to join together to end the genocide that is taking place in Sudan in the 21st century. One man concerned for the people of southern Sudan recently said, "No one should be able to sit out a holocaust."

As many in Congress noted nearly two years ago, millions of people are still starving in southern Sudan, kept alive only by the brave efforts of international humanitarian organizations, like World Vision, Save the Children, UNICEF and others. The World Food

Program estimated last month that nearly 600,000 people in southern Sudan are in immediate danger of starving to death this summer alone and that 2.9 million are at risk of starvation and in need of assistance. The Khartoum government—which took power in a coup in 1989 and has intensified the war ever since—is waging genocide against the people of southern Sudan who are fighting for religious freedom and self-determination. The government continues to use relief food as a weapon against the people in the south who are mostly Christians or animists.

The word ''genocide'' is now the word used most commonly to describe what is taking place in Sudan. Since I spoke on this floor nearly two years ago in calling for a special envoy, the Committee on Conscience of the United States Holocaust Museum has issued a genocide warning for Sudan, Africa's largest country. In addition, the people of southern Sudan continue their familiarity with terms such as high-altitude bombings, abduction, slavery, famine, forced religious conversion and a new term that has appeared during the past 18 months, ''scorched earth.''

Government planes use high-altitude bombing to demolish civilian targets such as hospitals and terrorize the population. Russian-made Antonov bombers randomly bomb civilians day and night. Sometimes, just the sound and sight of an Antonov approaching a village will send the innocent scurrying into hiding. I personally witnessed this form of terrorism this past January during my trip to southern Sudan.

Videos of the aftermath of a government bombing of a marketplace were distributed to Congress this week. The video documents a savage attack that claimed innocent life. One Catholic Bishop asked me, why did the world stop the killing in Kosovo and not in Sudan: ''Is it because of our skin color?''

We know that women and children from southern Sudan are being sold into slavery. They are kidnaped by slave raiders who sweep into destabilized regions following government attacks and capture women and children. It is clear that the government of Sudan tolerates, and even condones, these slave raids. Women and girls are used as concubines and domestic servants. Boys are used as farm hands, domestic servants and sometimes, sent to the front lines.

Former District of Columbia delegate, the Reverend Walter Fauntroy, and Joe Madison, a syndicated radio personality here in Washington, recently returned from Sudan where they witnesses 21st century slavery first hand. They recently spoke of their trip before a Congressional Human Rights Caucus hearing. Joe Madison noted that when he arrived in a slave camp, where 2,931 slaves were redeemed during his visit, he thought the scene before his eyes could have been staged for the movie ''Roots,'' except it was real. He and Delegate Fauntroy witnessed individual accounts of abuses many of the slaves suffered at the hands of their former slave masters.

They spoke to a 13-year old boy, who had been a slave since he was 8 and who had all his fingers cut off because he refused to clean a goat pen.

They met a 20-year old woman who had been enslaved for five years and was forced to have sex with her own brother while 12 men watched and later raped her.

They listened as another young woman explained how she had her throat cut and her breast burned because she refused to give up her baby to a slave master.

And finally, Joe Madison was numbed by the story of a young mother whose baby's throat was slit by a slave raider. The raider then cut the tottler's head off. The mother, after being raped, was forced to carry the head of her child on the march north where she was ordered by her slave master to throw the child's head into a fire. She remained a slave for several years.

Modern-day slavery in Sudan is just an airplane ride from the shores of America. There are real people with real stories and they are asking for our help. It would be easy for them to think that Americans don't care about what is happening to them. But, Americans do care.

My office, as do many others in Congress, continues to hear from citizens from across our nation expressing their outrage at these atrocities and they demand that our government do something about them. I recently received 68 letters from students at Olivet Nazarene University in Bourbonnais, Illinois, about their concern for the plight of the Sudanese people. These students, like many other citizens around the world, are saying, enough is enough. Do something to stop the suffering of these innocent people.

Slavery is only part of the problem in Sudan. Starvation is only part of the problem. Unfortunately, bombing of innocent men, women and children is only part of the problem.

Now, a new term is becoming the norm in southern Sudan. ''Scorched earth.'' Oil has been discovered in vast amounts during the past two years. The Khartoum government has begun aerial and ground attacks in and around the oil fields in an effort to eliminate any living thing that happens to inhabit the area. Oil companies from around the world are lining up to pump this ''blood oil'' to benefit the stock portfolios of their investors. For those who follow the situation in Sudan, names and terms such as the Nuba mountains, Heglig and Unity oil fields, upper Nile region, helicopter gun-ships, oil road, displacement, scorched earth and death are routinely reported in news accounts of the ongoing atrocities against humanity. It is estimated that the Khartoum government is bringing in an additional $500 million a year from its new-found resource. Most of these additional funds are going to double the military spending in Sudan so that the suffering can increase on those living in the south.

Nearly two years ago, I stated on this floor that, ''what is needed is a comprehensive, just and permanent solution to end the fighting—a solution which provides the people of Southern Sudan the ability to practice their faith as they choose and determine their future. All the people of Sudan are suffering at the hands of the NIF regime, but the people of southern Sudan have been the real losers.''

Now, sadly to say, since those words were spoken in June 1999, another 400,000 innocent lives have been lost. A special envoy was created, in name only, but without the full support of President Clinton or his administration. My colleagues, I encourage you to speak out and encourage President Bush and his new administration to do whatever it takes to end the suffering in Sudan that has gone on far too long.

Our nation has received many blessing over the past 225 years. Though things are not perfect, our citizens don't worry about their homes, schools or churches being bombed by their government. Our men, women and children are not sold into slavery or starved because of their religious beliefs. Our nation was founded on religious principles. Luke 12:48 reminds us that to whom much is given, much is expected.

The United States can and must do more to facilitate the negotiation of a just peace in Sudan. The innocent in southern Sudan and those in the world who support the principles of freedom; life, liberty and the pursuit of happiness, are counting on this administration to make a serious effort to bring peace to Sudan in 2001.

Again, I thank Chairman HYDE and the committee for the work on this bill.

Ms. BROWN of Florida. Mr. Chairman, I rise in support of the Lee language included in this bill. President Bush's gag rule is a destructive policy that threatens women's health around the world.

This is not about abortion or protecting the tax money of the American people. This is about the fact that each year, more than 600 thousand women die of pregnancy-related deaths that are preventable.

This is about the fact that more than 150 million married women in developing nations want contraceptives, but have no access to them.

This is about giving women an option, and some control over their lives. The Global Gag Rule does not prevent abortions. Instead, it forces women around the world to resort to life-threatening acts of desperation in the attempt to get rid of unwanted pregnancies.

Mr. Chairman, I have met with family planning providers from across the world and they consider this aid to be the most important assistance they receive from the United States—especially the providers from the former Soviet Union and African nations. This is not about promoting abortion—it's about helping women and their families. Remember, foreign countries have been prohibited from using U.S. funds for abortions since 1973.

Mr. Chairman, I urge my colleagues to support the Lee language in this billl.

Mr. LANTOS. Mr. Chairman, we have no additional speakers, and I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I submit for the RECORD an exchange of letters between Chairman STUMP and myself.

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,

Washington, DC, May 4, 2001.

Hon. BOB STUMP,
Chairman, Armed Services Committee, House of Representatives, Washington, DC.

DEAR BOB: I am writing to you concerning the bill H.R. 1646, the Foreign Relations Authorization Act for Fiscal Years 2002 and 2003. The bill, in the form reported by the committee, contains language which falls within the Rule X jurisdiction of your Committee. Specifically, section 831, relating to

international counterproliferation education and training activities and section 841, relating to the detail of uniformed military officers as munitions license review officers are provisions within your subject matter jurisdiction.

Due to the exigencies of time, I hereby request that your Committee waive the opportunity to request a referral of the bill. I will support appointment of conferees from your Committee on these or other related matters within your jurisdiction.

I appreciate your assistance in this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC May 3, 2001.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR HENRY: In recognition of the desire to expedite floor consideration of H.R. 1646, the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the Committee on Armed Services agrees to waive its right to consider this legislation. H.R. 1646, as ordered reported by the Committee on International Relations on May 2, 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. Both section 831, relating to international counterproliferation education and training activities, and section 841, relating to the detail of uniformed military officers as munitions license review officers, are of jurisdictional and substantive concern to this Committee.

While the Committee on Armed Services will not seek referral of the legislation, this Committee will continue to work with you as the House considers H.R. 1646, and in any subsequent conference with the Senate, to address these concerns in a mutually satisfactory manner.

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. Chairman, I yield back the balance of my time.

The CHAIRMAN (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1646

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 ''Foreign Relations Authorization Act, Fiscal Years 2002 and 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

Sec. 101. Administration of foreign affairs.
Sec. 102. International commissions.
Sec. 103. United States educational and cultural programs.
Sec. 104. Contributions to international organizations.
Sec. 105. Contributions for international peacekeeping activities.
Sec. 106. Grants to the Asia Foundation.
Sec. 107. Voluntary contributions to international organizations.
Sec. 108. Migration and refugee assistance.

Subtitle B—United States International Broadcasting Activities

Sec. 121. Authorizations of appropriations.

Subtitle C—Global Democracy Promotion Act of 2001

Sec. 131. Short title.
Sec. 132. Findings.
Sec. 133. Assistance for foreign nongovernmental organizations under part I of the Foreign Assistance Act of 1961.

TITLE II—AUTHORITIES AND ACTIVITIES OF THE DEPARTMENT OF STATE

Subtitle A—Basic Authorities and Activities

Sec. 201. Continuation of reporting requirements.
Sec. 202. Continuation of other reports.
Sec. 203. Royal Ulster Constabulary training.
Sec. 204. Report concerning elimination of Colombian opium.
Sec. 205. Repeal of provision regarding housing for foreign agricultural attache.
Sec. 206. Human rights monitoring.
Sec. 207. Correction of Fishermen's Protective Act of 1967.
Sec. 208. International litigation fund.
Sec. 209. Emergency evacuation services.
Sec. 210. Implementation of the Intercountry Adoption Act of 2000.
Sec. 211. Report concerning the effect of Plan Colombia on Ecuador.
Sec. 212. Report concerning efforts to promote Israel's diplomatic relations with other countries.
Sec. 213. Reports on activities in the Republic of Colombia.

Subtitle B—Consular Authorities

Sec. 231. Machine readable visas.
Sec. 232. Establishment of a consular branch office in Lhasa, Tibet.
Sec. 233. Establishment of a diplomatic or consular post in Equatorial Guinea.
Sec. 234. Processing of visa applications.
Sec. 235. United States policy with respect to Jerusalem as the capital of Israel.
Sec. 236. Denial of visas to supporters of Colombian illegal armed groups.

Subtitle C—Migration and Refugees

Sec. 251. United States policy regarding the involuntary return of refugees.
Sec. 252. Report on overseas refugee processing.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Organizational Matters

Sec. 301. Comprehensive workforce plan.
Sec. 302. ''Rightsizing'' overseas posts.
Sec. 303. Qualifications of certain officers of the Department of State.
Sec. 304. United States Special Coordinator for Tibetan Issues.
Sec. 305. United States Special Envoy for Sudan Issues.

Subtitle B—Personnel Matters

Sec. 331. Report concerning retired members of the Foreign Service and Civil Service who are registered agents of a government of a foreign country.
Sec. 332. Tibetan language training.
Sec. 333. Dependents on family visitation travel.
Sec. 334. Thomas Jefferson Star.
Sec. 335. Health education and disease prevention programs.
Sec. 336. Training authorities.
Sec. 337. Foreign national retirement plans.
Sec. 338. Presidential rank awards.
Sec. 339. Emergency medical advance payments.
Sec. 340. Unaccompanied air baggage.
Sec. 341. Special agent authorities.
Sec. 342. Report concerning minority employment.
Sec. 343. Use of funds authorized for minority recruitment.

TITLE IV—UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS OF THE DEPARTMENT OF STATE

Sec. 401. Extension of requirement for scholarships for Tibetans and Burmese.
Sec. 402. Nonprofit entities for cultural programs.
Sec. 403. Fulbright-Hays authorities.
Sec. 404. Ethical issues in international health research.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

Sec. 501. Eliminating staff positions for the Advisory Board for Cuba Broadcasting.
Sec. 502. Reports on broadcasting personnel.
Sec. 503. Personal services contracting pilot program.
Sec. 504. Pay parity for senior executives of Radio Free Europe and Radio Liberty.
Sec. 505. Repeal of ban on United States transmitter in Kuwait.

TITLE VI—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

Sec. 601. United Nations arrears payments and reform.
Sec. 602. Travel by advisory committee members to Great Lakes Fishery Commission annual meeting.
Sec. 603. United States policy on composition of the United Nations Human Rights Commission.
Sec. 604. United States membership in the International Organization for Migration.
Sec. 605. Report relating to Commission on Security and Cooperation in Europe.
Sec. 606. Reports to Congress on United Nations activities.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

Sec. 701. Amendments to the Iran Nonproliferation Act of 2000.
Sec. 702. Amendments to the North Korea Threat Reduction Act of 1999.
Sec. 703. Amendments to the International Religious Freedom Act of 1998.
Sec. 704. Continuation of United States Advisory Commission on Public Diplomacy.
Sec. 705. Participation of South Asia countries in international law enforcment.

Subtitle B—Sense of Congress Provisions

Sec. 731. Sense of Congress relating to HIV/AIDs and United Nations peacekeeping operations.
Sec. 732. Sense of Congress relating to HIV/AIDS task force.

Sec. 733. Sense of Congress condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime.
Sec. 734. Sense of Congress relating to resolution of the Taiwan Strait issue.
Sec. 735. Sense of Congress relating to arsenic contamination in drinking water in Bangladesh.
Sec. 736. Sense of Congress relating to display of the American flag at the American Institute in Taiwan.
Sec. 737. Sense of Congress regarding human rights violations in West Papua and Aceh, including the murder of Jafar Siddiq Hamzah, and escalating violence in Maluku and Central Kalimantan.
Sec. 738. Sense of Congress supporting properly conducted elections in Kosova during 2001.
Sec. 739. Sense of Congress relating to policy review of relations with the People's Republic of China.
Sec. 740. Sense of Congress relating to broadcasting in the Macedonian language by Radio Free Europe.
Sec. 741. Sense of Congress relating to Magen David Adom Society.
Sec. 742. Sense of Congress urging the return of portraits painted by Dina Babbitt during her internment at Auschwitz that are now in the possession of the Auschwitz-Birkenau State Museum.
Sec. 743. Sense of Congress regarding Vietnamese refugee families.
Sec. 744. Sense of Congress relating to membership of the United States in UNESCO.
Sec. 745. Sense of Congress relating to global warming.
Sec. 746. Sense of Congress regarding the ban on Sinn Fein ministers from the North-South Ministerial Council in Northern Ireland.

TITLE VIII—SECURITY ASSISTANCE

Sec. 801. Short title.

Subtitle A—Military and Related Assistance

CHAPTER 1—FOREIGN MILITARY SALES AND RELATED AUTHORITIES

Sec. 811. Quarterly report on price and availability estimates.
Sec. 812. Official reception and representation expenses.
Sec. 813. Treatment of Taiwan relating to transfers of defense articles and services.
Sec. 814. United States policy with regard to Taiwan.

CHAPTER 2—EXCESS DEFENSE ARTICLE AND DRAWDOWN AUTHORITIES

Sec. 821. Excess defense articles for certain European and other countries.
Sec. 822. Leases of defense articles for foreign countries and international organizations.
Sec. 823. Priority with respect to transfer of excess defense articles.

CHAPTER 3—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

Sec. 831. International counterproliferation education and training.
Sec. 832. Annual report on the proliferation of missiles and essential components of nuclear, biological, and chemical weapons.
Sec. 833. Five-year international arms control and nonproliferation strategy.

Subtitle B—Strengthening the Munitions Licensing Process

Sec. 841. License officer staffing.
Sec. 842. Funding for database automation.
Sec. 843. Information management priorities.
Sec. 844. Improvements to the automated export system.
Sec. 845. Congressional notification of removal of items from the munitions list.
Sec. 846. Congressional notification thresholds for allied countries.

Subtitle C—Authority to Transfer Naval Vessels

Sec. 851. Authority to transfer naval vessels to certain foreign countries.

Subtitle D—Miscellaneous Provisions

Sec. 861. Annual foreign military training reports.
Sec. 862. Report relating to international arms sales code of conduct.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) DEPARTMENT.—The term ''Department'' means the Department of State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of State.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including public diplomacy activities and the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Diplomatic and Consular Programs'' of the Department of State, $3,705,140,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(B) LIMITATIONS.—

(i) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (A), $487,735,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003 are authorized to be appropriated only for worldwide security upgrades.

(ii) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of the amounts authorized to be appropriated by subparagraph (A), $16,000,000 for the fiscal year 2002 and $20,000,000 for the fiscal year 2003 are authorized to be appropriated only for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor.

(iii) RECRUITMENT OF MINORITY GROUPS.—Of the amounts authorized to be appropriated by subparagraph (A), $2,000,000 for the fiscal year 2002 and $2,000,000 for the fiscal year 2003 are authorized to be appropriated only for the recruitment of members of minority groups for careers in the Foreign Service and international affairs.

(iv) MOBILE LIBRARY FOR UNITED STATES INTERESTS SECTION IN CUBA.—Of the amounts authorized to be appropriated by subparagraph (A), $70,000 for the fiscal year 2002 and $70,000 for the fiscal year 2003 are authorized to be appropriated only for the establishment and operation of a mobile library at the United States Interests Section in Cuba primarily for use by dissidents and democracy activists in Cuba.

(2) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'' of the Department of State, $210,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—In addition to amounts otherwise authorized to be appropriated for ''Embassy Security, Construction and Maintenance'' by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 604 of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–470), there are authorized to be appropriated for ''Embassy Security, Construction and Maintenance'', $475,046,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(4) REPRESENTATION ALLOWANCES.—For ''Representation Allowances'', $9,000,000 for the fiscal year 2002 and $9,000,000 for the fiscal year 2003.

(5) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $15,500,000 for the fiscal year 2002 and $15,500,000 for the fiscal year 2003.

(6) OFFICE OF THE INSPECTOR GENERAL.—For ''Office of the Inspector General'', $29,264,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(7) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan'', $17,044,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(8) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

(A) AMOUNTS AUTHORIZED TO BE APPROPRIATED.—For ''Protection of Foreign Missions and Officials'', $10,000,000 for the fiscal year 2002 and $10,000,000 for the fiscal year 2003.

(B) AVAILABILITY OF FUNDS.—Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount was appropriated.

(9) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,219,000 for the fiscal year 2002 and $1,219,000 for the fiscal year 2003, for administrative expenses.

SEC. 102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under ''International Commissions'' for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(A) for ''Salaries and Expenses'', $7,452,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003; and

(B) for ''Construction'', $25,654,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada'', $989,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $7,282,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $19,780,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

SEC. 103. UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to

carry out international activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For the ''Fulbright Academic Exchange Programs'' (other than programs described in subparagraph (B)), $125,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(ii) NEW CENTURY SCHOLARS INITIATIVE—HIV/AIDS.—Of the amounts authorized to be appropriated under clause (i), up to $1,000,000 for the fiscal year 2002 and up to $1,000,000 for the fiscal year 2003 are authorized to be available only for HIV/AIDS research and mitigation strategies under the Health Issues in a Border-Less World academic program of the New Century Scholars Initiative.

(iii) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 2002 and $500,000 for the fiscal year 2003 are authorized to be available for ''Ngawang Choephel Exchange Programs'' (formerly known as educational and cultural exchanges with Tibet) under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For other educational and cultural exchange programs authorized by law, $117,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $750,000 for the fiscal year 2002 and $750,000 for the fiscal year 2003 are authorized to be available for ''South Pacific Exchanges''.

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 2002 and $500,000 for the fiscal year 2003 are authorized to be available for ''East Timorese Scholarships''.

(iv) AFRICAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 2002 and $500,000 for the fiscal year 2003 are authorized to be available only for ''Educational and Cultural Exchanges with Sub-Saharan Africa''.

(v) ISRAEL-ARAB PEACE PARTNERS PROGRAM.—Of the amounts authorized to be appropriated under clause (i), $750,000 for the fiscal year 2002 and $750,000 for the fiscal year 2003 are authorized to be available only for people-to-people activities (with a focus on young people) to support the Middle East peace process involving participants from Israel, the Palestinian Authority, Arab countries, and the United States, to be known as the ''Israel-Arab Peace Partners Program''.

(vi) SUDANESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 2002 and $500,000 for the fiscal year 2003 are authorized to be available only for scholarships for students from southern Sudan for secondary or postsecondary education in the United States, to be known as ''Sudanese Scholarships''.

(2) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the ''National Endowment for Democracy'', $36,000,000 for the fiscal year 2002 and $40,000,000 for the fiscal year 2003.

(3) REAGAN-FASCELL DEMOCRACY FELLOWS.—For a fellowship program, to be known as the ''Reagan-Fascell Democracy Fellows'', for democracy activists and scholars from around the world at the International Forum for Democratic Studies in Washington, D.C., to study, write, and exchange views with other activists and scholars and with Americans, $1,000,000 for the fiscal year 2002 and $1,000,000 for the fiscal year 2003.

(4) DANTE B. FASCELL NORTH-SOUTH CENTER.—For ''Dante B. Fascell North-South Center'' $4,000,000 for the fiscal year 2002 and $4,000,000 for the fiscal year 2003.

(5) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the ''Center for Cultural and Technical Interchange between East and West'', $13,500,000 for the fiscal year 2002 and $13,500,000 for the fiscal year 2003.

SEC. 104. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated under the heading ''Contributions to International Organizations'' $944,067,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2) UNESCO.—

(A) Of the amounts authorized to be appropriated under paragraph (1), $59,800,000 for the fiscal year 2002 and $59,800,000 for the fiscal year 2003 is authorized to be appropriated only for payment of assessed contributions of the United States to the United Nations Educational, Scientific and Cultural Organization (UNESCO).

(B) Of the amounts authorized to be appropriated under paragraph (1) for the fiscal year 2002, $5,500,000 is authorized to be appropriated only for payments to the UNESCO Working Capital Fund.

(b) AVAILABILITY OF FUNDS FOR CIVIL BUDGET OF NATO.—Of the amounts authorized to be appropriated under the heading ''Contributions to International Organizations'' for fiscal year 2002 and for each fiscal year thereafter such sums as may be necessary are authorized for the United States assessment for the civil budget of the North Atlantic Treaty Organization.

(c) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 2002–2003 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the International Criminal Court.

(d) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2002 and 2003 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(e) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 105. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

There are authorized to be appropriated under the heading ''Contributions for International Peacekeeping Activities'' $844,139,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

SEC. 106. GRANTS TO THE ASIA FOUNDATION.

Section 404 of the Asia Foundation Act (title IV of Public Law 98–164; 22 U.S.C. 4403) is amended to read as follows:

''SEC. 404. There are authorized to be appropriated to the Secretary of State $15,000,000 for the fiscal year 2002 and $15,000,000 for the fiscal year 2003 for grants to The Asia Foundation pursuant to this title.''.

SEC. 107. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of State for ''Voluntary Contributions to International Organizations'', $186,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(b) LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS.—

(1) WORLD FOOD PROGRAM.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 are authorized to be appropriated only for a United States contribution to the World Food Program.

(2) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(3) ORGANIZATION OF AMERICAN STATES.—Of the amounts authorized to be appropriated under subsection (a), $240,000 for the fiscal year 2002 and $240,000 for the fiscal year 2003 are authorized to be appropriated only for a United States contribution to the Organization of American States for the Office of the Special Rapporteur for Freedom of Expression in the Western Hemisphere, solely for the purpose of conducting investigations, including field visits, to establish a network of nongovernmental organizations, and to hold hemispheric conferences, of which $6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Cuba, $6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Peru, $6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Colombia, and $6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Haiti.

(c) RESTRICTIONS ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) LIMITATION.—Of the amounts made available under subsection (a) for each of the fiscal years 2002 and 2003 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the Secretary of State submits to the appropriate congressional committees the certification described in paragraph (2).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the Secretary of State that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Peace and Development Council (SPDC) (formerly known as the State Law and Order Restoration Council (SLORC)), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SPDC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

(d) UNICEF.—There is authorized to be appropriated $120,000,000 for the fiscal year 2002 for a United States voluntary contribution to UNICEF.

(e) ORGANIZATIONS AND PROGRAMS THAT SUPPORT COERCIVE ABORTION OR INVOLUNTARY STERILIZATION.—None of the funds authorized to be appropriated by this Act may be made available to any organization or program which, as determined by the President of the United States, supports, or participates in the management of, a program of coercive abortion or involuntary sterilization.

(f) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 108. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of State for ''Migration and Refugee Assistance'' for authorized activities, $817,000,000 for the fiscal year 2002 and $817,000,000 for the fiscal year 2003.

(2) LIMITATIONS.—

(A) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), $2,000,000 for the fiscal year 2002 and $2,000,000 for the fiscal year 2003 are authorized to be available for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) REFUGEES RESETTLING IN ISRAEL.—Of the amounts authorized to be appropriated in paragraph (1), $60,000,000 for the fiscal year 2002 and $60,000,000 for the fiscal year 2003 are authorized to be available only for assistance for refugees resettling in Israel from other countries.

(C) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amounts authorized to be appropriated in paragraph (1), $2,000,000 for the fiscal year 2002 and $2,000,000 for the fiscal year 2003 are authorized to be available for humanitarian assistance (including food, medicine, clothing, and medical and vocational training) to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

Subtitle B—United States International Broadcasting Activities

SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—

(A) IN GENERAL.—For ''International Broadcasting Operations'', $428,234,000 for the fiscal year 2002, and such sums as may be necessary for the fiscal year 2003.

(B) LIMITATIONS.—

(i) TRANSMISSION FACILITIES IN BELIZE.—Of the amounts authorized to be appropriated under subparagraph (A), $750,000 for the fiscal year 2002 is authorized to be appropriated only for enhancements to and costs of transmission from the facilities in Belize.

(ii) RADIO FREE ASIA.—Of the amounts authorized to be appropriated under subparagraph (A), $30,000,000 for the fiscal year 2002 and $30,000,000 for the fiscal year 2003 are authorized to be appropriated only for ''Radio Free Asia''.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For ''Broadcasting Capital Improvements'', $16,900,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(3) BROADCASTING TO CUBA.—For ''Broadcasting to Cuba'', $25,000,000 for the fiscal year 2002 and $25,000,000 for the fiscal year 2003.

(b) CONTINUATION OF ADDITIONAL AUTHORIZATION FOR BROADCASTING TO THE PEOPLE'S REPUBLIC OF CHINA AND NEIGHBORING COUNTRIES.—Section 701 of Public Law 106–286 (22 U.S.C. 7001) is amended—

(1) in subsection (a) by striking ''2001'' and inserting ''2002''; and

(2) in subsection (b)(1) by striking ''2001 and 2002'' and inserting ''2001, 2002, and 2003''.

(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR MIDDLE EAST RADIO NETWORK OF VOICE OF AMERICA.—In addition to such amounts as are made available for the Middle East Radio Network of Voice of America pursuant to the authorization of appropriations under subsection (a), there is authorized to be appropriated $15,000,000 for the fiscal year 2002 for the Middle East Radio Network of Voice of America.

Subtitle C—Global Democracy Promotion Act of 2001

SEC. 131. SHORT TITLE.

This title may be cited as the ''Global Democracy Promotion Act of 2001''.

SEC. 132. FINDINGS.

The Congress finds the following:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the ''right of the people peaceably to assemble, and to petition the government for a redress of grievances'' is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

SEC. 133. ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.

Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

TITLE II—AUTHORITIES AND ACTIVITIES OF THE DEPARTMENT OF STATE

Subtitle A—Basic Authorities and Activities

SEC. 201. CONTINUATION OF REPORTING REQUIREMENTS.

(a) REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.—Section 2801(b)(1) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking ''seventh'' and inserting ''eleventh''.

(b) REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.—Section 2802(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking ''September 30, 2001,'' and inserting ''September 30, 2003,''.

(c) RELATIONS WITH VIETNAM.—Section 2805 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking ''September 30, 2001,'' and inserting ''September 30, 2003,''.

(d) REPORTS ON BALLISTIC MISSILE COOPERATION WITH RUSSIA.—Section 2705(d) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking ''and January 1, 2001,'' and inserting ''January 1, 2001, January 1, 2002, and January 1, 2003''.

SEC. 202. CONTINUATION OF OTHER REPORTS.

(a) SEMIANNUAL REPORTS ON UNITED STATES SUPPORT FOR MEMBERSHIP OR PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.—Section 704(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 704(a) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113, appendix G; 113 Stat. 1501A–460) is amended by striking ''and 2001,'' and inserting '', 2001, 2002, and 2003,''.

(b) REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.—Section 805(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 805(a) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–470) is amended by striking ''October 1, 2001,'' and inserting ''October 1, 2003,''.

SEC. 203. ROYAL ULSTER CONSTABULARY TRAINING.

(a) REPORT ON PAST TRAINING PROGRAMS.—Section 405(b) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–447) is amended in the matter preceding paragraph (1)—

(1) by striking ''The President'' and inserting ''Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the President''; and

(2) by striking ''during fiscal years 1994 through 1999'' and inserting ''during each of the fiscal years 1994 through 2000''.

(b) REPORT ON RELATED MATTERS.—Section 405 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) REPORT ON RELATED MATTERS.—Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the President shall report on the following:

''(1) The extent to which the Government of the United Kingdom has implemented the recommendations relating to the 175 policing reforms contained in the Patten Commission report issued on September 9, 1999, including a description of the progress of the integration of human rights, as well as recruitment procedures aimed at increasing Catholic representation, in the new Northern Ireland police force.

''(2) The status of the investigations into the murders of Patrick Finucane, Rosemary Nelson, and Robert Hamill, including the extent to which progress has been made on recommendations for independent judicial inquiries into these murders.''.

(c) CONFORMING AMENDMENTS.—Section 405 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, as amended by subsections (a) and (b), is further amended—

(1) in subsection (a)—

(A) by striking ''the report required by subsection (b)'' and inserting ''the reports required by subsections (b) and (c)''; and

(B) by striking ''subsection (c)(1)'' and inserting ''subsection (d)(1)''; and

(2) in subsection (d)(2) (as redesignated)—

(A) in the heading, by striking ''2001'' and inserting ''2003''; and

(B) by striking ''2001'' and inserting ''2003''.

SEC. 204. REPORT CONCERNING ELIMINATION OF COLOMBIAN OPIUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) There is a growing heroin crisis in the United States resulting from increasingly cheap, pure, and deadly heroin flooding into this country, much of it from Colombia.

(2) Interdicting heroin entering the United States is difficult, in part because it can be trafficked in such small quantities.

(3) Destruction of opium, from which heroin is derived, at its source in Colombia is traditionally one of the best strategies to combat the heroin crisis according to Federal law enforcement officials.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, through the Bureau of International Narcotics and Law Enforcement, shall submit to the Congress a report which outlines a comprehensive strategy to address the crisis of heroin in the United States due to opium originating from Colombia including destruction of opium at its source.

SEC. 205. REPEAL OF PROVISION REGARDING HOUSING FOR FOREIGN AGRICULTURAL ATTACHE.

Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387; 114 Stat. 1549A–34) is repealed.

SEC. 206. HUMAN RIGHTS MONITORING.

Funds authorized to be appropriated for the Bureau of Democracy, Human Rights, and Labor pursuant to section 101(1)(B)(ii) are authorized to be available to fund positions at United States posts abroad that are primarily responsible for following human rights developments in foreign countries and that are assigned at the recommendation of such bureau in conjunction with the relevant regional bureau.

SEC. 207. CORRECTION OF FISHERMEN'S PROTECTIVE ACT OF 1967.

Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(A)(3)) is amended by striking ''Secretary of Commerce'' and inserting ''Secretary of State''.

SEC. 208. INTERNATIONAL LITIGATION FUND.

Section 38 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710) is amended by adding at the end the following new subsection:

''(e) RETENTION OF FUNDS.—

''(1) IN GENERAL.—To reimburse the expenses of the United States Government in preparing or prosecuting a claim against a foreign government or other foreign entity, the Secretary of State shall retain 1.5 percent of any amount between $100,000 and $5,000,000, and one percent of any amount over $5,000,000, received per claim under chapter 34 of the Act of February 27, 1896 (22 U.S.C. 2668a; 29 Stat. 32).

''(2) TREATMENT.—Amounts retained under the authority of paragraph (1) shall be deposited into the fund under subsection (d).''.

SEC. 209. EMERGENCY EVACUATION SERVICES.

Section 4(b)(2)(A) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671(b)(2)(A)) is amended to read as follows:

''(A) the evacuation when their lives are endangered by war, civil unrest, or natural disaster of (i) United States Government employees and their dependents, and (ii) private United States citizens or third-country nationals, on a reimbursable basis to the extent feasible, with such reimbursements to be credited to the applicable Department of State appropriation and to remain available until expended. No reimbursement shall be required which is greater than the amount the person evacuated would have been charged for a commercial air fare at the lowest rate available immediately prior to the onset of the war, civil unrest, or natural disaster giving rise to the evacuation;''.

SEC. 210. IMPLEMENTATION OF THE INTERCOUNTRY ADOPTION ACT OF 2000.

The Secretary of State, acting through the Assistant Secretary of State for Consular Affairs, shall consult with the appropriate congressional committees on a regular basis on the implementation of the Intercountry Adoption Act of 2000 (Public Law 106–279; 42 U.S.C. 14901 et seq.).

SEC. 211. REPORT CONCERNING THE EFFECT OF PLAN COLOMBIA ON ECUADOR.

(a) FINDINGS.—The Congress makes the following findings:

(1) There is a growing alarm concerning the spillover effect of Plan Colombia on Ecuador, a frontline state. The northern region of Ecuador, including the Sucumbios province, is an area of particular concern. It faces the Colombian Putumayo zone, where there is no presence of military or law enforcement personnel.

(2) Activities relating to the implementation of Plan Colombia have resulted in incursions on Ecuadorian territory by drug traffickers and guerrilla and paramilitary groups from Colombia and a concomitant increase in the levels of violence and delinquency. Recent kidnappings of American and other foreign nationals, as well as discoveries of clandestine cocaine laboratories, are especially troublesome.

(3) Ecuador is receiving an influx of Colombian refugees and its own indigenous communities have been displaced from their ancestral villages.

(4) Ecuador has demonstrated its moral and political commitment in the fight against drugs. The agreement signed in November 1999 with the United States to establish a forward operating location in Manta is a clear sign of this active stance.

(5) Ecuador is implementing a comprehensive program aimed at reinforcing its security mechanisms in the northern border, as well as converting the area into a buffer zone of peace and development.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Secretary of State, through the Bureau of International Narcotics and Law Enforcement, shall submit to Congress a report which outlines a comprehensive strategy to address the spillover effect of Plan Colombia on Ecuador.

SEC. 212. REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Israel is a friend and ally of the United States whose security is vital to regional stability and United States interests.

(2) Israel currently maintains diplomatic relations with 162 countries. Approximately 25 countries do not have any diplomatic relations with Israel and another 4 countries have only limited relations.

(3) The government of Israel has been actively seeking to establish formal relations with a number of countries.

(4) The United States should assist its ally, Israel, in its efforts to establish diplomatic relations.

(5) After 52 years of existence, Israel deserves to be treated as an equal nation by its neighbors and the world community.

(b) REPORT CONCERNING UNITED STATES EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.—Not later than

60 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report which includes the following information (in classified or unclassified form, as appropriate) to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives:

(1) Actions taken by representatives of the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary of State from countries that do not maintain full diplomatic relations with Israel with respect to the status of negotiations to enter into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel's full participation in the world diplomatic community.

SEC. 213. REPORTS ON ACTIVITIES IN THE REPUBLIC OF COLOMBIA.

(a) REPORT ON REFORM ACTIVITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the status of activities funded or authorized, in whole or in part, by the Department of State in the Republic of Colombia to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights.

(2) CONTENTS.—Each such report shall contain the following:

(A) A summary of activities described in paragraph (1) during the previous 180-day period.

(B) An estimated timetable for the conduct of such activities in the subsequent 180-day period.

(C) An explanation of any delays in meeting timetables contained in previous reports submitted in accordance with this subsection.

(D) An assessment of steps to be taken to correct any delays in meeting such timetables.

(b) REPORT ON CERTAIN COUNTERNARCOTICS ACTIVITIES.—

(1) DECLARATION OF POLICY.—It is the policy of the United States to encourage the transfer of counternarcotics activities carried out in the Republic of Colombia by United States businesses that have entered into agreements with the Department of State to conduct such activities, to Colombian nationals, in particular personnel of the Colombian antinarcotics police, when properly qualified personnel are available.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not later than March 1 of each year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of United States businesses that have entered into agreements with the Department of State to carry out counternarcotics activities in the Republic of Colombia.

(3) CONTENTS.—Each such report shall contain the following:

(A) The name of each United States business described in paragraph (2) and description of the counternarcotics activities carried out by the business in Colombia.

(B) The total value of all payments by the Department of State to each such business for such activities.

(C) A written statement justifying the decision by the Department of State to enter into an agreement with each such business for such activities.

(D) An assessment of the risks to personal safety and potential involvement in hostilities incurred by employees of each such business as a result of their activities in Colombia.

(E) A plan to provide for the transfer of the counternarcotics activities carried out by such United States businesses to Colombian nationals, in particular personnel of the Colombian antinarcotics police.

(4) DEFINITION.—In this subsection, the term ''United States business'' means any corporation, partnership, or other organization that employs 3 or more individuals and is organized under the laws of the United States.

Subtitle B—Consular Authorities

SEC. 231. MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended in the first sentence of paragraph (3)—

(1) by striking ''2001, and 2002,'' and inserting ''2001, 2002, and 2003,''; and

(2) by striking ''and $316,715,000 for fiscal year 2002'' and inserting ''$414,000,000 for fiscal year 2002, and $422,000,000 for fiscal year 2003,''.

SEC. 232. ESTABLISHMENT OF A CONSULAR BRANCH OFFICE IN LHASA, TIBET.

The Secretary of State shall make best efforts to establish a branch office in Lhasa, Tibet, of the United States Consulate General in Chengdu, People's Republic of China, to monitor political, economic, and cultural developments in Tibet.

SEC. 233. ESTABLISHMENT OF A DIPLOMATIC OR CONSULAR POST IN EQUATORIAL GUINEA.

The Secretary of State shall establish a diplomatic or consular post in Equatorial Guinea.

SEC. 234. PROCESSING OF VISA APPLICATIONS.

It shall be the policy of the Department of State to process immigrant visa applications of immediate relatives of United States citizens and nonimmigrant K–1 visa applications of fiances of United States citizens within 30 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service. In the case of an immigrant visa application where the sponsor of such applicant is a relative other than an immediate relative, it should be the policy of the Department of State to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service.

SEC. 235. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) CONGRESSIONAL STATEMENT OF POLICY.—The Congress maintains its commitment to relocating the United States Embassy in Israel to Jerusalem and urges the President, pursuant to the Jerusalem Embassy Act of 1995 (Public Law 104–45; 109 Stat. 398), to immediately begin the process of relocating the United States Embassy in Israel to Jerusalem.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen or the citizen's legal guardian, record the place of birth as Israel.

SEC. 236. DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.

(a) DENIAL OF VISAS TO PERSONS SUPPORTING COLOMBIAN INSURGENT AND PARAMILITARY GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided direct or indirect support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC); or

(2) has willfully conspired to allow, facilitate, or promote the illegal activities of any group listed in paragraph (1).

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that issuance of a visa to the alien is necessary to support the peace process in Colombia, for urgent humanitarian reasons, for significant public benefit, or to further the national security interests of the United States.

Subtitle C—Migration and Refugees

SEC. 251. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term ''to effect the involuntary return'' means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 252. REPORT ON OVERSEAS REFUGEE PROCESSING.

(a) REPORT ON OVERSEAS REFUGEE PROCESSING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate congressional committees a report on overseas processing of refugees for admission to the United States.

(b) CONTENTS.—The report shall include the following detailed information:

(1) United States procedures for the identification of refugees who are particularly vulnerable or whose individual circumstances otherwise suggest an urgent need for resettlement, including the extent to which the Department now insists on referral by the United Nations High Commissioner for Refugees as a prerequisite to consideration of such refugees for resettlement in the United States, together with a plan for

the expanded use of alternatives to such referral, including the use of field-based nongovernmental organizations to identify refugees in urgent need of resettlement.

(2) The extent to which the Department makes use in overseas refugee processing of the designation of groups of refugees who are of special concern to the United States, together with the reasons for any decline in such use over the last 10 years and a plan for making more generous use of such categories in the future.

(3) The extent to which the United States currently provides opportunities for resettlement in the United States of individuals who are close family members of citizens or lawful residents of the United States, together with the reasons for any decline in the extent of such provision over the last 10 years and a plan for expansion of such opportunities in the future.

(4) The extent to which opportunities for resettlement in the United States are currently provided to ''urban refugees'' and others who do not currently reside in refugee camps, together with a plan for increasing such opportunities, particularly for refugees who are in urgent need of resettlement, who are members of refugee groups of special interest to the United States, or who are close family members of United States citizens or lawful residents.

(5) The Department's assessment of the feasibility and desirability of modifying the Department's current list of refugee priorities to create an additional category for refugees whose need for resettlement is based on a long period of residence in a refugee camp with no immediate prospect of safe and voluntary repatriation to their country of origin or last permanent residence.

(6) The extent to which the Department uses private voluntary agencies to assist in the identification of refugees for admission to the United States, including the Department's assessment of the advantages and disadvantages of private voluntary agencies, the reasons for any decline in the Department's use of voluntary agencies over the last 10 years, and a plan for the expanded use of such agencies.

(7) The extent to which the per capita reception and placement grant to voluntary agencies assisting in resettlement of refugees has kept up over the last 10 years with the cost to such agencies of providing such services.

(8) An estimate of the cost of each change in current practice or procedure discussed in the report, together with an estimate of any increase in the annual refugee admissions ceiling that would be necessary to implement each change.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Organizational Matters

SEC. 301. COMPREHENSIVE WORKFORCE PLAN.

(a) WORKFORCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a comprehensive workforce plan for the Department of State for the fiscal years 2002 through 2006. The plan shall consider personnel needs in both the civil service and the Foreign Service and expected domestic and overseas personnel allocations. The workforce plan should set forth the detailed mission of the Department, the definition of work to be done and cyclical personnel needs based on expected retirements and the time required to hire, train, and deploy new personnel.

(b) DOMESTIC STAFFING MODEL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall compile and submit to the appropriate congressional committees a domestic staffing model for the Department of State.

SEC. 302. "RIGHTSIZING" OVERSEAS POSTS.

(a) ''RIGHTSIZING'' AT THE DEPARTMENT OF STATE.—

(1) The Secretary of State shall establish a task force within the Department of State on the issue of ''rightsizing'' overseas posts.

(2) PRELIMINARY REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report which outlines the status, plans, and activities of the task force. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

(A) The objectives of the task force.

(B) Measures for achieving the objectives under subparagraph (A).

(C) The official of the Department with primary responsibility for the issue of ''rightsizing''.

(D) The plans of the Department for the reallocation of staff and resources based on changing needs at overseas posts and in the metropolitan Washington, D.C. area.

(3) PERIODIC REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter during the fiscal years 2002 and 2003, the Secretary of State shall submit to the appropriate congressional committees a report reviewing the activities and progress of the task force established under paragraph (1).

(b) INTERAGENCY WORKING GROUP.—

(1) ESTABLISHMENT.—The Secretary of State shall establish an interagency working group on the issue of ''rightsizing'' the overseas presence of the United States Government.

(2) PRELIMINARY REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report which outlines the status, plans, and activities of the interagency working group. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

(A) The objectives of the working group.

(B) Measures for achieving the objectives under subparagraph (A).

(C) The official of each agency with primary responsibility for the issue of ''rightsizing''.

(3) PERIODIC REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter during the fiscal years 2002 and 2003, the Secretary of State shall submit to the appropriate congressional committees a report reviewing the activities and progress of the working group established under paragraph (1).

SEC. 303. QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by striking subsections (f) and (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.—

''(1) OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.

''(2) OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) Federal law enforcement, intelligence, or security.

''(3) OFFICER HAVING PRIMARY RESPONSIBILITY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to international narcotics and law enforcement, or that officer's principal deputy, shall have substantial professional qualifications in the fields of management and Federal law enforcement.''.

SEC. 304. UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.

(a) UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.—There shall be within the Department of State a United States Special Coordinator for Tibetan Issues.

(b) CONSULTATION.—The Secretary of State shall consult with the chairman and ranking minority member of the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives prior to the designation of the special coordinator.

(c) CENTRAL OBJECTIVE.—The central objective of the special coordinator is to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives.

(d) DUTIES AND RESPONSIBILITIES.—The special coordinator shall—

(1) coordinate United States Government policies, programs, and projects concerning Tibet;

(2) vigorously promote the policy of seeking to protect the distinct religious, cultural, linguistic, and national identity of Tibet, and pressing for improved respect for human rights;

(3) maintain close contact with religious, cultural, and political leaders of the Tibetan people, including regular travel to Tibetan areas of the People's Republic of China, and to Tibetan refugee settlements in India and Nepal;

(4) consult with Congress on policies relevant to Tibet and the future and welfare of the Tibetan people;

(5) make efforts to establish contacts in the foreign ministries of other countries to pursue a negotiated solution for Tibet; and

(6) take all appropriate steps to ensure adequate resources, staff, and bureaucratic support to fulfill the duties and responsibilities of the special coordinator.

SEC. 305. UNITED STATES SPECIAL ENVOY FOR SUDAN ISSUES.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by inserting after subsection (f) (as added by section 303 of this Act) the following new subsection (g):

''(g) UNITED STATES SPECIAL ENVOY FOR SUDAN ISSUES.—

''(1) IN GENERAL.—There shall be within the Department of State a United States Special Envoy for Sudan Issues who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) DUTIES.—In addition to such duties as the President and Secretary of State shall prescribe, the envoy shall work for a peaceful resolution of the conflict in Sudan and an end to abuses of human rights, including religious freedom, in Sudan.''.

Subtitle B—Personnel Matters

SEC. 331. REPORT CONCERNING RETIRED MEMBERS OF THE FOREIGN SERVICE AND CIVIL SERVICE WHO ARE REGISTERED AGENTS OF A GOVERNMENT OF A FOREIGN COUNTRY.

The Secretary of State shall submit, annually, a report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Affairs of the Senate which lists members of the Foreign Service and

the civil service who have retired, have been issued an identification which authorizes access to facilities of the Department of State, and are registered under the Foreign Agents Registration Act of 1938 as an agent of a government of a foreign country. The report shall specify each individual and the governments represented by that individual.

SEC. 332. TIBETAN LANGUAGE TRAINING.

The Secretary of State shall ensure that Tibetan language training is available to Foreign Service officers, and that every effort is made to ensure that a Tibetan-speaking Foreign Service officer is assigned to the consulate in China responsible for tracking developments in Tibet.

SEC. 333. DEPENDENTS ON FAMILY VISITATION TRAVEL.

(a) IN GENERAL.—Section 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(8)) is amended by striking ''Service'' and inserting ''Service, and members of his or her family,''.

(b) PROMULGATION OF GUIDANCE.—The Secretary shall promulgate guidance for the implementation of the amendment made by subsection (a) to ensure its implementation in a manner which does not substantially increase the total amount of travel expenses paid or reimbursed by the Department for travel under section 901 of the Foreign Service Act of 1980.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date on which guidance for implementation of such amendment is issued by the Secretary.

SEC. 334. THOMAS JEFFERSON STAR.

Section 36A of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708a) is amended—

(1) in the section heading by striking ''FOREIGN SERVICE'' and inserting ''THOMAS JEFFERSON''; and

(2) by striking ''Foreign Service star'' each place it appears and inserting ''Thomas Jefferson Star''.

SEC. 335. HEALTH EDUCATION AND DISEASE PREVENTION PROGRAMS.

Section 904(b) of the Foreign Service Act of 1980 (22 U.S.C. 4084(b)) is amended by striking ''families, and (3)'' and inserting ''families, (3) health education and disease prevention programs for all employees, and (4)''.

SEC. 336. TRAINING AUTHORITIES.

Section 2205(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of Public Law 105–277) is amended by striking paragraph (3).

SEC. 337. FOREIGN NATIONAL RETIREMENT PLANS.

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the third sentence by striking ''(C)'' and all that follows through ''covered employees.'' and inserting ''(C) payments by the Government and employees to (i) a trust or other fund in a financial institution in order to finance future benefits for employees, including provision for retention in the fund of accumulated interest and dividends for the benefit of covered employees; or (ii) a Foreign Service National Savings Fund established in the Treasury of the United States, which (I) shall be administered by the Secretary of State, at whose direction the Secretary of the Treasury shall invest amounts not required for the current needs of the fund; and (II) shall be public monies, which are authorized to be appropriated and remain available without fiscal year limitation to pay benefits, to be invested in public debt obligations bearing interest at rates determined by the Secretary of the Treasury taking into consideration current average market yields on outstanding marketable obligations of the United States of comparable maturity, and to pay administrative expenses.''.

SEC. 338. PRESIDENTIAL RANK AWARDS.

(a) COMPARABLE TO PAYMENTS TO MERITORIOUS EXECUTIVES AND DISTINGUISHED EXECUTIVES.—Section 405(b)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(3)) is amended by striking the second sentence and inserting ''Payments under this paragraph to a member of the Senior Foreign Service may not exceed, in any fiscal year, the percentage of base pay established under section 4507(e)(1) of title 5, United States Code, for a Meritorious Executive, except that payments of the percentage of the base pay established under section 4507(e)(2) of title 5, United States, Code, for Distinguished Executives may be made in any fiscal year to up to 1 percent of the members of the Senior Foreign Service.''.

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

SEC. 339. EMERGENCY MEDICAL ADVANCE PAYMENTS.

Section 5927(a)(3) of title 5, United States Code, is amended to read as follows:

''(3) to an employee compensated pursuant to section 408 of the Foreign Service Act of 1980, who—

''(A) pursuant to government authorization is located outside the country of employment; and

''(B) requires medical treatment outside the country of employment in circumstances specified by the President in regulations.''.

SEC. 340. UNACCOMPANIED AIR BAGGAGE.

Section 5924(4)(B) of title 5, United States Code, is amended by inserting after the first sentence the following: ''At the option of the employee, in lieu of the transportation of the baggage of a dependent child from the dependent's school, the costs incurred to store the baggage at or in the vicinity of the school during the dependent's annual trip between the school and the employee's duty station may be paid or reimbursed to the employee. The amount of the payment or reimbursement may not exceed the cost that the government would incur to transport the baggage.''.

SEC. 341. SPECIAL AGENT AUTHORITIES.

Section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended in paragraph (3)(F) by inserting ''or President-elect'' after ''President''.

SEC. 342. REPORT CONCERNING MINORITY EMPLOYMENT.

During each of the years 2002 and 2003, the Secretary of State shall submit a comprehensive report to the Congress concerning the status of employment of members of minority groups at the Department of State, including the Civil Service, the Foreign Service, and State Department employees serving abroad. The report shall include the following data (reported in terms of real numbers and percentages and not as ratios):

(1) For the last preceding Foreign Service examination and promotion cycles for which such information is available—

(A) the numbers and percentages of members of all minority groups taking the written Foreign Service examination;

(B) the numbers and percentages of members of all minority groups successfully completing and passing the written Foreign Service examination;

(C) the numbers and percentages of members of all minority groups successfully completing and passing the oral Foreign Service examination;

(D) the numbers and percentages of members of all minority groups entering the junior officers class of the Foreign Service;

(E) the numbers and percentages of members of all minority groups who are Foreign Service officers at each grade; and

(F) the numbers of and percentages of members of all minority groups promoted at each grade of the Foreign Service Officer Corps.

(2) For the last preceding year for Civil Service employment at the Department of State for which such information is available—

(A) numbers and percentages of members of all minority groups entering the Civil Service;

(B) the number and percentages of members of all minority groups who are civil service employees at each grade of the Civil Service; and

(C) the number of and percentages of members of all minority groups promoted at each grade of the Civil Service.

SEC. 343. USE OF FUNDS AUTHORIZED FOR MINORITY RECRUITMENT.

(a) CONDUCT OF RECRUITMENT ACTIVITIES.—

(1) IN GENERAL.—Amounts authorized to be appropriated for minority recruitment under section 101(1)(B)(iii) shall be used only for activities directly related to minority recruitment, such as recruitment materials designed to target members of minority groups and the travel expenses of recruitment trips to colleges, universities, and other institutions or locations.

(2) LIMITATION.—Amounts authorized to be appropriated for minority recruitment under section 101(1)(B)(iii) may not be used to pay salaries of employees of the Department of State.

(b) RECRUITMENT ACTIVITIES AT ACADEMIC INSTITUTIONS.—The Secretary of State shall expand the recruitment efforts of the Department of State to include not less than 25 percent of the part B institutions (as defined under section 322 of the Higher Education Act of 1965) in the United States and not less than 25 percent of the Hispanic-serving institutions (as defined in section 502(a)(5) of such Act) in the United States.

(c) EVALUATION OF RECRUITMENT EFFORTS.—The Secretary of State shall establish a database relating to efforts to recruit members of minority groups into the Foreign Service and the Civil Service and shall report to the appropriate congressional committees annually on the evaluation of efforts to recruit such individuals, including an analysis of the information collected in the database created under this subsection. For each of the years 2002 and 2003, such a report may be part of the report required under section 342.

TITLE IV—UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS OF THE DEPARTMENT OF STATE

SEC. 401. EXTENSION OF REQUIREMENT FOR SCHOLARSHIPS FOR TIBETANS AND BURMESE.

Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended by striking ''for the fiscal year 2000'' and inserting ''for each of the fiscal years 2002 and 2003''.

SEC. 402. NONPROFIT ENTITIES FOR CULTURAL PROGRAMS.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is in the national interest of the United States to promote mutual understanding between the people of the United States and other nations.

(2) Among the means to be used in achieving this objective are a wide range of international educational and cultural exchange programs, including the J. William Fulbright Educational Exchange Program and the International Visitors Program.

(3) Cultural diplomacy, especially the presentation abroad of the finest of America's creative, visual and performing arts, is an especially effective means of advancing the United States national interest.

(4) The financial support available for international cultural and scholarly exchanges has declined by approximately 10 per cent in recent years.

(5) Funds appropriated for the purpose of ensuring that the excellence, diversity, and vitality of the arts in the United States are presented to foreign audiences by, and in cooperation

with, our diplomatic and consular representatives have declined dramatically.

(6) One of the ways to deepen and expand cultural and educational exchange programs is through the establishment of nonprofit entities to encourage the participation and financial support of corporations and other private sector contributors.

(7) The United States private sector should be encouraged to cooperate closely with the Secretary of State and representatives of the Department to expand and spread appreciation of United States cultural and artistic accomplishments.

(b) AUTHORITY TO ESTABLISH NONPROFIT ENTITIES.—Section 105 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2255) is amended by striking subsection (g) and inserting the following:

''(g) NONPROFIT ENTITIES FOR CULTURAL PROGRAMMING.—

''(1) The Secretary of State is authorized to provide for the establishment of private nonprofit entities to assist in carrying out the purposes of this subsection. Any such entity shall not be considered an agency or instrumentality of the United States Government and employees of such an entity shall not be considered employees of the United States Government for any purpose.

''(2) An entity established pursuant to the authority of paragraph (1) may carry out the following:

''(A) Encourage participation and support by United States corporations and other elements of the private sector for cultural, arts, and educational exchange programs which will enhance international appreciation of America's cultural and artistic accomplishments.

''(B) Solicit and receive contributions from the private sector to support cultural, arts, and educational exchange programs.

''(C) Provide grants and other assistance for such programs.

''(3) The Secretary of State is authorized to make such arrangements as are necessary to carry out the purposes of any entity established pursuant to paragraph (1) including the following:

''(A) The solicitation and receipt of funds for an entity.

''(B) Designation of a program in recognition of such contributions.

''(C) Appointment of members of the board of directors or other body established to administer an entity, including the appointment of employees of the United States Government as ex officio nonvoting members of such a board or other administrative body.

''(D) Making recommendations with respect to specific artistic and cultural programs to be carried out by the entity.

''(4) For fiscal years 2002 and 2003, not to exceed $500,000 of funds available to the Department of State are authorized to be made available for each fiscal year for administrative and other costs for the establishment of entities pursuant to paragraph (1). An entity established pursuant to paragraph (1) is authorized to invest amounts made available to the entity by the Department of State, and such amounts, as well as interest or earnings on such amounts, may be used by the entity to carry out its purposes.

''(5) Each entity established pursuant to paragraph (1) shall submit an annual report on the sources and amount of funds and other resources received and the programs funded by the entity to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

''(6) The financial transactions of each entity established under paragraph (1) for each fiscal year shall be the subject of an independent audit. A report of each such audit shall be made available to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.''.

SEC. 403. FULBRIGHT-HAYS AUTHORITIES.

Section 112(d) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(d) is amended by striking ''operating under the authority of this Act and consistent with'' and inserting ''which operate under the authority of this Act or promote''.

SEC. 404. ETHICAL ISSUES IN INTERNATIONAL HEALTH RESEARCH.

(a) IN GENERAL.—The Secretary shall make available funds for public diplomacy and international exchanges, including, as appropriate, funds for international visitor programs and scholarships available under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961 and other similar statutes, to provide opportunities to researchers in developing countries to obtain scholarships and otherwise participate in activities related to ethical issues in human subject research, as described in subsection (b).

(b) ETHICAL ISSUES IN HUMAN SUBJECT RESEARCH.—For purposes of subsection (a), ''activities related to ethical issues in human subject research'' include courses of study, conferences, and fora on development of and compliance with international ethical standards for clinical trials involving human subjects, particularly with respect to responsibilities of researchers to individuals and local communities participating in such trials, and on management and monitoring of such trials based on such international ethical standards.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

SEC. 501. ELIMINATING STAFF POSITIONS FOR THE ADVISORY BOARD FOR CUBA BROADCASTING.

(a) ELIMINATING POSITION OF STAFF DIRECTOR.—

(1) Section 245 of the Television Broadcasting to Cuba Act (22 U.S.C. 1465c note) is amended by striking subsection (d).

(2) Any funds made available through the elimination of the position under the amendment made by paragraph (1) shall be made available for broadcasting to Cuba.

(b) PROHIBITING PAID STAFF POSITIONS.—The Advisory Board for Cuba Broadcasting is not authorized to employ administrative or support staff who are compensated by the Advisory Board.

SEC. 502. REPORTS ON BROADCASTING PERSONNEL.

Not later than 3 months after the date of the enactment of this Act and every 6 months thereafter during the fiscal years 2002 and 2003, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report regarding high-level personnel of the Broadcasting Board of Governors and efforts to diversify the workforce. Each report shall include the following information, reported separately, for the International Broadcasting Bureau, Radio Free Europe/Radio Liberty, and Radio Free Asia:

(1) A list of all personnel positions at and above the GS–13 pay level.

(2) The number and percentage of women and members of minority groups in positions under paragraph (1).

(3) The increase or decrease in the representation of women and members of minority groups in positions under paragraph (1) from previous years.

(4) The recruitment budget for each broadcasting entity and the aggregate budget.

(5) Information concerning the recruitment efforts of the Broadcasting Board of Governors relating to women and members of minority groups, including the percentage of the recruitment budget utilized for such efforts.

SEC. 503. PERSONAL SERVICES CONTRACTING PILOT PROGRAM.

(a) IN GENERAL.—The Director of the International Broadcasting Bureau is authorized to establish a pilot program for the purpose of hiring United States citizens or aliens as personal services contractors, without regard to civil service and classification laws, for service in the United States as broadcasters, producers, and writers in the International Broadcasting Bureau to respond to new or emerging broadcasting needs or to augment broadcast services.

(b) LIMITATION ON AUTHORITY.—The Director is authorized to use such pilot program authority subject to the following limitations:

(1) The Director shall determine that existing personnel resources are insufficient and the need is of limited or unknown duration.

(2) The Director shall approve each contract for a personal services contractor.

(3) The length of any personal services contract may not exceed 2 years, unless the Director finds that exceptional circumstances justify an extension of not more than 1 additional year.

(4) Not more than 50 United States citizens or aliens shall be employed at any time as personal services contractors under the pilot program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under the pilot program authorized by this section shall terminate on December 31, 2005. A contract entered into prior to the termination date under this subsection may remain in effect for a period not to exceed 6 months after such termination date.

SEC. 504. PAY PARITY FOR SENIOR EXECUTIVES OF RADIO FREE EUROPE AND RADIO LIBERTY.

Section 308(h)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(h)(1)) is amended—

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

''(C) Notwithstanding the limitations under subparagraph (A), grant funds provided under this section may be used by RFE/RL, Incorporated to pay up to 2 employees employed in Washington, D.C. salary or other compensation not to exceed the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.''; and

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

SEC. 505. REPEAL OF BAN ON UNITED STATES TRANSMITTER IN KUWAIT.

The Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) by striking section 226; and

(2) by striking the item relating to section 226 in the table of sections.

TITLE VI—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

SEC 601. UNITED NATIONS ARREARS PAYMENTS AND REFORM.

(a) ADDITIONAL RESTRICTIONS ON RELEASE OF ARREARAGE PAYMENTS RELATING TO UNITED STATES SOVEREIGNTY.—In addition to the satisfaction of all other preconditions applicable to the obligation and expenditure of funds authorized to be appropriated by section 911(a)(2) of the United Nations Reform Act of 1999, such funds may not be obligated or expended until the Secretary of State certifies to the appropriate congressional committees that the following conditions are satisfied:

(1) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(2) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(3) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or

(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(4) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(5) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(6) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(7) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) AMENDMENTS TO THE UNITED NATIONS REFORM ACT OF 1999.—The United Nations Reform Act of 1999 (title IX of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–475) is amended as follows:

(1) Section 912(c) is amended by striking ''section 911'' and inserting ''section 911(a)(3)''.

(2) Section 931(b) is amended by—

(A) striking paragraph (2); and

(B) redesignating paragraph (3) as paragraph (2).

(3) Section 941(a)(2) is amended—

(A) by striking ''also'';

(B) by striking ''in subsection (b)(4)'' both places it appears; and

(C) by striking ''satisfied, if the other conditions in subsection (b) are satisfied'' and inserting ''satisfied''.

(4) Section 941(b)(3) is amended—

(A) in the paragraph heading by striking ''NEW BUDGET PROCEDURES'' and inserting ''BUDGET PRACTICES'';

(B) by striking ''has established and'';

(C) by striking ''procedures'' and inserting ''practices''; and

(D) in subparagraphs (A) and (B) by striking ''require'' both places it appears and inserting in both places ''result in''.

(5) Section 941(b)(9) is amended—

(A) in the paragraph heading by striking ''NEW BUDGET PROCEDURES'' and inserting ''BUDGET PRACTICES'';

(B) by striking ''Each designated specialized agency has established procedures to—'' and inserting ''The practices of each designated specialized agency—''; and

(C) in subparagraphs (A), (B), and (C) by striking ''require'' each of the 3 places it appears such subparagraphs and inserting in the 3 places ''result in''.

(c) AMENDMENT TO UNITED NATIONS PARTICIPATION ACT.—Section 6 of the United Nations Participation Act of 1945 (22 U.S.C. 287d) is amended to read as follows:

''SEC. 6. AGREEMENTS WITH SECURITY COUNCIL.

''(a) Any agreement described in subsection (b) that is concluded by the President with the Security Council shall not be effective unless approved by the Congress by appropriate Act or joint resolution.

''(b) An agreement referred to in subsection (a) is an agreement providing for the numbers and types of United States Armed Forces, their degree of readiness and general locations, or the nature of facilities and assistance, including rights of passage, to be made available to the Security Council for the purpose of maintaining international peace and security in accordance with Article 43 of the Charter of the United Nations.

''(c) Except as provided in section 7, nothing in this section may be construed as an authorization to the President by the Congress to make available United States Armed Forces, facilities, or assistance to the Security Council.''.

(d) AMENDMENT TO PUBLIC LAW 103–236.—Section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287e note) is amended—

(1) by striking ''for any fiscal year after fiscal year 1995'' and inserting ''for—

''(A) fiscal years 1996 through 2001, and any fiscal year after fiscal year 2003''; and

(2) by striking ''operation.'' and inserting ''operation; and

''(B) fiscal years 2002 and 2003 shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 28.15 percent of the total of all assessed contributions for that operation.''.

(e) CONFORMING AMENDMENT TO PUBLIC LAW 92–544.—The last sentence of the paragraph headed ''Contributions to International Organizations'' in Public Law 92–544 (22 U.S.C. 287e note), is amended—

(1) by striking ''Appropriations are authorized'' and inserting ''Subject to section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236, 22 U.S.C. 287e note), as amended, appropriations are authorized''; and

(2) by striking ''(other than United Nations peacekeeping operations) conducted'' and inserting ''conducted by or under the auspices of the United Nations or''.

(f) CONFORMING AMENDMENT TO PUBLIC LAW 105–277.—The undesignated paragraph under the heading ''ARREARAGE PAYMENTS'' in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as enacted into law by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; 112 Stat. 2681–96) is amended by striking ''member, and the share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.'' and inserting ''member.''.

(g) CONFORMING AMENDMENT TO PUBLIC LAW 106–113.—The undesignated paragraph under the heading ''ARREARAGE PAYMENTS'' in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of division B of Public Law 106–113; appendix A; 113 Stat. 1501A–42) is amended—

(1) in the first proviso, by striking ''the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and''; and

(2) by inserting immediately after the first proviso ''Provided further, That, none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended with respect to a designated specialized agency of the United Nations until such time as the share of the total of all assessed contributions for that designated specialized agency does not exceed 22 percent for any member of the agency:''.

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

SEC. 602. TRAVEL BY ADVISORY COMMITTEE MEMBERS TO GREAT LAKES FISHERY COMMISSION ANNUAL MEETING.

Section 4(c) of the Great Lakes Fishery Act of 1956 (70 Stat. 242; 16 U.S.C. 933(c)) is amended in the second sentence—

(1) by striking ''five'' and inserting ''ten''; and

(2) by striking ''each'' and inserting ''the annual''.

SEC. 603. UNITED STATES POLICY ON COMPOSITION OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United Nations Human Rights Commission is an important organ of the United Nations that plays a significant role in monitoring international human rights developments and can make an important contribution to advancing human rights around the world.

(2) The membership of the Commission, however, continues to include countries that are themselves human rights violators.

(3) Countries that are on the Commission have a special duty to ensure that they are prepared to allow human rights monitors into their own country to investigate allegations of human rights violations.

(b) UNITED STATES POLICY ON MEMBERSHIP OF THE COMMISSION.—The President, acting

through the Secretary of State, the United States Permanent Representative to the United Nations, and other appropriate United States Government officials, shall use the voice and vote of the United States at the United Nations to oppose membership on the United Nations Commission on Human Rights for any country that does not provide a standing invitation to allow the following persons to monitor human rights in the territory of such country:

(1) Designated United Nations human rights investigators and rapporteurs.

(2) Representatives from nongovernmental organizations that focus on human rights.

SEC. 604. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL ORGANIZATION FOR MIGRATION.

(a) CONTINUATION OF MEMBERSHIP.—The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with the constitution of such organization approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on November 24, 1998, upon entry into force of such amendments.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of assisting in the movement of refugees and migrants, there are authorized to be appropriated such amounts as may be necessary from time to time for payment by the United States of its contributions to the International Organization for Migration and all necessary salaries and expenses incidental to United States participation in such organization.

SEC. 605. REPORT RELATING TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE.

Section 5 of the Act entitled ''An Act to establish a Commission on Security and Cooperation in Europe'' (Public Law 94–304; 22 U.S.C. 3005) is amended to read as follows:

''SEC. 5. In order to assist the Commission in carrying out its duties, the Secretary of State shall submit to the Commission an annual report discussing the overall United States policy objectives that are advanced through meetings of decision-making bodies of the Organization on Security and Cooperation in Europe (OSCE), the OSCE implementation review process, and other activities of the OSCE. The report shall also include a summary of specific United States policy objectives with respect to participating states where there is a particular concern relating to the implementation of Organization on Security and Cooperation in Europe commitments or where an OSCE presence exists. Such summary shall address the role played by Organization on Security and Cooperation in Europe institutions, mechanisms, or field activities in achieving United States policy objectives. Each annual report shall cover the period January 1 through December 31, shall be submitted not more than 90 days after the end of the reporting period, and shall be posted on the website of the Department of State.''.

SEC. 606. REPORTS TO CONGRESS ON UNITED NATIONS ACTIVITIES.

(a) AMENDMENTS TO UNITED NATIONS PARTICIPATION ACT.—Section 4 of the United Nations Participation Act (22 U.S.C. 287b) is amended—

(1) by striking subsections (b) and (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) ANNUAL REPORT ON FINANCIAL CONTRIBUTIONS.—Not later than July 1 of each year, the Secretary of State shall submit a report to the designated congressional committees on the extent and disposition of all financial contributions made by the United States during the preceding year to international organizations in which the United States participates as a member.'';

(3) in subsection (e)(5) by striking subparagraph (B) and inserting the following:

''(B) ANNUAL REPORT.—The President shall submit an annual report to the designated congressional committees on all assistance provided by the United States during the preceding calendar year to the United Nations to support peacekeeping operations. Each such report shall describe the assistance provided for each such operation, listed by category of assistance.''; and

(4) by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f) respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 2 of Public Law 81–806 (22 U.S.C. 262a) is amended by striking the last sentence.

(2) Section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by striking subsection (d).

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 701. AMENDMENTS TO THE IRAN NONPROLIFERATION ACT OF 2000.

(a) REPORTS ON PROLIFERATION TO IRAN.—Section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 114 Stat. 39; 50 U.S.C. 1701 note) is amended by inserting after subsection (d) the following new subsection:

''(e) CONTENT OF REPORTS.—Each report under subsection (a) shall contain, with respect to each foreign person identified in such report, a brief description of the type and quantity of the goods, services, or technology transferred by that person to Iran, the circumstances surrounding the transfer, the usefulness of the transfer to Iranian weapons programs, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over the person.''.

(b) DETERMINATION EXEMPTING FOREIGN PERSONS FROM CERTAIN MEASURES UNDER THE ACT.—Section 5(a)(2) of such Act is amended by striking ''systems'' and inserting ''systems, or conventional weapons''.

SEC. 702. AMENDMENTS TO THE NORTH KOREA THREAT REDUCTION ACT OF 1999.

Section 822(a) of the North Korea Threat Reduction Act of 1999 (subtitle B of title VIII of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–472) is amended by striking ''such agreement,'' both places it appears and inserting in both places ''such agreement (or that are controlled under the Export Trigger List of the Nuclear Suppliers Group),''.

SEC. 703. AMENDMENTS TO THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.

(a) REPEAL OF TERMINATION OF COMMISSION.—The International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended by striking section 209.

(b) AUTHORIZATIONS OF APPROPRIATIONS.—Section 207(a) of such Act (22 U.S.C. 6435(a)) is amended by inserting ''for each of the fiscal years 2002 and 2003'' after ''$3,000,000''.

(c) ELECTION OF CHAIR OF COMMISSION.—Section 201(d) of such Act (22 U.S.C. 6431(d)) is amended by striking ''in each calendar'' and inserting ''after May 30 of each''.

(d) PROCUREMENT OF NONGOVERNMENTAL SERVICES.—Section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)) is amended by striking ''authority other than that allowed under this title'' and inserting ''authority, in excess of $75,000 annually, except as otherwise provided in this title''.

(e) DONATION OF SERVICES.—Section 208(d)(1) of such Act (22 U.S.C. 6435a(d)(1)) is amended by striking ''services or'' both places it appears.

(f) ESTABLISHMENT OF STAGGERED TERMS OF MEMBERS OF COMMISSION.—Section 201(c) of such Act (22 U.S.C. 6431(c)) is amended by adding after paragraph (1) the following new paragraph:

''(2) ESTABLISHMENT OF STAGGERED TERMS.—Notwithstanding paragraph (1), members of the Commission appointed to serve on the Commission during the period May 15, 2003, through May 14, 2005, shall be appointed to terms in accordance with the provisions of this paragraph. Of the 3 members of the Commission appointed by the President under subsection (b)(1)(B)(i), 2 shall be appointed to a one-year term and 1 shall be appointed to a two-year term. Of the 3 members of the Commission appointed by the President pro tempore of the Senate under subsection (b)(1)(B)(ii), 1 of the appointments made upon the recommendation of the leader in the Senate of the political party that is not the political party of the President shall be appointed to a one-year term, and the other 2 appointments under such clause shall be two-year terms. Of the 3 members of the Commission appointed by the Speaker of the House of Representatives under subsection (b)(1)(B)(iii), 1 of the appointments made upon the recommendation of the leader in the House of the political party that is not the political party of the President shall be to a one-year term, and the other 2 appointments under such clause shall be two-year terms. The term of each member of the Commission appointed to a one-year term shall be considered to have begun on May 15, 2003, and shall end on May 14, 2004, regardless of the date of the appointment to the Commission. Each vacancy which occurs upon the expiration of the term of a member appointed to a one-year term shall be filled by the appointment of a successor to a two-year term.''.

(g) VACANCIES.—Section 201(g) of such Act (22 U.S.C. 6431(g)) is amended by adding at the end the following: ''A member may serve after the expiration of that member's term until a successor has taken office. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.''.

SEC. 704. CONTINUATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) AUTHORITY TO CONTINUE COMMISSION.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999: Public Law 105–277) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2005''.

(b) REPEAL.—Section 404(c) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 404(c) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–446) is amended by striking paragraph (2).

SEC. 705. PARTICIPATION OF SOUTH ASIA COUNTRIES IN INTERNATIONAL LAW ENFORCMENT.

The Secretary of State shall ensure, where practicable, that appropriate government officials from countries in the South Asia region shall be eligible to attend courses at the International Law Enforcement Academy located in Bangkok, Thailand, and Budapest, Hungary, consistent with other provisions of law, with the goal of enhancing regional cooperation in the fight against transnational crime.

Subtitle B—Sense of Congress Provisions

SEC. 731. SENSE OF CONGRESS RELATING TO HIV/AIDS AND UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of the Congress that the President should direct the Secretary of State and the United States Representative to the United Nations to urge the United Nations to adopt an HIV/AIDS mitigation strategy as a component of United Nations peacekeeping operations.

SEC. 732. SENSE OF CONGRESS RELATING TO HIV/AIDS TASK FORCE.

It is the sense of the Congress that the Secretary of State should establish an international HIV/AIDS intervention, mitigation, and coordination task force to coordinate activities on international HIV/AIDS programs administered by agencies of the Federal Government and to work with international public and private entities working to combat the HIV/AIDS pandemic.

SEC. 733. SENSE OF CONGRESS CONDEMNING THE DESTRUCTION OF PRE-ISLAMIC STATUES IN AFGHANISTAN BY THE TALIBAN REGIME.

(a) FINDINGS.—The Congress makes the following findings:

(1) Many of the oldest and most significant Buddhist statues in the world are in Afghanistan, which, at the time that many of the statues were carved, was one of the most cosmopolitan regions in the world and hosted merchants, travelers, and artists from China, India, central Asia, and the Roman Empire.

(2) Such statues are part of the common heritage of mankind, which must be preserved for future generations.

(3) On February 26, 2001, the leader of the Taliban regime, Mullah Mohammad Omar, ordered the destruction of all pre-Islamic statues in Afghanistan, among them a pair of 1,600-year-old, 100-foot-tall statues of Buddha that are carved out of a mountainside.

(4) The religion of Islam and Buddhist statues have coexisted in Afghanistan as part of the unique historical and cultural heritage of that nation for more than 1,100 years.

(5) The destruction of the pre-Islamic statues contradicts the basic tenet of the Islamic religion that other religions should be tolerated.

(6) People of all faiths and nationalities have condemned the destruction of the statues in Afghanistan, including Muslim communities around the world.

(7) The destruction of the statues violates the United Nations Convention Concerning the Protection of the World Cultural and Natural Heritage, which was ratified by Afghanistan on March 20, 1979.

(b) SENSE OF CONGRESS.—The Congress—

(1) joins with people and governments around the world in condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime;

(2) urges the Taliban regime to stop destroying such statues; and

(3) calls upon the Taliban regime to grant international organizations immediate access to Afghanistan to survey the damage and facilitate international efforts to preserve and safeguard the remaining statues.

SEC. 734. SENSE OF CONGRESS RELATING TO RESOLUTION OF THE TAIWAN STRAIT ISSUE.

It is the sense of the Congress that Taiwan is a mature democracy that fully respects human rights and it is the policy of the United States that any resolution of the Taiwan Strait issue must be peaceful and include the assent of the people of Taiwan.

SEC. 735. SENSE OF CONGRESS RELATING TO ARSENIC CONTAMINATION IN DRINKING WATER IN BANGLADESH.

(a) FINDINGS.—In the early 1970s, the United Nations Children's Fund (UNICEF) and the Bangladeshi Department of Public Health Engineering, in an attempt to bring clean drinking water to the people of Bangladesh, installed tube wells to access shallow aquifers. This was done to provide an alternative to contaminated surface water sources. However, at the time the wells were installed, arsenic was not recognized as a problem in water supplies and standard water testing procedures did not include arsenic tests. Naturally occurring inorganic arsenic contamination of water in those tube-wells was confirmed in 1993 in the Nawabganj district in Bangladesh. The health effects of ingesting arsenic-contaminated drinking water appear slowly. This makes preventative measures, including drawing arsenic out of the existing tube well and finding alternate sources of water, critical to preventing future contamination in large numbers of the Bangladeshi population. Health effects of exposure to arsenic in both adults and children include skin lesions, skin cancer, and mortality from internal cancers.

(b) SENSE OF CONGRESS.—The Secretary of State should work with appropriate United States Government agencies, national laboratories, universities in the United States, the Government of Bangladesh, international financial institutions and organizations, and international donors to identify a long term solution to the arsenic-contaminated drinking water problem.

(c) REPORT TO CONGRESS.—The Secretary of State should report to the Congress on proposals to bring about arsenic-free drinking water to Bangladeshis and to facilitate treatment for those who have already been affected by arsenic-contaminated drinking water in Bangladesh.

SEC. 736. SENSE OF CONGRESS RELATING TO DISPLAY OF THE AMERICAN FLAG AT THE AMERICAN INSTITUTE IN TAIWAN.

It is the sense of the Congress that the chancery of the American Institute in Taiwan and the residence of the director of the American Institute in Taiwan should publicly display the flag of the United States in the same manner as United States embassies, consulates, and official residences throughout the world.

SEC. 737. SENSE OF CONGRESS REGARDING HUMAN RIGHTS VIOLATIONS IN WEST PAPUA AND ACEH, INCLUDING THE MURDER OF JAFAR SIDDIQ HAMZAH, AND ESCALATING VIOLENCE IN MALUKU AND CENTRAL KALIMANTAN.

(a) FINDINGS.—The Congress makes the following findings:

(1) Human rights violations by elements of the Indonesian Government continue to worsen in West Papua (Irian Jaya) and Aceh, while other areas including the Moluccas (Maluku) and Central Kalimantan have experienced outbreaks of violence by militia forces and other organized groups.

(2) Seven West Papuans were shot dead by Indonesian security forces following a flag-raising ceremony in the town of Merauke on December 2, 2000, and in a separate incident four others were reportedly killed by Indonesian security forces after a West Papuan flag was raised in Tiom on December 18, 2000.

(3) Indonesian police have attacked peaceful West Papuan civilians, including students in their dormitories at Cenderawasih University on December 6, 2000. This attack resulted in the beating and arrests of some 100 students as well as the deaths of three students, including one in police custody in the capital city of Jayapura.

(4) To escape Indonesian security forces, hundreds of peaceful West Papuans have sought safety in refugee camps across the border in the neighboring state of Papua New Guinea (PNG).

(5) The Indonesian armed forces have announced that they are initiating ''limited military operations'' in Aceh, where the ExxonMobil gas company has suspended operations due to security concerns.

(6) On September 7, 2000, the body of Acehnese human rights lawyer Jafar Siddiq Hamzah, who had been missing for a month, was identified along with four other badly decomposed bodies, whose faces were bashed in and whose hands and feet were bound with barbed wire, in a forested area outside of Medan, in North Sumatra.

(7) Hamzah, a permanent resident of the United States who resided in Queens, New York, was last seen alive on August 5, 2000, in Medan, after which he failed to keep an appointment and his family lost all contact with him.

(8) As the founder and director of the International Forum on Aceh, which works for peace and human rights in Aceh, Hamzah was an important voice of moderation and an internationally known representative of his people who made irreplaceable contributions to peace and respect for human rights in his homeland.

(9) The Indonesian government has failed to release the results of Jafar Siddiq Hamzah's autopsy report, and the inaccessibility of the report has delayed the investigation which could lead to bringing the murderers to justice.

(10) There is supporting documentation from the United States Department of State and other reliable sources that Indonesian military and police forces have committed widespread acts of torture, rape, disappearance and extra-judicial executions against West Papuan and Acehnese civilians.

(11) In Maluku, where Muslim and Christian peoples lived in peace and respected with each other for decades, thousands have been killed and tens of thousands displaced during outbreaks of violence over the past three years.

(12) Militia forces known as the Laskar Jihad have arrived from Java and other islands outside Maluku to inflame hatred and perpetrate violence against Christians, and to create religious intolerance among the people of Maluku, and the Laskar Jihad has been openly encouraged by some Indonesian leaders including Amien Rais, Chair of the People's Consultative Assembly.

(13) Muslim and Christian leaders alike have called for the arrest of militia leaders in Maluku and asking for international assistance in ending this devastating conflict.

(14) The most recent instance of widespread violence in Indonesia has broken out on the island of Kalimantan (Borneo), in the province of Central Kalimantan, where indigenous Dayaks brutally attacked migrant Madurese, killing hundreds and causing thousands of others to flee.

(15) The people of the island of Madura who were resettled in Kalimantan under the auspices of the Soeharto government's transmigration program, which served to strengthen the political control of the regime, have become scapegoats for official government policy, while the Dayaks have suffered from this policy and from official exploitation of the natural resources of their homeland.

(b) SENSE OF CONGRESS.—The Congress—

(1) expresses its deep concern over ongoing human rights violations committed by Indonesian military and police forces against civilians in West Papua and Aceh, as well as over violence by militias and others in Maluku, Central Kalimantan, and elsewhere in Indonesia;

(2) calls upon the United States Department of State to publicly protest the reemergence of political imprisonment in Indonesia and to take necessary steps to release, immediately and unconditionally, all political prisoners, including Rev. Obed Komba, Rev. Yudas Meage, Yafet Yelemaken, Murjono Murib and Amelia Yigibalom of West Papua, and Muhammad Nazar of Aceh, all adopted by Amnesty International as Prisoners of Conscience, and student demonstrators Matius Rumbrapuk, Laon Wenda, Jenderal Achmad Yani, Joseph Wenda and Hans Gobay of West Papua;

(3) calls upon the Department of State to support and encourage the Government of Indonesia to engage in peaceful dialogue with respected West Papuan community leaders and other members of West Papuan civil society, as prescribed by the 1999 Terms of Reference for the National Dialogue on Irian Jaya, and to urge the Governor of West Papua to create an

environment conducive to the peaceful repatriation of West Papuan refugees and ''illegal border crossers'' who now reside in Papua New Guinea;

(4) calls upon the United States Government to press the Government of Indonesia to permit access to West Papua and Aceh, including the project areas of the United States-owned Freeport mine and Exxon-Mobil facilities, by independent human rights and environmental monitors, including the United Nations special rapporteurs on torture and extra-judicial execution, as well as by humanitarian nongovernmental organizations;

(5) calls upon the United States Government to press for the withdrawal of nonorganic troops from West Papua and Aceh, and an overall reduction of force numbers in those areas, particularly along the PNG border;

(6) calls upon the Government of Indonesia to release the autopsy report of Jafar Siddiq Hamzah immediately, to conduct a thorough, open, and transparent investigation of the murder of Hamzah and the four others with whom he was found, to offer full access and support to independent investigators and forensics experts brought in to examine these cases, and to ensure that the perpetrators of these atrocities are brought to justice through open and fair trials;

(7) condemns the recent atrocities in Central Kalimantan the failure of Indonesian police and other security forces to intervene to stop these atrocities, as well as the underlying social and economic conditions caused by systematic transmigration programs, imported labor, and inequitable and destructive exploitation of local natural resources that have worsened the poverty and discrimination which were contributing factors in their commission;

(8) condemns comparable Indonesian Government policies in Maluku and the failure of Indonesian police and other security forces in and around Ambon to halt sectarian violence, including the operations of the Laskar Jihad militia;

(9) calls upon the Government of Indonesia to take decisive action to halt sectarian violence in Maluku and to arrest those guilty of violence, including Laskar Jihad militia leaders and armed forces officers guilty of complicity in their operations against civilians, and to make significant progress towards rehabilitation and reestablishment of local communities displaced by the violence and rebuild the physical infrastructure of the communities;

(10) calls upon the Department of State to support United Nations and other international delegations and monitoring efforts by international and nongovernmental agencies in West Papua, Aceh, Maluku, Central Kalimantan, West Timor, and other areas of Indonesia in order to deter further human rights violations, and to encourage and support international and nongovernmental agencies in efforts to help the people of Indonesia rebuild and rehabilitate communities torn by violence, particularly by assisting in the return of internally displaced peoples and in efforts at reconciliation within and among communities;

(11) calls upon the Department of State to ensure that all appropriate information regarding current conditions in the West Papua, Aceh, Maluku, Kalimantan, and elsewhere in Indonesia is included in the Annual Country Reports on Human Rights Practices and the Annual Report on International Religious Freedom;

(12) calls upon the Government of Indonesia to devote official attention, in an atmosphere of openness and transparency and oversight, to investigations into the numerous cases of disappearances, extrajudicial killings, and other serious human rights violations in West Papua, Aceh, Maluku, Central Kalimantan, elsewhere in Indonesia, and occupied East Timor; and

(13) calls upon the United States Government to continue to insist upon vigorous investigation into all such violations, and upon trials according to international standards for military and police officers, militia leaders, and others accused of such violations.

SEC. 738. SENSE OF CONGRESS SUPPORTING PROPERLY CONDUCTED ELECTIONS IN KOSOVA DURING 2001.

(a) FINDINGS.—The Congress makes the following findings:

(1) Former Yugoslav President Slobodan Milosevic perpetrated a brutal campaign of ethnic cleansing against the ethnic Albanian population of Kosova, resulting in thousands of deaths and rapes and the displacement of nearly 1 million people.

(2) Prior to the disintegration of the former Yugoslavia, Kosova was a separate political and legal entity with a separate and distinct financial sector, police force, government, education system, judiciary, and health care system.

(3) During that time, the people of Kosova successfully administered the province.

(4) During the Milosevic era, Kosovar citizens demonstrated again their ability to govern themselves by creating parallel governmental and social institutions.

(5) Local elections held in Kosova in 2000 were considered free and fair by international observers.

(6) United Nations Security Council Resolution 1244 authorizes the United Nations Mission in Kosova to provide for transitional administration while establishing and overseeing the development of democratic and self-governing institutions, including the holding of elections, to ensure conditions for a peaceful and normal life for all inhabitants of Kosova.

(7) The United Nations Mission in Kosova and the Organization for Security and Cooperation in Europe should ensure that the conditions for properly conducted elections in Kosova are in place prior to the election.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United Nations Mission in Kosova should hold properly conducted elections throughout Kosova during the year 2001;

(2) the only way to maintain a true and lasting peace in the region is through the creation of democratic Kosovar institutions with real governing authority and responsibility, and Kosova-wide jurisdiction;

(3) all persons, regardless of ethnicity, are encouraged to participate in elections throughout Kosova; and

(4) the United States should work with the United Nations Mission in Kosova and the Organization for Security and Cooperation in Europe to ensure that the transition to Kosovar self-government under the terms and conditions of United Nations Security Council Resolution 1244 proceeds peacefully, successfully, expeditiously, and in a spirit of ethnic inclusiveness.

SEC. 739. SENSE OF CONGRESS RELATING TO POLICY REVIEW OF RELATIONS WITH THE PEOPLE'S REPUBLIC OF CHINA.

It is the sense of Congress that—

(1) the President of the United States and his advisors should be commended for their success and the diplomatic skill with which they negotiated the safe return of the 24 American crew members of the United States Navy reconnaissance aircraft that made an emergency landing on the Chinese island of Hainan on April 1, 2001; and

(2) the United States Government should conduct a policy review of the nature of its relations with the Government of the People's Republic of China in light of recent events.

SEC. 740. SENSE OF CONGRESS RELATING TO BROADCASTING IN THE MACEDONIAN LANGUAGE BY RADIO FREE EUROPE.

It is the sense of the Congress that the Broadcasting Board of Governors should initiate surrogate broadcasting by Radio Free Europe in the Macedonian language to Macedonian-speaking areas of the Former Yugoslav Republic of Macedonia.

SEC. 741. SENSE OF CONGRESS RELATING TO MAGEN DAVID ADOM SOCIETY.

(a) FINDINGS.—Congress finds the following:

(1) It is the mission of the International Red Cross and Red Crescent Movement to prevent and alleviate human suffering wherever it may be found, without discrimination.

(2) The International Red Cross and Red Crescent Movement is a worldwide institution in which all national Red Cross and Red Crescent societies have equal status.

(3) The Magen David Adom Society is the national humanitarian society in the state of Israel.

(4) The Magen David Adom Society follows all the principles of the International Red Cross and Red Crescent Movement.

(5) Since the founding of the Magen David Adom Society in 1930, the American Red Cross has regarded it as a sister national society and close working ties have been established between the two societies.

(6) The Magen David Adom Society has used the Red Shield of David as its humanitarian emblem since its founding in 1930 for the same purposes that other national Red Cross and Red Crescent societies use their respective emblems.

(7) Since 1949 Magen David Adom has been refused admission into the International Red Cross and Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David.

(8) Magen David Adom is the only humanitarian organization equivalent to a national Red Cross or Red Crescent society in a sovereign nation that is denied membership into the International Red Cross and Red Crescent Movement.

(9) The American Red Cross has consistently advocated recognition and membership of the Magen David Adom Society in the International Red Cross and Red Crescent Movement.

(10) The House of Representatives adopted H. Res. 464 on May 3, 2000, and the Senate adopted S. Res. 343 on October 18, 2000, expressing the sense of the House of Representatives and the sense of the Senate, respectively, that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

(11) The Secretary of State testified before the Committee on the Budget of the Senate on March 14, 2001, and stated that admission of Magen David Adom into the International Red Cross movement is a priority.

(12) The United States provided $119,230,000 for the International Committee of the Red Cross in fiscal year 2000.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society;

(2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member of the International Committee of the Red Cross;

(3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent; and

(4) the United States should continue to press for full membership for the Magen David Adom in the International Red Cross Movement.

SEC. 742. SENSE OF CONGRESS URGING THE RETURN OF PORTRAITS PAINTED BY DINA BABBITT DURING HER INTERNMENT AT AUSCHWITZ THAT ARE NOW IN THE POSSESSION OF THE AUSCHWITZ-BIRKENAU STATE MUSEUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen now in her late 70's, has requested the return of watercolor portraits she painted while suffering a year-and-a-half-long internment at the Auschwitz death camp during World War II.

(2) Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele.

(3) Dina Babbitt's life, and her mother's life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele.

(4) These paintings are currently in the possession of the Auschwitz-Birkenau State Museum.

(5) Dina Babbitt is unquestionably the rightful owner of the artwork, since the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp.

(6) The artwork is not available for the public to view at the Auschwitz-Birkenau State Museum and therefore this unique and important body of work is essentially lost to history.

(7) This continued injustice can be righted through cooperation between agencies of the United States and Poland.

(b) SENSE OF CONGRESS.—The Congress—

(1) recognizes the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the seven watercolor portraits Dina Babbitt painted, while suffering a year-and-a-half-long internment at the Auschwitz death camp, and return them to her;

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the seven original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the artwork painted by her that is now in the possession of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the seven original paintings to Dina Babbitt as expeditiously as possible.

SEC. 743. SENSE OF CONGRESS REGARDING VIETNAMESE REFUGEE FAMILIES.

It is the sense of the Congress that Vietnamese refugees who served substantial sentences in reeducation camps due to their wartime associations with the United States and who, subsequently, were resettled in the United States should be permitted to include their unmarried sons and daughters as family members for purposes of such resettlement.

SEC. 744. SENSE OF CONGRESS RELATING TO MEMBERSHIP OF THE UNITED STATES IN UNESCO.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United Nations Educational, Scientific, and Cultural Organization (UNESCO) was created in 1946 with the support of the United States as an integral part of the United Nations systems, designed to promote international cooperation and exchanges in the fields of education, science, culture, and communication with the larger purpose of constructing the defense of peace against intolerance and incitement to war.

(2) In 1984, the United States withdrew from membership in UNESCO over serious questions of internal management and political polarization.

(3) Since the United States withdrew from the organization, UNESCO addressed such criticisms by electing new leadership, tightening financial controls, cutting budget and staff, restoring recognition of intellectual property rights, and supporting the principle of a free and independent international press.

(4) In 1993, the General Accounting Office, after conducting an extensive review of UNESCO's progress in implementing changes, concluded that the organization's member states, the Director General of UNESCO, managers and employee associations demonstrated a commitment to management reform through their actions.

(5) On September 28, 2000, former Secretary of State George P. Schultz, who implemented the withdrawal of the United States from UNESCO with a letter to the organization's Director General in 1984, indicated his support for the United States renewal of membership in UNESCO.

(6) The participation of the United States in UNESCO programs offers a means for furthering the foreign policy interests of the United States through the promotion of cultural understanding and the spread of knowledge critical to strengthening civil society.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should take all necessary steps to renew the membership and participation of the United States in the United Nations Educational, Scientific and Cultural Organization (UNESCO).

SEC. 745. SENSE OF CONGRESS RELATING TO GLOBAL WARMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Global climate change poses a significant threat to national security, the American economy, public health and welfare, and the global environment.

(2) The Intergovernmental Panel on Climate Change (IPCC) has found that most of the observed warming over the last fifty years is attributable to human activities, including fossil fuel-generated carbon dioxide emissions.

(3) The IPCC has stated that global average surface temperatures have risen since 1861.

(4) The IPCC has stated that in the last forty years, the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased which threatens to inundate low-lying Pacific island nations and coastal regions throughout the world.

(5) The Environmental Protection Agency predicts that global warming will harm United States citizens by altering crop yields, causing sea levels to rise, and increasing the spread of tropical infectious diseases.

(6) Industrial nations are the largest producers today of fossil fuel-generated carbon dioxide emissions.

(7) The United States has ratified the United Nations Framework on Climate Change which states, in part, ''the Parties to the Convention are to implement policies with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases''.

(8) The United Nations Framework Convention on Climate Change further states that ''developed country Parties should take the lead in combating climate change and the adverse effects thereof''.

(9) Action by the United States to reduce emissions, taken in concert with other industrialized nations, will promote action by developing countries to reduce their own emissions.

(10) A growing number of major American businesses are expressing a need to know how governments worldwide will respond to the threat of global warming.

(11) More efficient technologies and renewable energy sources will mitigate global warming and will make the United States economy more productive and create hundreds of thousands of jobs.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should demonstrate international leadership and responsibility in mitigating the health, environmental, and economic threats posed by global warming by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of carbon dioxide and other greenhouse gases from all sectors; and

(2) continuing to participate in international negotiations with the objective of completing the rules and guidelines for the Kyoto Protocol in a manner that is consistent with the interests of the United States and that ensures the environmental integrity of the protocol.

SEC. 746. SENSE OF CONGRESS REGARDING THE BAN ON SINN FEIN MINISTERS FROM THE NORTH-SOUTH MINISTERIAL COUNCIL IN NORTHERN IRELAND.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Good Friday Agreement established the North-South Ministerial Council to bring together those with executive responsibilities in Northern Ireland and the Republic of Ireland to discuss matters of mutual interest on a cross-border and all-island basis.

(2) The Ulster Unionist Party, Social Democratic and Labour Party, Sinn Fein and the Democratic Unionist Party comprise the Northern Ireland executive.

(3) First Minister David Trimble continues to ban Sinn Fein Ministers Martin McGuiness and Bairbre de Brun from attending North-South Ministerial Council meetings.

(4) On January 30, 2001, the Belfast High Court ruled First Minister Trimble had acted illegally in preventing the Sinn Fein Ministers from attending the North-South Ministerial Council meetings.

(b) SENSE OF CONGRESS.—The Congress calls upon First Minister David Trimble to adhere to the terms of the Good Friday Agreement and lift the ban on the participation of Sinn Fein Ministers on the North-South Ministerial Council.

TITLE VIII—SECURITY ASSISTANCE

SEC. 801. SHORT TITLE.

This title may be cited as the ''Security Assistance Act of 2001''.

Subtitle A—Military and Related Assistance

CHAPTER 1—FOREIGN MILITARY SALES AND RELATED AUTHORITIES

SEC. 811. QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.

Chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) is amended by adding at the end the following:

''SEC. 28. QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.

''(a) QUARTERLY REPORT.—Not later than 15 days after the end of each calendar quarter, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the information described in subsection (b).

''(b) INFORMATION.—The information described in this subsection is the following:

''(1)(A) Each price and availability estimate provided by the United States Government during such calendar quarter to a foreign country

with respect to a possible sale under this Act of major defense articles having a cost of $7,000,000 or more, or of any other defense articles or services having a cost of $25,000,000 or more.

''(B) The name of each foreign country to which an estimate described in subparagraph (A) was provided, the defense articles or services involved, the quantity of the articles or services involved, and the price estimate.

''(2)(A) Each request received by the United States Government from a foreign country during such calendar quarter for the issuance of a letter of offer to sell defense articles or defense services if the proposed sale does not include a price and availability estimate (as described in paragraph (1)(A)).

''(B) The name of each foreign country that makes a request described in subparagraph (A), the date of the request, the defense articles or services involved, the quantity of the articles or services involved, and the price and availability terms requested.''.

SEC. 812. OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.

Section 43(c) of the Arms Export Control Act (22 U.S.C. 2792(c)) is amended by striking ''$72,500'' and inserting ''$86,500''.

SEC. 813. TREATMENT OF TAIWAN RELATING TO TRANSFERS OF DEFENSE ARTICLES AND SERVICES.

Notwithstanding any other provision of law, for purposes of the transfer or potential transfer of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any other provision of law, Taiwan shall be treated as the equivalent of a major non-NATO ally.

SEC. 814. UNITED STATES POLICY WITH REGARD TO TAIWAN.

(a) CONSULTATION WITH CONGRESS.—Not later than 30 days prior to consultations with Taiwan described in subsection (b), the President shall consult, on a classified basis, with Congress regarding the following matters with respect to the availability of defense articles and services for Taiwan:

(1) The request by Taiwan to the United States for the purchase of defense articles and defense services.

(2) The President's assessment of the legitimate defense needs of Taiwan taking into account Taiwan's request described in paragraph (1).

(3) The decisionmaking process used by the President to consider such request.

(b) CONSULTATION WITH TAIWAN.—At least once every calendar year, the President, or the President's designee, shall consult with representatives of the armed forces of Taiwan, at not less than the level of Vice Chief of the General Staff, concerning the nature and quantity of defense articles and services to be made available to Taiwan in accordance with section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)). Such consultations shall take place in Washington, D.C.

CHAPTER 2—EXCESS DEFENSE ARTICLE AND DRAWDOWN AUTHORITIES

SEC. 821. EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN AND OTHER COUNTRIES.

(a) CENTRAL AND SOUTHERN EUROPEAN COUNTRIES.—Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking ''2000 and 2001'' and inserting ''2001, 2002, and 2003''.

(b) CERTAIN OTHER COUNTRIES.—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2002 and 2003, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, the Former Yugoslavia Republic of Macedonia, Georgia, Kyrgyzstan, Latvia, Lithuania, Mongolia, the Philippines, Slovakia, and Uzbekistan.

(c) CONTENT OF CONGRESSIONAL NOTIFICATION.—Each notification required to be submitted under section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)) with respect to a proposed transfer of a defense article described in subsection (b) shall include an estimate of the amount of funds to be expended under such subsection with respect to that transfer.

SEC. 822. LEASES OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

Section 61(b) of the Arms Export Control Act (22 U.S.C. 2796(b)) is amended—

(1) by striking ''(b) Each lease agreement'' and inserting ''(b)(1) Each lease agreement''; and

(2) by striking ''of not to exceed five years'' and inserting ''which may not exceed (A) five years, and (B) a specified period of time required to complete major refurbishment work of the leased articles to be performed prior to the delivery of the leased articles,''; and

(3) by adding at the end the following:

''(2) In this subsection, the term 'major refurbishment work' means work for which the period of performance is six months or more.''.

SEC. 823. PRIORITY WITH RESPECT TO TRANSFER OF EXCESS DEFENSE ARTICLES.

Section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)) is amended by striking ''and to major non-NATO allies on such southern and southeastern flank'' and inserting '', to major non-NATO allies on such southern and southeastern flank, and to the Philippines''.

CHAPTER 3—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

SEC. 831. INTERNATIONAL COUNTER-PROLIFERATION EDUCATION AND TRAINING.

Chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) is amended—

(1) by redesignating sections 584 and 585 as sections 585 and 586, respectively; and

(2) by inserting after section 583 the following:

''SEC. 584. INTERNATIONAL COUNTER-PROLIFERATION EDUCATION AND TRAINING.

''(a) GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions consistent with this chapter (but whenever feasible on a reimbursable basis), education and training to foreign governmental and military personnel for the purpose of enhancing the nonproliferation and export control capabilities of such personnel through their attendance in special courses of instruction in the United States.

''(b) ADMINISTRATION OF COURSES.—The Secretary of State shall have overall responsibility for the development and conduct of international nonproliferation education and training programs, but may rely upon any of the following agencies to recommend personnel for the education and training, and to administer specific courses of instruction:

''(1) The Department of Defense (including national weapons laboratories under contract with the Department).

''(2) The Department of Energy (including national weapons laboratories under contract with the Department).

''(3) The Department of Commerce.

''(4) The intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

''(5) The United States Customs Service.

''(6) The Federal Bureau of Investigation.

''(c) PURPOSES.—Education and training activities conducted under this section shall be—

''(1) of a technical nature, emphasizing techniques for detecting, deterring, monitoring, interdicting, and countering proliferation;

''(2) designed to encourage effective and mutually beneficial relations and increased understanding between the United States and friendly countries; and

''(3) designed to improve the ability of friendly countries to utilize their resources, including defense articles and defense services obtained by them from the United States, with maximum effectiveness, thereby contributing to greater self-reliance by such countries.''.

SEC. 832. ANNUAL REPORT ON THE PROLIFERATION OF MISSILES AND ESSENTIAL COMPONENTS OF NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS.

(a) REPORT.—

(1) IN GENERAL.—The President shall transmit to the designated congressional committees an annual report on the transfer by any country of weapons, technology, components, or materials that can be used to deliver, manufacture (including research and experimentation), or weaponize nuclear, biological, or chemical weapons (hereinafter in this section referred to as ''NBC weapons'') to any country other than a country referred to in subsection (c) that is seeking to possess or otherwise acquire such weapons, technology, or materials, or other system that the Secretary of State or Secretary of Defense has reason to believe could be used to develop, acquire, or deliver NBC weapons.

(2) DEADLINE FOR INITIAL REPORT.—The first such report shall be submitted not later than 90 days after the date of the enactment of this Act and on April 1 of each year thereafter.

(b) MATTERS TO BE INCLUDED.—Each such report shall include, but not be limited to—

(1) the transfer of all aircraft, cruise missiles, artillery weapons, unguided rockets and multiple rocket systems, and related bombs, shells, warheads and other weaponization technology and materials that the Secretary of State or the Secretary of Defense has reason to believe may be intended for the delivery of NBC weapons;

(2) international transfers of MTCR equipment or technology to any country that is seeking to acquire such equipment or any other system that the Secretary of State or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and

(3) the transfer of technology, test equipment, radioactive materials, feedstocks and cultures, and all other specialized materials that the Secretary of State or the Secretary of Defense has reason to believe could be used to manufacture NBC weapons.

(c) CONTENT OF REPORT.—Each such report shall include the following with respect to preceding calendar year:

(1) The status of missile, aircraft, and other NBC weapons delivery and weaponization programs in any such country, including efforts by such country or by any subnational group to acquire MTCR-controlled equipment, NBC-capable aircraft, or any other weapon or major weapon component which may be utilized in the delivery of NBC weapons, whose primary use is the delivery of NBC weapons, or that the Secretary of State or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

(2) The status of NBC weapons development, acquisition, manufacture, stockpiling, and deployment programs in any such country, including efforts by such country or by any subnational group to acquire essential test equipment, manufacturing equipment and technology, weaponization equipment and technology, and radioactive material, feedstocks or components of feedstocks, and biological cultures and toxins.

(3) A description of assistance provided by any person or government, after the date of the

enactment of this Act, to any such country or subnational group in the acquisition or development of—

(A) NBC weapons;

(B) missile systems, as defined in the MTCR or that the Secretary of State or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and

(C) aircraft and other delivery systems and weapons that the Secretary of State or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

(4) A listing of those persons and countries which continue to provide such equipment or technology described in paragraph (3) to any country or subnational group as of the date of submission of the report, including the extent to which foreign persons and countries were found to have knowingly and materially assisted such programs.

(5) A description of the use of, or substantial preparations to use, the equipment of technology described in paragraph (3) by any foreign country or subnational group.

(6) A description of the diplomatic measures that the United States, and that other adherents to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons, have made with respect to activities and private persons and governments suspected of violating the MTCR and such other arrangements.

(7) An analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other countries that adhere to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons in controlling the export of MTCR and other NBC weapons and delivery system equipment or technology.

(8) A summary of advisory opinions issued under section 11B(b)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(b)(4)) and under section 73(d) of the Arms Export Control Act (22 U.S.C. 2797b(d)).

(9) An explanation of United States policy regarding the transfer of MTCR equipment or technology to foreign missile programs, including programs involving launches of space vehicles.

(10) A description of each transfer by any person or government during the preceding 12-month period which is subject to sanctions under the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484).

(d) EXCLUSIONS.—The countries excluded under subsection (a) are Australia, Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, Spain, Turkey, the United Kingdom, and the United States.

(e) CLASSIFICATION OF REPORT.—The Secretary of State shall make every effort to submit all of the information required by this section in unclassified form. Whenever the Secretary submits any such information in classified form, the Secretary shall submit such classified information in an addendum and shall also submit concurrently a detailed summary, in unclassified form, of that classified information.

(f) DEFINITIONS.—In this section:

(1) DESIGNATED CONGRESSIONAL COMMITTEES.—The term ''designated congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives; and

(B) the Committees on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) MISSILE; MTCR; MTCR EQUIPMENT OR TECHNOLOGY.—The terms ''missile'', ''MTCR'', and ''MTCR equipment or technology'' have the meanings given those terms in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(3) PERSON.—The term ''person'' means any United States or foreign individual, partnership, corporation, or other form of association, or any of its successor entities, parents, or subsidiaries.

(4) WEAPONIZE; WEAPONIZATION.—The term ''weaponize'' or ''weaponization'' means to incorporate into, or the incorporation into, usable ordnance or other militarily useful means of delivery.

(g) REPEALS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (22 U.S.C. 2751 note).

(B) Section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5606).

(C) Section 1607(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484).

(D) Paragraph (d) of section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of title I of division A of Public Law 104–208).

(2) CONFORMING AMENDMENTS.—Section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is amended—

(A) in paragraph (b), by adding ''and'' at the end; and

(B) in paragraph (c), by striking ''; and'' and inserting a period.

SEC. 833. FIVE-YEAR INTERNATIONAL ARMS CONTROL AND NONPROLIFERATION STRATEGY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the appropriate congressional committees a five-year international arms control and nonproliferation strategy. The strategy shall contain the following:

(1) A five-year plan for the reduction of existing nuclear, chemical, and biological weapons and ballistic missiles and for controlling the proliferation of these weapons.

(2) Identification of the goals and objectives of the United States with respect to arms control and nonproliferation of weapons of mass destruction and their delivery systems.

(3) A description of the programs, projects, and activities of the Department of State intended to accomplish goals and objectives described in paragraph (2).

Subtitle B—Strengthening the Munitions Licensing Process

SEC. 841. LICENSE OFFICER STAFFING.

(a) FUNDING.—Of the amounts authorized to be appropriated under the appropriations account entitled ''DIPLOMATIC AND CONSULAR PROGRAMS'' for fiscal years 2002 and 2003, not less than $10,000,000 shall be made available each such fiscal year for the Office of Defense Trade Controls of the Department of State for salaries and expenses.

(b) ASSIGNMENT OF LICENSE REVIEW OFFICERS.—Effective January 1, 2002, the Secretary of State shall assign to the Office of Defense Trade Controls of the Department of State a sufficient number of license review officers to ensure that the average weekly caseload for each officer does not exceed 40.

(c) DETAILEES.—Given the priority placed on expedited license reviews in recent years by the Department of Defense, the Secretary of Defense should ensure that 10 military officers are continuously detailed to the Office of Defense Trade Controls of the Department of State on a nonreimbursable basis.

SEC. 842. FUNDING FOR DATABASE AUTOMATION.

Of the amounts authorized to be appropriated under the appropriations account entitled ''CAPITAL INVESTMENT FUND'' for fiscal years 2002 and 2003, not less than $4,000,000 shall be made available each such fiscal year for the Office of Defense Trade Controls of the Department of State for the modernization of information management systems.

SEC. 843. INFORMATION MANAGEMENT PRIORITIES.

(a) OBJECTIVE.—The Secretary of State shall establish a secure, Internet-based system for the filing and review of applications for export of Munitions List items.

(b) ESTABLISHMENT OF A MAINFRAME.—Of the amounts made available pursuant to section 842, not less than $3,000,000 each such fiscal year shall be made available to fully automate the Defense Trade Application System, and to ensure that the system—

(1) is an electronic system for the filing and review of Munitions List license applications;

(2) is secure, with modules available through the Internet; and

(3) is capable of exchanging data with—

(A) the Foreign Disclosure and Technology Information System and the USXPORTS systems of the Department of Defense;

(B) the Export Control System of the Central Intelligence Agency; and

(C) the Proliferation Information Network System of the Department of Energy.

(c) MUNITIONS LIST DEFINED.—In this section, the term ''Munitions List'' means the United States Munitions List of defense articles and defense services controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

SEC. 844. IMPROVEMENTS TO THE AUTOMATED EXPORT SYSTEM.

(a) MANDATORY FILING.—The Secretary of Commerce, with the concurrence of the Secretary of State and the Secretary of the Treasury, shall publish regulations in the Federal Register to require, upon the effective date of those regulations, the mandatory filing through the Automated Export System for the remainder of exports that were not covered by regulations issued pursuant to section 1252(b) of the Security Assistance Act of 1999 (113 Stat. 1501A–506), as enacted into law by section 1000(a)(7) of Public Law 106–113.

(b) REQUIREMENT FOR INFORMATION SHARING.—The Secretary of State shall conclude an information sharing arrangement with the heads of United States Customs Service and the Census Bureau to adjust the Automated Export System to parallel information currently collected by the Department of State.

(c) SECRETARY OF TREASURY FUNCTIONS.—Section 303 of title 13, United States Code, is amended by striking '', other than by mail,''.

(d) FILING EXPORT INFORMATION, DELAYED FILINGS, PENALTIES FOR FAILURE TO FILE.—Section 304 of title 13, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''the penal sum of $1,000'' and inserting ''a penal sum of $10,000''; and

(B) in the third sentence, by striking ''a penalty not to exceed $100 for each day's delinquency beyond the prescribed period, but not more than $1,000, shall be exacted'' and inserting ''the Secretary of Commerce (and officers and employees of the Department of Commerce designated by the Secretary) may impose a civil penalty not to exceed $1,000 for each day's delinquency beyond the prescribed period, but not more than $10,000 per violation'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) Any person, other that a person described in subsection (a), required to submit export information, shall file such information in accordance with any rule, regulation, or order issued

pursuant to this chapter. In the event any such information or reports are not filed within such prescribed period, the Secretary of Commerce (and officers and employees of the Department of Commerce designated by the Secretary) may impose a civil penalty not to exceed $1,000 for each day's delinquency beyond the prescribed period, but not more than $10,000 per violation.''.

(e) ADDITIONAL PENALTIES.—

(1) IN GENERAL.—Section 305 of title 13, United States Code, is amended to read as follows:

''§ 305. Penalties for unlawful export information activities

''(a) CRIMINAL PENALTIES.—(1) Any person who knowingly fails to file or knowingly submits false or misleading export information through the Shippers Export Declaration (SED) (or any successor document) or the Automated Export System (AES) shall be subject to a fine not to exceed $10,000 per violation or imprisonment for not more than 5 years, or both.

''(2) Any person who knowingly reports any information on or uses the SED or the AES to further any illegal activity shall be subject to a fine not to exceed $10,000 per violation or imprisonment for not more than 5 years, or both.

''(3) Any person who is convicted under this subsection shall, in addition to any other penalty, forfeit to the United States—

''(A) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation;

''(B) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and

''(C) any of that person's property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

''(b) CIVIL PENALTIES.—The Secretary (and officers and employees of the Department of Commerce specifically designated by the Secretary) may impose a civil penalty not to exceed $10,000 per violation on any person violating the provisions of this chapter or any rule, regulation, or order issued thereunder, except as provided in section 304. Such penalty may be in addition to any other penalty imposed by law.

''(c) CIVIL PENALTY PROCEDURE.—(1) When a civil penalty is sought for a violation of this section or of section 304, the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Any such hearing shall be conducted in accordance with sections 556 and 557 of title 5, United States Code.

''(2) If any person fails to pay a civil penalty imposed under this chapter, the Secretary may ask the Attorney General to commence a civil action in an appropriate district court of the United States to recover the amount imposed (plus interest at currently prevailing rates from the date of the final order). No such action may be commenced more than 5 years after the order imposing the civil penalty becomes final. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

''(3) The Secretary may remit or mitigate any penalties imposed under paragraph (1) if, in his or her opinion—

''(A) the penalties were incurred without willful negligence or fraud; or

''(B) other circumstances exist that justify a remission or mitigation.

''(4) If, pursuant to section 306, the Secretary delegates functions under this section to another agency, the provisions of law of that agency relating to penalty assessment, remission or mitigation of such penalties, collection of such penalties, and limitations of actions and compromise of claims, shall apply.

''(5) Any amount paid in satisfaction of a civil penalty imposed under this section or section 304 shall be deposited into the general fund of the Treasury and credited as miscellaneous receipts.

''(d) ENFORCEMENT.—(1) The Secretary of Commerce may designate officers or employees of the Office of Export Enforcement to conduct investigations pursuant to this chapter. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.

''(2) The Commissioner of Customs may designate officers or employees of the Customs Service to enforce the provisions of this chapter, or to conduct investigations pursuant to this chapter.

''(e) REGULATIONS.—The Secretary of Commerce shall promulgate regulations for the implementation and enforcement of this section.

''(f) EXEMPTION.—The criminal fines provided for in this section are exempt from the provisions of section 3571 of title 18, United States Code.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 13, United States Code, is amended by striking the item relating to section 305 and inserting the following:

''305. Penalties for unlawful export information activities.''.

SEC. 845. CONGRESSIONAL NOTIFICATION OF REMOVAL OF ITEMS FROM THE MUNITIONS LIST.

Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778(f)(1)) is amended by striking the third sentence and inserting the following: ''The President may not remove any item from the Munitions List until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961. Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.''.

SEC. 846. CONGRESSIONAL NOTIFICATION THRESHOLDS FOR ALLIED COUNTRIES.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in paragraphs (1) and (3)(A) of section 3(d), by adding after ''at $50,000,000 or more'' each place it appears the following: ''(or, in the case of a transfer to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment valued (in terms of its original acquisition cost) at $25,000,000 or more, or of defense articles or defense services valued (in terms of its original acquisition cost) at $100,000,000 or more)'';

(2) in section 36(b)(1), by adding after ''for $14,000,000 or more'' the following: ''(or, in the case of a letter of offer to sell to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment under this Act for $25,000,000 or more, any defense articles or services for $100,000,000 or more, or any design and construction services for $300,000,000 or more)'';

(3) in section 36(b)(5)(C), by adding after ''or $200,000,000 or more in the case of design or construction services'' the following: ''(or, in the case of a letter of offer to sell to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment for $25,000,000 or more, any defense articles or services for $100,000,000 or more, or any design and construction services for $300,000,000 or more)'';

(4) in section 36(c)(1), by adding after ''$50,000,000 or more'' the following: ''(or, in the case of an application by a person (other than with regard to a sale under section 21 or section 22 of this Act) for a license for the export to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, of any major defense equipment sold under a contract in the amount of $25,000,000 or more or of defense articles or defense services sold under a contract in the amount of $100,000,000 or more)''; and

(5) in section 63(a), by adding after ''$50,000,000 or more'' the following: ''(or, in the case of such an agreement with a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, (i) major defense equipment valued (in terms of its replacement cost less any depreciation in its value) at $25,000,000 or more, or (ii) defense articles valued (in terms of their replacement cost less any depreciation in their value) at $100,000,000 or more)''.

Subtitle C—Authority to Transfer Naval Vessels

SEC. 851. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY TO TRANSFER.—

(1) BRAZIL.—The President is authorized to transfer to the Government of Brazil the ''Newport'' class tank landing ship Peoria (LST 1183). Such transfer shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(2) POLAND.—The President is authorized to transfer to the Government of Poland the ''Oliver Hazard Perry'' class guided missile frigate Wadsworth (FFG 9). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(3) TAIWAN.—The President is authorized to transfer to the Taipai Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the ''Kidd'' class guided missile destroyers Kidd (DDG 993), Callaghan (DDG 994), Scott (DDG 995), and Chandler (DDG 996). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(4) TURKEY.—The President is authorized to transfer to the ''Oliver Hazard Perry'' class guided missile frigates Estocin (FFG 15) and Samuel Eliot Morrison (FFG 13). Each such transfer shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761). The President is further authorized to transfer to the Government of Turkey the ''Knox'' class frigates Capadanno (FF 1093), Thomas C. Hart (FF 1092), Donald B. Beary (FF 1085), McCandless (FF 1084), Reasoner (FF 1063), and Bowen (FF 1079). The transfer of these 6 ''Knox'' class frigates shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(c) COSTS OF TRANSFERS.—Notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)), any expense incurred by the United States in connection with a transfer authorized to be made on a grant basis under subsection (a) shall be charged to the recipient.

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Navy shipyard or other shipyard located in the United States.

(e) EXPIRATION OF AUTHORITY.—The authority provided under subsection (a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

Subtitle D—Miscellaneous Provisions

SEC. 861. ANNUAL FOREIGN MILITARY TRAINING REPORTS.

Section 656(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416) is amended—

(1) by striking ''Not later than January 31 of each year,'' and inserting ''Upon written request by the chairman or ranking member of the Committee on International Relations of the House of Representatives or the Committee on Foreign Relations of the Senate,''; and

(2) by inserting ''of a country specified in the request'' after ''personnel''.

SEC. 862. REPORT RELATING TO INTERNATIONAL ARMS SALES CODE OF CONDUCT.

Section 1262(c) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat 1501A–508) is amended—

(1) in paragraph (1)—

(A) by striking ''commencement of the negotiations under subsection (a),'' and inserting ''date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003,''; and

(B) by striking ''during these negotiations.'' and inserting ''to begin negotiations and any progress made to conclude an agreement during negotiations.''; and

(2) in paragraph (2), by striking ''subsection (a)'' and inserting ''subsection (b)''.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 107–62. Except as specified in section 2 of House Resolution 138, each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may recognize for consideration any amendment printed in the report out of the order printed, but not sooner than 1 hour after the majority leader or his designee announces from the floor a request to that effect.

□ 1200

AMENDMENT NO. 1 OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DELAY:
Page 90, after line 8, add the following:

Subtitle B—American Servicemembers' Protection Act

SEC. 631. SHORT TITLE.

This subtitle may be cited as the ''American Servicemembers' Protection Act of 2001''.

SEC. 632. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ''Rome Statute of the International Criminal Court.'' The vote on whether to proceed with the Statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the Statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: ''We are left with consequences that do not serve the cause of international justice.''

(5) Ambassador Scheffer went on to tell the Congress that: ''Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.''.

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, ''I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied''.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States deserve the full protection of the United States Constitution wherever they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government deserve the full protection of the United States Constitution with respect to official actions taken by them to protect the national interests of the United States.

SEC. 633. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS ACT.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 635 AND 637.—The President is authorized to waive the prohibitions and requirements of sections 635 and 637 for a single period of one year. Such a waiver may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 635 AND 637.—The President is authorized to waive the prohibitions and requirements of sections 635 and 637 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. Such a waiver may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 634 AND 636 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 634 and 636 to the degree they would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. Such a waiver may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 635 and 637 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 634 and 636 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 635 and 637 expires and is not extended pursuant to subsection (b).

(e) TERMINATION OF PROHIBITIONS OF THIS ACT.—The prohibitions and requirements of sections 634, 635, 636, and 637 shall cease to apply, and the authority of section 638 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 634. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) CONSTRUCTION.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not be construed to apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not be construed to prohibit—

(A) any action permitted under section 638;

(B) any other action taken by members of the Armed Forces of the United States outside the territory of the United States while engaged in military operations involving the threat or use of force when necessary to protect such personnel from harm or to ensure the success of such operations; or

(C) communication by the United States to the International Criminal Court of its policy with respect to a particular matter.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—No agency or entity of the United States Government or of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to Part 9 of the Rome Statute.

(c) PROHIBITION ON SPECIFIC FORMS OF COOPERATION AND ASSISTANCE.—No agency or entity of the United States Government or of any State or local government, including any court, may provide financial support or other cooperation, support, or assistance to the International Criminal Court, including by undertaking any action described in the following articles of the Rome Statute with the purpose or intent of cooperating with, or otherwise providing support or assistance to, the International Criminal Court:

(1) Article 89 (relating to arrest, extradition, and transit of suspects).

(2) Article 92 (relating to provisional arrest of suspects).

(3) Article 93 (relating to seizure of property, asset forfeiture, execution of searches and seizures, service of warrants and other judicial process, taking of evidence, and similar matters).

(d) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(e) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 635. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution by the International Criminal Court because—

(1) in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) each country in which members of the Armed Forces of the United States participating in the operation will be present is either not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the United States has taken other appropriate steps to guarantee that members of the Armed Forces of the United States participating in the operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

SEC. 636. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CERTAIN CLASSIFIED NATIONAL SECURITY INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) DIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information to the International Criminal Court.

(b) INDIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information relevant to matters under consideration by the International Criminal Court to the United Nations and to the government of any country that is a party to the International Criminal Court unless the United Nations or that government, as the case may be, has provided written assurances that such information will not be made available to the International Criminal Court.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 638.

SEC. 637. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) WAIVER.—The President may waive the prohibition of subsection (a) with respect to a particular country—

(1) for one or more periods not exceeding one year each, if the President determines and reports to the appropriate congressional committees that it is vital to the national interest of the United States to waive such prohibition; and

(2) permanently, if the President determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(c) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including, inter alia, Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 638. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS HELD CAPTIVE BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release from captivity of any person described in subsection (b) who is being detained or imprisoned against that person's will by or on behalf of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court, the authority under subsection (a) may be used—

(1) for the provision of legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section); and

(2) for the provision of exculpatory evidence on behalf of that person.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—Subsection (a) does not authorize the payment of bribes or the provision of other incentives to induce the release from captivity of a person described in subsection (b).

SEC. 639. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 640. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 641. NONDELEGATION.

The authorities vested in the President by sections 633, 635(c), and 637(b) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law.

SEC. 642. DEFINITIONS.

As used in this Act and in sections 705 and 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ''classified national security information'' means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term ''covered allied persons'' means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including, inter alia, Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term ''covered United States persons'' means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms ''extradition'' and ''extradite'' include both ''extradition'' and ''surrender'' as those terms are defined in article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term ''International Criminal Court'' means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ''party to the International Criminal Court'' means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(9) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(10) ROME STATUTE.—The term ''Rome Statute'' means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(11) SUPPORT.—The term ''support'' means assistance of any kind, including financial support, material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(12) UNITED STATES MILITARY ASSISTANCE.—The term ''United States military assistance'' means—

(A) assistance provided under chapters 2 through 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees; or

(C) military training or education activities provided by any agency or entity of the United States Government.

Such term does not include activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

The CHAIRMAN. Pursuant to House Resolution 138, the gentleman from Texas (Mr. DELAY) and the gentleman

from California (Mr. LANTOS) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, when the United States sends its Armed Forces into harm's way, we do it to defend freedom and to maintain our commitment to the principles enumerated by our founding documents. It would be an irony of the cruelest sort if the men and women of America sent out to defend the spirit of our Constitution were denied its protections.

We ask a lot of our Armed Forces. We should not ask them to sacrifice their constitutional rights merely to serve as pawns for an International Criminal Court that may pursue political vendettas at the expense of the individual American soldiers. If the Congress allowed such a thing to happen, we would not only be abdicating our duty to the Nation, we would be abandoning the sacred covenant between Congress and our men and women in uniform.

The birth of this rogue court forces Members to choose between appeasing international bureaucrats and defending the rights of our servicemembers. The choice is stark, defined and, I think, unavoidable. There is no middle ground here. Members can side with the United Nations or defend our military.

Last week, we were reminded how fickle the U.N. can be when a cabal of human rights abusing nations were voted onto the Human Rights Commission and the United States was booted off. Now these same people may become the highest authority on international law. But make no mistake, unlike the Commission on Human Rights whose power is mainly rhetorical, the ICC poses a real threat to our Nation's military. We simply cannot allow American soldiers to fall under the jurisdiction of the ICC.

Under its terms, Americans could be brought before the court and tried without important rights. They could be denied a jury trial. They could be denied cross-examination of hostile witnesses. Americans could even be forced to give self-incriminating testimony. This amendment will make it clear that the United States cannot support a court that places our citizens in the hands of U.N. bureaucrats. It will erect essential legal barriers to protect Americans, and it will strengthen our ability to demand changes to the court.

Last year, I received a letter supporting this amendment signed by 12 of the most respected foreign policy advisers to every President from Nixon to President Clinton. This amendment is supported by the VFW, the Fleet Reservists, the Noncommissioned Officers and the Reserve Officers, just to name a few.

Mr. Chairman, we must remain cautious and watchful stewards of our American sovereignty. Many nations have many reasons to erode our rights. Members should not fail our first principles by allowing an unaccountable international entity to trample core American freedoms. Support this amendment and stop that from happening.

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

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment, and I ask all of my colleagues to oppose it as well. Clearly there is not a single Member of this House on either side who is not fully, enthusiastically and without any reservation and qualification in favor of protecting our military personnel serving abroad. That is clearly not the issue that this amendment raises. As my friend and colleague from Massachusetts so eloquently and precisely outlined, there is no chance of American military personnel being tried by the International Criminal Court. That court, once it comes into being on a permanent basis, is not designed to deal with servicemen and servicewomen performing peacekeeping or other duties overseas. The International Criminal Court is designed to deal with international criminals.

At the end of World War II, the United States led the way in obtaining international justice by helping to establish the Nuremberg trials and playing the key role in the Nuremberg Tribunal. At the moment, international criminals who perpetrated the most outrageous violations of human rights, including mass rape and mass murder, are before an ad hoc International Criminal Court which deals with events in the former Yugoslavia during the early 1990s.

In dealing with this legislation, Nobel prize winner Elie Wiesel wrote to the committee in part as follows:

> Fifty years ago the United States led the world in the prosecution of Nazi leaders for the atrocities of World War II. The triumph of Nuremberg was not only that individuals were held accountable for their crimes but that they were tried in a court of law supported by the community of nations.

A vote for this amendment would mean our acceptance of the impunity of the world's worst atrocities. The memory of the victims of past genocide and war crimes compels us to take this issue, the issue of an International Criminal Court, seriously.

Now, it is important to note that the proposals discussed in Rome were not perfect. We were proposing modifications and amendments. And I think it is critical we remain engaged in that process. But to flat out oppose the creation of an International Criminal Court is not worthy of this body.

I would also like to mention, Mr. Chairman, as the gentleman from Massachusetts (Mr. DELAHUNT) so accurately and effectively indicated a few minutes ago, that our servicemen and women will be tried by military courts of our own if they engage in transgressions. The notion that international criminal courts are designed to punish U.S. servicemen is one that escapes me and many of my colleagues.

I urge my colleagues to reject this amendment which is unquestionably well intended but is widely off the mark. We are talking about international war criminals such as the ones in Bosnia, such as the ones in Kosovo, such as the ones during the Second World War in Germany and not American servicemen and women doing their duty.

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

Mr. DELAY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from South Carolina (Mr. SPENCE), the former chairman of the Committee on Armed Services.

Mr. SPENCE. I thank the gentleman for yielding me this time.

Mr. Chairman, as a member of the Committee on Armed Services, I rise in strong support of this amendment. I commend the gentleman from Texas (Mr. DELAY) for bringing this important amendment to the floor. It would protect American military and government personnel from prosecution by an international criminal court operating outside United States sovereignty.

America's men and women in uniform are our best and brightest. They risk their lives every day all around the world in defense of our country's freedom and values. They should not be subjected to the risk of prosecution by an international body that operates on procedures inconsistent with the United States Constitution. This amendment would prevent this from happening.

Last November, 12 former high-ranking United States Government officials, including former Secretaries of State, Defense and Directors of Central Intelligence, supported legislation similar to this amendment that would extend protection from international prosecution to our military personnel.

During his confirmation process, Secretary Rumsfeld warned that without such protection, U.S. personnel could be exposed to politically motivated prosecution.

Even former President Clinton, who signed the treaty last December, conceded that it contained significant flaws and refused to recommend its ratification by the Senate.

Mr. Chairman, this amendment would give our military service personnel the legal protection they deserve, and I urge my colleagues to support it.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, it is an honor for me to have this opportunity to talk with the gentleman from California and with my colleagues about the International Criminal Court. As a survivor of the Holocaust, he is a steadfast reminder to all of us that these kinds of war crimes are right in front of us every single day.

It is amazing to me that we would be standing in the well of this House talking about this issue, the amendment of the gentleman from Texas (Mr. DELAY), when we have Rwanda, Burundi, Kosovo, Sierra Leone, Cambodia, East Timor, Saddam Hussein, all of these places that need international criminal courts that do not have them. We are the leaders in the world in terms of human rights. We ought to be the leaders when it comes to the International Criminal Court.

This amendment is a farce. I wish I could say as gently as the gentleman from California that the gentleman was well intentioned. This amendment is a lie, because this amendment makes you think that you are going to keep American servicemembers from being prosecuted when that is a lie. Right now if a servicemember under the American flag commits a war crime, they are tried by our own military court. If the DeLay amendment passes, they are going to be tried by the country in which they commit that crime. Who do we want trying our servicemember? Do we want some Saddam Hussein trying our servicemember if we do not sign this treaty? Do we want them to be the ones to try our servicemember? I do not.

I would be able to go to bat with the gentleman from Texas in front of anybody on this issue because the facts are that if we pass the DeLay amendment, we are actually going to end up doing what the gentleman from Texas purports he does not want us to do. That is, if we do not sign this treaty, our servicemembers are tried by other countries internationally because that is the law of the International Criminal Court.

Today's amendment, based on "the American Servicemembers Protection Act" sounds great—of course we all want to protect American servicemembers. As a former member of the Armed Services Committee, I have spent many days in markups and debates over bills to support our Armed Forces. But if we scratch below the surface, this amendment is not about protecting our military, it is about risking our current position of global leadership on human rights abroad. It will thwart the efforts of one of the most important international bodies that is about to come to fruition, the International Criminal Court.

Since coming to Congress I have been highly supportive of an I.C.C., and I strongly believe in its principal which is that human rights abusers, who commit crimes against humanity or genocide, should be brought to justice. But even if you do not support an I.C.C., or feel that the Rome Statute needs complete revision, as I respectfully understand the gentleman from Texas does, you should oppose this amendment. It is crucial that we recognize, as the leaders of the free world, that the only way to achieve a Court that we can live with, is to stay engaged in the continuing negotiations over the scope, purpose, and construction of it. A permanent international criminal court which can bring future perpetrators of war crimes to full and complete justice is in our interests.

President Clinton recognized the importance of this effort and that is why he signed the Rome Statute in December; bringing us into the company of 139 other nations including 17 NATO allies who have signed the Rome Treaty.

When 139 nations have signed this treaty and many have indicated that they are close to ratification, why would we alienate ourselves from this many of our global partners. This amendment would simply assure that the members of the ICC will feel free to ignore our concerns.

I would also like to address the concerns about our Armed Forces or politically motivated prosecutions by the Court. There is no doubt that under the Rome Statute American soldiers who are accused of war crimes will never be impacted because we have a thorough system of military justice in our own Country that would prevent the need for any further review. The ICC won't take this power away, it cannot.

In closing, I want to insure that everyone in this chamber understands the message that we will send to the international community if we pass this amendment.

To quote, from Elie Wiesel, famous human rights advocate who opposed the bill that this amendment is based on:

> A vote for this legislation would signal U.S. acceptance of impunity for the world's worst atrocities. For the memory of the victims of past genocide and war crimes, I urge you to use your positions . . . to see that this legislation is not passed.

Mr. Wiesel is right—let us think about the implications and the signal we will send—oppose this amendment.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), chairman emeritus of the Committee on International Relations.

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to rise in support of the American Servicemembers' Protection Act, the amendment offered by the gentleman from Texas (Mr. DELAY), our distinguished majority whip. The proposal of an international criminal court has some appeal to some members of our international community, but the international criminal court that is now being considered by the U.N. is the wrong sort of a court. It will be the equivalent of a world-ranging independent prosecutor without any responsible constraints. The world criminal court could threaten American servicemembers, government officials, and the servicemembers and officials of our allies, including Israel. The Arab League has already indicated it will make Israel the first target of this court.

The DeLay amendment would help slow down the process of the acceptance of this court and would keep American authorities from cooperating with it. We need to send a strong message that we do not accept this court as presently constituted. The passage of the DeLay amendment and its enactment into law would accomplish that task.

Accordingly, I urge our colleagues to support the DeLay amendment.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1½ minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman for yielding me this time.

Mr. Chairman, prior to coming to Congress I founded the Institute on the Holocaust and the Law, which studied how the laws and courts were used to oppress people rather than to protect them. So I fully understand the concerns of the supporters of this amendment that the International Criminal Court not be used to illegitimately prosecute U.S. forces abroad. The law should never be used to perpetuate injustice.

All of us demand that U.S. forces abroad not be subject to illegitimate prosecution. But the strongest safeguards already exist in the International Criminal Court against such possibilities. That is why this amendment should be defeated today. One of our Nation's proudest moments as the world emerged from the darkness of the Holocaust was to help create the International Military Tribunal at Nuremberg to use the law to achieve justice.

Last week, Mr. Chairman, Elie Wiesel said of a similar amendment, which the gentleman from California has already quoted, that it "would erase the legacy of U.S. leadership by ensuring that the U.S. will never again join the community of nations to hold accountable those who commit war crimes and genocide."

Protecting our military personnel is our utmost responsibility. Bringing war criminals to justice is our legacy. Participating fully in the International Criminal Court, Mr. Chairman, allows us to do both.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. CANTOR).

(Mr. CANTOR asked and was given permission to revise and extend his remarks.)

□ 1215

Mr. CANTOR. Mr. Chairman, I rise today in support of the American Servicemembers' Protection Act as an amendment to H.R. 1646. The International Criminal Court is the wrong

solution to a real and pressing problem and would affect a revolution in international law. The ICC would transform the current international system based on equal independent self-governing states to a system where the ultimate power to judge the legality of state action is vested in a new and unaccountable bureaucracy. The ICC would be fundamentally inconsistent with the most basic principles of sovereignty.

Mr. Chairman, I would also like to emphasize the potential threat the ICC poses to many of our allies, specifically Israel, our only Democratic ally in the Middle East.

When the most recent violence broke out last fall, Israel's enemies sought to use the threat of U.N. prosecution to pressure the Jewish state. Under the broad and unclear jurisdiction of the ICC, any action undertaken by Israel in the West Bank and Gaza could be subject to review and interpreted as a war crime. The ICC serves as a danger to the security of Israel because of some members of the international community's stated opposition to the legitimacy of that state.

Mr. Chairman, I strongly urge the passage of this amendment.

The creation of a permanent, supranational court with the independent power to judge and punish elected leaders represents a decisive break with fundamental American ideals of self-government and sovereignty. It would constitute the transference of authority to judge the actions of U.S. officials, away from Americans to an unelected and unaccountable international bureaucracy.

Certain United Nations' members have a long history of anti-Israeli rhetoric and activity. In October of 2000, for example, the U.N. Commission on Human Rights condemned Israel for supposedly causing the recent violence in the Middle East, going so far as to accuse it of "war crimes" and "crimes against humanity." It is possible, perhaps likely, that these same countries would use the ICC to further their own anti-Israel agenda.

I strongly urge the passage of the American Servicemembers' Protection Act amendment to protect the notion of National sovereignty in America and around the world.

Mr. LANTOS. Mr. Chairman, I reserve the balance of my time.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend, the gentleman from Texas (Mr. DELAY), for yielding me this time.

Mr. Chairman, I rise in strong support of the DeLay amendment. Mr. Chairman, let me just read a statement: "As it currently stands, the Rome Treaty could expose service members and the government officials of nonparty states to criminal liability based on politically-motivated charges brought by other states that object to the nonparty state's international policies."

Mr. Chairman, that statement was made last year by Secretary of Defense Cohen on behalf of the Clinton administration. I think Members do not fully realize that this process has gone on for years. We have held hearings in the full International Relations Committee on this. There are serious flaws. Just as we saw with the U.N. Human Rights Commission, rogue states are now in charge of and acting as the "conscience of humanity," to quote the chief of that commission. We are talking about the Sudan and China, and countries like Cuba. They now will sit with the black robes on and will judge our peacekeepers.

I support ad hoc tribunals, but this grant of authority in the Rome Treaty goes far beyond that.

Mr. Chairman, I rise in support of the amendment offered by my good friend, TOM DELAY. I was an original cosponsor of the American Servicemen's Protection Act introduced by Mr. TOM DELAY in the last Congress. This important amendment would prohibit U.S. cooperation with the International Criminal Court (including restrictions on U.S. military participation in UN peacekeeping operations and the transfer of U.S. classified national security information, and the provision of U.S. military assistance, to the Court). The amendment also authorizes the President to use all means necessary to bring about the release of U.S. military personnel and certain other persons held captive by or on behalf of the Court.

I am reminded of the raging debate which occurred at the OSCE Parliamentary Assembly meeting last year regarding the International Criminal Court. Our European allies were lambasting the United States, among others, for not supporting the Rome Statute of the ICC. The final text of the OSCE PA resolution in fact called on "all member States to ratify the Rome Statute of the future International Criminal Court without delay." Members of the U.S. delegation to the OSCE PA (which I led) expounded on the provisions which were most problematic. In the waning days of the Clinton administration, he did sign the Rome Statute. I would warn the Bush administration about the serious pitfalls of the ICC, and I would encourage the President to not seek ratification of the Treaty.

At the end of World War II, many people urged the creation of a permanent and independent international war crimes tribunal as a mechanism to deter future violations and to punish those responsible for committing systematic war crimes, crimes against humanity, and genocide. It was envisioned as a permanent court in The Hague with the authority to prosecute suspected perpetrators of war crimes. The statute that ultimately emerged from the Rome negotiations in 1998, however, includes provisions which I believe would create unacceptable risks for the United States.

The subject matter jurisdiction of the Court includes crimes against humanity, war crimes, genocide, and "aggression." But during the negotiations on the treaty, negotiators were unable to agree on a definition of "aggression." This is particularly significant because the Nuremberg Tribunal used the term "war of aggression" in its charges against Nazi Germany, not the term "aggression." In fact, acts of aggression by states already fall within the mandate of the U.N. Security Council and it is completely unclear what will be considered acts of aggression by individuals. States that have already ratified this treaty have bought a pig in a poke.

The jurisdiction of the ICC can extend to citizens of states which are not party to the Treaty. This is particularly troublesome when you consider the possibility of U.S. military personnel stationed in a country party to the ICC—or serving on a UN peacekeeping mission—being subject to the investigation and prosecution of the ICC even though the U.S. has not, and hopefully will not, become a party to the Treaty. This, in fact, is the provision to which the amendment being offered by Mr. DELAY is directed.

Article 120 of the Statute forbids reservations to the ICC Treaty. Thus, the United States or any other country would have to either accept or reject the treaty in its entirety. In light of the problems I have alluded to, I believe that rejecting the ICC in its entirety is the only reasonable course open to the United States at this time.

During the negotiations on the ICC Treaty, the effort by the United States to limit the application of the Court's jurisdiction over non-States Parties was squelched by the successful passage of a non-action vote requested by Norway. The United States also sought to curb the broad powers of the Court to prosecute the military personnel of UN Members States which are not party to the ICC Treaty but we were rebuffed.

Mr. Chairman, let's consider for a moment the potential effects of the International Criminal Court should 60 States ratify the Treaty and should the ICC have the force of international law. Some supporters of the ICC have belittled concern that the United States—or other countries, for that matter—might find itself the target of politically driven prosecutions. But consider, for a moment, the reaction in some quarters to the use of force by NATO against Serbia in 1999. Serbia is suing eight NATO countries before the International Court of Justice right now for their participation in the NATO campaign; there are also charges by Serbian citizens that have been brought against 15 NATO countries before the European Court of Justice. More troubling are the accusations that were leveled by a group of lawyers from several countries who sought to have some 60 government officials from NATO countries, including NATO's Supreme Commander Gen. Wesley Clark, charged by the International Criminal Tribunal for the Former Yugoslavia. The accusations included "willful killing, willfully causing great suffering or serious injury to body or health, extensive destruction of property, not justified by military necessity, and carried out unlawfully and wantonly, employment of poisonous weapons or other weapons to cause unnecessary suffering."

Human rights organizations raised concerns about NATO's attack on TV and radio transmission facilities, dropping cluster bombs and destroying power plants inside Serbia. Others argued that NATO's rules of engagement, which called for pilots to fly high out of range of Serbian missiles, endangered civilians and were thus "clearly prohibited under international humanitarian law." Ironically, many of

the same groups that had urged intervention to stop and prevent further atrocities in Kosovo quickly denounced NATO for its action. While I respect human rights groups that have raised legitimate questions about the conduct of the campaign, some NATO critics have clearly revealed a knee-jerk anti-American sentiment in their accusations. For the record, the Chief Prosecutor of the Yugoslav Tribunal considered the materials submitted to her regarding NATO actions and declined to pursue charges against any NATO officials.

Inevitably, if the U.S. assumes a leadership role in maintaining peace and security and promoting human rights around the globe, the enemies of peace, security and human rights will continue to seek ways to undermine our efforts. Unfortunately, the current ICC statute does not provide sufficient safe-guards against the initiation of politically motivated prosecutions.

The concerns raised by the United States regarding the Rome Statute are well-founded and I urge my colleagues to support fully the amendment offered by Mr. DELAY. This will help provide a modicum of protection for our men and women in uniform who may be serving on the territory of a country which has ratified the Treaty.

THE INTERNATIONAL CRIMINAL COURT

HEARINGS BEFORE THE COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, ONE HUNDRED SIXTH CONGRESS, SECOND SESSION, JULY 25 AND 26, 2000

Selected Excerpts—Page 37

Mr. SMITH of New Jersey. The concept of a permanent International Criminal Court charged with prosecuting the gravest of crimes against humanity is not a new one. The idea was proposed and dismissed after the conclusion of the Nuremberg and Tokyo War Crime Tribunals that followed World War II.

In recent years the idea has gained new momentum, driven largely by memories of the horrific crimes committed in Rwanda and the former Yugoslavia. I share the ideals of many ICC supporters. If we could construct an entity that would impartially prosecute only genocidal tyrants and war criminals I would support it without hesitation, but we do not inhabit an ideal world. The difficulty is in devising a system that will prosecute Pol Pot, but not President Clinton, that will indict Ratko Mladic but not Norman Schwartzkopf.

I am concerned that the Rome Statute of the International Criminal Court fails to accomplish that goal and that it is susceptible to serious abuse and manipulation.

As it took form, the draft statute ballooned from an instrument focused on well-established war crimes into an encyclopedia of still-emerging human rights law. The resulting statute is a 30,000 word document that covers 77 pages. It contains sweeping language that leaves many elements of vaguely defined crimes up to the imagination of international lawyers.

For example, according to article VI the crime of genocide includes, ''causing serious mental harm'' to members of a, ''national, ethnic, racial or religious group.''

It is true that similar language is contained in the Convention against Genocide, but the United States took a reservation to the jurisdiction of the World Court over the definition of genocide. This is not because we intend to commit genocide, but because the United States was unwilling to surrender its sovereignty to a body that might be manipulated by hostile parties using the vague language of the convention as an ideological hobbyhorse.

Similarly, article V asserts ICC jurisdiction over the, ''crime of aggression''—an offense that is not defined in international law or even in the Rome Statute itself, a point that I made repeatedly at the OSCE parliamentary assembly in Bucharest earlier this month. In the context of domestic law, such vagueness would be problematic. In the more combative context of international law it is dangerous.

In addition to the problems posed by its vague definitions, the statute also claims a jurisdictional reach that is without precedent. Once 60 countries have ratified it, the statute claims ICC jurisdiction over any defendant who may have committed a crime in a signatory state regardless of whether the defendant's own state had ratified the treaty. By claiming to bind the subjects of nonsignatory states, this self-executing, potentially universal jurisdiction directly challenges traditional concepts of national sovereignty.

Finally, the Rome Statute gives the ICC prosecutor a vast amount of personal power with a minimum amount of oversight. The statute drafters rejected a U.S. proposal that the prosecutor only be allowed to proceed on cases referred either by a sovereign state or by the U.N. Security Council. Instead, the ICC prosecutor may initiate investigations and prosecutions on his own authority without control or oversight by any national or international party.

Under article 44, the prosecutor may also accept any offer of, ''gratis personnel offered by nongovernmental organizations to assist with the work of any of the organs of the Court.''

I have long been a supporter of the important work undertaken by International NGO's, particularly relating to the protection of human rights and the provision of humanitarian relief, but it is also true that there exist hundreds of highly ideological NGO's who look to international bodies to promote agendas that go far beyond the domestic political consensus in their home countries. The combination of the independent prosecutor's extreme discretion with staff provided by well-funded extremist NGO's could lead to serious problems and partisanship by the ICC. These are but a few of the problems that I have with the present form of the Rome Statute.

I readily acknowledge that many, probably most, ICC supporters do not intend for the Court to be used as a club for U.S.-bashing or as an engine or radical social engineering, but once the ICC is established it will take on a life of its own. Its activities will be restricted by the language of the Rome Statute itself rather than by the best intentions of its most responsible supporters, and I just would say finally, Mr. Chairman, as you know, I take a back seat to no one in promoting—in the past and present—both the Rwanda War Crimes Tribunal and the International War Crimes Tribunal for the Balkans.

When we were holding early hearings in our subcommittee as well as on the Helsinki Commission I offered language and amendments to boost the U.S. donation to those important tribunals and so I take a back seat to no one, but this I think has some very real problems that need to be addressed. I yield back.

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Mr. SMITH [presiding].

Let me ask a few questions and then I will yield to my friend, Mr. Berman, if he has any further questions.

You mentioned checks and balances that exist within the Yugoslavian War Crimes Tribunal. Do those same checks and balances also exist in the Rome Statute?

Ambassador SCHEFFER. Congressman, there are many more checks and balances in the ICC statute, and I can go into some of those. But the power of the prosecutor is much more qualified within the ICC statute. The principle of complementarity, which is nowhere found in the Yugoslav or Rwanda Tribunal statutes is a central feature of this particular Court.

And, furthermore, this Court, the ICC, depends upon the states parties to the Court to actually make very important decisions relating to the Court, whereas, the Yugoslav and Rwanda Tribunals look to no governments whatsoever for their decisionmaking.

Mr. SMITH. Let me ask you what kind of checks and balances there are. In terms of elected officials, our Founding Fathers, I

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think, were right in vesting only limited power in each of the three branches, being so distrustful, as they were, of any single entity being given so much power. Power corrupts, and absolute power corrupts absolutely.

What happens if a prosecutor and/or judges were to run amok and to engage in an ideological crusade against certain individuals? I think we already have a shot across the bow when lawyers brought action against NATO for alleged war crimes, that our planes were flying too high, putting additional civilians at risk, the choice of targets, which they seem to disagree with. A war crime then potentially could be in the eye of the beholder. Because, again, I do think there is some true elasticity to these terms.

Yes, Mrs. Del Ponte did not accept and did not proceed on those charges, but some other prosecutor may not be so favorably inclined. You might want to comment on that. Looking back, if the Rome Statute were in effect during World War II, for example, and we dropped the bomb on Hiroshima and Nagasaki, and we did the firebombing of Dresden and the other German cities with a huge number of civilian casualties, would that be construed as a war crime under the plain meaning of the Rome Statute?

Ambassador SCHEFFER. Well, Congressman, it is far too speculative to try to get into that. Remember that during World War II, the question is, were those actions violations of codified or customary international law at that time?

Mr. SMITH. That is not the question I am asking.

Ambassador SCHEFFER. No, I know.

Mr. SMITH. Fast-forward those military actions that this country undertook with our Alliance.

Ambassador SCHEFFER. It is entirely speculative to say we would use exactly the same military tactics today as we did during World War II. I would not speculate in that direction, not at all. We are far more precise——

Mr. SMITH. But there is no doubt a reasonable man or woman could use the Rome Statute in cases analogous to matters of historical fact, where military decisions were made which resulted in huge casualties. Thankfully, at least, the consequence of Hiroshima and Nagasaki was the ending of the war. But there is an argument that has been made ever since as to the advisability of those actions.

I think it is fair question. Past is prologue. We may be faced with this in the future. We

all know that NATO, in terms of its war doctrine, would rely on superiority, at least during the Soviet days, rather than quantity. Quality was what we would rely on. There is the potential that a United States President, or a French President, or a British Prime Minister may have to make a decision some day to use nuclear weapons. It is not beyond the realm of possibility and it is not highly speculative. Those things have to be thought through.

Since we have the historical record, I think it needs to be plugged in to see whether or not this would have triggered a war crimes prosecution.

Ambassador SCHEFFER. Well, we were careful in the drafting of the statute, as well as the elements of crimes, to establish very high barriers to actually launching investigations and prosecuting the crimes. Not isolated incidents, there has to be systematic widespread events. There have to be plans and policies to directly assault civilian populations. If military necessity dominates the reasoning behind the use of any particular military force, then that is in conformity with international law and it is in conformity with the statute.

But if you are asking me, speculate as to whether or not it can conceivably be drawn that the United States takes a particular type of military action without describing what the intent was behind it, the plan or the policy behind it, I can't answer questions like that because you have to go through every step of the analysis before you can answer whether or not this statute would actually apply to that particular use of military force.

Mr. SMITH. Well, one of the more perverse outcomes would be that our military strategists would be faced with factoring in not just what is in the best interests of the United States and our allies, and how are we more likely to achieve a military end to a conflict. they would also have to factor in whether or not such an action would violate the Rome Statute.

Let me also say, our nuclear doctrine rests on deterrence, and if the Russians were to attack us or to launch, we would destroy Russian cities. How would that fit into a Rome Statute world?

Ambassador SCHEFFER. Congressman, this statute, as I said, specifically provides very high barriers that have to be met.

Mr. SMITH. But crimes of aggression aren't even defined yet.

Ambassador SCHEFFER. And it is contrary to U.S. Federal law as well as the Uniform Code of Military Justice to violate the laws of war. So I would assume the plan or policy of the United States would not be to violate the laws of war. If it were the plan or policy to violate the laws of war, then we have a lot to answer for. But if it is not the policy to violate the laws of war, there should be symmetry between our actions and what has been set forth in the statute, which we agree with.

We agree that the crimes set forth in the statute are crimes under customary international law which we must adhere to. We are not disagreeing with what is in the statute in terms of the list of crimes, we agree with them They must be complied with.

Mr. SMITH. And again, signing a document that still has not defined crimes of aggression——

Ambassador SCHEFFER. And by the way, I noticed that in your opening statement. I did want to get back to you on that. The whole process in the Preparatory Commission now is to try to determine, can there be a definition for aggression? The crime of aggression is not actionable under the statute unless there has been an agreement among the states parties to the statute at the 7-year review conference as to what is the definition of that crime. So you can't—there is no way to prosecute that crime until such a definition has been arrived at. And we have a very significant coalition of governments in total agreement with us as to how to proceed in those talks to define the crime of aggression.

Interestingly enough, under the statute, if one is a state party to the statute, you have every right, if a new crime is added to the statute, to completely exclude yourself from the coverage of that crime.

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Mr. SMITH. Mr. Slocombe, Secretary Slocombe, if you could respond to the hypothetical posed earlier about not just our deterrence strategy, which is based on the obliteration of cities, unless something has changed there that I don't know about, but also the bombing of Hiroshima, Nagasaki, and the firebombing that took place in Germany. If the Rome Statute were in effect, would that have precluded those actions?

Mr. SLOCOMBE. Mr. Smith, I think the way I would answer that would be to say that, in our view, if the Rome Statute were properly applied, American military personnel or the political officers, the President and, I guess in those cases, the Secretary of War, the Secretary of the Navy who ordered operations could not properly be prosecuted under them because they were legitimate. In the case of Hiroshima and Nagasaki, and, indeed, in general, with respect to the strategic bombing campaign against both Japan and Germany with conventional weapons, I would maintain that, judged by the context in which they occurred, they were not violations of the law of war under any circumstances.

So that, as a lawyer, the way I would answer the question would be that the United States would have a good defense if such cases were, in your case, hypothetically tried.

What I am concerned about, what the United States is concerned about, is that there could be a politically motivated prosecution based on what would, in our view, be a misinterpretation of the law of war, and, therefore, a misinterpretation of the Rome Statute. And once one is in a court, once you concede the principle of jurisdiction, there are no guarantees as to the result.

Mr. SMITH. So it would be possible that a Hiroshima, Nagasaki type action or the firebombing in Japan and in Germany could be prosecuted in the future if such a thing were——

Mr. SLOCOMBE. As we have said repeatedly, our concern in respect of this statute, in respect of the Court, is precisely the concern about politically motivated, in effect, bad faith prosecutions. Exactly.

Mr. SMITH. But what about a good faith prosecution, by someone who honestly believed that Hiroshima was a war crime? I mean it is possible that it could happen?

Mr. SLOCOMBE. Well, there is no question that on its face, the Court has jurisdiction over actual ''war crimes''. That is what the statute says, that is what is intended. Our concern, the United States military, through the United States military justice system, prosecutes and prosecutes vigorously well-founded allegations that American military personnel have violated the law of war.

We do not need the International Criminal Court to deal with that problem. So that is a non-problem. Our concern is not that there would be valid prosecutions of American military personnel. Our concern, rather, is as I said, and as we had said repeatedly, our concern is with politically motivated prosecutions based not really on serious allegations of war crimes, but on disagreement with U.S. or other alliance policies, of which I think the rejected allegations with respect to Kosovo are a good example.

Mr. SMITH. Could I ask, and ask you to provide it for the record, that the Pentagon undertake an analysis as to whether or not Rome would apply to World War II actions like I mentioned before?

Ambassador Scheffer, I think if these other issues were ironed out, you probably would like to see us sign this. But we have got to know what we are heading toward, and we need to look back before we look forward. Such an analysis, if it hasn't been done, really should be done.

Mr. SLOCOMBE. It has been done, that is the reason we opposed the treaty.

Mr. SMITH. What has been done, a look back at past conflicts?

Mr. SLOCOMBE. Well, I don't know that anyone did it in the mind of saying Dresden could have been prosecuted, I think they did it in the mind of saying you don't have to go back to World War II or to the Vietnam War to say that there is a very real danger that there could be politically motivated prosecutions through the International Criminal Court, and that is precisely the reason that not just the Department of Defense, but the Administration voted against the text and have refused to sign the treaty.

Mr. SMITH. And Ambassador Scheffer, you agree with that, there could be politically motivated prosecutions?

Ambassador SCHEFFER. Precisely.

Mr. SMITH. I'm sorry?

Ambassador SCHEFFER. Yes. Yes.

Mr. SMITH. Do you, Ambassador Scheffer, personally think that President Clinton made a mistake when he decided against signing the treaty in 1998?

Your mike is not on.

Ambassador SCHEFFER. I'm sorry, Congressman. My answer to your other questions was yes.

Mr. SMITH. OK. Thank you.

Ambassador SCHEFFER. No, there was no mistake whatsoever. In fact, the issue of signing was simply not the issue. In Rome it was, do we agree with other governments to release the text of the statute out of the Rome Conference in the form that existed at the end of the conference? That was the only issue there.

It truly is a more responsible course to take not to consider even the issue of signing until one sees the totality of this treaty regime.

Mr. SLOCOMBE. If I could, Mr. Chairman, could I read a sentence from a letter which Secretary Cohen, with the concurrence of his colleagues in the senior levels of the Administration, sent in support of Ambassador Scheffer's effort, which responds exactly to your point? It reads, ''As it currently stands, the Rome Treaty could expose service-members and Government officials of nonparty states to criminal liability based on politically motivated charges brought by other states that object to the nonparty states' international policies.'' That is our position and that, in a sentence, is the reason for our concerns.

Mr. SMITH. Let me ask a final question or two. Ambassador Scheffer, how likely do you really think it is that you will succeed in your efforts to get the ICC to forego criminal jurisdiction over Americans and persons from other countries that are not a party to

the Rome Statute? And what happens if you fail? Obviously there are a different set of diplomats and parliamentarians that I was meeting with, but at the Bucharest Conference we were all alone in our opposition. I was amazed in speaking one-on-one during the course of the week in Bucharest at the OSCE Parliamentary Assembly at how Pollyanna-ish some of the views were of members who did not have a clue what was contained in the statute but just said ''We want an ICC and that is it.'' The British were probably more emphatic than anyone, although they seem to have been informed and knew the contents of the statute They were vigorously pushing for rapid ratification, which is what the operative language was that they were offering.

The Germans offered it. We tried to weaken it with an amendment and it was not acceptable, regrettably. It seems as if, as Mr. Bereuter pointed out earlier, in terms of a willingness to just cede sovereignty, the Europeans have no problem with that, it seems. But obviously we do.

What is the next step if they do not include us—or exclude us, I should say—from jurisdiction? What would be the next step?

Ambassador SCHEFFER. Well, I think there will be some—let met just describe it as serious results if we cannot prevail with a provision or a document that is satisfactory to us in the Preparatory Commission talks.

I think as Under Secretary Slocombe said earlier we are going to have to take a very serious reassessment of this. I think there is going to be a clearer assessment as to what we can consider in terms of military contingencies for this Government, but at the same time I would hope that that assessment could, the fact that there would be such an assessment would encourage a good number of governments, particularly our allies, that they have far more to gain from this process from the United States being a cooperative partner in this Treaty, even as a nonparty, than they do to isolate us by not taking into consideration the very specific requirements that we have in the international community, so all I can say is I hope I can succeed.

I don't want to pretend to say that I have got an easy job ahead of me. Right now the deck is stacked against me, but we have to try. This is a step-by-step process. We have had to exercise some patience in getting there, but every time we have pursued our objectives since Rome to actually accomplish what we need to accomplish, we have accomplished it, so I want to go that final mile and see if we can accomplish this objective.

Mr. SMITH. Again, what is the likelihood of doing it? I mean Secretary Bolton and—

Ambassador SCHEFFER. It could be 50–50 at this stage.

Mr. SMITH. Secretary Bolton and Eagleburger, former Secretary of State, have made it clear that they thought we lost the fight 2 years ago.

Ambassador SCHEFFER. Well, as I said, we simply do not share their vision of either having lost or waging this campaign. I think you have to be in the trenches of it to recognize that other governments truly do not want, at least many other governments, truly do not want to see the United States walk out of this process. They know how valuable we can be in the long-run for this Court and therefore I would hope that we could persuade them that a reasonable accommodation within the Treaty regime of U.S. interests is going to be to the betterment of the entire process and to the Court itself.

Mr. SMITH. I would respectfully suggest that we did lose it 2 years ago. We are trying to fix it now, and I obviously wish you success. We all would wish you success on that, but, you know, you mentioned serious repercussions or serious consequences. I think we are more likely to avoid that if we are very specific in saying this or that happens. Predictability I think is your friend now. Can you elaborate on some of the consequences if we lose?

Ambassador SCHEFFER. Well, as we have already stated to our colleagues in other governments in letters that the Secretary of Defense has sent to his counterparts, we would have to re-evaluate our ability to participate in military contingencies if we cannot prevail on that, and I think that is a fairly powerful consequence.

In addition to that, I think governments truly are having to gauge what is the consequence if the United States cannot be a good neighbor to this treaty. It will severely cripple the operation of this Court if we cannot be a player in it.

Mr. SMITH. How would it affect peacekeeping in your view, and Mr. Slocombe, you might want to add your views on peacemaking as well?

Ambassador SCHEFFER. I think it could have a very severe impact on that. Walt?

Mr. SLOCOMBE. What the Secretary of Defense said in his letter was unfortunately a negative result—that is, a negative result with respect to the article 98 effort—could have a major impact on our decision whether to participate in certain types of military contingencies.

That is what he said. I would not see that as an absolute judgment that we will never send American troops overseas in any situation, but it would have to be a factor we would have to take into account.

Mr. SMITH. Just getting back to the legislation, and I know in its current form you have made it clear you don't support it, but can you not at least admit there is some value in again broadcasting to the world that we are very serious and that the Congress is very serious about there being very negative consequences if this thing proceeds and we are included, having not been made a party to it, having not ceded or signed it?

Ambassador SCHEFFER. Well, I think there is some value to it and the mere existence of the legislation I think has sent that signal very loudly and clearly.

What I am saying is that actual adoption of this legislation would then have the reverse effect on our ability to actually negotiate our common objective.

Mr. SMITH. Let me just take that one step further. I mean the President obviously would have the capability of vetoing the bill if he thought it was not the right vehicle.

But let me point out that the Congress also has prerogatives, and we do fund peacekeeping. We obviously provide the necessary and requisite moneys for our military. It seems to me that we need to be very much a part of this because the outcome could be a disaster going forward for the world and for U.S. men and women in uniform who may be deployed overseas.

As I have read this, and I have read just about everything I can get my hands on, I have grave concerns. I said at the outset that no one has been more favorably inclined toward ad hoc tribunals than I am. When we had the first hearings in the Helsinki Commission on what became the Yugoslavian Tribunal we were being told by its leader, the man that was charged by the United Nations to take on the responsibility, that it was designed to fail, that he had been given insufficient resources, that it was nothing but fluff in order to placate certain individuals in countries, but it really was not a serious effort.

Now if we go in the other extreme and all of a sudden pass or enact something that potentially could prosecute the President or our Secretary of State or Defense or Supreme NATO Allied Commander, I think we have erred significantly as well, and I don't think there has been enough vetting of this issue.

I think a very small group of people have decided this. As I mentioned earlier, you know, I really want to take a look at who the actual participants were. We have heard that NGO's were filling the seats and taking on the responsibility of negotiating rather than the respective governments, who were kind of like brushed aside and the designated hitters were making decisions. That is serious if that indeed turns out to be the case. So I think there has been far less scrutiny brought to this, and hopefully these hearings are the beginning of even more focus by the Congress, but I thank you for your testimony.

Mr. Tancredo is here. Do you have any comments?

Mr. TANCREDO. No.

Mr. SMITH. I do thank you for your comments. We look forward to working with you in the future.

Ambassador SCHEFFER. Thank you, Mr. Chairman.

Mr. SLOCOMBE. Thank you, Mr. Chairman.

[Whereupon, at 11:51 a.m., the Committee was adjourned.]

Mr. LANTOS. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, maybe either the gentleman from New Jersey (Mr. SMITH) or my friend and colleague, the gentleman from Texas (Mr. DELAY), could answer this question. And that is, if we do not sign this treaty, then we will not have primary jurisdiction over our soldiers; meaning if we do sign this treaty, our soldiers are under the jurisdiction of our courts; but if we pass the DeLay amendment our soldiers will be under the jurisdiction of another country and/or the ICC that the gentleman purports he does not want our soldiers to be subject to.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. Mr. Chairman, on the gentleman's time. I do not have the time. The gentleman has more time than we do.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. Mr. Chairman, on the gentleman's own time I will yield. It is his amendment. If he wants to answer the basic question.

Mr. DELAY. The gentlemen asked me a question. He controls the time. Would he like an answer?

Mr. KENNEDY of Rhode Island. I control the time and I am not going to yield. I would like to ask the gentleman from Texas (Mr. DELAY), who is

offering this amendment, to explain his amendment and explain to this House that what he is trying to do he actually does not do, because the very service member who he is purporting to protect actually will end up subject to other foreign nations' courts, and not our own, if we pass this DeLay amendment. I would ask the gentleman from Texas (Mr. DELAY) on his own time to explain why his amendment does exactly the opposite of what he purports it to do.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, let me take a shot at this. Since I am also a JAG officer and I have been in a theater of war, what the gentleman from Rhode Island (Mr. KENNEDY) is purporting I would say is false. When a war is fought, it is fought under the laws of war. There are also the Geneva Conventions. Our country has treaties with other countries. We have memorandums of understanding. We have exchanges of letters with regard to the jurisdiction and who can prosecute whom under what circumstance.

I am going to support the DeLay amendment because I do not want our military to be tried by Iraq or some other nation out there. If we have a nation, take Germany, for example, and that military officer or an enlisted person commits a crime in the line of duty, we prosecute those; we take care of that. If they commit an offense in the civilian, outside the line of duty, they are prosecuted by Germany. That occurs out there.

I think we need to pause and really think whether we want to subject our military to an international court.

Mr. LANTOS. Mr. Chairman, I reserve the balance of my time.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman from Texas (Mr. DELAY) for yielding me this time.

Mr. Chairman, I am grateful that the distinguished majority whip, the gentleman from Texas (Mr. DELAY), has given me this time, and I appreciate his efforts and his diligence in defending our men and women in uniform who, but for this amendment, might be subject to arbitrary and capricious actions of rogue nations bent on perverting the International Criminal Court.

None other than President George Washington warned his posterity about certain relations with foreign governments that might put liberty at risk.

The system of law that is likely to be practiced in the ICC is outside of our Constitution and our rule of law. It does violence to the very common law that is our inheritance. There is little doubt that the framers of the Constitution would reject this peculiar foreign legal system outright as a form of tyranny. The notion that our citizens, men and women in uniform, would be subject to the whims of a foreign court is anathema to the principles of the American founding.

American citizens and their military personnel should never be subject to laws not created by the American people. The fear voiced by George Washington must control our debate today.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations.

Mr. HYDE. Mr. Chairman, I thank the gentleman from Texas (Mr. DELAY) for yielding me this time.

Mr. Chairman, I think it would be a terrible mistake to submit our military to this International Criminal Court. First of all, double jeopardy. If we read the Statute of Rome, it is left to a court to decide if our court martial was a genuine, honorable, honest effort. If they do not like it and one gets discharged, that person can be retried.

The decision is made, ''The case is being investigated or prosecuted by a state which has jurisdiction over it unless the State is unwilling or unable genuinely to carry out the investigation.'' Who decides if it was a genuine investigation? A Chinese court?

The same means by which we were excluded from the Human Rights Commission can exclude us from participation in this court, because one becomes a member by the votes of the member states.

Now, the crime of aggression, maybe that is flying along the China coast in international waters; maybe that is the crime of aggression to some people. Why submit our people to this? It is alien.

Mr. LANTOS. Mr. Chairman, I yield myself 30 seconds to close.

Mr. Chairman, no Member of this body is in favor of having American servicemen or servicewomen tried by an International Criminal Court. As we outlined earlier, our service people abroad are tried by our own military courts.

We are in favor of establishing an International Criminal Court similar to the one at the end of the Second World War, the Nuremberg Tribunal, and similar to the one currently dealing with international criminals of the former Yugoslavia's bloodshed.

I ask my colleagues to vote against the DeLay amendment.

Mr. PAUL. Mr. Chairman, I rise to join Mr. DELAY in expressing serious concern over the subject matter of his amendment, that is, the International Criminal Court (ICC).

Considering the detestable substance of the balance of H.R. 1646, fortunately, the underlying bill is silent on the ICC other than to prohibit funds authorized for International Organizations from being used to advance the International Criminal Court. As such, I have some reservations with the amendment offered by Mr. DELAY because it singles out one class of American citizens for protection from ICC jurisdiction (thus violating the doctrine of equal protection), it supposes that if the Senate ratifies the ICC treaty, U.S. citizens would then be subject to the court it creates, and it illegitimately delegates authority over which U.S. citizens would be subject to the ICC to the U.S. president. Moreover, his amendment would authorize U.S. military actions to ''rescue'' citizens of allied countries from the grips of the ICC, even if those countries had ratified the treaty. It may be better to remain silent (as the bill does in this case) rather than lend this degree of legitimacy to the ICC.

It is certainly my view (and that of the 21 cosponsors of my bill, HCR 23), that the President should immediately declare to all nations that the United States does not intend to assent to or ratify the International Criminal Court Treaty, also referred to as the Rome Statute of the International Criminal Court, and the signature of former President Clinton to that treaty should not be construed otherwise.

The problems with the ICC treaty and the ICC are numerous. The International Criminal Court Treaty would establish the International Criminal Court as an international authority with power to threaten the ability of the United States to engage in military action to provide for its national defense.

The term ''crimes of aggression'', as used in the treaty, is not specifically defined and therefore would, by design and effect, violate the vagueness doctrine and require the United States to receive prior United Nations Security Council approval and International Criminal Court confirmation before engaging in military action—thereby putting United States military officers in jeopardy of an International Criminal Court prosecution. The International Criminal Court Treaty creates the possibility that United States civilians, as well as United States military personnel, could be brought before a court that bypasses the due process requirements of the United States Constitution.

The people of the United States are self-governing, and they have a constitutional right to be tried in accordance with the laws that their elected representatives enact and to be judged by their peers and no others. The treaty would subject United States individuals who appear before the International Criminal Court to trial and punishment without the rights and protections that the United States Constitution guarantees, including trial by a jury of one's peers, protection from double jeopardy, the right to know the evidence brought against one, the right to confront one's accusers, and the right to a speedy trial.

Today's amendment, rather than be silent as is currently the case with the bill, supposes that ratification would subject U.S. citizens to the ICC but the Supreme Court stated in *Missouri* v. *Holland,* 252 U.S. 416, 433 (1920), *Reid* v. *Covert,* 354 U.S. 1 (1957), and *DeGeofrey* v. *Riggs,* 133 U.S. 258, 267 (1890) that the United States Government may not enter into a treaty that contravenes prohibitory words in the United States Constitution because the treaty power does not authorize what the Constitution forbids. Approval of the International Criminal Court Treaty is in fundamental conflict with the constitutional oaths of

the President and Senators, because the United States Constitution clearly provides that "[a]ll legislative powers shall be vested in a Congress of the United States," and vested powers cannot be transferred.

Additionally, each of the 4 types of offenses over which the International Criminal Court may obtain jurisdiction is within the legislative and judicial authority of the United States and the International Criminal Court Treaty creates a supranational court that would exercise the judicial power constitutionally reserved only to the United States and thus is in direct violation of the United States Constitution. In fact, criminal law is reserved to the states by way of the tenth amendment and, as such, is not even within the federal government's authority to "treaty away."

Mr. Chairman, the International Criminal Court undermines United States sovereignty and security, conflicts with the United States Constitution, contradicts customs of international law, and violates the inalienable rights of self-government, individual liberty, and popular sovereignty. Therefore, the President should declare to all nations that the United States does not intend to assent to or ratify the treaty and the signature of former President Clinton to the treaty should not be construed otherwise.

Mr. WELDON of Florida. Mr. Chairman, today I rise in strong support of the amendment offered by my colleague, Majority Whip TOM DELAY. This amendment to H.R. 1646, the Foreign Relations Authorization Act is important if we are to overturn a last minute act by the previous Administration. By signing the U.S. onto the International Criminal Court just a few hours before leaving office, Mr. Clinton chose to subject U.S. troops and our military actions to second guessing by international judicial bureaucrats appointed by an international body.

Mr. DELAY's amendment provides legal protections to ensure that American citizens, especially U.S. military personnel, are not prosecuted by the International Criminal Court for actions undertaken by them on behalf of the U.S. government. This amendment prohibits (1) U.S. cooperation with the Court except to free American citizens or those of our allies; and (2) providing classified information to the court. In addition, it requires that countries receiving U.S. military assistance (other than NATO, non-NATO allies and Taiwan) must exempt Americans from prosecution or arrest by the court on their soil. Finally, it requires that the U.N. Security Council exempt American military personnel engaged in assessed U.N. peacekeeping operations from prosecution by the Court.

A brief look at recent actions by the United Nations demonstrates how foolish it would be to sign up to this treaty. The United Nations just recently removed the United States from the Human Rights Commission, and placed on the commission Cuba, China and Sudan. Cuba is run by a dictator who has no regard to human rights and imprisons people at his will. China oppresses religious freedom and detains individuals without due process. And, the government of Sudan has killed 2 million Christians over the past few years. Sudan also still engages in slavery. Those who are arguing that the United States should sign up to a treaty that allows these nation's to put American citizens and service members on trial, are putting these brave men and women in jeopardy.

The United Nations conference ignored U.S. objections and endorsed a plan for establishing a permanent international criminal court. The American representatives at the negotiations on this treaty, under pressure from the Republicans in Congress, sought to obtain a guarantee that U.S. military service personnel and agents could never be held liable to this court. This was rejected. This represents a dangerous potential for usurping national autonomy, and I will continue to work to see that this proposal is fully rejected. Our Founding Fathers warned us about foreign entanglements. Certainly, ceding national autonomy falls into this category.

I will continue to oppose any effort to permit the U.S. to join this "court." I am pleased that President Bush has expressed his objections, and the U.S. Senate has made it clear that it would reject this treaty. Mr. DELAY's amendment will be an important step in stopping this problematic agreement.

Ms. MCCOLLUM. Mr. Chairman, I rise today to oppose the Delay amendment to H.R. 1646.

The International Criminal Court (ICC) will be a permanent court to try individuals, not countries, for the most serious crimes of concern to the international community. These would be heinous crimes such as genocide and widespread systematic torture and rape.

The horrendous crimes in Bosnia, Rwanda, Sierra Leone, Kosovo and far too many other countries have awakened the international community to the need to punish the criminals responsible for inhuman acts of violence. The same concerns that led to the trials at Nuremberg and Tokyo, the creation of ad hoc tribunals for the Former Yugoslavia and Rwanda, and the existence of established international criminal law have made the ICC more feasible now.

The Court will hear a case only when no national court is available or willing to hear it. In the case of the United States, our courts would decide whether to try a case or submit it to the ICC. In theory the ICC could try Americans. However, the ICC would only intervene when the U.S. chooses to relinquish its right to try a case. In practical terms, it is highly unlikely that the American judicial system would be unwilling or unavailable to try a case.

Also, it is important to remember that Americans arrested abroad for committing a crime are already subject to prosecution by other countries. In the highly unlikely event of an American being arrested abroad for war crimes, in many cases a trial in the ICC would be fairer and the country might well agree to turn the accused over to the ICC.

The U.S. Government has taken great pains to require that the accused receive a fair trial and be accorded the due process of law. The draft statute defines the rights of the accused in accordance with the rights guaranteed in the International Covenant on Civil and Political Rights and the Declaration of Human Rights. They include the presumption of innocence, the right to counsel, the right to confront one's accusers, and the right to a speedy trial.

I support the U.S. participation in the ICC as well as all efforts that seeks justice for the victims of genocide, torture, rape and systematic violence against civilian men, women and children.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 107–62.

AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HYDE:

Page 76, after line 12, insert the following new subsection (and redesignate the subsequent subsections accordingly):

(a) ADDITIONAL RESTRICTION ON RELEASE OF ARREARAGE PAYMENTS RELATING TO UNITED STATES MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS AND USE OF SECRET BALLOTS.—In addition to the satisfaction of all other preconditions applicable to the obligation and expenditure of funds authorized to be appropriated by section 911(a)(3) of the United Nations Reform Act of 1999, such funds may not be obligated or expended until the Secretary of State certifies to the appropriate congressional committees that—

(1) the United States has obtained full membership on the United Nations Commission on Human Rights for a term commencing after May 3, 2001; and

(2)(A) neither the United Nations nor any specialized agency of the United Nations takes any action or exercises any authority by any vote of the membership of the body by a secret ballot which prevents the identification of each vote with the member casting the ballot; or

(B) a detailed analysis of voting within the United Nations and specialized agencies of the United Nations has demonstrated to the satisfaction of the Secretary of State that the use of secret ballots can serve the interests of the United States and that analysis has been transmitted to the appropriate congressional committees.

The CHAIRMAN. Pursuant to House Resolution 138, the gentleman from Illinois (Mr. HYDE) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I ask unanimous consent to yield 10 minutes of my time on this amendment to the gentleman from California (Mr. LANTOS) and that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment requires that the final tranche of arrearage payments to the United Nations and other designated agencies be contingent upon a certification by the Secretary of State that the United States has regained its seat on the United Nations Commission on Human Rights.

I urge support for this amendment that expresses our strongest possible concern over the vote on May 4 by the 53 members of the U.N. Economic and Social Council to remove the U.S. from its seat on the Human Rights Commission, a seat I might add that we have held continuously since the Commission's inception in 1947.

Let there be no mistake about the message being sent to the U.S. with this unprecedented action to remove our strong and uncompromising voice from the proceedings of this body. This is a deliberate attempt to punish the United States for its insistence that we tell the truth about human rights abuses, wherever they occur; including in those countries represented on the Commission such as China and Cuba.

The U.N. Secretary General, Kofi Annan, spoke for many other member states when he noted in a statement in the aftermath of this vote that the United States has played a leading role over the years in drafting landmark documents, such as the Universal Declaration of Human Rights, and has been a key member of the Commission. The U.S. made a major contribution to the work of the United Nations in the field of human rights.

In response to this inexplicable and inexcusable decision, it is appropriate that the U.S. send its own message to U.N. member states, and particularly the members of the western European group. If allowed to stand, this decision threatens to turn the Human Rights Commission into just one more irrelevant international organization.

If our voice is stilled, other countries will have even greater difficulty in speaking openly and plainly about rampant human rights abuses around the world.

The adoption of this amendment will assist the administration in its efforts to take whatever steps are necessary over the next year to restore our voice and vote in this body.

To those critics who say we are overreaching and overreacting, I would argue that to do anything less would be a repudiation of our own values and principles of freedom, democracy, and respect for human rights enshrined in the U.N. Charter and in our own Constitution.

I urge the adoption of this amendment, and I am so pleased to share its authorship with the distinguished gentleman from California (Mr. LANTOS).

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

Ms. MCKINNEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 20 minutes.

Ms. MCKINNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to oppose the Hyde-Lantos-Sweeney amendment, and I find myself in agreement with the Bush administration on this issue. I agree that the United Nations has a poor record in some important areas. All we need to do is look at United Nations behavior in Rwanda and Srebrenica where it aided and abetted in the needless slaughter of 1 million Rwandans and thousands of Bosniacs. Even that, however, is no reason to withhold paying back dues that the United States owes to the United Nations.

How can we expect the United Nations to improve its performance or to respect us if we go back on our word and refuse to pay our bills?

I know that Secretary of State Colin Powell would never agree with going back on our word to the world community, but that is exactly what this amendment will do.

President Bush's spokesperson said yesterday, ''While the United States is disappointed with the results of the Human Rights Commission election, the President feels strongly that this issue should not be linked to the payment of our arrears to the U.N. and other international organizations.''

However, it is important that while we talk today about human rights around the world and human rights abusers, and even human rights abusers who now sit on the United Nations Human Rights Commission, we must also talk about ourselves.

□ 1230

We cannot continually stand before the world community with finger pointed outward while never looking inward. And look inward we must. We must look at the way we treat others in our foreign policy, and we must look at the way we treat our own citizens right here in this country.

Christopher Hitchens has written a powerful piece on Henry Kissinger's policies that resulted in deaths all over Asia, in Vietnam, in Indonesia, in East Timor. Hitchens also discusses U.S. policy in Chile. Problems created decades ago that we still suffer the repercussions of today.

I have written tomes myself in disgust at Madeleine Albright's Africa policy, which had the U.S. join hands with hand choppers and rapists of little 12-year-old girls in Sierra Leone, purposely delayed U.S. response in the Rwanda genocide, and then rewarded those at the U.N. and inside our own government who turned a blind eye to what was happening in Africa's Great Lakes region.

Africa is still suffering from what we did not do to help people who wanted to escape dictatorship and establish democracy and the rule of law. What other suffering will we create or ignore?

But then I cannot talk about the U.S. position on human rights without discussing what is happening right here in America. What about the human rights of America's black men who are dying on the streets? What about the human rights of America's black people?

On the streets of America, I see homelessness and poverty. Here in the Nation's Capital, I see black man after black man after black man sleeping on the streets. They sleep in makeshift cardboard beds, they sleep on sidewalk benches, over heating grates, and under bridges. Black women lie clad in newspapers during the night on the same block as the White House. They are discarded like trash on the streets of America.

On the streets of America, I see racial profiling. The Justice Department admits that blacks are more likely than whites to be pulled over by police, imprisoned, and even put to death. Yet only 2 days ago a Cincinnati grand jury offered the equivalent of a holiday vacation for a white police officer in the fatal shooting of an unarmed black man.

Another black man last week was driving his fiance's 10- and 8-year-old daughters to school. He was approached by a white policeman, who pulled his gun and shot him in the neck, killing him instantly as the two little girls ran screaming in horror down the street.

The FBI said blacks and whites have about the same rate of drug use, yet while the majority of people arrested for drug abuse are white, the vast majority of those incarcerated are black.

Government studies on health disparities confirm that blacks are less likely to receive surgery, transplants, even prescription drugs, than whites. A black baby boy born in Harlem today has less chance to reach the age of 5 than a baby born in Bangladesh.

I serve in the Congress where the Congressional Black Caucus is shrinking, and yet sections of the Voting Rights Act will soon expire, and, quite frankly, after crippling Supreme Court decisions, there is not much left of affirmative action to mend.

I believe this state of affairs is no accident. We are what we are because it was meant to be.

In the FBI's own words, its counterintelligence program, then known as COINTELPRO, had as a goal to expose, disrupt, misdirect, discredit or otherwise neutralize the activities of black organizations and to prevent and, I quote, black ''leaders from gaining respectability.''

We need only remember that Geronimo Pratt spent 27 years in prison for a crime that he did not commit.

Twenty-six black men were executed in the year 2000. Some of them were probably innocent. And we started this year by executing a mentally retarded black woman.

Now the Bush administration tells us that they are not going to participate in the United Nations Conference on Racism scheduled to take place in the Republic of South Africa in August of this year. I say shame on the Bush Administration for boycotting the United Nations Conference on Racism, and I urge my colleagues to defeat this amendment.

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

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I deeply regret that my good friend the gentleman from Illinois (Mr. HYDE) and I had to offer this amendment to condition our U.N. arrears payment on the resumption of our membership on the U.N. Human Rights Commission.

I think it is important to analyze what happened at the vote in Geneva carefully. There are three seats reserved for the western nations and there were four candidates. I predict that every single time this should happen in the future, we will be rejected, because we are the most articulate and principled and outspoken proponents of human rights.

Austria does not irritate anybody. The Austrians are getting the votes, but the United States is not getting the votes, because we speak out on human rights violations in Cuba and China and Sudan and Libya and Syria and all over the world. And there are many more human rights violators, Mr. Chairman, than countries that honor human rights.

So in a very fundamental and mechanical sense, the failure of our being on the Human Rights Commission as we speak is the result of the failure of our European friends to act together; and I hope that next year when this similar vote will take place, they will designate only two of their members, so the United States will be the third one and we will be voted again to serve on the Human Rights Commission of which we have been, since its inception, the single most important, most powerful, and most principled member.

It is a separate issue, Mr. Chairman, that 14 members apparently who have given our Department of State written assurances that they will vote for us, taking advantage of the secret ballot, chose not to do so.

Now, the gentleman from Illinois (Chairman HYDE) and I are proposing a reasonable and moderate amendment. Our amendment calls for paying our current tranche which is due, almost $600 million, without any delay, and to make our last payment, over $200 million, contingent upon the United States being voted back on to the U.N. Human Rights Commission.

Earlier this morning I had an opportunity to have a lengthy telephone conversation with the Secretary General of the United Nations, Mr. Kofi Annan; and I explained to him the procedure, which he clearly understands. It is our intention to pay every dime we owe the United Nations, but we will simply not turn the other cheek as the Sudans and the Lybias of this world declare the United States unfit to serve on the Human Rights Commission of the United Nations.

One important provision of our legislation calls on our representative at the U.N. to insist that no nation may serve on the U.N. Human Rights Commission that does not allow on its territory international human rights monitors. When this provision prevails, the Cubas and the Chinas and the Sudans and the Lybias of this world will have no opportunity to serve on the Human Rights Commission.

The Hyde-Lantos amendment is a reasonable response to an outrage that was perpetrated in Geneva. I urge all of my colleagues to support it.

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

Mr. HYDE. Mr. Chairman, with great pleasure, I yield 1 minute to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the Hyde-Lantos-Sweeney amendment. The failure of the U.N. to reelect our Nation to the Human Rights Commission is outrageous. Our Nation has been a member of the commission since 1946. Our Nation is being penalized obviously for speaking out for human rights abuses.

This commission has become a refuge for despots and scoundrels, indicative of our Nation's inattention to this problem for the past 8 years, regrettably allowing powerful nations such as China to dominate the commission.

The Human Rights Commission has become a closely knit group of human rights abusers. The Chinese, Cuban, Libyan, and Syrian commission members have incarcerated thousands of political prisoners. It is hypocritical that Sudan, which practices slavery, is also a commission member.

Denying our Nation membership while allowing those despotic governments to become members underscores that we have not effectively challenged those dictatorships.

This is truly a sad day for democracy, for the rule of law, and for the United States. Accordingly, I strongly urge support for the Hyde-Lantos-Sweeney amendment.

Ms. MCKINNEY. Mr. Chairman, I am very pleased to yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her leadership.

Mr. Chairman, I rise today in strong opposition to the Hyde-Lantos-Sweeney amendment, which withholds U.S. payments to the United Nations in retaliation for the removal of the U.S. from the Human Rights Commission.

Although I share the displeasure of the chair and ranking member of the Committee on International Relations on the loss of the United States' seat, payment of arrears to the U.N. should not be jeopardized in retribution.

This action would be unfairly punitive. The United Nations does not nominate nor elect members to the commission. The 54 members of the U.N. Economic and Social Council elect members of the commission in a secret ballot. Payment of our longstanding debt to the U.N. should not be jeopardized, particularly at a time when the United Nations has met nearly every condition of the Helms-Biden agreement.

A deal is a deal. The U.S. agreed to pay nearly $1 billion in debt to the U.N. if the U.N. met certain conditions. The United Nations has kept their end of the deal.

We demanded that the U.N. reduce the amount the U.S. pays to the U.N. regular budget, and the U.N. did. We demanded that they reduce the amount the U.S. pays to the U.N. peacekeeping budget, and the U.N. did. We demanded they form an Office of Inspector General, and they did. We demanded they maintain a zero growth budget, and they did. We demanded that they did not charge us interest on the delinquent bills, and they have not charged interest.

Now, after the United Nations has met all of our demands and it is our time to honor our commitment, we have new demands.

It is not even logical. The United Nations did not remove the United States from the Human Rights Commission. That action was by the 54 member states of the U.N. Economic and Social Council. It is not fair. To penalize the U.N. for the actions of individual member states violates every sense of fair play. It is like failing the whole class for the actions of one child.

□ 1245

My opponents here today will say that the U.S. deserves a seat on the commission, and it does. But the U.N. cannot put us back on the commission any more than they could prevent us from being taken off. So why penalize the U.N.?

Also, it is not productive. Requiring new conditions for payment of a longstanding debt when a deal has already been made will not only not win us back a seat, but could very well jeopardize our relations with the very nations who we need to vote in favor of us to put us back on the commission.

Secretary of State Colin Powell does not want additional conditions. President Bush does not want additional conditions. These are the people charged with implementing our Nation's foreign policy. Just yesterday, the President spokesperson said, and I quote, ''The whole question of arrears and payment to the United Nations, that is separate and apart from this current matter.''

The Atlanta Constitution wrote a long statement, but I will just quote a short part: ''Unfortunately, Members of the House are threatening to 'get back' by withholding U.N. dues. Seeking retribution against the world body is the wrong reaction from Congress or the administration. After all, it wasn't just U.S. detractors who participated in the coup, but also some of our allies: France, Sweden and Austria, who didn't cast enough votes to help the U.S. retain a seat.''

The Los Angeles Times wrote on May 10, and I quote: ''Members of the House, angry that the United States last night lost its seat on the U.N. Human Rights Commission, want to withhold a further planned U.N. payment of $244 million unless the seat is restored next year. It's hard to conceive of anything more foolish than making payment of a legitimate debt conditional on an action by a subsidiary U.N. body that the U.N. doesn't even control.''

The New York Times wrote on May 5: ''Such a response would ignore the underlying issues that caused the revolt and only worsen American relations with the United Nations. Payment of Washington's back dues is vital to maintaining American influence in the U.N.''

And the San Francisco Chronicle's headline today says, ''U.S. Should Pay Its Dues.''

It sort of reminds me of the old book, everything I learned in kindergarten is all I need to conduct my life in a reasonable way. We made a deal. They have held up to their end of the deal. It is wrong for us to turn around and change the rules.

Mr. Chairman, I stand here in support of the Bush administration urging that we live up to our end of the commitment and pay our dues at the United Nations. I oppose the Hyde-Lantos amendment and other conditions put on this requirement that we have agreed to.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume to respond to the gentlewoman from New York (Mrs. MALONEY), and I would like to respond to some of these editorials.

Some of us do not accept the sanctity of our Western European friends. They would stand on firmer moral ground if they would stand with the United States in our dealings with Iran or Iraq or Syria or other totalitarian states. Actions have consequences. The United States was fully prepared to make these payments, but the situation has changed with encouragement on the part of some of our ''friends.'' There is great glee that the United States was booted off the U.N. Human Rights Commission where unquestionably we were the most important, most valuable, most articulate, and most principal member for over half a century.

And while I am very pleased to see my friend defending the Bush administration in this instance, I do not. I believe the Bush administration is dead wrong in saying that we should turn the other cheek. Actions have consequences. We had an arrogant and irresponsible action: booting the leading champion of human rights off the U.N. Human Rights Commission. The gentleman from Illinois (Mr. HYDE) and I am proposing a modest response, a temporary withholding of a portion of our dues. Our U.N. fellow members have an option. If they would like to get this payment, they will vote the United States back on to the Commission. If they do not, it will cost them $244 million. And I urge France or Austria or anybody else to come up with that money, because certainly the United Nations needs those funds.

I think it is important that we do not engage in blaming the United States first. We are the least responsible party for this action. The people who are responsible for this action are the Chinese, who went around trying to get votes against us by economic incentives and by threats; the Cubans, who did the same; and a number of our quote-unquote ''friends,'' who shall remain nameless.

Mr. Chairman, I proudly join my friend, the gentleman from Illinois (Mr. HYDE) in this measure. This will teach countries a lesson: actions have consequences. They have taken an irresponsible action, and we are giving them an opportunity to rectify it.

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

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I would like to respond as well to the gentlewoman from New York (Mrs. MALONEY), my friend and colleague, from the perspective that I am pleased to join the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) as a sponsor on this amendment.

The notion that what we are doing here is somehow a violation of fair play is really quite foreign to me at this point. What we are doing in bringing this amendment forward is disallowing the Libyans, the Chinese, those in Sudan and those who throughout the world want to sit in judgment of human rights violations and sit in judgment by excluding and pushing the United States out from that conversation.

This amendment is about fighting and protecting human rights throughout the world, Mr. Chairman. Secret ballots at the United Nations enable human rights violators and those who impede our ability to combat international narcotics and other important causes, they push us from that debate and that argument.

So I am proud to come forward and offer this amendment, because after all, the greatest sense of leverage we have as a Nation is the fact that we contribute 25 percent for the activities at the United Nations. To not have the United States sitting on the Human Rights Commission is a travesty.

Ms. MCKINNEY. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I am outraged by what happened at the United Nations. I am as outraged as anyone. I am cochair of the U.N. Working Group, along with the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Connecticut (Mr. SHAYS) and the gentleman form Iowa (Mr. LEACH). The U.N. certainly is not always right, and in this instance they are absolutely wrong and it is absolutely outrageous.

But in trying to weigh what our reaction should be, I come down on the opposite side of the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Mr. HYDE), and the gentleman from New York (Mr. SWEENEY), my good friends, because I do not believe that trying to blackmail nations into supporting us ever really works. I think that that is really not the way to go.

I agree with everything the gentleman from California (Mr. LANTOS) said, and I have more respect for him than almost anyone else in this body when it comes to these matters, and he was right on the money in everything he says; but I just think that our reaction ought to be different.

There has been a buildup of anger at the United States because frankly, we have not been paying our dues. I know we are on track to do it now, but it was a long struggle; and it was many, many years before we went on track. There has been anti-U.N. rhetoric from this body and in other places, and there is some anger at the fact that we have not ratified at a convention on the rights of a child, banning land mines, the Kyoto Protocol and other treaties as well. That is not an excuse for the U.N., but the question is, how do we react? How do we react to this at all?

I do not believe that these votes at the U.N. should be linked to the payment of arrears. We owe them money, and we ought to pay it. We ought to express our outrage. There are other ways to do it. I do not think that withholding the money is the right way to go.

Jeanne Kirkpatrick, for whom I have enormous respect, said, frankly, somebody was not watching the store. We could point fingers at everybody and do a lot of fingerpointing all the way around, but that really does not have any beneficial effect. We have made our point known. The administration, the Bush administration, opposes this amendment. We have to now decide what the best way to go is. I just think that this may do us a lot of good in expressing our personal pique, but I think in the long run it is counterproductive.

So I reluctantly urge a ''no'' vote on the amendment.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), my friend and colleague.

Mr. HOYER. Mr. Chairman, I thank the distinguished gentleman from California for yielding me this time.

Mr. Chairman, I have long supported the premise that the United States should participate in the United Nations and that if we want to maintain our leadership role that we ought to pay our dues. I must say, therefore, that I am ambivalent on the means used in this resolution, but I am not ambivalent at all on the sentiments and the point that it makes.

I rise, therefore, in support of the intent of this resolution. I have not decided, frankly, how I am going to vote, but there ought to be 435 of us who, in the strongest possible terms, say that this was an act of a commission that knows that it is the United States day after day, week after week, month after month, in every forum in the world, the OSCE, the Organization on Security and Cooperation in Europe, which the gentleman from New Jersey (Mr. SMITH) and I participate in on a year-round basis; the chairman of the committee has participated in that heavily, as has the gentleman from New York (Mr. GILMAN), the former chairman; and the gentleman from California (Mr. LANTOS).

This was an act perpetrated, frankly, by the abusers of human rights, by those who would like to hide the abuses that exist in so many parts of this world; that would like to hide the shortcomings to international standards that so many nations demonstrate. That ought not to be left to stand. The exclusion of the United States from the Human Rights Commission, the one Nation that consistently raises the issue of human rights around the world, and yes, even in the United States.

So I applaud the sponsors of this resolution for raising for the rest of the world and for our country how critically we view this issue.

Mr. HYDE. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

□ 1300

Mr. ARMEY. Mr. Chairman, I thank the gentleman from California (Mr. HYDE) for yielding the time to me.

Let me say, Mr. Chairman, this is a serious matter. I want to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, for bringing this to the floor.

Mr. Chairman, I look around this Chamber and I see the Members of this body that have traveled the globe out of concern to speak up for human rights, to reach out a hand of comfort and support and encouragement for the beleaguered people across this globe repeatedly.

Year in and year out, our Members from this Chamber make that trek to show that America knows and America cares. I look across this country and I see the heart of the American people that reaches out to all the world for freedom, dignity, justice, respect.

I look across this Nation's history and I find a legacy of courage, commitment, sacrifice. This Nation has lent its heroes to the cause of liberty on behalf of the nations of all the world time and time again.

Without this Nation's leadership, there would be no United Nations. Without this Nation's participation, the United Nations could not endure to this day. The United Nations expels this Nation, the greatest Nation in the history of the world, for the defense and protection of human rights from the very commission whose only sacred purpose is to be the guardian and the protector of human rights and in its stead places what can only be judged the world's worst perpetrator.

The horrors of Sudan will break your heart, the slavery. Slavery, we thought perhaps that was gone from this globe; it should be gone. The religious persecution, the murders, the torture that happens in Sudan should be the object of investigation of this commission and should be the object of this commission's scorn, yet they put this nation, this unholy nation, on that commission.

Yes. We should be outraged even more for that inclusion than for the exclusion of this great Nation. And Libya, scarcely any better.

My colleagues say what should be our response? Our response should be that the taxpayers, the heroes of this great Nation who care so much, will not provide as a matter of patronage support to an institution that makes a mockery out of the concern for human rights and makes of itself a farce in that theater.

Mr. Chairman, yes, we are here right today doing the right thing. And I implore my colleagues, if my colleagues believe in the cause of liberty, freedom, safety, security, respect and decency, vote yes for this amendment. Send the world a message, America cares and America dares to stand up for any lost soul, beleaguered and tortured in any part of the world at any time and even in the case of the most callous affront that I have seen from this United Nations in my lifetime.

Ms. MCKINNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, George Bush said it well when he said that we do not need to do this. A superpower pays its bills. A superpower leads by example. A superpower does not cry when it does not get its way and then go and take all the marbles. Already this tit-for-tat mentality has resulted in the Bush administration canceling administration appointments with visiting members of the European parliament.

I met with them yesterday and I am sure that they enjoyed meeting with me but I am not the same as meeting with the administration on very, very important and critical issues that pertain to the relationship between the United States and Europe, that very relationship that we are talking about today.

Those members of parliament are going to go back to Europe, and they are going to write a report that is critical of the United States. So, yet again, we are going to involve ourselves in this tit-for-tat mentality that has the potential of spiralling out of control into the absurd.

The last thing we need is for Congress to add fuel to the fire. We need to pay our bills. We need to participate in the United Nations. We need to help change those things that need to be corrected, and we need to do it through diplomacy not by going back on our word.

Mr. Chairman, I urge my colleagues to vote against this amendment and agree with the Bush administration that the last thing we need it do is withhold funds that the United Nations severely needs that will result in us going back on our word.

Mr. Chairman, I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) for bringing up this important bill.

I agree with my colleagues in the condemnation of what happened at the United Nations at the hands and behest of China, Cuba, and other abusers of human rights. It is remarkable that the values of Sudan are now replacing the values of the United States at the United Nations in the human rights matters; a country that has already killed 2 million of their own occupants; a country that sells children to slavery for as little as $23; a country that, of course, crucifies children as young as

12 years old, 13 years old, 14 years old that refused to convert to Islam; a country this year that is holding back food aid unless people convert to the religion of their choice.

The only thing I find humorous are the excuses for expulsion of the United States, Kyoto, family planning, SDI. Come on, give me a break. This is all about the fact that the United States has dared to stand down China, dared to stand down Sudan, Libya, other human rights abusers.

That is all it is about. That is why we are out and that why is why France, who has constantly played to Third World dictators and tyrants got the most votes. Maybe that is not politically correct to say. It is the truth though.

Chris Matthews last week said in response to this that the U.S. practically invented human rights. I know that sounds arrogant maybe to some of our friends in Europe who were offended, and they are going to go back and write reports about how they are offended at the United States.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, the United Nations Economic and Social Council, ECOSOC, took an action again that raises grave doubts about what kind of organization it is.

During the last 6 days, editorial writers all across this country been working overtime to try and explain away the outrageous vote to deprive the U.S. of its seat on the UN Human Rights Commission. As always, they are saying that it was the Kyoto treatment or the criminal court or somehow if we just paid our arrearages a little faster the problem would be solved. These are bogus, false pretenses, Mr. Chairman.

The real reason why we have been thrown off the U.N. Human Rights Commission is because they want to silence what is clearly the strongest voice on the Commission in favor of human rights. The U.S. has insisted that the Commission tell the honest and unvarnished truth about human rights violations the world over. Some of the other nations on the commission, such as China, Cuba, Vietnam, Malaysia, Libya, Algeria, Saudi Arabia, and now Sudan, have problems with the truth—especially at it pertains to human rights.

Mr. Chairman, instead of excluding countries from the U.N. Human Rights Commission because they are too strong on human rights, the U.N. should be concerned about excluding governments that routinely engage in torture, extrajudicial killings, rape as an instrument of terror, forced abortions, sterilization, and other kinds of discriminations.

I urge a yes vote on the amendment.

Mr. Chairman, last year the Congress voted to resolve the dispute over so-called "United Nations arrearages". The agreement was simple: we would pay almost all of the disputed amount, provided the United Nations would agree to treat the United States more fairly when it came to dues, peacekeeping assessments, and other issues—and provided the UN would also take concrete steps to put its own house in order.

Then the UN's Economic and Social Council (ECOSOC) took an action that again raises grave doubts about what kind of an organization it is. During the last six days, Mr. Chairman, editorial writers have been working overtime trying to explain away the outrageous vote to deprive the United States of the seat it has held since 1947 on the U.N. Human Rights Commission. As always, the central theme of these editorials is to blame America first. If only we had ratified the Kyoto Convention, or the CEDAW agreement, or the International Criminal Court. Or if only we had paid those disputed arrearages a little quicker. If only we had not been so "unilateral" which is the most bogus of all. Then perhaps we would have stayed in the good graces of ECOSOC and kept our seat on the Human Rights Commission.

Mr. Chairman, the editorial writers are even more wrong this time than they usually are. The vote to exclude the United States from the Commission was primarily a vote to silence the strongest voice on the Commission in favor of human rights. The United States has insisted that the commission tell the honest and unvarnished truth about human rights violations the world over. And some of the other nations on the Commission, such as China, Cuba, Viet Nam, Malaysia, Libya, Algeria, Saudi Arabia, and now Sudan, have problems with the truth.

Mr. Chairman, not only did this year's Human Rights Commission members vote for a "no-action motion" that prevented the Commission from even debating the human rights record of the People's Republic of China. It also voted for a resolution on Sudan that did not even mention the word "slavery," and for a resolution on the Israeli-Palestinian conflict that did not mention human rights violations committed by the Palestinian Authority. I was there in Geneva with ILEANA ROS-LEHTINEN and LINCOLN DIAZ-BALART—we are resented for sadly raising true issues.

Mr. Chairman, instead of excluding countries from the Human Rights Commission because they are too strong on human rights, the U.N. should be concerned about excluding governments that routinely engage in torture, extrajudicial killing, rape as an instrument of terror, forced abortion, forced sterilization, and other forms of persecution on account of race, religion, or political opinion. If being in arrears can result in the loss of a vote in the General Assembly—which is the rule—surely barbaric behavior should disqualify a nation from the U.N. Human Rights Commission. Without these important reforms, the Commission will be in grave danger of becoming, as our colleague Mr. DIAZ-BALART has observed, no more than a "club of tyrannies."

For these reasons, Mr. Chairman, I urge a "yes" vote on the amendment and a "yes" vote on the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HYDE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. HYDE) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TANCREDO:

Page 16, strike line 21 and all that follows through line 10 on page 17.

Page 117, strike line 5 and all that follows through line 2 on page 119.

The CHAIRMAN. Pursuant to House Resolution 138, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from California (Mr. LANTOS) each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, during committee consideration of this bill, an en bloc amendment was adopted authorizing the $67 million per year that it would cost the United States to rejoin UNESCO and added a sense of Congress provision that the President should renew the membership and participation of the U.S. in this organization.

My amendment would strike these provisions from the bill. I am well aware that several of my colleagues have argued that this agency has reformed itself over the past 15 years, but serious arguments against rejoining UNESCO remains. I believe that UNESCO can best be described as an organization in search of a mission. Unfortunately when it does stumble upon the mission, it is almost always one that is quite perverse.

As I mentioned just a minute ago, it would cost us some $67 million per year to get back in; and I question whether this is a wise use of resources.

David Malone, the president of the International Peace Academy in New York and a former Canadian Foreign Ministry official, is not optimistic about the prospects for reform by the new Director General of UNESCO, Mr. Koichiro Matsura of Japan, "the problem of UNESCO is that successive heads have turned it into a personal patronage machine, neglecting programs and bloating the staffing." Mr. Malone went on to say, "we used to all know what the UNESCO objectives were. Now nobody knows what UNESCO does beyond the World Heritage sites, and whoever consults UNESCO now on science?"

By the way, UNESCO is the organization that has charge of the man and

the biosphere sites, another one of those peculiar entities that this House, by the way, has struck down several times.

An article from The New York Times from March of last year reported that the new director general plans to use millions of dollars of his organization's funds to help restore colonial Havana. It is not at all clear to me why we should be rejoining an organization which is promoting tourism in Cuba.

According to an independent audit by the Canadian government, UNESCO rarely evaluates the cost effectiveness of its programs or sets specific objectives. It is an annual budget of close to $400 million. It continues to promote such things as the New World Information Order. This is the name of this organization, quote, ''Presenting and Revitalizing Our Intangible Heritage'' and ''Planet Society, a Worldwide Exchange Network for a New Art of Living on Earth.''

One of the arguments of the proponents of rejoining UNESCO appears to be based on the principle that the U.S. should be a member of every major organization in the United Nations. Mr. Chairman, in light of our summary exclusion from U.N. Economic and Social Council, the International Narcotics and Drug Control Board and the Commission on Human Rights, now is the time to critically review our existing memberships in the United Nations organizations and not the time to rejoin another U.N. body at enormous expense.

Finally, the U.S. government now gives $2 million to $3 million annually to UNESCO in voluntary contributions to cover projects we believe to be worthwhile. If we were to rejoin, we would be obliged to fund the good and the bad alike.

In conclusion, Mr. Chairman, I urge my colleagues to vote for the amendment.

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

Mr. LANTOS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. LEACH), whose action was strongly approved by members of the Committee on International Relations.

Mr. LEACH. Mr. Chairman, I thank the distinguished gentleman from California (Mr. LANTOS) for yielding time on this issue.

Mr. Chairman, I cannot say that UNESCO is the most important international body that has ever been created. I can say it is a credible international body. The United States chose to withdraw from UNESCO in the 1980s for a variety of reasons. Some stem from management styles; some stem from politicalization on several kinds of issues. But in each of these circumstances, there has been reform.

We object to not being reelected to another U.N. body and we may be, in the eyes of some, poor losers.

□ 1315

But the fact of the matter is, in UNESCO, we are a poor winner. We have achieved the objectives we wanted. Not to return implies that, when the United States gets its way, we continue to put our head in the sand.

It is interesting that Secretary of State George Shultz, who signed the withdrawal notice in the 1980s, now supports returning. There are 188 member nations of UNESCO. While UNESCO does have a cost, for the United States to say we cannot afford our share is a bit awkward for the world's wealthiest country.

I do acknowledge that there is a costliness of Paris. Having said that, France was our first ally. For the United States simply to be opposed to institutions in Paris is not a very credible circumstance.

Finally, let me say education, science, culture are esoteric. On the other hand, they matter in the world. For the United States of America to argue we are better off with empty chair diplomacy is an error if not an oxymoron. Therefore, for very decent, credible reasons that apply to UNESCO itself but also have ramifications for our whole role in international organizations in the world today, it is very appropriate for the United States to resume a world leadership position. That is exactly what we should do.

Therefore, with great respect, I hope this amendment would be turned back.

Mr. TANCREDO. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to rise in strong support of the Tancredo amendment which would strike an ill-advised provision of the foreign relations authorization bill.

It is regrettable that the authorization bill provides for the United States to rejoin UNESCO and set aside funds for that purpose from a strained international organization's budget. Whatever funding we give to UNESCO would have to come from other U.N. agencies such as the World Health Organization or the Food and Agriculture Organization. Furthermore, UNESCO continues to be plagued with poor management practices.

The world has struggled on without American membership in UNESCO since 1984 without any noticeable effect. We do, however, participate on a voluntary basis in several UNESCO projects that directly benefit American institutions. If we were now to rejoin UNESCO, we would be putting ourselves in a position of being forced to bear a large portion of a budget in an institution where we would be constantly outvoted.

This is just the sort of a situation that the recent fiasco surrounding our U.N. Human Rights Commission membership should warn us against being forced to bear costs all out of proportion to any influence we may have to bear.

Hopefully, if the administration will consider and report on the best way to change our relationship to UNESCO, it would be helpful. But I am simply not prepared at this time to accept the provision reported by our committee.

Accordingly, I urge support for the Tancredo amendment striking the UNESCO provision from the authorization bill.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, arguably the most respected Republican Secretary of State of recent decades is George Shultz. In 1984, Secretary Shultz recommended that we withdraw from the United Nations; and many of us, myself included, supported him because the UNESCO at that time was a corrupt anti-American organization. It has cleaned up its act. Our former Secretary of State, Republican George Shultz, and our former Secretary of State Madeleine Albright, Democrat, are recommending now that we rejoin UNESCO.

I find it almost ludicrous that we spent the previous hour debating the United States being voted off a U.N. body. Here we have an opportunity of joining a U.N. body, the Educational, Scientific and Cultural Organization. It is waiting for us with open arms.

We are debating as to whether we should enter an organization which has over 180 members. The United States is conspicuous by its absence, and the lack of a United States voice on UNESCO is hurting our foreign policy and international interests.

I urge all of my colleagues to reject the amendment of the gentleman from Colorado (Mr. TANCREDO), to preserve the action taken in the Committee on International Relations, and usher in a new era of U.S. participation in UNESCO.

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

Mr. TANCREDO. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, section 104 would provide an enormous amount of money, $130 million over 2 years. That is more than half a billion dollars over 10 years, $60 million a year thereafter for the U.S. to become a part of UNESCO.

The amendment of the gentleman from Colorado (Mr. TANCREDO) to strike this new commitment of funds is prudent, and I believe it deserves support of this body. It seems to me that, before we make this enormous financial commitment, should not we know the cost benefit of this open-ended commitment? How vital is UNESCO vis-a-vis other commitments that we might make otherwise?

We left, Mr. Chairman, in 1984, because of mismanagement, because of highly questionable policies especially in the realm of state control of the press.

I would point out to my colleagues no recent hearings have been held on rejoining. What is it that we are buying into? We need, it seems to me, a generous amount of due diligence before any decision is made on this.

I would just note parenthetically that, if we have a half a billion dollars over the next 10 years and it is in excess of that lying around, as chairman of the Committee on Veterans' Affairs, I have some very, very worthy projects in the area of health care that I would like to dedicate that money to before we start throwing money at UNESCO.

So I would hope that the amendment of the gentleman from Colorado (Mr. TANCREDO) would get the support of this body.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, whatever any American may have thought about UNESCO when the U.S. withdrew in 1984, today UNESCO is a different body. It has adopted a culture of reform that is improving management and streamlining personnel and putting the organization's finances in order. Today UNESCO is an efficient and effective advocate for free speech, for education and scientific collaboration worldwide. Membership in UNESCO would benefit every American.

As the gentleman friend from California (Mr. LANTOS) pointed out, even former Secretary Shultz, who presided over U.S. withdrawal, now has reversed his position, has indicated that the improvements call for reentry of U.S. into UNESCO.

Now, as a scientist and a policy maker, I believe that UNESCO would lead, of course, to cultural enrichment but even more. CIA director George Tenet recently testified that some of the greatest threats to the U.S. from abroad come from official corruption, endemic poverty, mass illiteracy, environmental disruption, and the spread of infectious diseases. UNESCO addresses these emerging threats by promoting good government, universal education, sustainable development, and disease control.

I urge my colleagues to oppose the Tancredo amendment.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support for this amendment. If one takes a look across this country, and people talk about reducing the debt, they talk about money for education, health care, but yet they want to put $1 billion into the United Nations. They want to spend $67 million a year for UNESCO.

I mean, think about it. That money is going to take away from the World Health Fund. It is going to take away from the Children's Fund and things that are effective to a risky scheme like UNESCO that they say, quote, has changed. It has not.

The authors of this amendment have thought it through very, very carefully. It is no wonder that there was never a balanced budget on this House floor for 40 years or people wanted to dump money into welfare without reform when the average was 16 years on welfare. We owe it to the American people to be the guardians of their tax dollars and the effectiveness of those dollars.

Support the Tancredo amendment.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 1¼ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, I rise in firm opposition to the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

When the United States withdrew from UNESCO in 1984, I believe we did so for the right reasons. Mismanagement and corruption characterized an organization best known for being a forum for American bashing.

Today UNESCO is not the same as it was in 1984. This organization is making important contributions in the area of education and science around the world. The U.S. participation in such an organization can only strengthen its ability to carry out the fine work it performs every day. In fact, the United Kingdom, which also withdrew its support from UNESCO in step with the United States in 1984, had returned as a full member of this worthy organization.

The recent decision by the Taliban government in Afghanistan to destroy the historical Buddhist statues demonstrates that the preservation and restoration of cultural treasures sometimes cannot be left solely in the hands of national governments. From preserving these statues to preserving Timbuktu, the role of UNESCO is still important today.

During a week in which we lost two important seats on the United Nations commissions, it is important we send a message to the international community that the United States is ready and willing to participate whenever it is called to duty.

Therefore, I strongly urge my colleagues to oppose this amendment.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just note in response to my colleagues discussion here that I do not believe the Taliban asked permission from UNESCO when they blew up those statues, and of course they never would.

That is the whole point here. UNESCO is irrelevant in this whole issue.

Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the committee.

Mr. HYDE. Mr. Chairman, I want to lend my unqualified support for the Tancredo amendment. There are one or two organizations in the world we do not have to join and do not have to subsidize to survive, and one is certainly UNESCO.

$65 million a year at least for 2 years takes money away from the World Health Organization, the Food and Agriculture Organization, things that are useful, that do have an agenda, that works for the people.

This money the State Department does not want, has not asked for it. If we go ahead with this, we are going to have to take it from something else. We withdrew in 1984, and we have gotten along famously since then without this heavy subsidization to an organization whose aims are amorphous at best.

One of the things they do, I find this hard to believe, is they are engaged in a project of renovating downtown Havana. Now, that may be a wonderful thing if one lives in Havana, but I do not see why the taxpayers from my district should pay for something like that.

The sense of taking money away because of the Human Rights Commission and thrusting it forward because someone thinks it is a good idea to belong to UNESCO does not make a lot of sense. I think we can save the $65 million. What a wonderful thing that would be.

We do not need to join UNESCO. Let those other countries that like that sort of thing do it. So I would support the Tancredo amendment with great enthusiasm.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding me this time. Let me applaud both the chairman and the ranking member for bringing this important legislation to the floor of the House.

I think if one asks the American people, one will find out that the American people are concerned about world affairs; and to dismiss the myth, they are concerned and they want to be engaged.

So I come to the floor of the House to, first of all, support the United Nations and offer the fact that we are engaged, we are in conversation, we are speaking to individuals in countries that we heretofore have opportunity.

World peace is truly more viable than world war. I think it is important to support UNESCO. We need to understand what it does. It promotes free press. It promotes education. It only costs 25 cents per American. It allows us to promote the cultural values of these Nations and have the cultural exchange of these Nations.

□ 1330

And I believe that we should stand here today and acknowledge the importance of world affairs, the importance of America being engaged in world affairs, the importance of freedom, and the importance of the United Nations. And I hope as we do that, we will find that this Nation will get its seat on the Human Rights Commission and will lead out in world affairs in the 21st century.

Mr. Chairman, I rise to oppose the Tancredo amendment to H.R. 1646, the State Authorization Bill. This amendment would strike language in the bill directing the President to rejoin the United Nations Educational, Scientific and Cultural Organization (UNESCO) and strike language authorizing payment of the U.S. assessed contribution to the organization.

I strongly urge you to vote "no" on the Trancredo amendment. It fails to recognize the great progress UNESCO has achieved in reforming its management and mission. It fails to appreciate the significant benefits Americans would enjoy with U.S. membership in UNESCO. And it fails to seize the opportunity to exercise American leadership and further our national interests.

When the United States withdrew from UNESCO in 1984 under Secretary of State George Shultz, I fully supported the decision, as did many of our Democratic and Republican colleagues. At the time, UNESCO was chronically mismanaged and corrupt, and had become a forum for spreading anti-American propaganda and suppressing free speech.

But since then, UNESCO has reinvented itself. Under the leadership of its new Director General, Koichiro Matsuura, UNESCO has adopted a culture of reform that has yielded concrete progress toward improving management, stamping out corruption, streamlining personnel, and putting the organization's financial house in order. Today, UNESCO is an efficient and effective champion of free speech, education and scientific collaboration worldwide.

This dramatic progress has not gone unnoticed. In 1993, the General Accounting Office (GAO) audited UNESCO and concluded that it had made "good progress' toward implementing improvements and "demonstrated a commitment to management reform." And as a recent article appearing in the International Herald Tribune on the reverse side observes, UNESCO has overcome ideological divisions to forge a "new spirit of activism" that "aims to spread knowledge and preserve diversity." In light of these changes at UNESCO, former Secretary of State Shultz, in a letter dated September 26 of last year, reversed his position and indicated his support for America's reentry into UNESCO. Secretary Shultz was right to advocate U.S. withdrawal from UNESCO in 1984—and he is right to advocate U.S. reentry into UNESCO today.

Membership in UNESCO is clearly in U.S. National interests. As the Director of Central Intelligence George Tenet recently testified, the greatest future threats to U.S. national security from abroad include instability caused by official corruption, endemic poverty, mass illiteracy, environmental disruptions, and the spread of infectious diseases. UNESCO addresses each of these emerging threats by promoting good government, universal education, sustainable development, and preventative disease control. U.S. membership in UNESCO will enable us to better combat the threats Americans face in the 21st century.

I urge my colleagues to vote "no" to the Tancredo amendment tomorrow and support strengthening America's leadership role by rejoining UNESCO.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank my friend for yielding me this time, and I rise in opposition to the Tancredo amendment.

Like the gentleman from California (Mr. LANTOS), I fully supported the decision of the Reagan administration to withdraw the U.S. from UNESCO because of its anti-American, anti-Western, and anti-Israeli stance. Today, however, UNESCO has reformed itself, improved its management, stamped out corruption, and put UNESCO's financial house in order.

UNESCO is no longer the proponent of anti-Western propaganda it once was. It no longer espouses anti-U.S., anti-Israeli, and anti-Western rhetoric. And we can see today that UNESCO is the U.N. agency for press freedom, setting up an uncensored newspaper and broadcasters in the former Yugoslavia, East Timor, Burundi. It is advancing human rights, core U.S. interests, such as economic development and trade, and American values in every country.

It is a tiny fraction, the $59.8 million, of what the U.S. spends on military expenditures when instability abroad escalates into conflict and refugee migrations. This is the purpose for which the U.S. founded UNESCO with its allies in 1945, conflict prevention, and that is why I think we should not support this amendment.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The gentleman from California (Mr. LANTOS) has 1¼ minutes remaining.

Mr. LANTOS. Mr. Chairman, I yield myself the balance of my time.

First, let me say a word about the costs. The cost of rejoining this important international organization, that every other nation on the face of this planet is a member of, is 25 cents per person per year. So I cannot see the crocodile tears that the United States cannot afford 25 cents to join a global organization dealing with education, science, and cultural affairs.

I also think, Mr. Chairman, that it is irrational unilateralism to suddenly declare, despite the statements of the distinguished Republican former Secretary of State, George Shultz, that this is a worthless organization. George Shultz was our Secretary of State for the entire period almost of the Reagan administration. Everybody had great respect for him. Why do we suddenly think that he is not worthy of listening to? He is telling us rejoin UNESCO. That is the voice of the Secretary of State of the Reagan administration. Madeleine Albright is telling us the same thing.

And all of us who have studied this organization are rejoicing in the fact it has corrected its ways. It is functioning in a professional fashion, and it is in America's national interest to have our voice heard within UNESCO. Please reject the Tancredo amendment.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in strong opposition to the Tancredo amendment, which would strike language in the bill urging the administration to rejoin the United Nations Educational, Scientific and Cultural Organization, and providing funding for that purpose. I commend the gentleman from Iowa, Mr. LEACH, for introducing the UNESCO provision into H.R. 1646 at the markup of the House International Relations Committee. I strongly agree with Mr. LEACH that UNESCO has undergone substantial reforms and made important changes to address the management problems and anti-American bias that existed when the U.S. withdrew in 1984. The reforms have been independently confirmed by a GAO study in 1993.

The 188-Member States of UNESCO pursue a common objective of contributing to peace and security internationally by promoting collaboration among nations through education, science, culture and communication. UNESCO's global agenda addresses threats on the U.S., such as environmental crises and infectious disease, and promotes democratic values such as freedom of speech and press, universal education and human rights.

Mr. Chairman, now that UNESCO has been reformed, it is appropriate and in our national interest that the United States participate with this organization in pursuit of these worthy goals. I urge our colleagues to oppose the Tancredo amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those

amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from Texas (Mr. DELAY), amendment No. 2 offered by the gentleman from Illinois (Mr. HYDE), and amendment No. 3 offered by the gentleman from Colorado (Mr. TANCREDO).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. DELAY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded voted on the amendment offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 137, answered ''present'' 1, not voting 11, as follows:

[Roll No. 106]

AYES—282

Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clay
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLay
DeMint
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Langevin
Largent
Larsen (WA)
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—137

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett
Becerra
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clayton
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Houghton
Hoyer
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Pomeroy
Rangel
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Solis
Stark
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—11

Cubin
Diaz-Balart
Emerson
Hunter
Latham
Moakley
Rivers
Ros-Lehtinen
Sensenbrenner
Stump
Weldon (PA)

□ 1357

Messrs. MANZULLO, PHELPS, SPRATT, SCHIFF, SMITH of Washington, Mrs. THURMAN, Mrs. TAUSCHER, and Ms. SANCHEZ changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2 OFFERED BY MR. HYDE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. HYDE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 165, answered ''present'' 1, not voting 13, as follows:

[Roll No. 107]

AYES—252

Abercrombie
Aderholt
Akin
Andrews
Armey
Baca
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Berry
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carson (OK)
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis (CA)
Davis, Jo Ann
Deal
DeFazio
DeLay
DeMint
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Gordon
Graham
Granger
Graves

Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Lampson
Langevin
Lantos
Largent
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
McCarthy (NY)
McCrery
McInnis
McIntyre
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—165

Ackerman
Bachus
Baird
Baldacci
Baldwin
Barrett
Becerra
Bereuter
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson (IN)
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank
Gonzalez
Goodlatte
Goss
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Houghton
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick
Kleczka
Kolbe
Kucinich
LaFalce
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Hoyer

NOT VOTING—13

Allen
Cubin
Diaz-Balart
Emerson
Hunter
Latham
Moakley
Rivers
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Stump
Thune

□ 1406

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. THUNE. Mr. Chairman, on rollcall No. 107 I was inadvertently detained. Had I been present, I would have voted "yes."

AMENDMENT NO. 3 OFFERED BY MR. TANCREDO

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 225, not voting 13, as follows:

[Roll No. 108]

AYES—193

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
LaHood
Largent
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Sununu
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—225

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
English
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Ganske
Gephardt
Gilchrest
Gonzalez
Gordon
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal

Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Roemer
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn

NOT VOTING—13

Allen
Cubin
Diaz-Balart
Emerson
Eshoo
Hunter
Latham
Moakley
Portman
Rivers
Ros-Lehtinen
Sensenbrenner
Stump

□ 1414

Mr. LUCAS of Kentucky changed his vote from ''aye'' to ''no.''

Mr. HUTCHINSON changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PORTMAN. Mr. Chairman, because I was unavoidably detained, I was absent for rollcall vote No. 108.

Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Chairman, on rollcall votes 106, the DeLay amendment, 107, the Hyde/Lantos/Sweeney amendment and 108, the Tancredo amendment to H.R. 1646, I was not present. Had I been present, I would have voted "yes" on each of the amendments.

□ 1415

Mr. HYDE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY) to inquire about the schedule for next week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding.

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 15 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, including the following bills: H.R. 1727, the Fallen Hero Survivor Benefit Act; and H.R. 586, the Foster Care Promotion Act.

A complete list of suspensions will be distributed to Members' offices tomorrow.

On Tuesday, no recorded votes are expected before 6 p.m.

On Wednesday and the balance of the week, the House will consider the following measures: Continued consideration of H.R. 1646, the State Department Authorization Act; H.R. 622, the Hope for Children Act; and H.R. 1, the No Child Left Behind Act.

Members should note that given the busy schedule expected for next week on many important pieces of legislation, votes on Friday, May 18, are expected in the House, as was outlined in the House schedule distributed to all Members at the beginning of the year.

Mr. BONIOR. Mr. Speaker, may I ask the gentleman from Texas (Mr. ARMEY) on what day he expects the education bill to come before us?

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I believe the gentleman asked about the education bill. The education bill, we would expect to begin consideration of that on the floor on Thursday at the earliest. I believe the Committee on Rules will be making an announcement that the Members should file amendments with the committee no later than noon on Tuesday, May 15.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, if I might ask the majority leader a question about the committee during the deliberations on H.R. 1, the education bill. During the consideration of H.R. 1, the education bill, in the committee a number of Members on both sides of the aisle withheld amendments during that consideration on the assumption that they would then be able to have an opportunity to offer those amendments on the floor.

I have been having Members ask me all day about potential amendments. Has the gentleman given any consideration with the Committee on Rules on the kind of rule, the time that might be allotted to this legislation?

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, first of all, I would like to thank the gentleman from California (Mr. GEORGE MILLER) for the inquiry. Let me just say that the only condition, I believe, that the Committee on Rules has indicated now is the preprinting requirement, filing requirement, for Tuesday, May 15. Obviously, this legislation is a matter of enormous consequence on both sides of the aisle, and I can only say that I know of no predisposition on the part of the Committee on Rules to lack generosity, nor certainly any disposition on the part of the leadership to encourage that. So I would just encourage the gentleman that we ought to just go forward and make our case before the committee with the expectations of fair consideration.

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

Mr. BONIOR. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding.

Mr. Speaker, as the gentleman from California (Mr. GEORGE MILLER) mentioned, during the committee process certain numbers of Members did withhold amendments. We told them we would try, in fact, to work with them as we came to the floor. I would suggest to my colleague from California that we have worked together closely through the committee process, and as the Committee on Rules is doing the deliberations on the rule I would continue to work closely with the gentleman.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, if I may, I would encourage then perhaps the chairman and the ranking member might get together and see what recommendations they together might make before the Committee on Rules.

Mr. BONIOR. Does the gentleman from Texas (Mr. ARMEY) anticipate any late nights next week?

Mr. ARMEY. Mr. Speaker, I thank the gentleman again for his inquiry. I suppose one would realistically expect that a late night would be possible on Wednesday evening. Since there is a most high probability of working on Friday and a sense of desire to complete the work on the education bill, one could anticipate some late night work on Thursday night as well.

Mr. BONIOR. When can we expect the reconciliation bill on taxes to come to the floor?

Mr. ARMEY. Mr. Speaker, again, I thank the gentleman for his inquiry. I must say right now I have no insight to give him on that. It is our hope to complete that before the Memorial Day recess, but as of this moment we wait

upon the Senate. We can only give the gentleman further advice as we know more.

Mr. BONIOR. I thank the gentleman from Texas (Mr. ARMEY).

ADJOURNMENT TO MONDAY, MAY 14, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 15, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 14, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, May 15, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HAPPY MOTHER'S DAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be the will of this House that every mother in America have a wonderful weekend.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

GOOD-BYE TO FRIEND JENNIFER BYLER AND HER DAUGHTER SARAH

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, today we say good-bye to a great lady of Virginia, my friend Jennifer Byler, a community leader and a dedicated wife and mother. Jennifer and her 9-year-old daughter Sarah perished in a tragic boating accident on the Chesapeake Bay this past weekend. The sailboat they were traveling in capsized in high winds and Jennifer, her daughter Sarah, and brother and sister-in-law John and Nan Curtis were left to the seas for nearly 15 hours.

John and Nan are recovering and I thank them, especially John, for his valiant efforts to swim to shore with boat in tow.

Jennifer Byler was a dedicated member of the Virginia Board of Education, fighting for the best interests of our children and working to improve public education in our area. She will be sorely missed.

In this time of tragedy and loss, my prayers are with Jennifer's husband Gary, to her children, Georgia Cate, 7, Emma Grace, 6, and Jonathan Levi, 4, and the great Commonwealth of Virginia for our collective loss.

IF WE KNEW HOW GREAT GRANDPARENTING WAS WE MIGHT HAVE SKIPPED THE KIDS

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

Mrs. DAVIS of California. Mr. Speaker, it is my very special pleasure to rise today and celebrate the birth of Henry Sloane Davis. Many of us have heard the expression that if we knew how great grandparenting was, we might have skipped the kids.

I certainly enjoy my children and it is wonderful being a mother-in-law, but I can assure everyone, and many in the audience know this, that holding one's grandchild for the first time is just a phenomenal experience.

I know that I came here to Congress to make the world a better place, and there is nothing that will rededicate, I think, one's efforts to that than the birth of a grandchild.

I want to thank my many colleagues who have perhaps suffered through all the pictures that I have been showing them. We are really very human here, and I am thankful when we have these special events in our lives and people respond as warmly as they have to me. I then know that we all are focused on the right things. Whenever we vote, we want to be thinking about how that vote will affect the lives of our children, our grandchildren, and their children.

I am thankful, Mr. Speaker, for this opportunity to celebrate Henry's birth.

FREE AND FAIR ELECTIONS ARE STILL A HALLMARK OF DEMOCRACY

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

Mr. HYDE. Mr. Speaker, free and fair elections are still a hallmark of democracy. Those countries which still harbor Communist regimes can look with envy upon Italy, where within 7 days the electorate will choose its national leadership in a free and fair election.

I would like to congratulate in advance all those who worked so hard to make democracy in Italy a reality.

FRED WILLICH, OUTSTANDING SMALL BUSINESSMAN FROM KANSAS

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

Mr. RYUN of Kansas. Mr. Speaker, as we observe the National Small Business Week, I would like to take this opportunity to recognize an outstanding small businessman from Kansas.

Fred Willich is the founder and president of an interior design company in Manhattan, Kansas, called Hi-Tech Interiors. Fred has exemplified the true character of an entrepreneur. When he started his business, Fred utilized Kansas State University's Small Business Development Center as a resource in his community. Then Fred gave back to his community in times that were difficult.

Because of this, Fred has been named the Kansas Small Businessman for the year 2001.

Our country was founded by entrepreneurs who believed in hard work, creativity, and the free enterprise system.

Fred has built on this American spirit of success through his ownership of an American small business. He should be a role model for all of us.

CONGRATULATIONS TO WILLIAM K. HURT, SMALL BUSINESS WEEK'S WINNER IN COLORADO

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

Mr. HEFLEY. Mr. Speaker, as the previous speaker just said, this week small business owners are recognized for their personal achievements and outstanding contributions to our communities.

Small businesses across America employ more than half of the country's private workforce. The contributions of small businesses impact our Nation's economy greatly, and small business owners deserve to be commended for their personal achievements as well as their contribution to society.

William K. Hurt, the owner of Shields Real Estate, is Colorado's Small Business Week State Winner. Mr. Hurt is a deserving winner as he continues to make a significant contribution to our community and our economy.

Shields Real Estate is an excellent example of a successful small business in my hometown of Colorado Springs. The business was founded in 1985 in an atmosphere not already lacking in real estate companies; but through hard work, initiative and energy, Shields has expanded its service to provide a full-service real estate firm with 22 full-time employees.

Mr. Hurt is an outstanding example of an entrepreneur who is contributing to his local community. I applaud his accomplishment and am glad to recognize him for his contributions.

Small businesses are the backbone of our Nation's economy. I hope that Congress will encourage the development and prosperity of small businesses.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). 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.

AMERICA NOT GETTING FAIR SHAKE FROM UNITED NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, today, as we are getting ready to adjourn, we have left the foreign relations authorization bill unfinished. I serve on the Committee on International Relations, and I was anxious to present several amendments in dealing with especially the United Nations. Unfortunately, those amendments were not permitted.

The amendments that we are dealing with I see as being very small token efforts to improve the bill, but not really dealing with the essence of whether or not we should be in the United Nations or further funding the peacekeeping missions and doing many of the things that I believe sincerely should not be engaged in if we followed the Constitution, and many Americans agree with this.

I think we are at a point now where a growing number of Americans feel like we are not getting a fair shake from the United Nations. I have been preaching this message for quite a few years, but I believe the United Nations itself is starting to make my point.

Just recently, in the last week, the United States was kicked off the Human Rights Commission, as well as the International Narcotics Control Board. This is an affront to our dignity and ought to point out to us that, although we pay the largest amount of money for peacekeeping missions and the largest amount of dues, here it is that, because there is disagreement, we are humiliated by being kicked off these commissions.

I do not see the benefits of belonging to the United Nations. I see too many disadvantages. If it were just a discussion group and trying to bring people together, that would be one thing; but we have gone to an extreme. This is an extreme position, as far as I am concerned, to belong to the United Nations and deliver so much of our sovereignty to the United Nations today.

Essentially since World War II, we have gone to war under U.N. resolutions. No longer does the President come to the Congress and ask for a declaration of war. U.N. resolutions are passed, and we send our troops throughout the world fighting and being engaged in war. That is not the way it is supposed to be. The Constitution is very clear on when we should be involved in war.

The conditions are not improving at all. They are asking for more and more funding. At the same time we sacrifice more and more of our sovereignty. On occasion we will stand up and say no, we do not want to participate in the Kyoto treaty or the International Criminal Court, and that is good. But the whole idea of this world government under the United Nations I think is something we should really challenge.

Just January of this past year, it was noted that the United Nations proposed for the first time, although not ready to be passed, that we have an international tax placed on currency transactions to raise billions of dollars to be spent for international activities. Now, you say well, that is probably just a proposal and it will never happen. But even today, in Bosnia, the United Nations peacekeepers over there are tax collectors. There are not enough revenues being collected for certain governments, and the UN peacekeepers are there collecting taxes. So it is already happening that we are involved in tax collecting.

I think that is the wrong way to go, and certainly we should be considering slashing these funds. I would have liked to have seen the removal of all the funds for peacekeeping missions. There is no national sovereignty reasons why we should put American troops under U.N. command in areas like Bosnia. I think that is the wrong way to go, I do not think the American people support this, and that we should reconsider our position and our relationship in the United Nations.

There are hundreds of millions of dollars here for population control around the world. Some would say, well, as long as we write some little sentence in here and say ''please do not use any of the money for abortion,'' that will alleviate their conscience about sending tax dollars over to do abortions in places like China and other places in the world. Well, that does not work, because all funds are fungible. Funds can be shifted around. If we send the money, it can be used. If we specifically say ''do not use them,'' they can just shift the funds around, so I see that as not being a very good idea.

I would like to strike all the funds for population control. If we feel compelled to help other countries and teach them about birth control, it should be done voluntarily and through missionary work or some other way, but not to tax the American people and force them to subsidize events like abortion.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. ARMEY) for today from 12:00 p.m. and for the balance of the week on account of attending her daughter's graduation from college.

Mr. SENSENBRENNER (at the request of Mr. ARMEY) for today on account of a death in the family.

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 Mrs. DAVIS of California) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, May 15, 16, and 17.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Monday, May 14, 2001, at 2 p.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, Karen 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:

1845. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Germany, Italy, and Spain Because of BSE [Docket No. 01–008–1] received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1846. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Honey Research, Promotion, and Consumer Information Order; Amendments [FV–00–701 FR] (RIN: 0581–AB84) received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1847. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2000–2001 Crop Year for Tart Cherries [Docket No. FV01–930–2 FR] received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1848. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Suspension of Provisions Under the Federal Marketing Order for Tart Cherries [Docket No. FV00–930–6 FIR] received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1849. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert F. Raggio, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1850. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral John W. Craine, Jr., United States Navy, and his advancement to the grade of Vice Admiral on the retired list; to the Committee on Armed Services.

1851. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Walter S. Hogle, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1852. A letter from the Deputy Secretary, Department of Defense, transmitting a report entitled, ''Installation First Responder Preparedness,'' as required by Section 1031 of the Floyd D. Spence National Defense Authorization Act for FY 2001; to the Committee on Armed Services.

1853. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Department's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1854. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, ''Report to Congress on Abnormal Occurrences, Fiscal Year 2000,'' for events at licensed nuclear facilities, pursuant to 42 U.S.C. 5848; to the Committee on Energy and Commerce.

1855. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia [Transmittal No. DTC 038–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1856. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia, Ukraine, Norway, United Kingdom, and Cayman Islands [Transmittal No. DTC 048–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1857. 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.

1858. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the designation of certain organizations as ''foreign terrorist organizations''; to the Committee on International Relations.

1859. A communication from the President of the United States, transmitting the First Annual Report on the Inter-American Convention Against Corruption; to the Committee on International Relations.

1860. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1861. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's second annual performance report for FY 2000; to the Committee on Government Reform.

1862. A letter from the Regulatory Contact, National Archives and Records Administration, transmitting the Administration's final rule—John F. Kennedy Assassination Records Collection Rules, Correction (RIN: 3095–AB00) received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1863. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Great Lakes Breeding Population of the Piping Plover (RIN: 1018–AG14) received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1864. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a report regarding the results of a study on the impact of the Twenty-First Amendment Enforcement Act, which Congress enacted on October 28, 2000 as section 2004 of the Victims of Trafficking and Violence Protection Act of 2000; to the Committee on the Judiciary.

1865. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series Airplanes [Docket No. 2000–NM–290–AD; Amendment 39–12172; AD 2001–07–07] (RIN: 2120–AA64) received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1866. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10 and MD–11 Series Airplanes, and KC–10A (Military) Airplanes [Docket No. 99–NM–108–AD; Amendment 39–12147; AD 2001–05–10] (RIN: 2120–AA64) received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1867. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS–350B, BA, B1, B2, and D; and AS–355E, F, F1, F2, and N Helicopters [Docket No. 2000–SW–30–AD; Amendment 39–12043; AD 2000–25–08] (RIN: 2120–AA64) received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1868. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330–301, –321, –322, –341, and –342 Series Airplanes; and Model A340–211, –212, –213, –311, –312, and –313 Series Airplanes [Docket No. 2000–NM–117–AD; Amendment 39–12167; AD 2001–07–02] (RIN: 2120–AA64) received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1869. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330–301, –321, –322 Series Airplanes; and Model A340 Series Airplanes [Docket No. 2000–NM–119–AD; Amendment 39–12150; AD 2001–06–03] (RIN: 2120–AA64) received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1870. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, and –800 Series Airplanes [Docket No. 2001–NM–19–AD; Amendment 39–12155; AD 2001–06–08] (RIN: 2120–AA64) received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1871. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8–33, –42, –55, and –61 Series Airplanes [Docket No. 2000–NM–254–AD; Amendment 39–12151; AD 2001–06–04] (RIN: 2120–AA64) received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1872. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes [Docket No. 99–NM–60–AD; Amendment 39–12149; AD 2001–06–02] (RIN: 2120–AA64) received April 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1873. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Shreveport Downtown Airport, Shreveport, LA [Airspace Docket No. 2000–ASW–20] received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1874. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bay City, TX [Airspace Docket No. 2001–ASW–05] received April 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1875. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Bowling Green, MO [Airspace Docket No. 00–ACE–36] received April 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1876. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace; Seneca Falls, NY [Airspace Docket No. 00–AEA–15FR] received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1877. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace; Salisbury, MD [Airspace Docket No. 00–AEA–03FR] received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1878. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30238; Amdt. No. 2042] received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1879. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30239; Amdt. No. 2043] received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1880. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30237; Amdt. No. 2041] received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1881. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones [Docket No. FAA–2001–9218] (RIN: 2120–AG74) received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1882. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Review of Benefit Claims Decisions (RIN: 2900–AJ99) received May 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1883. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''Evaluation of

Medicare's Competitive Bidding Demonstration for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies''; jointly to the Committees on Ways and Means and Energy and Commerce.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1088. Referral to the Committee on Government Reform extended for a period ending not later than May 18, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MORELLA (for herself, Mr. WYNN, and Mr. PUTNAM):

H.R. 1793. A bill to amend title XIX of the Social Security Act to permit a State waiver authority to provide medical assistance in cases of congenital heart defects; to the Committee on Energy and Commerce.

By Mr. DELAY (for himself, Mr. MURTHA, Mr. HYDE, Mr. GILMAN, and Mr. SMITH of New Jersey):

H.R. 1794. A bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not party; to the Committee on International Relations.

By Mr. ACKERMAN (for himself, Mr. GILMAN, and Mr. LANTOS):

H.R. 1795. A bill to require the imposition of sanctions with respect to the Palestine Liberation Organization (PLO) or the Palestinian Authority if the President determines that these entities have not complied with certain commitments made by the entities, and for other purposes; to the Committee on International Relations.

By Mr. BLUMENAUER:

H.R. 1796. A bill to amend the Internal Revenue Code of 1986 to treat charitable remainder pet trusts in a similar manner as charitable remainder annuity trusts and charitable remainder unitrusts; to the Committee on Ways and Means.

By Ms. DUNN:

H.R. 1797. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for qualified energy management devices, and for other purposes; to the Committee on Ways and Means.

By Ms. DUNN (for herself, Mr. EHRLICH, Mr. MCDERMOTT, and Mr. RAMSTAD):

H.R. 1798. A bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself, Mr. GOODLATTE, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mr. SCHROCK, Mr. MORAN of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. WOLF, Mr. SCOTT, and Mr. BOUCHER):

H.R. 1799. A bill to designate a United States Post Office located in Nathalie, Virginia, as the ''Lewis F. Payne United States Post Office''; to the Committee on Government Reform.

By Mr. KIND (for himself, Mr. LEACH, Mr. GILCHREST, Mr. EVANS, Mr. NUSSLE, Mr. PETERSON of Minnesota, Mr. DINGELL, Mr. BLUMENAUER, Mr. KILDEE, Ms. BALDWIN, Mr. SMITH of Washington, Mr. PALLONE, Mr. LUTHER, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Ms. MCCOLLUM, Mr. DEFAZIO, Mr. MANZULLO, Mr. TANNER, Mr. PETRI, and Mr. FORD):

H.R. 1800. A bill to establish the Upper Mississippi River Stewardship Initiative to monitor and reduce sediment and nutrient loss in the Upper Mississippi River; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER:

H.R. 1801. A bill to designate the United States courthouse located at 501 West 10th Street in Fort Worth, Texas, as the ''Eldon B. Mahon United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. HERGER (for himself, Mr. JEFFERSON, and Mr. ENGLISH):

H.R. 1802. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation of property used in the generation of electricity; to the Committee on Ways and Means.

By Mr. HINCHEY:

H.R. 1803. A bill to provide for public library construction and technology enhancement; to the Committee on Education and the Workforce.

By Mr. HINCHEY:

H.R. 1804. A bill to require Medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice; 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. HUTCHINSON (for himself, Mr. HOLDEN, Mr. BURR of North Carolina, Mr. MORAN of Virginia, Mr. CHABOT, and Mr. DOOLEY of California):

H.R. 1805. A bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers; 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. KENNEDY of Rhode Island (for himself, Mr. FRANK, Mr. CUMMINGS, Ms. MCCOLLUM, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. CLAY, Mr. BRADY of Pennsylvania, Mr. MCNULTY, Mr. RANGEL, Mr. DELAHUNT, Mr. BERMAN, Mr. MCGOVERN, Mr. HILLIARD, Mr. PAYNE, Mr. WYNN, Mr. LANTOS, Mr. CAPUANO, Mr. MEEKS of New York, Mr. LANGEVIN, and Mr. OWENS):

H.R. 1806. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence; to the Committee on the Judiciary.

By Mr. KOLBE:

H.R. 1807. A bill to establish the High Level Commission on Immigrant Labor Policy; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself and Mr. QUINN):

H.R. 1808. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans' Affairs.

By Mrs. MALONEY of New York (for herself, Mrs. KELLY, Mr. RANGEL, Mr. GILMAN, Mr. BONIOR, Mr. QUINN, Mr. FROST, Mr. SMITH of New Jersey, Ms. PELOSI, Mrs. MORELLA, Mr. TOWNS, Mr. WYNN, Mr. OBERSTAR, Mrs. MINK of Hawaii, Ms. WOOLSEY, Mr. BALDACCI, Mr. GONZALEZ, Mr. LANGEVIN, Mrs. THURMAN, Ms. MILLENDER-MCDONALD, Mr. HASTINGS of Florida, Ms. LEE, Mr. HILLIARD, Mr. LEWIS of Georgia, Mr. LANTOS, Mr. CUMMINGS, Mr. WEXLER, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. CAPUANO, Ms. HARMAN, Mr. MEEKS of New York, and Mr. KILDEE):

H.R. 1809. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of cancer screening; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, 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. MCGOVERN (for himself, Mr. SCARBOROUGH, Mr. MOAKLEY, Mrs. MORELLA, Mr. SHAYS, and Mr. EVANS):

H.R. 1810. A bill to repeal the statutory authority for the Western Hemisphere Institute for Security Cooperation (the successor institution to the United States Army School of the Americas) in the Department of Defense, to provide for the establishment of a joint congressional task force to conduct an assessment of the kind of education and training that is appropriate for the Department of Defense to provide to military personnel of Latin American nations, and for other purposes; to the Committee on Armed Services.

By Mr. MCINNIS:

H.R. 1811. A bill to provide permanent funding for the payment in lieu of taxes program, and for other purposes; to the Committee on Resources.

By Mr. MENENDEZ (for himself, Mr. BONIOR, Mr. FROST, Mr. ETHERIDGE, Mr. BALDACCI, Mr. BENTSEN, Mr. GORDON, Mr. HINOJOSA, Mr. HOLT, Ms. WOOLSEY, Mr. DEFAZIO, Mr. EVANS, Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Ms. MCCARTHY of Missouri, Mr. ORTIZ, Ms. HOOLEY of Oregon, Mr. STRICKLAND, and Ms. SCHAKOWSKY):

H.R. 1812. A bill to develop programs that enhance school safety for our children; to the Committee on Education and the Workforce, and in addition to the Committee on

the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas:

H.R. 1813. A bill to amend title 10, United States Code, to revise the rules under the military Survivor Benefit Plan for termination of an annuity paid to a surviving spouse upon remarriage before age 55; to the Committee on Armed Services.

By Mr. OLVER (for himself, Ms. DELAURO, Mr. LARSON of Connecticut, Mrs. JOHNSON of Connecticut, Mr. BASS, Mr. NEAL of Massachusetts, and Mr. MALONEY of Connecticut):

H.R. 1814. A bill to amend the National Trails System Act to designate the Metacomet-Monadnock-Sunapee-Mattabesett Trail extending through western New Hampshire, western Massachusetts, and central Connecticut for study for potential addition to the National Trails System; to the Committee on Resources.

By Mr. OLVER (for himself, Mr. GILCHREST, Mr. INSLEE, Mrs. JOHNSON of Connecticut, Ms. LOFGREN, Mr. BOEHLERT, Mr. UDALL of Colorado, Ms. SOLIS, and Mr. GREENWOOD):

H.R. 1815. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 1816. A bill to amend the Federal Food, Drug, and Cosmetic Act to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 1817. A bill to establish a comprehensive program to ensure the safety of food products intended for human consumption which are regulated by the Food and Drug Administration; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota (for himself and Mr. DELAHUNT):

H.R. 1818. A bill to amend title 22, United States Code, to eliminate authority for employees and agents of the United States to assist foreign countries in interdiction of aircraft suspected of drug-related operations; to the Committee on International Relations.

By Mr. SHOWS (for himself, Ms. BALDWIN, Mr. BARCIA, Mr. BONIOR, Mr. BOSWELL, Mr. BOUCHER, Mr. BOYD, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. BURR of North Carolina, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CONDIT, Mr. CONYERS, Mr. COSTELLO, Mr. CRAMER, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. EVANS, Mr. FILNER, Mr. FRANK, Mr. GILLMOR, Mr. GONZALEZ, Mr. GOODE, Ms. HART, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. JACKSON of Illinois, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. KUCINICH, Mr. LATOURETTE, Ms. LEE, Mr. LEWIS of Georgia, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MURTHA, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEY, Mr. NORWOOD, Mr. PALLONE, Mr. PICKERING, Mr. QUINN, Mr. REYES, Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. STRICKLAND, Mr. STUPAK, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mrs. THURMAN, Mr. TURNER, Ms. VELÁZQUEZ, Mr. WHITFIELD, and Ms. WOOLSEY):

H.R. 1819. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives and job training grants for communities affected by the migration of businesses and jobs to Canada or Mexico as a result of the North American Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SNYDER:

H.R. 1820. A bill to amend the Defense Base Closure and Realignment Act of 1990 to authorize an additional round of military base closures and realignments using a two-step process that first identifies those military bases that may not be considered for closure or realignment; to the Committee on Armed Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE (for himself and Mrs. EMERSON):

H.R. 1821. A bill to amend the Internal Revenue Code of 1986 to reestablish the marketing aspects of farmers' cooperatives in relation to adding value to a farmer's product by feeding it to animals and selling the animals and to grant a declaratory judgment remedy relating to the status and classification of farmers' cooperatives; to the Committee on Ways and Means.

By Mr. UDALL of Colorado (for himself, Mr. PORTMAN, Mr. ISAKSON, Mr. WAMP, Mr. SERRANO, Mr. ETHERIDGE, and Mr. GREEN of Wisconsin):

H.R. 1822. A bill to improve academic and social outcomes for teenage youth; to the Committee on Education and the Workforce.

By Mr. UDALL of New Mexico (for himself, Mr. REYES, Ms. SOLIS, Mr. BACA, Ms. SANCHEZ, Mr. GONZALEZ, Mr. MENENDEZ, Mr. ACEVEDO-VILA, Mr. HINOJOSA, Mr. PASTOR, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, and Mr. UNDERWOOD):

H.R. 1823. A bill to establish a Presidential commission to determine and evaluate the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. PITTS, Mr. CARDIN, Mr. WAMP, and Mr. HASTINGS of Florida):

H. Con. Res. 131. 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 International Relations.

By Mrs. TAUSCHER (for herself and Mr. DREIER):

H. Con. Res. 132. Concurrent resolution expressing the sense of Congress on the importance of promoting electronic commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. GRAVES:

H. Res. 140. A resolution expressing the sense of the House of Representatives that the United States Postal Service should take all appropriate measures to ensure the continuation of its 6-day mail delivery service; 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. 12: Ms. SANCHEZ and Ms. MCCOLLUM.

H.R. 17: Mr. MCNULTY and Ms. MCCOLLUM.

H.R. 39: Mr. HYDE.

H.R. 65: Mr. LOBIONDO.

H.R. 157: Mr. ENGLISH, Mr. CROWLEY, Ms. CARSON of Indiana, Mr. FILNER, and Mr. LIPINSKI.

H.R. 168: Mr. CANTOR.

H.R. 179: Mr. MATHESON and Mr. TOOMEY.

H.R. 214: Mr. SCHIFF and Ms. LEE.

H.R. 280: Mrs. EMERSON.

H.R. 286: Mr. BONIOR.

H.R. 303: Mr. HUNTER, Mr. AKIN, and Mr. CROWLEY.

H.R. 354: Mr. SMITH of New Jersey.

H.R. 432: Mr. GREEN of Texas.

H.R. 433: Mr. GREEN of Texas.

H.R. 461: Mr. ENGEL.

H.R. 516: Ms. SANCHEZ and Ms. BERKLEY.

H.R. 526: Ms. LEE, Mr. SHERMAN, Mr. OWENS, and Mr. SKELTON.

H.R. 570: Mr. NADLER, Mr. ENGLISH, and Ms. HOOLEY of Oregon.

H.R. 583: Mr. GREEN of Wisconsin.

H.R. 599: Ms. SANCHEZ.

H.R. 600: Mr. MASCARA, Mr. KIRK, Mr. SCHIFF, and Mr. CAPUANO.

H.R. 635: Mr. KANJORSKI, Mr. PITTS, and Mr. SHERWOOD.

H.R. 662: Mr. WELLER, Mr. REHBERG, Mr. MCINNIS, Mr. SWEENEY, and Mr. CHAMBLISS.

H.R. 665: Mr. MOORE.

H.R. 674: Mr. BONIOR.

H.R. 678: Mr. BLUNT.

H.R. 687: Mr. CARSON of Oklahoma and Mr. WATT of North Carolina.

H.R. 721: Mr. MCHUGH, Mr. TOWNS, Mr. HOEFFEL, Mr. MCINTYRE, Mr. GONZALEZ, and Mr. OWENS.

H.R. 786: Mr. DELAHUNT.

H.R. 817: Mr. GILLMOR.

H.R. 823: Ms. JACKSON-LEE of Texas.

H.R. 831: Ms. VELÁZQUEZ, Mr. UPTON, Mr. HOEFFEL, Mr. MANZULLO, Mr. LANGEVIN, Mr. TANNER, Mr. TERRY, Mr. UDALL of Colorado, Ms. WOOLSEY, Mrs. KELLY, Ms. MCCARTHY of Missouri, Mr. ROGERS of Michigan, Mr. KENNEDY of Minnesota, Mr. PUTNAM, Mr. TOM DAVIS of Virginia, Mr. HASTINGS of Washington, Mr. KENNEDY of Rhode Island, Mr. CANTOR, Mr. SENSENBRENNER, MR. MASCARA, Mr. LOBIONDO, Ms. PRYCE of Ohio, Mr. GRAVES, Mr. KILDEE, Mr. QUINN, Mr. GALLEGLY, and Mr. SWEENEY.

H.R. 848: Mr. SCHIFF, Mr. CRAMER, Mr. NEY, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mrs. MORELLA, Mr. MASCARA, and Mr. CLAY.

H.R. 912: Mr. NETHERCUTT and Mr. MEEHAN.

H.R. 933: Mr. TIERNEY.

H.R. 938: Mr. MCKINNEY, Ms. LEE, Ms. ESHOO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAHUNT, Mr. TIERNEY, and Mr. FILNER.

H.R. 951: Mr. SOUDER, Mr. ROGERS of Michigan, Mr. KENNEDY of Rhode Island, Mr.

WELLER, Mr. TANCREDO, Mr. SIMPSON, and Mr. BLUNT.

H.R. 963: Mr. FALEOMAVAEGA.

H.R. 967: Ms. DELAURO, Mr. PLATTS, Ms. WOOLSEY, Ms. NORTON, Mr. GREENWOOD, Mr. SOUDER, Mr. BORSKI, and Ms. KILPATRICK.

H.R. 994: Mr. LANTOS.

H.R. 1020: Mr. LAHOOD, Mr. OBERSTAR, Mr. MEEKS of New York, and Mr. GILLMOR.

H.R. 1024: Mr. HERGER, Mr. DEFAZIO, Mr. SIMMONS, Mr. MCINNIS, Mr. OTTER, Mr. RAMSTAD, Mr. CLAY, Mr. WELLER, Mr. COOKSEY, Mr. DUNCAN, Mr. GRAVES, and Mr. NETHERCUTT.

H.R. 1026: Ms. MCCARTHY of Missouri.

H.R. 1035: Mr. BOUCHER, Mr. WOLF, and Mr. SCHIFF.

H.R. 1036: Ms. BALDWIN, Mr. DEFAZIO, Mr. MALONEY of Connecticut, Mr. MCGOVERN, Mr. UDALL of Colorado, Mr. CAPUANO, Mr. CROWLEY, Mr. POMEROY, MR. PASCRELL, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. HOEFFEL, Mr. INSLEE, Mr. WEINER, Mr. LARSON of Connecticut, Mr. SMITH of Washington, Mr. MOORE, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. BERMAN, Mr. RODRIGUEZ, Ms. PELOSI, Mr. PRICE of North Carolina, Ms. JACKSON-LEE of Texas, Mr. FRANK, Mr. HILL, Mr. DAVIS of Illinois, Mrs. CLAYTON, Ms. MILLENDER-MCDONALD, Ms. SLAUGHTER, Mr. SANDERS, Mr. NADLER, Mr. ISRAEL, Mr. CARSON of Oklahoma, Mr. MURTHA, Mr. BLUMENAUER, Mr. DELAHUNT, Mr. ETHERIDGE, Mr. CLAY, Mr. STARK, Mr. REYES, Mr. UNDERWOOD, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. FARR of California, Mr. SCHIFF, Ms. BERKLEY, Mr. UDALL of New Mexico, Mr. GONZALEZ, Mr. LEWIS of Georgia, Mr. BLAGOJEVICH, Mr. LARSEN of Washington, Ms. DEGETTE, and Mrs. CAPPS.

H.R. 1071: Mr. BALDACCI, Ms. BALDWIN, Mrs. CHRISTENSEN, Mr. FRANK, Ms. KILPATRICK, and Mr. THOMPSON of Mississippi.

H.R. 1093: Mrs. THURMAN and Mr. HAYES.

H.R. 1094: Mrs. THURMAN, Mr. HAYES, and Mr. LATHAM.

H.R. 1121: Mr. REHBERG.

H.R. 1143: Mr. WYNN, Ms. PELOSI, and Ms. KILPATRICK.

H.R. 1155: Mr. GIBBONS, Mr. HEFLEY, Mr. LARSON of Connecticut, and Ms. ESHOO.

H.R. 1170: Mr. STRICKLAND and Mr. BALDACCI.

H.R. 1171: Mr. TERRY and Mr. LATHAM.

H.R. 1181: Mrs. ROUKEMA.

H.R. 1220: Mr. SOUDER and Mr. COMBEST.

H.R. 1238: Ms. MCCARTHY of Missouri.

H.R. 1265: Mr. BEREUTER, Mr. OLVER, Mr. MCGOVERN, Ms. LEE, Mr. ALLEN, Mr. SANDERS, Mr. MCDERMOTT, and Mr. REHBERG.

H.R. 1280: Ms. KILPATRICK.

H.R. 1285: Mr. CROWLEY.

H.R. 1291: Mr. TIAHRT and Mr. EDWARDS.

H.R. 1296: Mr. NEY, Mr. SESSIONS, Mr. TURNER, Mr. PUTNAM, Mr. THORNBERRY, and Mr. GREEN of Texas.

H.R. 1305: Mr. PENCE and Mr. UPTON.

H.R. 1335: Ms. SOLIS and Mr. MCGOVERN.

H.R. 1354: Mr. HALL of Ohio and Mr. MEEKS of New York.

H.R. 1360: Ms. WOOLSEY and Mr. BAIRD.

H.R. 1400: Mr. BOSWELL.

H.R. 1401: Mr. GONZALEZ, Mr. DOOLEY of California, Mr. TANCREDO, and Mrs. EMERSON.

H.R. 1406: Mr. ENGLISH, Ms. CARSON of Indiana, Mr. GONZALEZ, and Mr. HASTINGS of Florida.

H.R. 1441: Mr. OSE, Mr. BAKER, and Mr. NORWOOD.

H.R. 1494: Mr. FRANK.

H.R. 1509: Mr. GONZALEZ, Mr. UNDERWOOD, Ms. PRYCE of Ohio, and Mr. FRANK.

H.R. 1511: Mr. PICKERING, Mr. DOOLITTLE, Mr. TAYLOR of Mississippi, and Mr. SMITH of New Jersey.

H.R. 1541: Mr. SNYDER, Mr. EDWARDS, and Mr. HOLDEN.

H.R. 1543: Mr. HINCHEY and Mr. COOKSEY.

H.R. 1587: Ms. WOOLSEY, Mr. PASCRELL, and Ms. CARSON of Indiana.

H.R. 1596: Mr. SNYDER.

H.R. 1598: Mr. KILDEE, Mr. FRANK, Ms. WATERS, Mr. SWEENEY, and Mr. MOORE.

H.R. 1600: Mrs. KELLY and Mr. SHAYS.

H.R. 1601: Mr. WATKINS, Mr. BARR of Georgia, and Mr. JENKINS.

H.R. 1602: Mr. BOEHNER, Mr. NORWOOD, Mr. BARR of Georgia, and Mr. DEMINT.

H.R. 1611: Mr. OTTER, Mr. SESSIONS, and Mr. FOLEY.

H.R. 1623: Mr. ISAKSON, Mr. COBLE, Mr. CALLAHAN, Mr. SPRATT, and Mr. NORWOOD.

H.R. 1624: Mr. BONIOR, Mr. LUCAS of Oklahoma, Mr. OWENS, Ms. ESHOO, and Mr. BARRETT.

H.R. 1636: Mr. GUTKNECHT.

H.R. 1642: Mr. LAFALCE, Mr. JACKSON of Illinois, Mr. MEEKS of New York, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, and Mr. LEACH.

H.R. 1650: Mr. FRANK, Mrs. MINK of Hawaii, Mr. BONIOR, and Ms. NORTON.

H.R. 1666: Mr. ENGLISH.

H.R. 1690: Mr. RANGEL, Ms. KILPATRICK, Ms. LEE, Mr. CLAY, Mr. CONYERS, and Mr. PAUL.

H.R. 1696: Mrs. ROUKEMA, Mr. ISAKSON, and Mr. BOEHLERT.

H.R. 1716: Mr. HORN, Mr. FRANK, and Mr. HASTINGS of Florida.

H.R. 1750: Ms. CARSON of Indiana, Mr. MCGOVERN, and Mr. STUPAK.

H.R. 1751: Ms. CARSON of Indiana, Mr. MCGOVERN, and Mr. STUPAK.

H.R. 1776: Mr. BENTSEN, Ms. JACKSON-LEE of Texas, and Mr. LAMPSON.

H.R. 1786: Mr. BOYD, Mr. HINCHEY, and Mr. HILLIARD.

H. Con. Res. 42: Ms. KILPATRICK, Ms. CARSON of Indiana, and Ms. RIVERS.

H. Con. Res. 56: Mr. DINGELL, Mr. YOUNG of Florida, Ms. WATERS, Mr. MCHUGH, and Mr. NEY.

H. Con. Res. 104: Mr. MASCARA, Mr. WOLF, and Ms. SOLIS.

DELETION 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. 1271: Mr. DAVIS of Illinois.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 162 petitioning the United States Congress to condemn the invitation extended by President George W. Bush to Ian Paisley and the anti-Catholic rhetoric that Ian Paisley espouses; and that the Legislature reaffirms its support for peace and freedom in Northern Ireland; to the Committee on International Relations.

SENATE—*Thursday, May 10, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable MIKE CRAPO, a Senator from the State of Idaho.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, the Reverend John Johnson, First Presbyterian Church, Merrillville, IN.

PRAYER

The guest Chaplain, Rev. John Johnson, offered the following prayer:

God Almighty, Creator of all that is, our Maker, Redeemer and Sustainer, and Lord of this great Nation, we give You thanks for and ask Your blessings upon these men and women whom You have called as Senators to serve You and us, Your people.

We ask that You be with them in that role, inspire them to seek to do not what is popular and easy but what is just and right in Your eyes. May Your Spirit inspire them to do as You would have them do in jobs that ask so much of mere mortals. In all they do, may we be privileged to see their love for truth, justice, compassion, liberty, and peace.

Lord God, we are mindful of the human cost that each bears by being a Senator. Each is first and foremost a child of God, and to be true to You, we offer sincere and honest prayers for the personal well-being of each Senator. Bless each in home and family; help each to know that when pummeled by critics or pressure, by turning to You, all may know the peace, tranquility, and comfort of a loving God.

We pray all this to You whose love is not limited but is for all Your children. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 10, 2001.

To the Senate:

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

STROM THURMOND,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

The Senator from Indiana is recognized.

WELCOMING REV. JOHN JOHNSON

Mr. LUGAR. Mr. President, I have the privilege of welcoming our guest Chaplain, the Reverend John Johnson. We are indeed fortunate to have Reverend Johnson with us today. He is a true Renaissance man and public servant. He brings to us his vast experience, not only in the ministry, but also in academia, business, law, and volunteerism.

Reverend Johnson has a master's degree in physics. He studied as a Churchill Scholar at Cambridge University in England. He has a Juris Doctor degree from the University of Chicago. And he has had a successful business career, creating a leading technology company.

Not content to stop there, Reverend Johnson earned his Master's of Divinity degree in 1997 and now is ordained as a minister in the Presbyterian Church. Reverend Johnson currently serves as interim minister at the First Presbyterian Church in Merrillville, Indiana.

Amidst these multiple careers he even found time to run for the U.S. House of Representatives in 1990 from Indiana's Fifth District and for the Indiana Republican gubernatorial nomination in 1992.

Reverend Johnson has remained active in the academic community, and he has generously volunteered his time to many organizations including the United Way Campaign, the YMCA, the Indiana Corporation for Science and Technology, and the Public Broadcasting System.

He is a dear personal friend. It is a privilege to thank him for joining us and for his inspiring words of prayer for us this morning.

Mr. BYRD. Mr. President, I join the Senator from Indiana in welcoming to the Senate the Reverend Mr. Johnson. We are grateful for his presence and for his prayer.

Tennyson said that more things are wrought by prayer than this world dreams of. And the Bible tells us that blessed is the Nation whose God is the Lord. Thank God for our forefathers who built this Nation on religious principles, who had faith in a higher power. If Providence had designs for this country and its people, may we never get away from the offering of prayer in the opening of the two bodies of the legislative branch of government.

There are those in this country who would have us do away with that. May there always be men and women in this body and the other body who will stand for prayer, stand up for the Creator.

I haven't seen Him, nor have I seen electricity. But I dare not put my finger in an open socket because I know it is there.

I thank the Senator for having his minister in our midst this morning. May God add his blessings to the word that has been spoken for us.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, has the Senator indicated what the leader wants to do today?

The ACTING PRESIDENT pro tempore. The distinguished acting majority leader.

SCHEDULE

Mr. LUGAR. Mr. President, I respond to the distinguished whip by saying that this morning there will be 1 hour and 50 minutes remaining for closing remarks on the budget resolution conference report. Senators can expect a vote on the conference report between 11 a.m. and 11:30 a.m. Following that vote, the Senate will resume consideration of S. 1, the education bill. Votes on amendments are expected throughout the day in an effort to make significant progress on the bill.

I encourage those Senators with filed amendments to work with the chairman and the ranking member in order to schedule consideration of those amendments.

I thank my colleagues for their attention and for their cooperation.

Mr. REID. Mr. President, we had a cutoff time last night of 5 o'clock for filing amendments on the education bill. We have almost 300 amendments that have been filed on S. 1. It is going to take a lot of work, and people are going to have to work this afternoon on that. It is going to take a couple more weeks to finish that legislation. I think everyone who has an amendment

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

should offer it at the earliest possible date.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the conference report to accompany H. Con. Res. 83, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia is now recognized for 30 minutes.

Mr. BYRD. Mr. President, would the Chair kindly inform me when I have used 25 minutes of my time?

The ACTING PRESIDENT pro tempore. The Chair will notify the Senator.

Mr. BYRD. Mr. President, the Senate will soon vote on the conference report for the fiscal year 2002 budget resolution. I will vote against this conference report. This budget is a bad deal for America. It fails to address critical deficiencies in our Nation's schools, our Nation's highways, our Nation's drinking water and sewage systems, our Nation's law enforcement, and energy independence. The list goes on and on like Tennyson's brook—almost forever. Instead of addressing these deficiencies, instead of planning for the future, this is a budget resolution that places short-term, partisan political gratification ahead of the long-term needs of the Nation.

This Nation faces daunting challenges—if you drove in just this morning to work, or yesterday morning, you can see what I am talking about, the daunting challenges that confront this country on the highways—in the next two decades. We will continue increasingly to face those daunting challenges.

The baby boom generation will begin to retire around the year 2008. That is not far away. Because of the demands of that generation, both the Social Security and Medicare trust funds are expected to be running in the red by 2016—15 years from now. Not a single dime—not one thin dime—is devoted to shoring up Social Security, and the resources allotted to Medicare and prescription drugs are totally inadequate.

We know that 75 percent of our Nation's school buildings are inadequate to meet the needs of the Nation's children. But how many dollars are devoted to building and renovating school buildings? How many dollars are devoted to making classrooms smaller? Zero. Zilch. Zip.

The American Society of Civil Engineers, earlier this spring, graded the Nation's infrastructure. How did we do? Abysmally. Roads, D+; aviation, D−; schools, D−; transit, D−; drinking water, D. Overall, in 10 different categories, the Nation's infrastructure received an average grade of D+.

Now my old coal miner dad would have given me a good thrashing if I had brought home a report card with a D on it. I could have depended on that. Well, the dog must have eaten that report card on the way to the White House because this conference report ignores low grades on the Nation's infrastructure.

Now the President—and I have great respect for the President—is fond of saying we ought to give the people their money back. I think we ought to give the people their money's worth. Instead of a massive tax cut today, we ought to look toward tomorrow and repair our outdated infrastructure. Instead of a massive tax cut today, we ought to help provide for safe highways and bridges, airports and transit systems that work, clean air, safe drinking water, safe schools. We ought to plan ahead to ensure that Social Security and Medicare will be available in the long term. The American people expect us to make smart choices. This conference report is not a smart choice.

What is in this conference report?

It contains a $1.35 trillion tax cut spread out over the next 11 years, based solely on an illusory surplus estimate that even the Congressional Budget Office considers highly unlikely.

This budget also establishes discretionary spending levels that are totally inadequate and unrealistic. For the next fiscal year, the budget limits spending to a 4.2-percent increase. For nondefense programs, the level provided in the conference report is $5.5 billion below the level necessary to keep pace with inflation.

Now I am wearing my Appropriations Committee hat today. I am the ranking member on the Senate Appropriations Committee. Let me say to my colleagues, you will be coming to the waterhole—I think of the animals in the forest. Occasionally, they have to go to the waterhole. They can't avoid it. And so the people of this country have to go to the waterhole. The waterhole is the Appropriations Committees of the two Houses. And Senators and House Members who represent the people who elect them and send them here also have to go to that waterhole, the Appropriations Committee. Well, I am wearing my appropriations hat today.

Let me say to my colleagues, if you vote for this budget conference report, don't come to the watering hole. It is not that I would not love to help you, but you are going to make it impossible. Those who vote for this conference report are going to make it impossible for me and for the Appropriations subcommittee ranking members to help you. Hear me: I would love to help you, but you are going to make it impossible when you vote for this conference report, because you are going to cut discretionary spending levels to the point that we cannot help you.

Again, for nondefense programs, the level provided in the conference report is $5.5 billion below the level necessary to keep pace just with inflation. This level will leave no resources for increases that we all recognize are necessary for education, for infrastructure, for research and development, and for the promotion of our energy independence. We have an energy shortage in this country right now—rolling brownouts. You are going to hear more about them. But what are we doing about it? We are not doing anything positively in this budget conference report. I will tell you what we are doing. We are cutting the moneys for basic research—fossil fuel research—in the budget.

The increases being debated on the floor for elementary and secondary education cannot be fully funded. The resolution provides for an increase of less than $13 billion above fiscal year 2001 for all nondefense programs. The elementary and secondary education bill now pending in the Senate assumes over $10 billion in increases for fiscal year 2002 just for elementary and secondary education programs alone. And all we have is less than $13 billion.

Members should be under no illusions. The budget conference report is not the budget resolution that passed the Senate 65–35 last month. Several of our Democratic colleagues voted for that, and a great majority on the other side did so, too. But you are not voting today for that concurrent resolution on the budget that you voted for a couple of weeks ago on this Senate floor. For fiscal year 2002 alone, the conference report you will be voting for today is $27 billion below the resolution that passed the Senate a few days ago—$10 billion lower for defense and $17 billion lower for nondefense.

Now the President has called this a ''people's budget.'' Imagine that. The President called this a ''people's budget.'' I would almost laugh out loud if it weren't so serious. Imagine that—the President calling this a ''people's budget.'' Well, that may be true if your definition of ''the people'' is limited to those lucky individuals who earn six-figure salaries. If you limit ''the people'' in your State to those who are spending their mornings sipping Starbucks coffee and perusing the Wall Street Journal to check on the status of their stocks and bonds, then you are talking about the people.

It may be a people's budget if the people are limited to those lucky souls who spend their winters in the Bahamas and their summers on a Caribbean cruise. But this is not a people's budget for the coal miners, not for the locomotive engineers, not for the brakemen on the railroads, not for the cleaning ladies, not for the schoolteachers. It is not a people's budget for the folks flipping hamburgers for minimum wage. Ask them. They are the people, too, and they have been left out, o-u-t, and left behind in this whale of a deal for the well-to-do.

President Bush, the President of all the people of the Nation, says:

It's a good budget for the working people of America.

He said it. I didn't say that. That may be true if your definition of ''working'' means calling your broker on your cell phone to tell him to put another million on titanium futures. That may be true if your definition of ''working people'' is the folks who hop in their Learjets to check out their business interests on three continents.

In my State of West Virginia, we know who the working people are. The working people are the people who earn their living by the sweat of their brow. They are the people who get up early and stay up late trying to make ends meet. They are the working people. They are the people who get their hands dirty while trying to feed their families. Those are the working people.

Working people are the teachers struggling on low pay in a hot classroom while trying to impart some wisdom to our Nation's children.

The working people are the cops on the beat who risk their lives daily and nightly, who try to keep some order in these mean and dangerous streets and alleys.

Working people are the coal miners who end up crippled, who end up sick after long, long years of digging coal from the rugged Earth to produce the electricity for this Senate Chamber, and to produce the electricity for this Nation. They are the people who get their hands dirty. They are the people who wash the grime, the coal dust out of their eyelashes, out of the wrinkles in their faces, grown old too early. They are the working people.

Mr. President, they are the working people, the coal miners, the welders in the shipyard, the produce salesmen in the country, the farmers who toil in the hot Sun of the June and July and August days. They are the working people, Mr. President. They are not the people Mr. Bush is talking about.

The President lauds this budget. He says it contains ''reasonable levels of spending.'' That may be true if you think that costing the American driving public nearly $6 billion a year because one-third of this Nation's roads are in poor condition, is ''reasonable.''

Why don't we fix America's roads? If you think highway congestion is bad now, what will it be 5 years from now? Those of you who spent an hour and 10 minutes yesterday morning to drive ten miles to work in this Capitol, if you think congestion is bad now, think of what congestion will be 5 years from now. What will it be 10 years from now?

The President calls the spending levels in this budget ''reasonable.'' In this Nation, we have so many unsafe or obsolete bridges that it will cost $10.6 billion every year for the next 20 years to fix them.

We have 54,000 drinking water systems which will cost $11 billion to make them comply with Federal water regulations.

We have more than 2,100 unsafe dams in this country. Do we recall Buffalo Creek Dam in southern West Virginia? It broke several years ago. Scores of lives were lost. And there are 2,100 unsafe dams in this country today which could cause loss of life.

We have energy delivery systems which rely on old technology.

We have outdated and crumbling schools which will require $3,800 per student to modernize.

This budget provides little or no money to address any of these needs. It allows for current services adjusted for inflation for all discretionary programs, including defense. Do you know what that means? But for nondefense programs, the conference report is $5.5 billion below the amount necessary to keep pace with inflation. It means this Nation is essentially frozen in its ability to address backlogs or to anticipate needs.

The backlogs are worsening, and the needs are going unaddressed because the funding levels endorsed by this White House are far too low.

Anyone who calls these levels ''reasonable'' needs a reality check. Take off the rose-colored glasses, Mr. President; take them off, and once the warm cheery glow of tax cut fever has subsided, we will still have a nation that is very steadily sliding backwards.

This huge tax cut will savage our nation's real and growing needs; it will siphon energy away from the engine that makes this economy run; it will benefit the jet set, but leave the rest of America riding on rusty rails. There is nothing ''reasonable'' about such a policy.

I am also very concerned that this conference report does nothing to address the growth of mandatory spending. The President claims that he wants to restrain the size of Government, but his budget focuses only on limiting the part of the budget that is subject to the annual appropriations process. That is only one-third of the budget, and growing smaller by the day. The rest of the budget is on auto pilot.

I assure Senators that discretionary spending will not be the cause of any future deficits. If we return to deficits—and we very well could—it will be because of the massive tax cuts contained in this conference report and the growth of mandatory programs. Discretionary spending is currently only 6.3 percent of the gross domestic product, less than half of what it was in 1967. Under the Budget resolution, it would fall to 5 percent by 2011. Mandatory spending is currently 9.7 percent of GDP, more than double the level in 1966 and under the Budget conference report, mandatory spending will grow to 11 percent of GDP in 2011.

Not only does this resolution not constrain mandatory spending, it includes seven new reserves that empower the House and Senate Budget Committee chairmen to increase spending for mandatory programs.

I have a great deal of faith in our budget chairman, Mr. DOMENICI, and I have seen all the budget chairmen we have had in the Senate since the Budget Act became law, but I do not care if it is a Republican or Democrat chairman, I do not support giving that kind of power to any budget chairman, Democrat or Republican. I would not want it myself if I were a chairman.

I am very concerned that these powers which are being given to the Budget Committee chairmen will be used in a partisan way.

This budget resolution was produced in negotiations between White House officials and the Republican leadership.

There was no involvement—none—of the Democratic Leadership or the ranking members of the House and Senate Budget Committees. To add insult to injury, this Budget Resolution would empower the Budget Committee chairmen to allocate funding to mandatory programs with no assurances that the minority will be consulted. This is just one more example of the one-sided nature of this Budget Resolution. But as Milton said in Paradise Lost ''who overcomes by force has overcome but half his foe.'' There is no balance in this budget. It is tipped too far to the tax cut side. As a see-saw, it lifts some people up with generous tax givebacks, but it leaves this nation's needs sitting firmly on the ground.

It is a ''for show'' budget designed to please a select group, and it was gussied up and trotted out by one party from behind locked doors.

Since January's inauguration, we have heard plenty of lip service being paid to bipartisanship. Lip service. We have all heard the mantra that the tone of Washington is being changed. You better believe—it is not being changed. We have seen the photo-ops of Democrats being courted at the White House. All 535 Members of the House and Senate were invited to the White House a few days ago. All 535 Members. What a sham. That was to be a photo op. Nothing more, nothing less. What a sham. What hypocrisy. This budget deal was crafted without input from the Democratic Leaders, or the Ranking Members of the House and Senate

Budget Committees. When it was time for the rubber to meet the road, bipartisanship had a flat tire. Bipartisanship never was able to wiggle under the cracks in that door. Some Democrats may be willing to vote for this budget—they may be willing to sit at the President's table for this tax-cut feast. But, make no mistake, they were not in the kitchen when the meal was being cooked. They did not get to decide what went in the stew and what stayed out.

The President, in his remarks congratulated the Republican Budget Committee chairmen of the House and the Senate. He congratulated the Republican Leaders of the Senate and the House. He lauds a few Democrats, but there is no mention in his remarks of the Democratic Leaders or the Ranking Members of the House and Senate Budget Committees. They were not privy to the budget pseudo-conference. There was no room for them at the inn. That is no accident. The plain unvarnished truth is that there has been barely a pinch of bipartisanship in the cooking of this final budget omelet, and the result certainly shows in the one-sided way the budget eggs were scrambled.

There simply is not enough money to adequately fund the 13 appropriations bills, get that—there is not enough money to adequately fund the 13 appropriation bills, and so, once again, appropriators will have to scrimp and parse and cannibalize in order to do our work.

For those Senators who vote for this budget deal, I say go ahead and write your press releases. Pat yourselves on the back. Tell your constituents how you voted to cut taxes. That is an easy vote. But don't forget to tell your constituents about the other side of that coin. Be sure and include that in your press release. Don't forget to tell your constituents that you voted to short-change our schools, roads, and water systems; don't forget to include in your press release, that you voted for lower funding for health care and energy research; and be sure to include in your press releases that you turned a blind eye to the looming crises facing Social Security and Medicare. In 1981, we took what Majority Leader Howard Baker called a riverboat gamble with President Reagan's tax cut and we ended up with triple digit deficits for fifteen years. Now the Republican Leadership has forced upon us another bad deal. A deal that will reduce revenues, according to the Joint Tax Committee, by nearly $300 billion per year in 2011 and beyond at just the moment that the baby boom generation begins to retire.

This conference report makes a mockery of the Budget Act because it undermines the purpose of the act. The Budget Act was intended to impose predictability and discipline. But the continual manipulation of the Budget Act to achieve political goals has made it a sham and a shame. Gimmicks and bad policy are the result—gimmicks and bad policy. The demands of a great nation have to be satisfied in spite of fantasy world budgets. The result will probably be that at the end of the process, yet another Budget Resolution will have been ignored because it had to be. It was never grounded in reality. In spite of the President's claims that he would change things in Washington, he has already succumbed to the same old partisan polo game, and the same old swap shop budget bingo we have seen for years. This conference report ought to be defeated.

Mr. President, Senators who vote for this budget conference report, call your mother in advance of Mother's Day. If she is one of the baby boom generations, tell her you voted for this tax cut for the bigwigs. Tell her: ''Yes, mother, I voted for the Bush tax cut.''

But as to Social Security? There wasn't a dime in the bill for Social Security. Forget it.

I close by this compliment from Milton from ''Paradise Lost,'' and I offer it to our budget ranking member, KENT CONRAD.

> Well hast thou fought the better fight, whose single hast maintained against revolted multitudes the cause of truth.

The PRESIDING OFFICER (Mr. ENSIGN). Who yields time?

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from South Carolina, the very distinguished senior member of the Senate Budget Committee.

Mr. HOLLINGS. Mr. President, the distinguished Senator from West Virginia said: Tell your mother on Mother's Day that you increased taxes. If you turn to page 4 of the conference report, you will find that the debt goes up from $5.6 trillion to $6.7 trillion—$1.1 trillion.

As we left the last fiscal year, we ended with a $23 billion deficit, which we had reduced, over the 8 years, from $403 billion, and now this very minute we are running a slight surplus. But when you vote for this particular measure, and this is our main reason for appearing here this morning, it is to remind everybody that this is Reaganomics II. It is happening here today.

Let me speak advisedly. As the distinguished Senator from West Virginia reminded us, I have been on the Budget Committee since its institution 25 years ago. I have been the chairman. I hasten to comment that our distinguished ranking member, the Senator from North Dakota, has done an outstanding job under the most difficult of circumstances.

Let me tell you about the difficult circumstances, because the very reason for our budget process 25 years ago was to give all the Members a look-see at every facet of Government spending here in Washington. Prior to that time, we had 13 appropriations bills, we had 13 authorizing bills, and the authorizers authorized without regard to appropriating and the appropriators appropriated without regard to the authorization and the one—namely, defense—didn't know what education was doing, or housing didn't know what the highways were doing.

So we got together in a comprehensive look-see, where the President would submit his budget, we would go before the Budget Committee, and in detail, each one of the particular appropriations measures would be debated, marked up, reported out, and then come to the floor of the Senate.

Here we passed this budget without having the President's budget. He didn't give it until it had passed the House, until it had passed the Senate—absolutely ridiculous. Why? Because he couldn't sell his tax cut. He knew the great reason for the prosperity and comeback of our Democratic Party is that we showed we were fiscally responsible. For 8 years we gave us the greatest prosperity. But it is a sophomoric approach, this ''tax cuts, tax cuts, the Government is too big, the money belongs to you'' and all that nonsense—and not paying the bills. So the President went to 28-some States. You can't sell a tax cut? He couldn't sell beer on a troop train, I can tell you that right now.

He went everywhere, and he didn't sell his tax cut, so he rammed it, and the leadership on the other side of the aisle went along with it, and the media didn't report it. That is another reason I appear here, because this instrument is an atrocity, a clear, absolute abuse of the process.

We had a deliberate debate back when President Clinton came to office to find in what direction the country was going to head. Lyndon Johnson used to say: It is not whether I am conservative or whether I am liberal, it is whether I am headed in the right direction.

We debated. The President submitted his budget. We had 30 amendments before that Budget Committee. We reported it out, and the last instrument—namely, reconciliation—was not passed until August. We had a real old hoedown, and we said we were going to cut the size of Government. Yes, we were going to cut spending. And, yes, we were going to increase taxes.

When we increased Social Security taxes, the distinguished Senator from Texas said: They are going to hunt you Democrats down like dogs in the street and shoot you.

Where is the Republican tax cut for Social Security? Instead, they are going to spend the Social Security trust fund. If you don't think so, come on up and I will give you a bet.

Congressman Kasich, chairman of the House Budget Committee, said: If this thing works, I'll change parties.

Senator Packwood, Chairman of the Senate Finance Committee, said: If this thing works, I'll give you my house in downtown Washington.

But it worked. We made a great comeback paying down the debt. Now some strayers want to go along with this ''Cut taxes, cut taxes,'' and buying the people's vote, when in essence the debt increases. It goes up.

We had no debate. We had no markup. We had no report. We passed it without all that. Then we got to the conference to be told we were not going to be conferees. Oh, they invite you to the White House when you cannot vote, you just stand up and grin and smile and bow. But when you got a vote in the conference committee, they said no, you are not invited back because you're not going to vote with us.

Thank God we weren't parliamentarians. He wouldn't agree. They fired him. They would like to fire us. That is why they said we will give you all the rhetoric about education, because you look at the report after it comes out: Zero increase for education. What does that mean to us in the game? It means you are going to have to get a majority of 60 votes in order to get your increase, whether it is for class size or whether it is for construction or whether it is for teacher counseling or any of these other things that we need in public education—namely, teachers' pay. No, you are not going to get it.

All of this exercise has been the best off-Broadway show, as they see it, because they are just smiling to themselves: We are going to destroy this Government and we are just as much against education as we were for that 20-year crusade to abolish the Education Department.

What happens on the so-called immediate rebate to get the economy going? By 94 votes to 6, every Republican voted for my $85 billion rebate plan. But instead of the instant rebate of $85 billion, they came in here with $100 billion over 2 years, and they are going to go to the Finance Committee—you can read the reconciliation instructions, and they translate: We are going to use the stimulus dollars for tax cuts.

The main thing to be said this morning in the few minutes given me is that we have tried our best under Senator CONRAD's leadership. We have called their hand at every turn. We have been very courteous, very tactful in trying to get the report. We know the distinguished chairman of the Budget Committee has to practically do what the Senator from Texas tells him. And the Senator from Texas is tied into the Office of Management and Budget. And the Office of Management and Budget tells the President what he wants. So you want to get on the record how it is being worked this year: It is a total abuse, an absolute atrocity. There is no question about it. Everybody seems to go along. And the headline will say: We passed the budget. No. We don't even have a defense figure.

We don't have a budget. We have a tax cut. That is what the President wanted. That is what they had back with Reaganomics I: $750 billion. Now this is going to go up to about $1.6 trillion. If you analyze it carefully, it will probably be nearer to $2.6 trillion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. I thank the distinguished Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I thank the very outstanding Senator, who is a member of the Senate Budget Committee, Mr. HOLLINGS from South Carolina, for his remarks this morning.

As I understand it, Senator BREAUX wants time off of Senator DOMENICI's allocated time. The staff director for Senator DOMENICI tells me that is acceptable to their side.

We had lined up Senator CLINTON to go next on our side. I don't know if Senator BREAUX would like to go at this point.

I would like to recognize Senator CLINTON.

Mr. BREAUX. Absolutely.

Mr. CONRAD. How much time would the Senator like?

Mrs. CLINTON. Oh, 6 minutes.

Mr. CONRAD. I yield 6 minutes to the Senator from New York, an outstanding member of the Senate Budget Committee, who has made a real contribution to the work on our side of the aisle on the Senate Budget Committee.

The PRESIDING OFFICER. The Senator from New York is recognized for 6 minutes.

Mrs. CLINTON. Mr. President, I thank my ranking member, the Senator from North Dakota, who, as my good friend from South Carolina has put so well, has led with honesty and directness, and believes so passionately in the issues that we are addressing today.

I rise because I cannot remain silent in the face of both a budget process and a budget product that I think will be so harmful to our country. I really wish I did not have to rise today. I wish, given the opportunities that lie before us as a nation, what we were debating was the kind of balanced approach to the budget that I could wholeheartedly support—a balanced approach that included an affordable, reasonable tax cut, that fairly went to all Americans, giving every one of our families a Mother's Day present, as Senator BYRD so wonderfully reminded us is around the corner.

I wish this budget were filled with the kind of careful analysis about the investments that we need to make our country rich and smarter and stronger in the years ahead. And I wish this budget continued to pay down the debt in the way that we had been doing.

In the last 3 years, we paid off more than $600 billion of our debt. We took it off the backs of all these schoolchildren who are watching us. We said: We are not going to pass on the debts of your parents. Your grandparents, the greatest generation, did not leave us in debt the way that this country did in the 1980s with the quadrupling of our national debt. I cannot stand here and say that.

I look at all these faces. I meet with schoolchildren from throughout New York nearly every day. I wish I could say: I am going to go to the Senate Chamber and support a budget that will invest in education the way we need it, that will continue to pay down the debt so that you are not faced with that debt when you are my age, or even younger, and that it will invest in Social Security and Medicare so that you do not have to worry about your parents, your grandparents, or yourselves. Unfortunately, I cannot say that.

I have thought hard about what it is that has happened in the Senate in the last several months because I sat through 16 hearings in the Budget Committee. They were informative, very helpful hearings, laying out the priorities of our Nation, talking about the amount of money we had that we could count on, not pie in the sky, not projections that were unlikely ever to come true but realistically what it was we, as a nation, could count on. And then how could we have a tax cut, pay down the debt, and invest in education, health care, the environment, as well as taking care of Social Security and Medicare?

I do not exactly know what happened, how we arrived at this point. We had those hearings, and then we were shut out of the process. We did not have a markup, which is a device in a committee to get everybody together to try to hammer out a bill.

Then the Democrats, with decades of experience—with distinguished Senators such as Senator HOLLINGS and Senator CONRAD—were shut out of the process between the House and the Senate.

So here we are today on the brink of passing a tax cut that will, I believe, do to our country what was done in the 1980s. I can only think that this is a tax cut proposal that was born in the passion of a primary political campaign, in the snows of New Hampshire, when the President was running for his life to be President and had to come up with something, so he plucked out of the air $1.6 trillion and said that was what it was going to be and felt compelled to come and present it to us.

I was proud of the Senate when, in the process of the budget debate, we made some good changes. We made those changes not only on the tax cut side but on the investment side. I thought: If the House can go along with that, maybe at the end of the process

we can have a better balance. I did not think it went far enough, but I was proud of the fact that we had a negotiation.

What we have today has zero increases in education. We have spent a heck of a long time talking about education. The President says it is his first priority. I can only look at the documents I am handed. I have only been handed them recently. I was not part of the process, even though I serve on the Budget Committee. And it looks to me as if we are turning our back on education.

As I thought back, I could not think of any analogy, I could not think of any guidance that would help illuminate what it is we are going through. So I went back and looked at 1981. I read about what happened when another President said: Pass this big tax cut, and we are going to have surpluses. And we went further and further and further in debt.

It is always easier to pass a tax cut. Who doesn't want a tax cut? I want a tax cut. But I don't want to have a tax cut at the expense of hurting my country. I don't want a tax cut at the expense of preventing the kind of investment in education that we need. I don't want a tax cut where I have to go and tell my mother that Medicare may not be viable for the rest of her natural life. I don't want that kind of tax cut.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Mr. President, I give an additional minute to the Senator from New York.

Mrs. CLINTON. So I, with great regret, stand in this Chamber and express the disappointment I feel in that we had an opportunity to do what our country needs—to invest in education, health care, the environment, pay down our debt, and provide affordable tax cuts—but, instead, we are taking a U-turn back to the 1980s. Mark my words, we will be back here—maybe under the same President, or maybe under a different President—having to fix the fiscal situation we are throwing our country into today. I lived through that once. I do not look forward to it. But I will be a responsible Member of this body in trying to fix the problem that we are causing for our Nation because of this tax cut and budget.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. The Senator from Louisiana is recognized for 10 minutes off Senator DOMENICI's time.

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

The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I thank the ranking Democrat on the Budget Committee for his consideration in allowing me to have the time that I need to make comments on this budget. I also thank Senator DOMENICI for being willing to yield me some time.

Let me start, first, by commending Senator CONRAD for the work that he has done, under some very difficult circumstances, with regard to putting together this product. It has not been easy. It has been very difficult. It has been very emotional—with a great deal of pressure on both sides to try to come up with something that makes sense and that is a rational guideline for how we handle the affairs of this country over the next 2 years.

I also commend the Democratic leader, Senator TOM DASCHLE, as well as the Republican leader, Senator LOTT, because I know that within their own caucuses there are vast differences as to how we should approach the passage of the budget for this coming year. It has not been an easy job for either of the budget leaders—Senator CONRAD and Senator DOMENICI—or for our two respective leaders. I think they have both done about as good a job as anyone could ever ask for them to do considering the circumstances.

Mr. President, and my colleagues, I will make the point that governing in a democracy is about the art of the possible; it is not about the art of the perfect. Is this budget a perfect document? Of course not. But does it advance the cause of governing in a democracy that is almost evenly divided among the two parties?

The answer is, yes, it does. Republicans, as we need to remind ourselves, control the House with the narrowest of margins in years. The President was elected after losing the popular vote and narrowly winning the electoral college vote. Our Senate, indeed, is the perfect tie, 50/50.

Now is not the time, with these circumstances, to figure out how we can disagree. There are plenty of opportunities to find where we disagree with this document, but now is not the time to concentrate on how we disagree but, rather, now is the time to figure out how we can reach an agreement for the good of all the people whom we represent.

It is very clear that we could have 535 budgets and each author would think theirs is the best one. But we can only have one.

The two principal parts of this budget consist of how we handle revenues or taxes and how we go about spending what is left, a challenge every American family must make for themselves when they work out their family budgets. We are fortunate today to have what CBO tells us is a projected surplus of $5.6 trillion over the next 10 years. That $5.6 trillion is more than is necessary to run all of our Government functions at the current level.

Most Members, but not all Members, would say it is appropriate to give a portion of that surplus back to the citizens who created that surplus when they paid their taxes. The question then before this body is, How much do we give back?

President Bush said: Give back $1.6 trillion over the next 10 years. Vice President Al Gore, as a candidate, suggested a tax cut of $500 billion. This budget consists of a $1.25 trillion tax cut over the next 10 years, plus a $100 billion stimulus package in the first 2 years. Some would think that is too high; others argue that it is far too low and not enough.

It is, in fact, sufficient to give money back to all Americans with a balanced and a fair tax cut.

We can, within this budget, reduce all marginal rates. We can, within this budget, create a new 10-percent bracket for lower income Americans, which would also benefit all income Americans. We can, within this budget, reduce the estate tax to a level that almost eliminates everyone from paying it. We can, within this budget, fix the alternative minimum tax problem. And we can, within this budget, increase the child credit that families take. We can make it refundable, and we can make it retroactive within this budget. And we can help education within the tax structure of this budget by making tuition taxes deductible for all American families. We can, within this budget's tax structure, fix the marriage penalty.

With regard to spending contained in this budget, it is important for us to put the figures in proper perspective. Last year our Democratic President, President Clinton, proposed a budget for discretionary spending calling for $614 billion. The House and Senate Republicans and the budget, indeed, ended up saying we were going to spend $596 billion for discretionary spending. We ended up spending $635 billion.

We did that because of emergencies that occurred during the year. We did that because of new spending priorities that were brought to our attention during the year that were unforeseen at the time of the budget enactment. This Congress responded to those needs as they occurred. This Congress will respond to those needs as they occur in the upcoming months of this fiscal year.

This budget provides $661 billion in discretionary spending. That is without any emergency money being designated. It is not designated because it is clear that this Congress will add that emergency money as the emergencies occur. If there is a hurricane, if there is an agricultural emergency, if there is an earthquake, if there are any other kinds of emergencies, it is clear, from the history of this body, that this Congress will address those needs because they are true emergencies.

That $661 billion is a $26 billion increase over last year. That is a $47 billion increase more than President Clinton asked for last year when he submitted his budget to the Congress.

I know some of my colleagues will argue that it is not enough, that we don't have enough money, for instance, for education in this budget. My reading on education is that there will be a lot more money than last year for education, a lot more. President Bush has offered a $4.6 billion increase for the Department of Education over last year's $18.3 billion in spending. That is larger than the $3.6 billion President Clinton won for this fiscal year.

As Senator KENNEDY, who is the master of putting together good policy deals, has said:

> We have exceeded the budget every year in education appropriations, and we are going to do it again.

That is a correct assessment of what we are going to do and have done in the past, when it comes to meeting the educational needs of the people of this country. We will provide sufficient funds to educate our children.

It is important to bear in mind that most of the money for education comes from the local and State levels. In fact, 94 percent, on average, of the money on education doesn't come from Washington; it comes from the States; it comes from the local communities that fund the educational programs they determine are their priorities. On average, only 6 percent of the total education budget comes from Washington, DC. The money will be adequate to address the demands.

My recommendation is that we pass this imperfect document to allow the Finance Committee and the Appropriations Committee to begin their work. This document is important as an outline of our priorities, but it is written on paper. It is not written in concrete. It can and will be modified as we have done so every single year as we move through the legislative process.

This is a time of great emotion. It is a time of great pressure. Our leaders, TOM DASCHLE and KENT CONRAD on the Budget Committee and also Senator DOMENICI and Senator LOTT, have had a very difficult job trying to reach an agreement in truly a divided Government. I respect all of them for their sincerity and their honesty and their dedication to try to reach an agreement that everyone can support.

It is, however, time for us to move ahead. There is other work to be done. Now is the time to begin that work by adopting this budget and moving on to the next step.

I yield the floor.

Mr. DOMENICI. Mr. President, I thank Senator BREAUX for his assessment of where things are. I think he included in his remarks that there is still a contingency fund of $500 billion. For those who think we ought to do other things and that we have to, that is still in this budget. I think what Senator BREAUX said about the appropriated account is right on the money. We don't know where the appropriators are going to put the money, no matter what we say in this Chamber.

But there is a $31 billion increase year over year, and $6.2 billion more than the President asked for, if you really are talking apples and apples and the money to be spent by the appropriators. I think Senator BREAUX summarized that just about right. I thank him for his support.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thought the distinguished Senator, my ranking member, was going to yield to somebody on his side before he and I used our final time.

Mr. CONRAD. I thank the Senator. The Senator from Minnesota requested time. I yield 5 minutes to Senator DAYTON.

Let me alert Senators on our side that I now have, other than the wrap-up reserved for Senator DOMENICI and myself, only have 2 minutes. I alert colleagues to the circumstance that exists.

I yield to the Senator from Minnesota, Mr. DAYTON, for 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the distinguished Senator from North Dakota for granting me this time, and also for his outstanding leadership on this issue on behalf of our Democratic caucus.

I rise to say that I intend to vote against this budget today because I believe it allocates too much to the richest Americans and too little to our schoolchildren, senior citizens, veterans, and most of our other citizens. It also wrongly provides a blank check for additional military spending without congressional review or approval.

This budget purports to be a bipartisan creation. In fact, I am told that the Democratic Senators on the Senate-House conference committee were completely excluded from the deliberations and decisions about this budget agreement. As a result, a bipartisan Senate amendment to increase funding for elementary and secondary education was eliminated. The amendment of my colleague, Senator WELLSTONE, which increased funding for veterans' programs, was eliminated. Funds for farm aid, prescription drug coverage, Head Start, health care, child care, transportation, and other important government services were reduced. Except for military spending, all other federal government discretionary services were cut by 2 percent below their inflation-adjusted baselines.

Why? Why, despite huge projected budget surpluses, must the funds for these essential public services be denied? For a tax cut which favors the rich, rather than working, middle-income Americans.

There is enough surplus projected to provide immediate tax cuts and rate reductions for all American taxpayers, so long as they are targeted to the first tax brackets. Unfortunately, this budget places greed ahead of need. People who already have the most get even more, while people who have the least receive even less.

There is no compassion in this budget. There is no bipartisanship in this budget. There is no new education funding to ''leave no child behind'' in this budget. Its pretenses are a sham. Its promises are a scam.

Furthermore, this budget expressly does not protect either the Social Security or the Medicare Trust Funds from being raided for other spending programs. Instead, it sets up an all-purpose contingency fund, which pretends to cover every imagined funding need. First, however, it must fund a literal blank check for whatever additional military spending the Secretary of Defense shall recommend to the chairmen of the Senate and House Budget Committees. In an unprecedented procedure, with no further congressional review or approval, these two men alone can add whatever amounts of additional spending are proposed by the Secretary of Defense. Thus, this budget provides blank checks for the military, big checks for the rich, and bounced checks due to ''insufficient funds'' for all other Americans.

I support, and will vote for, a large tax cut benefiting all Minnesota taxpayers. I also support, and will fight for, additional federal funds for special education, for student aid, for prescription drug coverage, for farm price supports, for veterans' health care, for flood victims, and for other important government services. I believe in a balanced budget. I believe we have enough resources available to us to improve the quality of life for our citizens and to reduce taxes. I believe this budget squanders that opportunity. That is why I am voting against it.

I yield the floor.

Mr. CONRAD. Mr. President, how much time remains?

The PRESIDING OFFICER. Eighteen minutes.

Mr. CONRAD. Mr. President, I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thank my colleague from North Dakota.

I think this budget proposal on the part of my Republican colleagues should be called ''leave no dollars behind'' when it comes to Robin-Hood-in-reverse tax cuts with over 40 percent of the benefits going to the top 1 percent of the population. That is what we have.

I had an amendment to provide $17 billion for veterans' health care over

the next 10 years, filling in the gaps to make sure we would do well and say thanks to our veterans—eliminated.

I joined with Senator HARKIN to provide $250 billion for education, after-school programs, and title I kids with special needs—you name it. It was eliminated from the budget proposal.

This is about the most hard-hitting thing I can say, because I really believe in the chair of this committee, a Senator for whom I have tremendous respect. He is a great Senator. But I am in profound disagreement with his proposal.

I have been following the discussion about education. I hope my colleagues on the Democratic side will have the courage to challenge this education bill on the floor, which will not have the resources.

Senators, if you love children, then you don't rob them. If you love this little boy or girl, then you don't take their childhood away. If you love these children, you help them for 10 years from now, or 7 or 8 years from now. You must be willing to step up to the plate and make sure you invest some money so these kids will all have the best opportunity to learn. That means that they are kindergarten ready. That means you help the kids who come from low-income backgrounds. That means, just as Senators' children when they go to school, and our grandchildren, they have the best teachers and the schools and the technology and all of the facilities. This is no way to love children. That is to say, do not rob them by not making the investment in children in Minnesota and around the country and instead giving 40 percent-plus of the benefits to the top 1 percent of the population.

These are distorted priorities. There is going to be a pittance for children and education, a pittance for health care, and not anywhere near enough for affordable prescription drug costs for the elderly.

Whatever happened to that campaign promise?

I resist this budget. I will vote against this budget.

I am going to have a lot of amendments on this education bill that are going to make people step up to the plate, and we will see who is willing to talk about the resources for children and education.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty-nine minutes.

Mr. DOMENICI. I understand Senator FRIST is going to come down and wants to use a little time. Would you please instruct me when I am down to 15 minutes remaining. I hope not to use that.

I first want to say to the distinguished new Senator, Mr. DAYTON, that I listened carefully to his remarks. Everyone is entitled to their opinion. But we have not given a carte blanche to the Defense Department of the United States.

We were confronted with a very interesting situation. One, the President asked for a low number for defense, with the assumption in this budget that his task force, headed by the Secretary, his top-to-bottom review, could not come up with the answers of what we needed by way of change by the time we were doing this work. What would one do? Would one shut all of that out and say whatever it is when that task force is finished, they can wait until next year?

We allocated to the appropriators the amount of money the President asked for in defense—a low number. Then we said if and when the task force is finished—and we are still in this year—whatever the task force recommends in changes we will put in the defense pot allocated in this budget. But it would have to be appropriated by the Congress of the United States item by item, line by line, and system by system. You might say that is an open door for defense with no controls.

You said subject to no congressional controls. I don't believe that is the case. What I just described is true. And is that without congressional concurrence? I think not.

I don't know any other way we could have done it. We could have said we will produce a new budget with a new defense number and debated that thoroughly and then came back, and we would have had the year behind us before we could have done anything. Guess what. They would come along and appropriate for defense and say: Too late. It has taken too long. We are putting it in, in excess of the budget.

We are trying to have a little common sense on defense.

In my closing remarks, I will allude to some other aspects, but a lot has been said about spending. Is there enough in this budget for the appropriators to spend?

Let me suggest it is pretty clear that there are many who would accept a much higher number. But I want to tell you the numbers as they are.

It is $31.3 billion above the 2001 budget available to be appropriated. Take out all of the things that are not spending and just do apples and apples. It is $31.3 billion.

Of that number, $6.2 billion is new money over and above the President's budget. That means you have what the President recommended, plus $6.2 billion more, which gives you $31.3 billion over last year to spend. This $661.3 billion, which is the number, is real money. It will be sent to the appropriators to be spent. With that figure, we assume—and that is all we can do—that $44.5 billion of it will go to the Department of Education for the year 2002. We assume—and that is all we can do—that there will be an 11.5-percent increase. This is new money. Nobody can say that 11.5 percent isn't well above inflation. What kind of money are we talking about in the 4.6? The highest ever level of funding for education of disabled children, a $460 billion increase in title I, including a 78-percent increase in assistance to low-performing schools; a $1 billion increase in Pell grants; $1 billion for new reading programs; $320 billion to ensure accountability with State assessments. We can go on. There is $472 million to encourage schoolchildren, some kind of innovative choice that we might pass; $6.3 billion to serve 916,000 Head Start children.

I guess it is easy to stand up and say there is nothing in this budget for education. I just read it to you. Actually, the appropriators will probably do more because we gave them more to spend, and they have always favored more money for education. So, frankly, whatever we have heard rhetorically on the floor about education, we have done better by education than we have in modern times. This is the highest, most dedicated budget for education that we have ever produced.

I note the presence of the Senator from Tennessee. Would the Senator like to speak to the matter before us?

Mr. FRIST. For 4 or 5 minutes.

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. The Senator has 23 minutes.

Mr. DOMENICI. The Senator wants 5 minutes. And then Senator NICKLES wants 5 minutes. I yield to them in that order.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. FRIST. Mr. President, I rise because I think in 30 minutes or so we will be voting on the conference report. I want to give my colleagues my strongly felt support for what we have arrived at today. I believe it does, in a very consistent way, represent what at least I hear as I travel around the country, and through the State of Tennessee, from every day people who are looking at their lives, the qualities of life, looking at Washington, DC, and Government and what it can be both for them and against them, and they tell you simple things. Those things are: We do have a debt today, which one generation has given another. Please address that debt.

They say we have some important things to pay for, and that is the role of Government. That includes things such as Medicare, research in health care, education, defense of the country. And they say: After you pay down that debt—and in this conference report we pay down that debt from $2.4 trillion from where it is, and they say: Thank you, that is what we want.

They say: What about teacher quality? We have $2.6 billion in the budget for teachers and we know, when we look at that teacher-pupil interaction in the classroom, that this is important. In higher education for Pell grants, they say: After graduating from high school, let's give people that opportunity to have, in essence, a pool of resources to take wherever they choose to go, and that is Pell grants—and indeed it is in this bill—for disadvantaged students; we assume $9.8 billion for Pell grants. They say: In health care, make sure you address this issue of prescription drugs. Very specifically in this budget $300 million is provided for expansion of Medicare prescription drug benefits. The exact mix, the exact bill, the exact nature—yes, couple it with modernization but do it in a way that we can see it soon. They say think about the future.

In this bill we think about the future in the field of health research. The resolution includes the President's $2.8 billion increase in the National Institutes of Health. It goes through the defense spending, agriculture, attention to the veterans. Then they say: After addressing the debt, after protecting the Social Security trust fund, after protecting that Medicare trust fund, both of which give security to our seniors today, let us keep, instead of sending to Washington, DC, a little bit more of our hard-earned money.

Indeed, we do that. All of this is our money, say the people throughout Tennessee, not yours because you represent the Federal Government. So if after we invest in those priorities of health care, education, quality of life, agriculture, defense, and the veterans—after we make that commitment to substantially pay down that debt, allow us to keep the dollars with us. Trust us, the American people, to spend, to save, to invest.

''Trust us,'' the people across Tennessee tell me. We do that by allowing the taxpayer to keep $1.35 trillion over the next 11 years in their pockets, instead of on April 15 sending it to Washington, DC, when it is not needed.

In addition to that $1.35 trillion that we allow taxpayers to keep is the $100 billion stimulus, which answers the question of: What are you doing today to restore that hope in our economy, that hope in job creation? And the answer is that we are taking $100 billion and targeting it for a short-term stimulus to help turn this economy around—something that everybody feels each and every day—a change, something different than 2 years ago, than 3 years ago.

Finally, in this bill we authorize the additional tax relief, or debt relief, if surpluses exceed those expectations.

Mr. President, this conference report reflects what the American people want. There is compromise and negotiation in there. I, for one, would like to see taxpayers keep a little bit more money in their pockets as we look to the future. But recognizing the realities of this body pulling together people on both sides of the aisle, I believe the conference report is strong, and it reflects the will and spirit of people throughout Tennessee. Therefore, I look forward to heartily supporting this conference report as we go forward.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I compliment my friend and colleague, the chairman of the committee, Senator DOMENICI, for his work. We have been on the Budget Committee for many years. I have been on it for 20 years and have had the pleasure of working with him. Most of the time, unfortunately, the budgets are pretty partisan. I wish they weren't. I know Senator DOMENICI wishes they weren't. Many times they are difficult to put together. This has been one of the toughest. It is not an easy task in any way, shape, or form. Certainly, with a 50/50, evenly divided Senate, it is a very difficult task.

I compliment my friend and colleague who has had battles with Democrats, Republicans, with liberals on both sides of the aisle and conservatives on both sides. He has wrestled with a very difficult task. He has come up with a product that I think is a giant step in the right direction. It is not perfect. The Senator from Tennessee, whom I compliment, is a member of this committee. He said he would like to have a larger tax cut. This is a small tax cut in relation to the surplus. We have an estimated surplus of over $5 trillion. The total tax cut, at maximum, is $1.35 trillion, with one-fourth going to taxpayers. The majority is used to pay down the national debt. We have colleagues on both sides who said let's do it.

The Senator from New Mexico said we are paying down the national debt from publicly held debt, as of this year, $3.2 trillion, and in 10 years it will be less than $1 trillion. We are paying it down to the maximum extent that we possibly can. Nowhere in the history of our country have we ever paid down the national debt the way we are projecting to do it this year, next year, and throughout the next 10 years.

So I compliment my friend from New Mexico. We still have a significant surplus. He says let's give a portion of that to taxpayers. I have heard people objecting and saying we are not taking care of our Nation's domestic needs. Either we need more money for education, or veterans, or defense, and so on; we need more money to spend.

The spenders have been winning for the last 3 years. The people who have wanted for the last 3 years to give some of the surplus to the taxpayers or let the taxpayers keep some of the surplus have lost.

We passed tax cuts in 1999 and 2000. President Clinton vetoed them. We did not have the votes to override, so the taxpayers did not get a break. They just kept sending in more money. As a matter of fact, taxpayers today, on a per capita basis, send in $1,000 more than the Federal Government is spending. The Federal Government today is spending $7,000 for every man, woman, and child in the United States. That is a surplus of about $1,000.

Let's give a portion of that back to the taxpayers. Let's let them keep some of their own money. They are sending in too much. Granted, there is no limit to the ideas we have in Congress on spending people's money, and people obviously think Congress can spend it better than the American people.

Let the taxpayers keep a portion of it and take the bulk of the surplus and pay down the national debt. That is exactly what we are doing in this proposal. Spending continues to grow. Maybe it has not grown as much as it has in the past. Thank goodness. Spending got out of hand in the last couple of years. I will put in a chart showing domestic spending last year grew 14.1 percent. Defense spending grew at 3.5 percent.

Some people say spending grew at 8 percent last year. Nondefense spending grew at 14 percent last year. That is not sustainable. The education function last year grew in budget authority 29.9 percent. That is not sustainable.

Yet on top of those enormous increases we had last year and large increases in the previous year, this budget says let's grow spending more, actually 5 percent more.

I heard people say: We are not doing enough in education despite the enormous increases we had in education. Education funding is projected under this budget to grow at 11 percent, and all of us suspect, with the large support we have in education led by our President and others, that education within these functions will probably grow by even more than that amount.

My point is, we are spending a lot of money, over $7,000 for every man, woman, and child, and it should be enough. Surely, we can give some tax relief to taxpayers.

I heard some of my colleagues say the tax bill benefits the rich. I am in the process of working with others on the Finance Committee to put together a bill. It does not just benefit the rich; it benefits taxpayers. It is weighted towards taxpayers who are in the lower income categories. We are talking about large percentage cuts for individuals who pay the lowest rates, not the highest rates. The largest beneficiaries, certainly in the first few years, are the people at the lower end of the brackets who are now paying 15 percent. They will pay 10 percent, or 12 percent under the House bill, or people who are paying 28 percent will pay 15 percent. We

are going to expand the 15-percent bracket.

My point is, please do not prejudge the tax bill as benefitting the rich. A lot of that is class warfare demagoguery that is not going to be sustained by the facts. Let's allow taxpayers to keep a portion of the surplus and take the bulk of the surplus to pay down the debt and limit the growth of spending to 4 or 5 percent as proposed under this budget. It is affordable and sustainable.

I thank my colleagues for supporting this budget resolution. We had 65 votes in favor of the budget a week or two ago. There is no reason those individuals who supported this budget a week or so ago would not support it today. The differences in the tax cut are minimal from what we passed a couple weeks ago. I urge my colleagues to support the budget resolution.

Mr. President, I ask unanimous consent that the chart to which I referred earlier be printed in the RECORD.

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

APPROPRIATIONS BY SUBCOMMITTEE

[In billions of dollars]

	Fiscal year 2000	Fiscal year 2001	Growth from fiscal year 2000 (percent)	Fiscal year 2002 request	Growth from fiscal year 2001 (percent)
Agriculture:					
BA	15.0	16.1	7.3	15.4	−4.3
OT	14.7	16.3	10.9	16.4	0.6
Commerce/Justice/State:					
BA	38.8	37.6	−3.1	37.9	0.8
OT	36.9	37.5	1.6	39.6	5.6
District of Columbia:					
BA	0.5	0.5	0.0	0.3	−40.0
OT	0.4	0.5	25.0	0.3	−40.0
Defense:					
BA	278.8	287.5	3.1	301.0	4.7
OT	273.5	276.2	1.0	296.1	7.2
Energy/Water:					
BA	21.6	23.6	9.3	22.5	−4.7
OT	21.7	23.3	7.4	23.2	−0.4
Foreign Operations:					
BA	16.2	14.9	−8.0	15.2	2.0
OT	14.8	15.7	6.1	15.7	0.0
Interior:					
BA	15.4	19.0	23.4	18.1	−4.7
OT	15.6	17.9	14.7	18.3	2.2
Legislative Branch:					
BA	2.5	2.7	8.0	3.0	11.1
OT	2.5	2.6	4.0	3.0	15.4
Labor/HHS:					
BA	87.1	109.4	25.6	116.4	6.4
OT	87.4	100.3	14.8	110.3	10.0
Military Construction:					
BA	8.7	9.0	3.4	9.6	6.7
OT	8.5	8.9	4.7	8.6	−3.4
Transportation:					
BA	14.4	18.3	27.1	16.2	−11.5
OT	44.0	48.2	9.5	52.7	9.3
Treasury/Postal:					
BA	13.7	15.8	15.3	16.6	5.1
OT	13.7	16.1	17.5	16.3	1.2
VA/HUD/IND:					
BA	71.8	80.7	12.4	83.1	3.0
OT	81.1	85.9	5.9	89.0	3.6
Emergency Reserve:					
BA	(1)	(1)	(1)	5.3	(1)
OT	(1)	(1)	(1)	2.4	(1)
Total:					
BA	584.4	634.9	8.6	660.6	4.0
OT	614.8	649.4	5.6	691.7	6.5
Defense:					
BA	300.8	311.3	3.5	325.1	4.4
OT	295.0	299.6	1.6	319.2	6.5
Domestic:					
BA	283.6	323.6	14.1	335.5	3.7
OT	319.8	349.8	9.4	372.5	6.5

Source: OMB.

[1] Not applicable.

Mrs. FEINSTEIN. Mr. President, a month ago I voted in support of the budget resolution which passed the Senate and which contained $688 billion in discretionary spending for fiscal year 2002 and $1.18 trillion in tax cuts.

I continue to support the elements of the tax package that made for half of the budget agreement. I support providing broad-based tax relief, eliminating the marriage penalty, and providing significant estate tax reform. And I believe that a stimulus package will be important in assuring that the economy does not slip into a recession.

But it was the allocation of resources in the Senate budget resolution—particularly funding for education programs—that made it possible for me and many of my colleagues to support the tax cuts.

Without the allocation of adequate spending to allow us to meet pressing domestic needs, especially in education, it seems to me that the other half of the understanding that made my support of the budget resolution is now missing.

As I understand it, the conference report currently before the Senate, provides discretionary budget authority of $661.3 billion ion 2002, $27 billion below the amount agreed on by the Senate, and even below the amount that the CBO estimates is needed to keep pace with inflation.

In fact, overall funding for all nondefense discretionary spending is $5.5 billion less than last year's level, adjusted for inflation.

And on education, the bottom line appears to be that although the President's budget included an increase in education spending, the conference report which is currently before the Senate does not.

There is no new funding for education in the conference report, and, in fact, the discretionary education totals in the budget resolution are nearly $1 billion less than the increases provided in the President's budget.

There is no new funding provided for Head Start, and only minimal increases for Title I and the Individuals with Disabilities Education Act, IDEA. This is not an approach which is calibrated to ''leave no child behind.''

And while it is true that this conference report provides up to $6.2 billion in additional unallocated discretionary budget authority for funding domestic priorities beyond the President's budget request, which some have argued can all be used on education, discretionary education funding is only one of the priorities that this money will be needed for. This $6.2 billion is all that is available for all domestic priorities, not just education.

I supported the Senate budget resolution because I thought that it represented a good balance at a time of unprecedented surpluses, providing both significant tax relief and making significant investments in our children and in our nation's future.

This conference report, unfortunately, no longer contains that balance, and I find that I cannot, in good conscience, support it.

Mr. JEFFORDS. Mr. President, first I must congratulate the chairman of the Budget Committee, Senator DOMENICI, for his hard work on the budget. It is a thankless task that earns the Senator few if any points with his New Mexico constituents. Unfortunately, I am greatly troubled by certain elements in this budget, and will vote against the fiscal year 2002 budget resolution conference report now before the Senate.

In approving this budget, Congress is missing a significant opportunity to address some of our nation's most critical needs. Key among these needs is education. A nation that does not invest in its people, that does not provide its citizens with an excellent education, that does not ensure that its children can read, and that does not train them for eventual entry into the workforce, is acting irresponsibly.

We must grant the American people a tax cut. We must pay down the debt. We must protect social security. But we must not ignore a most critical responsibility, to provide a free and adequate education to every child in America.

I was proud to play a key role in making the tax cut contained in this budget more responsible. I have the greatest respect for my centrist colleagues who joined me in striking this agreement. But I cannot support a budget that puts large tax cuts and unlimited defense spending ahead of educating our nation's children. By voting against this budget agreement today, I am committing to the nation that I will continue my efforts to bring more resources to our schools and children to improve education.

I can not hide my disappointment that the Congress once again will not fulfill its pledge to fully fund special education. This year, I tried and failed to have language included in the budget that would have made the Individuals with Disabilities Education Act, IDEA, mandatory spending.

When I first arrived in Congress, one of the very first bills that I had the privilege of working on was the Education of All Handicapped Children Act of 1975. As a freshman Member of Congress, I was proud to sponsor that legislation and to be named as a member of the House and Senate conference committee along with then Vermont Senator Bob Stafford.

At that time, despite a clear constitutional obligation to education all children, regardless of disability, thousands of students with disabilities were denied access to a public education. Passage of the Education of All Handicapped Children Act offered financial incentives to states to fulfill this existing obligation. Recognizing that the costs associated with educating these children was more than many school districts could bear alone, the Federal government pledged to pay 40 percent of the additional costs of educating these students.

The budget resolution that is before the Senate continues to make a mockery of this pledge. However, I will work with members of the Senate Appropriations and Finance Committees both to increase annual spending for IDEA and convert the program into mandatory spending. Additionally, the budget sets overall discretionary education spending at a level below what was passed in the Senate and below what is needed for our children and the future of our country.

The budget resolution allows up to $1.35 trillion in tax cuts over eleven years. While I agree some level of tax cuts are warranted, I continue to be troubled with making surplus assumptions ten years into the future. The level of tax cuts called for in this resolution gives the Congress little leeway should projected surpluses not materialize.

While the budget resolution sets the overall level of tax cuts that will be considered by the Congress this year under reconciliation rules, I intend to be an aggressive advocate for children when the tax bill is debated in the Finance Committee. I also will strongly advocate that the Congress not attempt this year to exceed $1.35 trillion in tax cuts by writing additional tax bills. We can and should enact all of this year's tax cuts within a ceiling of $1.35 trillion.

We dare not risk a return to the era of deficits, especially with the coming retirement of millions of baby boomers and the burden that this will place on the Social Security and Medicare systems.

On the positive side, I am pleased that this resolution protects Social Security. Not one penny of the Social Security surplus is touched. Second, it balances the budget every year without using the Social Security surplus. Thirdly, this resolution retires the national debt held by the public—about $2 trillion over the next ten years.

I should add that it has been a pleasure these past weeks to work with a bipartisan group of centrist Senators who believe that tax relief is warranted, but not at the expense of education, veterans health, job training, child care, environmental and other important discretionary programs.

This budget, like all budgets passed by Congress, is an expression of political intent, priorities, and a starting point for bargaining. Much work remains to be done to pass the 13 appropriations bills that actually fund the Federal Government. In areas where I disagree with the budget resolution, I plan to work hard with appropriators to adjust spending levels and turn this budget into reality.

Mr. KOHL. Mr. President, I rise today with great disappointment to oppose this budget. I am disappointed that I am forced to vote against a tax cut number, $1.25 trillion over the next ten years, that I support and think is reasonable. I am disappointed that Congress, by the slimmest of margins, is passing a spending plan that includes zero funding for education reforms, school modernization, teacher training, or any education initiative that will empower our local communities to improve their schools.

But mostly I am disappointed that a budget that left this chamber a reasonable compromise, with significant investment in education, veterans, and Medicare and an over $1 trillion tax cut, has returned a political document in bipartisan clothing.

I want to make it clear that I do not oppose the tax cut set up by this budget. I believe that we can afford, and should give, a tax cut of over $ 1 trillion. In fact, I have every intention of voting for the tax cut bill that will be on the floor in the next couple of weeks. Our strong economy, and our fiscal discipline over the last few years makes it possible to let taxpayers keep more of their money while still making essential investments in our children, our communities, our veterans and our seniors.

The Senate vote last month proved that. We had 65 votes, mine included, for a budget that envisioned a $1.2 trillion tax cut, an unprecedented increase in education investment, a substantial commitment to veterans health, significant debt reduction, and the deserved title of bipartisan.

The budget before us today chooses to keep the tax cut, and I support that, but to sacrifice investment on education, health care, NIH, and other domestic priorities. Why? In order to allow a blank check for defense spending.

Let me repeat that. This budget allows an unspecified and unlimited amount of resources to go to defense while holding flat spending on education and other domestic programs, completely flat. The budget before us

right now has less education spending than any other budget considered this year—the Senate Budget Resolution passed last month had more, the House Budget Resolution passed last month had more, the President's budget submission had more. I pride myself on being a tightwad when it comes to spending taxpayer money, but I have always said the one area I will not shortchange is our children's education. I cannot support the lowest offer for education on the table, yet that is exactly what we have before us today.

I very much wanted to support this budget today. I look forward to supporting portions of it in the future. And I sincerely hope that, as we work through the tax and spending bills this year, we return to the compromise and broad support that marked the Senate Budget Resolution—and reject the extremism and political polarization that scars the final budget before us now.

Mr. BIDEN. Mr. President, when I came to the Senate almost 30 years ago, we were just entering what became a generation of Federal deficit spending. We lost the key to balanced budgets, the discipline to match our spending with our income.

The economic impact of those decades of deficits was profound. The accumulating debt grew faster than our economy, and we slipped from our position as the world's leading creditor nation to the world's biggest borrower.

While the Federal Government borrowed money as if nobody else needed it, private borrowers from first-time home buyers to major corporations all paid more for their loans. Our inability to balance our budgets was a dead weight burden on the economy here, and our high interest rates affected international finance as well.

But perhaps the most important cost of those deficits was the loss of faith suffered by Americans in their Government. A lot of factors contributed to that cynicism and skepticism, but I am convinced that the cumulative effect of decades of unbalanced budgets was a major reason Americans for so long held their Government in such low esteem.

Those deficits had another major effect. As we struggled every year to match our spending with our income, the priorities I came to the Senate to fight for, support for those among us who need it most, protection of the environment, quality education for everyone, safe streets and homes, those priorities were the first hit by spending cuts.

And as we cut back on those programs, we cut back on the basic responsibilities of a democratic government. The era of budget deficits was marked by a deficit of democracy itself.

Today, we can congratulate ourselves on not only balancing our budgets, but on producing substantial budget surpluses. On the foundation of an historical economic boom, the longest period of high-productivity growth in our history, we have restored the health of our Federal budgets.

History will judge how we manage this success, what we do with the opportunity before us. Will we build a foundation for future growth, will we pay down the burden of debt that we built up in the generation of deficits, will we continue to meet the demands of our citizens for world class education, health care, and technology, for safe streets, clean air and water? Or will we put all of this at risk, along with the hard-won victory over deficits?

I will vote against the Budget Resolution before us today, because it gives the wrong answer to those questions.

As the distinguished ranking member of the Appropriations Committee reminded us so eloquently last week, Americans rightly expect us to make sure that the basic functions of government are taken care of. When we fail to provide the safe streets, the clean water, the good schools, that the citizens of the world's richest nation have every reason to expect, we have failed to live up to our responsibilities. I am sorry to say that this budget marks such a failure.

Because of the size of the tax cuts, $1.35 billion, and their shape, they increase in cost in future years, this budget puts at risk all we have gained through years of hard work on the budget. And it puts at risk our ability to meet the basic demands our citizens make of us to manage our common affairs effectively and efficiently.

We have real needs in this country, as the distinguished Senator from West Virginia reminded us last week. Almost a third of our bridges are in need of repair, many of our school rooms are crumbling, our water and sewer systems are in disrepair. In the midst of all of the private wealth our economy has created in the last decade, our public investments have failed to keep pace.

This budget fails to provide any new funds for education, for health care, for clean air and water, for police protection, for safer roads and bridges—none. This budget spends less per citizen, after inflation, for all of those priorities.

The President claims, and I believe him, that he wants to spend more on education. I support him in that effort. However, because there is not enough money in this budget to keep present levels of support for any domestic priorities, any increase in education spending will have to come out of police protection, out of drug interdiction, out of health care research.

There is no increase in spending for education, unless you count a vague promise that we would like to spend more. But a budget is not about vague promises. It should tell us the facts about how much we have to spend on our priorities. And the sad fact is that this budget has no new money for education, period.

This budget fails to meet the basic test of facing up to reality, there are more demands on our budget than there are funds to meet them, and this budget gives us no idea of where the cuts will fall to pay for any of the new priorities we face.

When the Senate voted on its version of the budget last month, we called for $225 billion in additional investments in education. That money is gone from the Budget Resolution before us today, gone.

In fact in this resolution, there is actually $5.5 billion less than last year's spending for education, allowing for inflation.

The Federal budget is already smallest it has been since 1960 as a share of our economy. It is simply not realistic to assume that it will continue to shrink, in real terms, not just next year but for the next ten years. But that is just what this budget assumes.

These cuts in domestic priorities will happen even if the economic projections on which this budget is based, ten-year projections that have proved wrong every time in the past, even if those projections turn out to be true. If the economy grows more slowly, if we face natural disasters, national security threats or other inevitable but unpredictable emergencies, there will be even more cuts.

But there are other assumptions built into this budget, assumptions that I believe will be wrong no matter what happens to those economic projections. This budget assumes we will do nothing to protect millions of Americans from increases in the alternative minimum tax, that we will fail to renew popular and important programs such as the research and development tax credit, it assumes that we can undertake a major overhaul of our defense policy with a relatively small increase in spending. But recent statements by Defense Secretary Rumsfeld suggest hundreds of billions of dollars in new spending, that is not in this budget.

If any of those assumptions, or a lot of other similar costly issues that are assumed away in this budget, prove to be wrong, there will be even less money for education, for health care research, for clear air and water, for cops on the beat.

But this budget does not face up to those problems, it assumes them away.

With the underlying health of our economy, with the hard work we put into restoring balance to our budgets, I am convinced we can afford tax cuts, tax cuts that would in any other context sound huge.

Prudent budgeting, that makes full allowance for domestic and defense priorities and that is cautious about ten-

year economic forecasts that have huge margins of error, would still leave room for hundreds of billions of dollars in tax cuts.

There is no economic reason behind the tax cut numbers in this resolution. Those numbers date back to the Republican primaries, in 1999, when the economy was booming, the stock market was soaring and unemployment was falling. The Bush campaign picked a tax cut number they thought would help them beat Steve Forbes in the New Hampshire primary.

They certainly were not concerned with formulating a ten-year budget plan during a slack economy. But those are the numbers we are told are still basically right for today.

If we go into this thinking that we can afford a tax cut of this size, and a defense build-up many times greater than this budget allows for, with promises to increase spending on education, expectations that health care spending will go up, some kind of plan to shore up Social Security and Medicare with funds from outside those systems, I think we can all see where we are headed.

One of the first things to go will the surpluses that we ought to use to pay down the debt, the burden that raises interest payments today and that our children and grandchildren will have to pay off. For all the talk about the surpluses belonging to the American people, we have to remember that the national debt belongs to them, too.

Playing fast and loose with the assumptions in the budget could leave us with a bigger debt, and higher continuing interest payments on the debt burden, than we would have if we stayed on the course that restored balance to our budgets.

We have come too far to go that way again.

This budget does not build on the successes of the last decade; it threatens to return us to the time when we failed to make the hard choices that Americans expect us to make. I will vote against this budget resolution, and I hope my colleagues will join me.

Mrs. CARNAHAN. Mr. President. Last month, I joined a bipartisan group of centrist Senators to support a $1.25 trillion tax cut along with an economic stimulus for this year. The tax cut agreed upon after negotiations with the White House and House of Representatives totals $1.35 trillion. I support a tax cut of this size and think that the people of Missouri also believe it to be a commonsense compromise.

This tax cut should provide immediate tax relief to help stimulate the economy, cut personal income taxes for all taxpayers, eliminate the marriage penalty, and eliminate the estate tax for all family farms and family-owned small businesses. I also want to ensure that the tax cut is distributed fairly and responsibly by focusing on the people who need tax relief the most—the working men and women of America.

The other key component of the budget voted on by the Senate last month was an approximately $300 billion investment in education over the next decade. That budget plan included sufficient funds to meet the Federal Government's commitment to fund 40 percent of the cost of special education. Meeting this commitment would enable states and localities to spend billions of dollars of their own funds on improving educational quality at the local level. The Senate budget also included funds for student loans, programs for disadvantaged students, and the testing and accountability reforms currently being debated on the Senate floor.

Unfortunately, the conference report before us completely eliminated the educational investments contained in the Senate passed budget. Indeed, this conference report does not even fund the education increases contained in President Bush's budget proposal.

Not only is this approach to education inconsistent with the bipartisan actions taken on the budget by the Senate a few weeks ago, but it is dramatically at odds with the votes being cast by the Senate on the education reform bill. Last week, the Senate unanimously voted to fully fund the Individual with Disabilities Education Act at a cost of $120 billion over ten years. Earlier this week, the Senate agreed to fully fund the largest federal education program for disadvantaged students at a cost of $130 billion. The vote on that amendment was 79–21.

I am a newcomer to the Federal budget process, but it defies common sense to be voting to support major increased investments in education on the one hand, while on the other hand voting for a budget that does not meet these commitments.

Some of my colleagues have stated that the lack of education funding in the budget should not be of concern because, eventually, Congress will provide additional support for education during the appropriations process. But I ask, what purpose does a budget serve if we vote based on an intention not to abide by it?

So, while I strongly support the $1.35 trillion in tax cuts for the American people contained in the conference report, I cannot support this budget agreement. I look forward to working on the tax cut legislation scheduled for later this month and on the appropriations bills that follow. Hopefully, in the end, we will provide both a tax cut of $1.35 trillion that provides needed tax relief to the public and an investment plan that meets our vital national priorities.

Mr. DODD. Mr. President, today the Senate will complete action on the conference report to the 2002 budget resolution. While we all know that a budget resolution is a non-binding document that does not require the President's signature, it is, nonetheless, still an important document because it should serve as the blueprint that reflects the priorities for America. Sadly, the document before us does not fulfill that purpose.

At the outset, let me first express my disappointment with the process that was undertaken to produce this misguided conference report. In the Senate, Budget Committee members were denied the opportunity to mark up a budget resolution and the decision was made to bring one directly to the floor for consideration without any committee input. The conference report itself was negotiated by the White House and Republican congressional leaders without allowing Democratic members a meaningful seat at the table. As a result, the Senate will be voting on a partisan conference report that is flawed, unbalanced, and out of touch with the needs of the American people. We need to take a lesson from this year's experience to improve upon how we deal with one of the most important pieces of legislation that we consider as a body each year. This conference report isn't worthy of the Senate and it's certainly not worthy of the Americans it is intended to serve.

The budget outlined in this conference report fails on a number of important counts and I take this opportunity to briefly discuss why I believe this budget is wrong for this country and why I will be voting against it.

First, this conference report is unrealistic as it fails to take into account numerous costs that will most likely be incurred in the months and years ahead. Specifically, it ignores the cost of Alternative Minimum Tax reform, something that we all know will be absolutely necessary as more and more taxpayers find themselves subject to this tax. It does not address the additional interest costs associated with the tax cut required in the conference report or the funds that will be needed for the extension of popular expiring tax provisions. It also does not consider the costs that are likely to arise as a result of the President's National Defense Review. Preliminary estimates indicate that this new defense spending could carry a price tag of at least $250 billion over the next 10 years. Yet, none of these costs are reflected in the document up for consideration today.

Second, the conference report provides no safeguards for Social Security and Medicare. Once one adds up all the real costs which, again, are noticeably absent from this budget, raiding both the Social Security and Medicare trust funds will become an unfortunate reality. What is more troubling is the fact that this budget does not provide any real protections for these trust funds that would guarantee that their surpluses would be used only for the

purposes of Social Security and Medicare. We seem to be moving in the wrong direction on Social Security and Medicare at a time when the demands being placed on them will be at their greatest. These trust funds should not become a piggy bank, but I fear that this conference report does nothing to ensure that they won't.

Third, one of this conference report's most obvious failures, is the fact that it limits our ability to invest in the priorities that are so important to the American public like preserving the environment, law enforcement, new highways, and quality health care. One of the areas in which I, personally, take the greatest exception is the conference report's utter disregard for education.

Many of us in the Senate agree that education is one of the most critical priorities facing our nation. Proof of this was evident during the Senate's consideration of the budget resolution when, on a bipartisan basis, the Senate voted for a smaller tax cut and increased investments for children and education.

In a bipartisan vote, the Senate approved an amendment offered by Senator HARKIN which added $250 billion to support student achievement and to help failing schools. Again, on a bipartisan basis, the Senate supported an amendment from Senators BREAUX and JEFFORDS which increased funding for the education of children with disabilities by $70 billion. In addition, last week, by an overwhelming vote of 79–21, the Senate supported an amendment to the ESEA reauthorization bill that I offered with Senator COLLINS to add $135 billion over the next 10 years to the title I of the Elementary and Secondary Education Act, which helps to meet the educational needs of the poorest, most vulnerable children in our country.

And does this conference report reflect any of these bipartisan votes? No. It rejects them and provides no new dollars for us to commit to education in this country. It prevents us from making any of those investments on behalf of the neediest school children in America that the Senate has gone on record as supporting.

I have heard my Republican colleagues claim that this conference report increases funding for education. While we may be reading the same document, we do not share the same interpretation of its meaning. As a result, there are no increases to be found. None.

In fact, when I read this conference report, all I see are cuts. There are no increases for education because total non-defense discretionary funding in this conference report is actually $5.5 billion below what is needed to maintain even current programs and services. This decrease becomes $62 billion less over the next 10 years. Consequently, to pay for any proposed increases in education will require severe cuts in other programs which are already operating on less than adequate funding. So, in effect, this conference report will squeeze resources from critical priorities such as education, health care, and the environment in order to help finance a massive tax cut that heavily favors the most affluent.

I am aware that the conference report provides a $6.2 billion earmark for education. Unfortunately, this money is a mirage. It is in the form of nonbinding, unenforceable ''sense of the Congress'' language expressing that Congress should spend this money on education. This is in no way a guarantee and it is a far cry from the resources that the Senate believed were necessary to truly improve education in this country.

The one thing that is abundantly clear in this conference report is the amount of money that will be spent on a tax cut. I find it interesting that the language in the report with respect to the tax cut is straightforward and directs Congress to cut taxes by $1.25 trillion over the next 10 years. Yet, we can't seem to make the same kind of unequivocal commitment to education.

I support tax relief and I believe that Americans need tax relief. But tax relief must be affordable fair. The tax cut in this conference report is neither. I believe it is unwise to commit $1.25 trillion to tax cuts that will benefit the wealthiest Americans, that we may not be able to pay for in years to come, and that may risk a return to runaway deficits.

The conference report also can't seem to commit to the idea of an immediate economic stimulus which many economists feel would boost our slowing economy. With the way the language is structured in the conference report, the $100 billion that should be used as a stimulus in 2002 could potentially be spread over the next decade, thereby losing its stimulatory impact.

One way to make this tax cut more fair would be to double the child tax credit and make $500 of it refundable. Senator SNOWE and I have introduced legislation to do precisely that. This bill would, with just a few words, lift one million children out of poverty.

It seems fair to me that at the same time that we consider cutting taxes by $1.25 trillion over the next 11 years, we could work to find the resources to provide these working families with some kind of modest relief. Senator SNOWE and I introduced what I believe is a bill that acts as a first step in truly helping these families. This legislation won't eliminate child poverty entirely, but it's a start. I hope that the Finance Committee will keep the millions of children who live in poverty in this country in mind as it begins work on a tax bill.

I represent a State with the highest per capita income in the nation. Yet, surprisingly, I do not many people asking for a $1.25 trillion tax cut. What I do hear is that people want Social Security and Medicare to be strengthened, they want cleaner drinking water, they want better roads, and they want quality teachers and safer schools for their kids.

Unfortunately, this conference report virtually ignores all of their concerns and offers only vague, empty promises. This conference report has got it all wrong. It's wrong on the environment, it's wrong on defense, it's wrong on Social Security and Medicare, it's wrong on education, and it's most especially wrong on tax cuts.

As such, I hope my colleagues will join me in opposing this conference report so that we can begin work again, in a bipartisan fashion, to prove to the American people that we are truly listening. And should it pass—as it probably will on a largely partisan basis—I hope that we will, before the year is out, honor and support the important priorities of the American people.

Mr. LEAHY. Mr. President, I must oppose this budget resolution conference report because it is an irresponsible gamble with our economic future. Despite the best efforts of the Senate to reduce the President's risky tax cut plan, this conference report does not adequately protect the interests of low- and medium-income American men, women, and children.

This resolution sets aside trillions of projected budget surpluses for tax cuts proposed by President Bush that are steeply tilted to the wealthy. It pays for the Bush tax plan at the expense of needed investments in Social Security, Medicare, education, and the environment. In addition, the cost of the Bush tax plan imperils our ability to pay off the national debt so that this nation can finally be debt free by the end of the decade.

We should remember that the nation still carries the burden of a national debt of $3.4 trillion. Like someone who had finally paid off his or her credit card balance but still has a home mortgage, the federal government has finally balanced its annual budget, but we still have a national debt to pay off. In the meantime, the Federal government has to pay almost $900 million in interest every working day on this national debt.

Paying off our national debt will help to sustain our sound economy by keeping interest rates low. Vermonters gain ground with lower mortgage costs, car payments and credit card charges with low interest rates. In addition, small business owners in Vermont can invest, expand and create jobs with low interest rates.

I want to leave a legacy for our children and grandchildren of a debt-free nation by 2010. We can achieve that

legacy if the Congress maintains its fiscal discipline. But this budget resolution tosses out fiscal responsibility for skewed tax breaks. It is based on a house of cards made up of rosy budget scenarios for the next ten years. Any downturn in the economy, are of which we are now beginning to experience, threatens to topple this house of cards.

Mr. President, the $5.6 trillion surplus that President Bush and others are counting on to pay for huge tax cuts is based on mere projections over the next decade. It is not real. Many in Congress have been talking about the $5.6 trillion surplus as if it is already money in the United States Treasury. It is not.

While none of us hope that the budget surpluses are lower than we expect, to be responsible we need to understand that this is a real possibility. In its budget and economic outlook released in January 1st, CBO devotes an entire chapter to the uncertainty of budget projections. CBO warns Congress that there is only a 10 percent chance that the surpluses will materialize as projected by saying: ''Considerable uncertainty surrounds those projections.'' This is because CBO cannot predict what legislation Congress might pass that would alter federal spending and revenues. In addition, CBO says—and anyone whose watched the volatility of our markets over the past few months knows—that the U.S. economy and federal budget are highly complex and are affected by many factors that are difficult to predict.

With all of this uncertainty in projecting future surpluses, it is amazing to me that the budget resolution insists on a fixed $1.35 trillion tax cut. I was one of five Senators still in the Senate who voted against the Reagan tax plan in 1981. We saw what happened there: We had a huge tax cut, defense spending boomed, and the national debt quadrupled.

The conference report includes the full $1.5 billion increase in budget authority ($32.4 billion total) for essential Department of Justice programs to help state and local law enforcement programs contained in the Leahy/Harkin amendment that unanimously passed the Senate. However it reduces the outlays increase to $1.1 billion ($31.8 billion total) in FY 2002. The conference report also waters down the Sense of the Senate language to drop all references to specific grant programs that are targeted for cuts by the President.

I cosponsored and supported a successful, bipartisan amendment in the Senate to increase funding for agriculture conservation programs on private lands by $1.3 billion. This funding was to support nationally-successful programs like the Environmental Quality Incentive Program, the Farmland Protection Program, and the Wildlife Habitat Incentive Program—programs that truly help farmers and ranchers keep their working lands and that help private landowners enhance their communities' water quality, open space, and wildlife habitat.

Unfortunately, though communities all over the nation have asked Congress for help to protect and restore water quality and open space, Republican negotiators chose to strike funds for our amendment in the final conference report.

The conference report also ignores communities' cries for cleaner energy and energy conservation—especially communities in the Northeast who breathe the downwind fumes of 1960's-era, dirty energy production further west. By following the Bush plan to significantly cut funding for the Department of Energy's conservation, energy efficiency, and clean energy programs, the Republican negotiators continue to ignore the 21st century energy needs of our people.

During consideration of the budget resolution in the Senate, I joined many of my colleagues in supporting amendments to increase funding for education programs. Despite the passage of these important amendments, this budget resolution conference report ignores the Senate's actions and does not provide sufficient funds for our students, teachers and schools.

This conference report contains no increase for K–12 or higher education discretionary spending. Mandatory spending for education and training is essentially the same as the House-passed resolution and therefore reflects none of the Senate's bipartisan actions. The conference report rejects the Harkin education amendment that provided increased funds for so many important education programs. It rejects the Jeffords/Breaux amendment, which increased funding for the Individuals with Disabilities Education (IDEA) Act—fulfilling the Federal government's responsibility. This conference report also fails to accommodate the Hagel-Harkin amendment—adopted unanimously by the Senate to the Elementary and Secondary Education Act (ESEA)—without additional cuts to student loan programs.

At a time when the Senate is debating reauthorization of ESEA and considering a significant change to our education system, it makes no sense to me that we reduce education funds as is the case in this conference report. If we really want to leave no child behind, then we must acknowledge that we have a financial responsibility to support our children's education. This conference report fails to do that.

The conference report includes a $1 billion increase in discretionary veterans health spending. That increase barely covers inflation in the Department of Veterans Affairs' current programs, let alone provides the department flexibility to increase the availability and quality of care. I am also concerned that this budget squeezes this money out of critical veterans health research programs, leaving investigations into spinal injuries and war wounds at inadequate levels.

This conference report also drops a provision passed by the Senate that would have allowed military retirees to receive their full VA disability and retiree pay earned during their lifelong service. Once again, the other side has made it a priority to top-off the bulging piggy-banks of the wealthy with change pilfered from the fixed income checks of those who have sacrificed for our country.

Mr. President, after years of hard choices, we have balanced the budget and started building surpluses. Now we must make responsible choices for the future. Our top four priorities should be paying off the national debt, passing a fair and responsible tax cut, saving Social Security, and creating a real Medicare prescription drug benefit. This budget falls far short of these priorities. For the sake of our economy and the working families of America, I will vote against this budget resolution.

Mr. KENNEDY. Mr. President, yesterday I cited chapter and verse how this Republican budget flunks the test of education reform. It puts tax cuts for the wealthy first, and the needs of America's children last. But that is not the only fundamental flaw in this budget. America's seniors, too, will be left out and left behind.

Too many elderly Americans today must choose between food on the table and the medicine they need to stay healthy or to treat their illnesses. Too many senior citizens take half the pills their doctor prescribes, or don't even fill needed prescriptions—because they can't afford the high cost of prescription drugs.

Too many seniors are paying twice as much as they should for the drugs they need, because they are forced to pay full price, while almost everyone with a private insurance policy benefits from negotiated discounts.

Too many seniors are ending up hospitalized—at immense cost to Medicare—because they aren't receiving the drugs they need at all, or can't afford to take them correctly.

Pharmaceutical products are increasingly the source of miracle cures for a host of dread diseases, but senior citizens are left out and left behind in this republican budget.

The crisis senior citizens face today will only worsen if we refuse to act, because insurance coverage continues to go down, and drug costs continue to go up.

Twelve million senior citizens—one third of the total—have no prescription drug coverage at all. Only half of all senior citizens have prescription drug coverage throughout the year. Coverage through employer retirement

plans is plummeting. Medicare HMOs are drastically cutting back. Medigap plans are priced out of reach of most seniors. The sad fact is that the only senior citizens who have stable, reliable, affordable drug coverage today are the very poor on Medicaid.

Prescription drug costs are out of control. Since 1996, costs have grown at double-digit rates every year. In the stunning report released earlier this week, cost increases continue to accelerate, with prescription drug costs growing an enormous 18.8 percent last year. No wonder access to affordable prescription drugs has become a crisis for so many elderly Americans.

Every Member of Congress understands that this is a crisis—but this budget offers no solution. It refuses to give senior citizens the help they deserve. Yet it gives lavish tax breaks to millionaires.

Compare the language in this budget for prescription drugs to language on tax cuts and you have a sense of the relative priorities in this budget.

If the Republicans gave a real priority to coverage of prescription drugs under Medicare, there would be a reconciliation instruction—not a reserve fund. The budget resolution could require the Finance Committee to report a prescription drug bill and set a date certain for action, just as the GOP resolution does for tax cuts.

If Republicans gave a real priority to this proposal, they would not condition life-saving prescription drugs for seniors on ''reforming'' Medicare. The supporters of the resolution are saying that prescription drugs for seniors will be held hostage to controversial reforms in other parts of Medicare. But the resolution contains no requirement that the tax code must be reformed before millionaires get their tax breaks.

If the Republicans were serious about a prescription drug proposal, the resolution would specify that the reserve fund is for coverage of prescription drugs under Medicare. That is what senior citizens want and deserve. But this resolution doesn't require that. These funds are available for any program that ''improves access to prescription drugs for Medicare beneficiaries.'' That could be a welfare program. It could be an expansion of Medicaid. It could even be President Bush's proposed block grant that would reach only one-third of senior citizens.

At bottom, the amount the resolution allocates for Medicare prescription drugs is grossly inadequate. The maximum it provides is $300 billion over ten years. But, according to the Congressional Budget Office, senior citizens will have to spend $1.1 trillion on prescription drugs over the next ten years. The maximum amount that can be provided under this budget resolution is only about a quarter of that amount. That is not the kind of help senior citizens need, and it is not what Congress should provide. To add insult to injury, the Republican budget resolution allows the Medicare drug benefit to be funded by taking money from the Medicare Hospital Insurance fund, which seniors have paid into over their working lives to protect them against the high cost of health care.

There is a reason for the inadequate promises of this budget resolution. The budget does not contain enough funds to provide a real prescription drug benefit under Medicare, because it squanders too much of the budget surplus on new tax breaks for millionaires.

Medicare is a solemn promise to senior citizens. It says, ''Work hard, pay into the trust fund during your working years, and you will have health security in your retirement years.'' But this promise is being broken every day, because Medicare does not cover prescription drugs, and this budget does not mend that broken promise.

It has been said that the measure of a society is how it treats its young and its old. By this measure, the Republican budget is a sad commentary on our values. It shortchanges young and old alike. It is a budget that is anti-child, anti-education, and anti-senior citizen. Its priorities are not the priorities of the American people, and it should be rejected.

This budget spends $1.6 trillion over the next ten years on tax cuts, but only $153 billion on Medicare prescription drugs. Almost half the tax cut goes to the richest one percent of Americans—people with incomes averaging more than a million dollars a year. The GOP budget gives this small number of wealthy families more than five times as much as it provides for essential prescription drugs for forty million elderly and disabled Americans.

The President and the sponsors of this budget say that they want to provide prescription drug coverage for every elderly American under Medicare. But adoption of this budget will make this goal much more difficult to achieve. This budget squanders the surplus and saves only token amounts for Medicare prescription drugs.

In fact the budget does not even fund the low income program fully. If the block grant program is adjusted for inflation, it will cost $210 billion over 10 years, not the $153 billion that this budget provides. Clearly, there is not enough money in this budget to fund a Medicare benefit for all senior citizens.

The choice could not be clearer. Do we stand with America's senior citizens—or with the privileged few? Do we believe the budget surplus should be used to benefit all Americans—or just the wealthiest Americans? Do we believe it is more important for people who already have incomes of more than a million dollars a year to get an additional $50,000 a year, than it is for senior citizens scraping by on limited incomes to get the life-saving drugs their doctors prescribe?

For all of these reasons, I urge my colleagues to vote against this anti-senior citizen budget.

Mr. LIEBERMAN. Mr. President, I rise today to express my serious disappointment with the budget resolution and to explain why I cannot vote for it. This resolution is irresponsible. It is irresponsible to the citizens and businesses of this nation, to the fundamental economic principles for which we stand, and to the values that define us as Americans. As I have stated often, the government does not create jobs or economic success. However, through fiscal discipline the government can create an environment in which the private sector thrives. Fiscal responsibility produced an environment that enabled the historic economic growth of the past several years and the unprecedented surplus we have today. I am sorry to say this resolution abandons that discipline.

Government should tend to the people's money with the same care and consideration that individuals, families, and businesses demonstrate when handling their own dollars and cents. As I look at the budget resolution that we are voting on, I conclude that it lacks not only fiscal responsibility, but also a sense of reality. It is based entirely on large projected surpluses that we are not confident will materialize. And, if these surpluses are not realized, this budget resolution puts us at risk of returning to deficit spending financed by borrowing from the Social Security and Medicare Trust Funds.

The tax cut provided for in this budget resolution is simply too large. At the very least, it will cost $1.35 trillion over 11 years. In addition, if you add in other required or likely to pass tax provisions, including AMT reform, increased interest payments, extension of expiring tax provisions, pension reforms and business tax cuts, this package easily rises to above $2 trillion. While I support significant tax cuts, that amount is more than we can afford. This budget resolution spends too much of the projected surplus on a tax cut that is too large and it uses too little of the surplus for other priorities.

Additionally, this resolution does not seriously address debt reduction. Aside from funds already committed to the Medicare and Social Security Trust Funds, this budget does not devote a single dollar over the entire decade towards paying down our national debt. Because this resolution is so irresponsible, it is not at all clear that even the Medicare and Social Security Trust funds will be available for debt reduction if they are used instead to pay for the tax cut. Sadly, this budget resolution sacrifices the unique opportunity that we have at this point in time to successfully pay down our publicly held debt—the key to low interest rates and economic growth.

This budget resolution sets us on course for an appropriations train

wreck later this year and in the future. The spending levels do not even keep up with inflation. The resolution provides total discretionary spending levels for FY02 that are $2 billion below CBO's baseline with inflation. For the 10-year period, they are $24 billion below inflation. Despite the rhetoric, it removes nearly $300 billion in additional education funding that the Senate had added to its budget resolution. It provides an increase of only $3.3 billion above inflation for defense in FY02 and only $40 billion over ten years—$22 billion less than the President's request prior to the Rumsfeld review. According to the resolution, any increased spending as a result of the Rumsfeld review which is likely to be at least $250 billion over 10 years—would come out of the contingency reserve fund. This fund may not even exist if surplus projections do not materialize or if Congress taps it for other purposes, including additional tax cuts.

This budget resolution does not represent reality, but fantasy. It abandons fiscal discipline and blithely overspends a surplus whose size six months down the road or six years down the road is at best theoretical. This agreement sets our country on a dangerous path toward resurrecting the deficits we worked so hard to eliminate over the past several years. Finally, this resolution does not add up because the Administration and the Majority here in Congress prefer to sound the call for compassionate conservatism rather than engage in honest accounting. It is ''dejavoodoo economics.'' It commits us to the same fiscal mistakes of the early 1980s that had a horrendous and long-lasting impact on our economy.

So I call on centrists of both parties here in the Senate to not waste a decade's worth of hard work invested in re-building our economy. I urge my colleagues to look closely at this resolution. It is not what the American people deserve, nor is it what they expect it to be. In support of progress and prosperity, I must vote no and I encourage my centrist colleagues to do the same.

Mr. NELSON of Nebraska. Mr. President, I want to express my support for the conference report on the budget resolution. My affirmative vote on this report will be cast for several reasons, but the most important one among them is that this resolution provides the American people with a substantial tax cut—without neglecting our national budgetary obligations. The concerted effort from Senators and Members of Congress on both sides of the aisle in the negotiating process has culminated in a victory for American taxpayers.

The vote on the budget resolution will succeed in doing a great deal for our country and for our future. Today we are authorizing the third largest tax cut in the history of our Union. The men and women of Nebraska, as well as the men and women across the Nation, will directly benefit from the $1.25 trillion tax cut over 11 years that will enable us to still pay down the national debt and meet our domestic budgetary priorities. The American people deserve a tax cut, and it is the role of Congress and the administration to deliver it. This conference report is our delivery vehicle.

Of even greater consequence than the tax cut spread over 11 years is the inclusion of a $100 billion up-front stimulus package, which will help strengthen our economy sooner rather than later. I firmly believe that our economy, which has been showing all the symptoms of a slow-down, needs a jump-start from a stimulus package to blunt the effect of what could become a serious economic recession. As any doctor will tell you, you should not wait until the patient is on life support before you begin treatment. It is critical that we heed the warning signs of a slowing economy, and use the tools within our legislative power to prevent the situation from metastasizing. The 2-year, $100-billion economic stimulus package prescribed by this conference report will put the American economy back on the road to recovery.

Another important aspect of the resolution, in addition to the substantial tax cut and the upfront stimulus package, is the increased support of agriculture. When our budget negotiations started, agriculture was a mere footnote in the margin. While it remains a footnote, it is now a little bolder and a little bigger. I am anxious to see agriculture removed altogether from ''footnote'' status, or more accurately, out of emergency spending mode; but I am pleased in the interim that at least we are increasing agriculture funding to a more substantial—and realistic—level. While a new farm bill would be more welcome than prolonging the endless cycle of emergency spending, the $79 billion over 11 years that has been included in this Report does recognize and consider the unfavorable odds and inequities that our farmers and ranchers are forced to contend with due to a problematic farm bill and unpredictable hardships dispensed by Mother Nature.

As with any compromise, the conference report on the budget resolution is not representative of my ideal budgetary blueprint. I accept, however, that ''giving and taking'' is an integral part of the bicameral, bipartisan negotiating process. While this report could be stronger in some areas—namely, education—I am comfortable casting an affirmative vote, because it meets an important criterion I have consistently promoted throughout the process. This report authorizes a substantial tax cut—including an up-front economic stimulus package—that allows us to still provide for our critical domestic priorities, such as preserving Social Security and Medicare, paying down the national debt, and funding agriculture. As a result, I will vote in favor of this conference report.

While the final outcome of the budget resolution cannot be described accurately as a triumph for bipartisanship, it can be characterized as a triumph for American taxpayers. It is my hope that we will forge ahead on other issues in a stronger and more cohesive spirit, more united in our efforts and less divided in our cause. It is time to make ''politics as usual'' synonymous with progress, not partisanship.

The PRESIDING OFFICER (Mr. ALLARD). Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield myself the remaining time and I ask the Chair if he would inform me when I have 5 minutes remaining.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. CONRAD. I thank the Chair.

Mr. President, first, I thank the chairman of the Budget Committee for his courtesy as we have considered the budget conference report. I respect him. I admire him. I have affection for him. I disagree with him with respect to this budget, and I disagree with him strongly with respect to this budget.

I do not believe this is the right budget plan for our country, and it is not an opinion limited to me. We have heard on our side of the aisle how deficient we believe this budget is.

I noticed in this morning's New York Times the lead editorial was entitled ''An Irresponsible Budget Plan.'' I will read the first sentence:

> After several days of back room negotiations, the House approved a federal budget plan yesterday that is a model of fiscal evasion and irresponsibility.

I echo those words.

Earlier the Washington Post called this budget we are considering today an unreal budget. They concluded their editorial by saying:

> The theme of this budget is tax cuts first, sweep up afterward. It's the wrong way around. Budget resolutions are supposed to foster fiscal responsibility. This one will have the opposite effect.

Unfortunately, that is the case. The reason for it is quite clear. First, this entire budget is based on a 10-year forecast—10 years. This is not money in the bank; these are projections over 10 years. The people who made the projections have warned us of the uncertainty. In fact, they told us that in the fifth year alone, based on the previous variances in their forecasts, we could have anywhere from a $50 billion deficit to more than a $1 trillion surplus.

In fact, they have told us there is only a 10-percent chance the forecast number that is being used, that is being relied on, will come true. There is a 45-percent chance there will be more money; a 45-percent chance there

will be less money. And that forecast was made 8 weeks ago before we saw additional weakness in the economy.

Just yesterday, we saw the productivity growth forecast come out on the first quarter of this year. They were expecting a 1-percent increase. Instead, they got a reduction. If there is just a 1-percent reduction in productivity over the forecast period, instead of having a $5.6 trillion surplus, we will have a $3.2 trillion surplus. It seems to me that advises caution in what we do on this budget resolution.

Those are not the only defects of this budget. There are huge chunks of spending that are not even in this budget, that have not been included. For example, here is a story from USA Today, Friday, April 27. ''Billions Sought for Arms.'' The story says that the Secretary of Defense and this administration are expected to seek a large boost in defense spending, $200 billion to $300 billion over the next 6 years.

That money is not in the budget. None of that money is in the budget. Why not?

Perhaps we heard the reason in an interview this last weekend on ''Meet the Press.'' The Secretary of Defense was there. He was asked:

> Will you get the $10 billion more in defense money this year that you need?

His response:

> I don't know. I have not gone to the President as yet. He wanted to wait until after some of the studies had been completed and until the tax bill was behind us. . . .

That is the real reason this budget is unreal. It is the real reason this budget is irresponsible, because they are not telling us the full story. They do not really have the budget before us. What they have is a part of the budget because they know what we know. If they put the full budget in place on one piece of paper, on one document, it would not add up. That is the problem with this budget.

It goes to education. The President says education is his highest priority, and yet there is no new money in this budget for education. In the Senate, when we considered the budget, we passed the Harkin amendment that added $225 billion for education. It took $450 billion away from the tax cut and put $225 billion into education and put $225 billion into paying down more of the debt. What came back from the conference committee? Not one penny of that amendment survived.

We passed a bipartisan amendment on the floor of the Senate when the budget resolution was considered, with $70 billion of additional funding for education to address the disabilities act. Not one penny of that increase came back from the conference committee. That is true throughout the education budget.

We have heard a lot of talk that somehow there is money in this budget, new money for education. Here is the document. Here it is by fiscal year. What it shows is the increase in budget authority and outlays over what is in the so-called baseline is zero. It is zero for 2002; it is zero for 2003; it is zero for every single year.

There were a lot of brave speeches about education being the priority, but it is clearly not a priority in the budget because there is no new money in the budget for education.

It doesn't stop there. Not only is it the case that the defense buildup that we all know is going to be announced, perhaps as early as next week, is not in the budget, the President says education is a priority, but that is not in the budget. And then we see the President has a meeting at the White House and says he is going to strengthen Social Security but there is no money in the budget for that.

We have an editorial from the Columbus Dispatch that says:

> The tax-cut proposal works against [the President's] plan to begin privatizing Social Security. . .experts differ on how much this ''transition cost'' will be, but it won't be cheap. . .thus, the Bush's 10-year, $1.3 trillion tax cut would deprive the Government of the cash it would need to pay for the $1 trillion transition cost for the first 10 years of Bush's Social Security privatization plan. The goals are contradictory.

Do you see a pattern? The administration is calling for a major defense buildup but the money is not in the budget. The President says education is a top priority but the money is not in the budget. The President says he is going to fix Social Security but the money is not in the budget.

Why? I think we all know the reason why. Because if the money were in the budget for the defense buildup, if the money were in the budget for the education initiatives, if the money were in the budget to strengthen Social Security, then the budget does not add up. In fact, it would show they are raiding the Medicare trust fund by over $200 billion. They are raiding the Social Security trust fund by over $200 billion. That is the dirty little secret of this budget. It is the reason whole chunks of what is really intended have been left out.

Over in the House they had two missing pages. It stalled the budget work for a week. Two missing pages? There are more than two missing pages. There are whole chunks of the real budget that have been left out because they know it doesn't add up.

As we look ahead, it is critical to understand we are in a period of surplus now. These projections of surpluses may hold. They may not. But at least we have a projection of surpluses. We know when the baby boomers start to retire that these surpluses turn to massive deficits. Then the question will be: What did we do when we had the opportunity to prepare for what was to come?

This is what we are doing.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. CONRAD. I thank the Chair for advising me of the time.

If we go back to the budget that is before us and put back the defense buildup the administration is going to call for and which is authorized in this budget, although the numbers are not included, if we would go back and correct the alternative minimum tax that is going to affect over 35 million taxpayers in this country, one in every four taxpayers who think they are going to get a tax cut but are going to be surprised when they find out they are caught up in the alternative minimum tax and it costs $290 billion to fix it; if we put in the education amendment that passed on the Senate floor last week on a unanimous consent basis; if we put in the emergencies that we all know are going to occur that run on average $5 billion a year; and if we put in the associated interest costs with those items, what we find is that we would be deep into the Medicare trust fund; that we would be deep into the Social Security trust fund.

That is the reason all of those items have been left out—because this budget does not add up.

There has been a lot of talk about reducing the public debt, but the part of the debt they have been talking about is the publicly held debt. It is true, the publicly held debt is going down under this budget. It is going down from $3.2 trillion at the end of this year to $800 billion at the end of this 10-year period.

Do you know what? While the publicly held debt is going down, the debt to the trust funds of the United States is going up. As a result, the gross debt of the United States, which is currently $5.6 trillion, will be $6.7 trillion at the end of this time. It is very interesting—just about the amount of the tax cut is the amount of additional debt our country will have at the end of this 10-year period.

I believe these are the top six reasons to oppose the budget resolution conference report.

No. 1, no new money for education;

No. 2, unaffordable tax cuts crowd out priorities, especially paying down this national debt;

No. 3, it hides defense spending increases by providing a blank check to the Bush administration;

No. 4, it sets up a raid on the Social Security and Medicare trust funds;

No. 5, it cuts spending for high-priority domestic needs by $56 billion over the next 10 years. They are $56 billion short of just keeping pace with inflation, not to mention population growth.

Finally, No. 6, it fails to set aside funds for the long-term Social Security and Medicare reform needs we all understand are before us.

Perhaps it is time to review history. Those who are advocating this budget

are the very ones who, back in the 1980s, advocated a similar policy, a policy of a massive tax cut combined with a substantial buildup in defense. What was the result? The result was an explosion of the deficits in the Reagan administration and a further growth of the deficits in the Bush administration. It was only when we had a new administration and a new fiscal plan that deficits started coming down and we began to pay down debt.

Here is the record. It is as clear as it can be. President Reagan came in; he had about an $80 billion deficit. That exploded to over $200 billion, with exactly the same kind of economic analysis that has been done and with the same advocates that put in place that plan.

Then the deficit further exploded under President Bush to over $290 billion. It was only when a new administration came in and we put in place a 5-year plan to bring our fiscal house back into order that we began to reduce deficits, reduce debt, and put this Nation in a position to have the longest economic expansion in our history.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. I ask our colleagues to oppose this budget resolution so we do not repeat this history.

The PRESIDING OFFICER. The Senator from New Mexico controls time.

Mr. DOMENICI. Am I correct now, there is no time remaining on the other side and I have how many minutes?

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. DOMENICI. So our fellow Senators ought to know, we are going to finish in a timely manner and the vote will be sometime after 11:30.

First, I thank all the wonderful staff on both sides of this budget battle. Much more work goes into this than anybody thinks.

In particular, I say to Bill Hoagland, the staff director on our side, and to his staff, thank you so much for all you have done. It has been a great effort.

Mr. President, fellow Senators, those who are listening, this is a budget for prosperity now and prosperity in the future, plain and simple. It is the largest commitment of money for education in our Nation's history. I will go into some details on that momentarily. It keeps our word. Social Security and Medicare are not touched. Their funds are not used.

I know that Senator BYRD said today on the floor that when your mother calls you—implying on Mother's Day—tell her that the Social Security trust fund is being raided, and whatever else he said we should be responding to our mothers on Mother's Day.

I have another response. My mother is not alive. But if she were to call me, I would say: Your Social Security is intact and fully protected. Medicare is fully protected. But also, mother, there is $300 billion in this budget for prescription drugs and reform of the Medicare program—$300 billion. The House wanted only $146 billion. There is $300 billion to get started on the program. There is $300 billion that can be used.

I say, in addition, to my mother, that this budget is good for me, one of your children, and for the other three children, and for the grandchildren, six of whom are working. I am just describing a family. Do you know why it is good for them, mother? Because we are going to give them back some of their hard-earned tax money. You know they are hurting because of gas prices. They are hurting because of electric bills. Everybody is working on some way to fix that.

But wouldn't it be nice if, in fact, your sons and daughters and grandchildren this year and next year got a very significant tax reduction?

Frankly, I could go on and on as to what this budget does.

But let me suggest that to bring into this debate the subject of Social Security and Medicare is just another part of the same old argument. Whenever tax cuts for the American people are close at hand and we are going to do something for them, every argument in the world that can be invented from a budget standpoint is offered in opposition. It is a wonder that the American people ever get a tax cut; we have our minds on so many things that we can do with that money.

But we decided today to take about 25 percent of the surplus—it sounds like we are using all of it—about 25 or 26 percent, and give it back to the Americans in an orderly way for such things as child credits, marriage tax penalty, which everybody knows should be done, and marginal rate reductions with bigger cuts at the bottom end than at the top end.

I don't know what else we can do. I believe we have done everything in this budget that you can do in a rational way to make sure that the surplus is handled in a proper manner and that it is there to have the right things feed on it, use it, and get money out of that surplus for things we must have.

I have already disagreed with my friend on the other side. But I don't disagree from the standpoint of his hard work, his own views, and his own opinions. I would not be asking people to vote for a budget resolution that touched the Social Security trust fund. I wouldn't be asking them to vote for one that touched Medicare because it does not. But neither would I ask them to vote for a budget resolution that some would want that would spend all the money instead of having any of it for the taxpayers of America.

We have heard all kinds of ideas of what should be in this budget. If anybody is adding it up and listening to us, I guess you would conclude that the Government of the United States is going to take care of every problem in the United States, and if we just didn't gave the taxpayers back any money, we would be out there solving all of them.

We know that isn't true. This budget is an increase over last year. In fact, I know that the House and the Senate would do it in their own way.

I see the chairman of the House Budget Committee. I want to tell the Senate that I believe on the nondiscretionary side of this budget there is a little bit more than 5 percent over last year they can spend. The House started at 4; the President started at 4. That is $6.2 billion more we have for education and other things of significance.

I want to close my remarks where I started. This budget is for prosperity. Now, because it has $100 billion that will go back to the American taxpayers in these next 2 years, this one and the next, and it is a budget for the future because for America to prosper we have to have low taxes and low tax rates. It has been our history that we compete not through government but through innovation, and through people investing their money, time, talents, and working hard. If you have high taxes, you get less of those things in an economy. That is just it.

Senator NICKLES also told us about how much we are paying in taxes as a group of people, as Americans. It is very high. We are going to reduce it a little bit—not very much; $1.25 billion over ten years is not very much. In fact, when you look at that as part of the total tax take, what we are going to give back to the American people is rather insignificant.

I close by saying to everyone here: This is your chance today but not the last chance because there is a $500 billion surplus remaining. But this is your chance to say to the American people before we spend all of your tax money that isn't needed, we are going to give you a little bit of it to be used as you see fit because we trust you. Not only do we trust you, but we think the less you are taxed, the harder you work, and the more you will invest in your life, in productivity, in growth and doing things, and the more you will sit around the family table saying what you can do with your money instead of saying the Government is taking so much of your money.

In conclusion, this has been as tough as it comes. I have been at budgeting for many years. It is tough because there are people on both sides of the aisle, in the White House, and in the House of Representatives, who have their own opinions and nothing was going to change anybody's opinion. A lot of opinions have been changed. There have been many compromises, which is what we have to do to get our work done. This compromise package is the best we can do this year. I believe it is good for our future. I believe

the American people, in about 6 months, will say it is a very good budget. And, yes, I believe those wondering where the education money is coming from will be very happy. There will be over an 11-percent or perhaps as much as a 12-percent increase in education with some highlighted at higher increases than that.

I think that is what we ought to be doing. The highest priority on the domestic side is education.

I want to say to President Bush, you didn't get everything you wanted, Mr. President, but I want to compliment you because you have made us change direction. You have moved us in the direction of giving back taxes to the American people rather than giving them the last cut after the debt. They are going to get some of those taxes back now, next year, and the year after. That is a new direction. Mr. President, you ought to be proud of it.

We will implement it in due course, and, frankly, I think that we will all say this was a job well done, as hard as it was.

I close by saying if we don't want to do this now, when will we do it? How much more surplus will we have to have? I believe we have enough surplus that we should leave part of it in the hands of the taxpayers.

I yield such time as I might have.

The PRESIDING OFFICER. All time is yielded.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—53

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

NAYS—47

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

The conference report was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank everyone who participated in this debate. I believe we have a good product and now we will implement it over the next year.

Once again, I thank everybody who participated on both sides of the aisle. We have a good product. Now everybody can begin to implement it. It means different things to different people, but in the end, it is pretty clear we are going to have a significant tax reduction plan in place. Let's hope, as we work through it, we will get some of the other things that most of us believe are in this budget resolution and see if we can carry them out in the ensuing months.

I thank the ranking member on the Budget Committee for the way he conducted himself, the information he put together, and the knowledge he has obtained. It has been a pleasure working with him. I thank him very much.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I congratulate the chairman of the Budget Committee for his victory today and for the way he has conducted himself. I appreciate the relationship we have. We disagree on this budget, but I have great respect for him as a Senator and as a person.

I also thank the staff on both sides. They worked incredibly hard in these last 2 days, in some cases almost around the clock. I thank my staff director, Mary Naylor, for her extraordinary efforts, Sue Nelson, Jim Horney, and the entire group of budget staffers on our side.

I also want to recognize the professionalism of the staff director on the Republican side. Bill Hoagland is a consummate professional, as are the other members of the staff on the Republican side. We have a very professional working relationship. They have worked very hard to produce this document.

One of the great things about the Senate and the Congress is we will be back. These battles are not over. We have a different sense of what the priorities should be for the country, and we will be speaking out on those issues in the days ahead.

Again, I congratulate those on the other side who prevailed on this vote. I look forward to a continuing debate on what should be the fiscal course for the country.

I thank the Presiding Officer and yield the floor.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The senior assistant bill clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Kennedy (for Murray) amendment No. 378 (to amendment No. 358), to provide for class size reduction programs.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Cleland amendment No. 376 (to amendment No. 358), to provide for school safety enhancement, including the establishment of the National Center for School and Youth Safety.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Specter Modified amendment No. 388 (to amendment No. 378), to provide for class size reduction.

Voinovich amendment No. 389 (to amendment No. 358), to modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved.

Carnahan amendment No. 374 (to amendment No. 358), to improve the quality of education in our Nation's classrooms.

Wellstone amendment No. 403 (to amendment No. 358), to modify provisions relating to State assessments.

Reed amendment No. 425 (to amendment No. 358), to revise provisions regarding the Reading First Program.

AMENDMENT NO. 403

Mr. WELLSTONE. Mr. President, I call up amendment No. 403.

The PRESIDING OFFICER. The Senator's amendment is now pending.

Mr. WELLSTONE. I thank the Chair.

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

Mr. WELLSTONE. I will be pleased to yield for a question.

Mr. KENNEDY. I am wondering if the Senator would like to have a rollcall vote.

Mr. WELLSTONE. I would like to have a rollcall vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Will the Senator be willing to enter into a reasonable time period? It is the noon hour now, just

for notice to our Members. We had a good debate on this amendment. It is a very important one. I want to do whatever permits the Senator to make his case again.

Mr. WELLSTONE. I see a unanimous consent request which I think will be fine. I say to my colleague from Massachusetts, like other Senators, I have other amendments to this bill and there will be plenty of time for extended debate later.

This is a good amendment for the Senate to go on record. I am pleased to agree to a time limit.

Mr. President, I still have the floor.

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

Mr. JEFFORDS. Mr. President, will the Senator yield so I can propound a unanimous consent request regarding the Senator's amendment?

Mr. WELLSTONE. I will be pleased to do so.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that with respect to the Wellstone amendment No. 403, the time between now and 1:45 p.m. today be evenly divided in the usual form, with no second-degree amendments in order. I further ask unanimous consent that the vote occur in relation to the Wellstone amendment at 1:45 p.m. today.

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

The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleagues.

Mr. President, first, I will be clear about this amendment. With this amendment, we want to make sure, as we talk about accountability and testing, that this is done the right way. In many ways this amendment—really, in all ways, this amendment tracks the consensus in the testing community, the work of the Committee on Economic Development, which is the arm of the business community which is very pro-testing.

We are saying a number of things:

First, it is extremely important that this testing that is done—after all, we are talking about testing every year from age 8 through age 13—that this testing that is done meet the criterion that is comprehensive; that is to say, there are multiple measures for any kind of testing that is done in our country. It is terribly important that is done.

Second, it is important that it be coherent, that there is a connection, there is a relationship that the testing actually tests the curriculum and the subject matter being taught. It seems to me that is the very least we can do for our local school districts.

Third, as we continue, it is important we be able to measure progress over time, how these children are doing.

Moreover, this amendment says that States will provide evidence to the Secretary that the tests they use are of adequate technical quality for each purpose for which they are used. It is very important that this be done the right way.

Finally, it says itemized score analyses should be provided to districts and schools so tests can meet their intended purpose, which is to help the people on the ground, the teachers and the parents, know specifically what their children are struggling with so they can help them do better.

I am absolutely amazed that this amendment has not been accepted. I thought there would be a real consensus behind this amendment. The reason I say this is all across the country, in case colleagues have not taken note of this, they are having a very negative reaction to testing being done the wrong way. We have a lot of very distinguished educators at the higher end level saying we ought not rely on the SAT as a single test. We have parents, children, young people—really starting in the suburbs, interestingly enough—who are rebelling. We are having more and more reports coming out that the really gifted teachers, the very teachers we need in the school districts where children are most underserved, are leaving the profession because they do not want to teach to the standardized test; they do not want to be drill instructors.

In addition, there has been, I think, some very important, moving writing that has come out. Marc Fisher, a columnist with the Washington Post, wrote a piece on May 8. The headline is, ''Mountain of Tests Slowly Crushing School Quality.'' I recommend this piece to my colleagues.

What Marc Fisher is saying, on the basis of what a lot of teachers and a lot of parents are saying, is that if you just have the standardized tests, if you do not do this the right way, if you do not have multiple measures, if you do not have tests that are actually testing the curriculum that is being taught, then what you are going to have all across the country is drill education.

It is a sad sight to see when you have 8-year-olds and 9-year-olds sitting in straight rows—I have seen it on television—and you have a teacher saying: 2 plus 2 is 4; 3 plus 3 is 6; 5 plus 5 is 10. This goes for education, drill education, for standardized tests, for worksheets that have to be filled out. It is educationally deadening, and not one Senator would want his or her children to be taught that way or would want to see a teacher have to teach that way. But if we are not careful, that is what is going to happen.

My understanding is the administration is opposed to this amendment. I am amazed that any education Senator would be opposed to this amendment.

There is another piece that Marc Fisher wrote today which is a real heartbreaker. ''Schools Find Wrong Answers To Test Pressure'' is the headline. I am just going to quote the latter part of this piece.

Michael West, a professor at Virginia Commonwealth University, tells me that at his daughter's middle school, students who pass this week's tests have been told they can skip the final week of school. There's a great lesson: First prize—you don't learn.

The testing mania has brought with it a tidal wave of mediocre teaching materials, Julie Philips, a teacher who recently moved from the New York suburbs to Montgomery County, says, ''Great books are tossed on the heap so that students can practice writing about short, fable-like tales that test prep writers concoct to imitate what is on the tests. It is so disheartening.''

Listen to a third-grade teacher who has taught in a Fairfax County school for 30 years. Here are a few of the things she says she has had to eliminate from her classroom since the SOL tests took over the curriculum:

''We would have a whole biography unit. We would read a biography of a famous American. We would talk about the elements of a biography. Then the children would choose a famous American for a report. They would write their own autobiography. Finally, they would write a biography of one of their parents. It really got the children talking to their parents about their lives. I typed this up and bound it as a book which the children illustrated. (I don't have time anymore. I have to teach to the SOLs.)

''I would teach a poetry unit. We would explore the various forms of poetry and the children would write at least one poem in each of six forms. They would illustrate them and we would bind them as a book. Something for them to keep forever. (I don't have time anymore. We read some poems and picked out the rhyming words so they can pass their SOLs.)

''I would teach reading twice a day so the children who were behind could catch up. I was able to raise some children by two years in one school year. (I don't have time anymore. I have to teach to the SOLs. I have to teach how to fill in bubbles.)''

Frustrated by the new test-driven curriculum, this teacher has decided to leave her profession. Is that school reform?

I say to my colleagues: Believe me, next week I will have trigger amendments and I will talk about the mockery of not having the resources so these children will have a chance to succeed. But today you cannot even vote for an amendment that would assure quality of testing so we do not drive the best teachers out of the profession?

Mr. REID. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. Senators are wondering what is going to be happening in the next couple of hours. With the courtesy extended to me by the Senator from Minnesota, the Senator has told me he wishes to speak for another 20 minutes or thereabouts on the amendment that is pending, approximately; is that right?

Mr. WELLSTONE. Approximately. I am not sure exactly.

Mr. REID. The only thing we have, Senator LINCOLN is here. She is going to speak for 15 minutes on an amendment she is going to offer. The opposition would ask for 15 minutes. We

wanted to have a couple of votes at about quarter until 2.

Mr. WELLSTONE. I certainly want to accommodate other Senators, but I want to hear the arguments against this amendment. I want people to come out here and debate this amendment. I want to have a chance to respond to those arguments.

Mr. REID. Whatever time the Senator has, they will have that time, and if they choose to speak against it, they certainly can. I am wondering if we could have the Senator's agreement that we could have a couple of votes at quarter to 2. The Senator from Arkansas wishes 30 minutes equally divided on her amendment, which would leave the rest of the time for the Senator from Minnesota.

Mr. WELLSTONE. I am pleased to. I want to reserve 5 minutes before the vote to have a chance to summarize and, I say to my colleague from Arkansas, I will certainly try to finish my initial responses. I certainly would like to know what is the basis of the opposition to this amendment.

Mr. REID. If I may say to my friend from Vermont, I ask unanimous consent that at 1:45 there be two votes, a vote on the Lincoln amendment, which will be offered shortly—there will be a half hour equally divided on that—and there will also be a vote on the Wellstone amendment which is the pending amendment. So the time not used for the Lincoln amendment would be evenly divided for Wellstone and those who want to speak in opposition thereto.

Mr. JEFFORDS. I think I have a unanimous consent request that has a sequence.

Mr. REID. The problem with that is, it asks the Wellstone amendment be laid aside and he wants to finish. Perhaps that may be appropriate. Would the Senator from Minnesota allow the Senator from Arkansas to offer an amendment and speak for 10 or 15 minutes and you have the remaining time until quarter to 2?

Mr. WELLSTONE. Yes. That would be fine. I would be pleased to hear from my colleague.

The PRESIDING OFFICER. The Senator from Minnesota still controls the time.

Mr. REID. We understand that.

Mr. JEFFORDS. Mr. President, will the Senator from Minnesota yield for a unanimous consent request?

Mr. WELLSTONE. I am pleased to yield.

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

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Wellstone amendment be laid aside and the Senate then turn to amendment 451, and with respect to the Lincoln amendment, the time between now and 1:45 today be equally divided in the usual form with no second-degree amendment in order.

Mr. REID. Reserving the right to object, I ask that be amended to allow the Lincoln amendment one-half hour evenly divided.

Mr. JEFFORDS. Mr. President, I ask that the Lincoln amendment be allowed one-half hour.

Mr. WELLSTONE. I haven't even finished. I am not going to agree to have my amendment set aside right now. I haven't made the case for the amendment. I object. I probably will take another 15 minutes to explain why I think the amendment is so important. Then I would be pleased to yield the floor and we can move to the Lincoln amendment for a while and come back. I certainly don't want to lay the amendment aside right now.

Mr. REID. We are planning on having two votes at 1:45. We will do our best to get to that.

Mr. JEFFORDS. That is something we can work out.

Mr. WELLSTONE. If we would not keep jumping on the floor with the unanimous consent requests, I could be finished in about 8 minutes, and then you can have the floor and we can come back.

Mr. President, I ask unanimous consent that these two pieces by Marc Fisher be printed in the RECORD.

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

[From the Washington Post, May 10, 2001]

SCHOOLS FIND WRONG ANSWERS TO TEST PRESSURE

(By Marc Fisher)

The fifth-grade girl stands in the foyer of Bethesda Elementary School, capsized in tears. ''What's the matter sweetie?'' a concerned mother asks. ''Can I help?''

The girl sobs and sobs. She cannot speak. Finally, she gulps: ''I'm a few minutes late, I missed the bus and now I can't go on the playground.''

The mother: ''They won't let you go on the playground if you miss the bus?''

Girl: ''No, not the regular playground. There's a special MSPAP playground, but you can't go on it unless you come on time and bring your special red pen.''

It has come to this. The MSPAP—Maryland School Performance Assessment Program—is Maryland's state-mandated standardized test for children in grades 3, 5, and 8. It is used to compare how well schools perform. It is, therefore, something principals and teachers desperately want students to take seriously.

How desperately? Bethesda Elementary set up a special playground with triple the usual time for students to play and an array of extra games. ''If you're on time every day, are here every day, and do your best on the test, you qualify for the MSPAP Playground,'' says Principal Michael Castagnola. ''It's a motivator. The kids get penalized if they miss a day of the test. They know that if you work hard, you're going to have fun.''

And if you miss the bus, what happens? ''You go to regular recess,'' the principal says.

Just imagine the ribbing those kids get. No wonder the little girl was weeping.

We don't need to dwell on the cheating scandals that have hit Montgomery schools two years running, as panicky principals and terrified teachers mortgage their consciences to get the scores up at any cost. This week, at Silver Spring International Middle School, the principal and six other staffers were removed after students were given advance peeks at a state math test.

Those cases are clear enough. Let's look instead at the supposedly ethical ways in which schools twist and tweak kids to get them to take the tests seriously.

In Virginia, where the Standards of Learning tests are much more deadening than the relatively creative MSPAPs, Michelle Crotteau, who teaches 10th- and 11th-grade English in Rockingham County in the Shenandoah Valley, administered the test this week with a heavy heart.

Our students are given a five-point bonus on their final grade if they pass the SOL test in each subject area,'' she says. ''So a student with an 89 or B average for course work who passes an SOL earns an A. Last year, I had two students who failed my course because they did not bother to do most of the coursework, yet these students passed the class because of the five added points. Talk about grade inflation!''

Michael West, a professor at Virginia Commonwealth University, tells me that at his daughter's middle school, students who pass this week's test have been told they can skip the final week of school. There's a great lesson: First prize—you don't learn.

In Maryland, there are MSPAP snacks and MSPAP parties. In Virginia, there are entire classes devoted to preparing for the SOL tests. At Carl Sandburg Middle School in Fairfax County, ''Friday SOL prep classes have been going on'' since the depth of winter, says eighth-grader Ijeoma Nwatu. ''We've recently been given worksheets with test-taking skills, vocabulary terms, graphs and stories.'' On Friday, the children will work on SOL posters, which, they've been told, will boost their self-esteem.

The testing mania has brought with it a tidal wave of mediocre teaching materials. Julie Philips, a teacher who recently moved from the New York suburbs to Montgomery County, says, ''Great books are tossed on the heap so that students can practice writing about short, fable-like tales that test prep writers concoct to imitate what is on the tests. It is so disheartening.''

Schools are so fearful of performing poorly that some Virginia districts axed the 15-minute recess to cram in more test prep time. ''With the pressure of the SOLs, there is no time for recess built into the schedule,'' Ron Weaver, principal of a Roanoke County elementary school, told the Roanoke Times. Virginia's Board of Education last year finally ordered elementary schools to reinstate a daily recess.

Some schools responded to the board's cry for a bit of common sense by leading kids on a three- or four-minute walk after lunch and calling it recess. Three minutes! Other grudgingly restoring a 15-minute recess—by cutting the minutes out of physical education class. Gee, thanks.

Supporters of the testing binge argue that teaching to the test is a good thing, because it ensures that schools will eliminate unnecessary frills and focus on essentials—the reading and math skills that the tests measure.

That one-size-fits-all approach is driving parents nuts in schools where kids are achieving; their kids are losing out on creative lessons and enriching activities because bureaucrats insist that all schools act identically.

But the notion that we must do this for low-achieving students is equally flawed; they need inspiration and individualized attention even more than kids from privileged backgrounds.

Listen to a third-grade teacher who has taught in a Fairfax County school for 30 years. Here are a few of the things she says she has had to eliminate from her classroom since the SOL tests took over the curriculum:

''We would have a whole biography unit. We would read a biography of a famous American. We would talk about the elements of a biography. Then the children would choose a famous American for a report. They would write their own autobiography. Finally, they would write a biography of one of their parents. It really got the children talking to their parents about their lives. I typed this up and bound it as a book which the children illustrated. (I don't have time anymore. I have to teach to the SOLs.)

''I would teach a poetry unit. We would explore the various forms of poetry and the children would write at least one poem in each of six forms. They would illustrate them and we would bind them as a book. Something for them to keep forever. (I don't have time anymore. We read some poems and picked out the rhyming words so they can pass their SOLs.)

''I would teach reading twice a day so the children who were behind could catch up. I was able to raise some children by two years in one school year. (I don't have time anymore. I have to teach to the SOLs. I have to teach how to fill in bubbles.)''

Frustrated by the new test-driven curriculum, this teacher has decided to leave her profession. Is that school reform?

[From the Washington Post, May 8, 2001]

MOUNTAIN OF TESTS SLOWLY CRUSHING SCHOOL QUALITY

(By Marc Fisher)

Those who say the culture wars are over must not have children of school age. The struggles that have divided the nation for 20 years—the phonics fracas, the New Math mess, the tiff over teaching morality—pale next to the brewing battle over testing.

Just as President Bush and Congress reach consensus on mandating even more testing for the nation's children, colleges by the dozens step away from the SATs as a primary arbiter of who gets in. Just as parents in poor schools rally to use standardized tests to rid themselves of incompetent teachers, parents in more affluent schools stage boycotts of the very same tests.

And just as D-Day looms for high-stakes testing programs like those in Virginia and Maryland that will deny diplomas to kids who flunk the tests, parents and teachers alike raise the alarm about classrooms where creativity, variety and inspiration are becoming dirty words.

In Montgomery County, students reel under the burden of 50 hours of testing each year, including the state-mandated MSPAPs, three other state test programs and the county-imposed CRTs. The 50 hours doesn't include PSATs, SATs or Advanced Placement tests. Now, if Bush has his way, there'll be nationally required tests as well.

In Virginia, the load is lighter, but the grumbling just as heavy, especially as we near 2004, when thousands of seniors will be denied diplomas if they fail the Standards of Learning tests.

In wealthy Scarsdale, N.Y., more than half of the eighth-graders stayed home during last week's state testing, capping a boycott organized by parents fed up with testing and its pernicious deadening impact on their kids' education.

In the District, a relative handful of parents—based in affluent Northwest Washington—attempted a similar boycott of last month's exams.

Caleb Rossiter, who teachers statistics at American University, led the boycott, keeping his first-grader home from Key Elementary in the Palisades. ''My son has had a whole series of Stanford-9 prep days at school, when they work over and over on multiple choice questions and how to fill in the bubbles correctly,'' he says. ''If you could see how they waste students' time with all this test prep—it's so disheartening.''

Rossiter approached everyone from his son's teacher on up to Superintendent Paul L. Vance, asking why first-graders, many of whom can barely read, should be subjected to testing. ''Everyone I talked to said there's no educational justification for this,'' Rossiter says. ''They use the tests to grade the teachers and the principal, which everyone agrees the tests were not designed to do.''

As a statistician, Rossiter likes tests. He understands how useful they can be in diagnosing learning problems. But he and those who write the tests are offended by their misuse—even as those companies rake in millions in the nation's testing binge.

Tests that were never meant to do anything of the sort are now used to determine teacher pay and to judge the quality of schools. Even though research has repeatedly shown that affluence is the strongest indicator of test success, scores are now used to declare some schools losers and others—such as the Prince George's County schools yesterday—winners.

The most corrosive effects of this measurement mania are the emerging class and racial divisions over testing. ''It just breaks my heart when I see parents stand up and cheer when they hear that some number of kids in their school have had their scores drawn up above Below Basic on the tests,'' Rossiter says. ''They don't see what the effort to bring up the scores is doing to the curriculum.''

They don't see the dispiriting effect of scrapping art, music and physical education because they are not on the tests. They don't see the minds that go uninspired because teachers must forsake their craft to focus like drones on getting the scores up.

''Testing is even more damaging in low-income schools because that's where you need the most creative teaching,'' Rossiter says.

But testing is a lot cheaper than paying teachers a decent wage, and testing makes politicians look tough, so we will test and test. And one day, we will look up and see how we have crushed our schools, and tests—which when used properly have lifted the educational fortunes of many poor and middle-income children—will end up the culprit, and the pendulum will swing to the other extreme, zipping right past the happy medium.

Mr. WELLSTONE. Mr. President, let me explain what this amendment does. By the way, so we can be clear we already know—I am going to summarize—we actually already know which children are doing well and which children are not doing so well. Children who come from families who are low income, where they do not have the same opportunities other children have for the very best developmental childcare, children who attend schools that don't have anywhere near the same resources that more affluent schools have, children who live in inadequate housing and all too often their parents move two or three times during the school year, children who are in schools where sometimes during the school year there are two or three or four teachers who come in and try to teach and can't, and who do not have the best teachers, students who are in schools where the teachers don't make nearly the salaries and don't have nearly the access to technology, we already know these children are not going to do well on these tests. We already know.

Actually, what we are going to do—and I will speak more about this next week—is something that is incredibly cruel. We are going to fail these children again because all of this authorization is fiction. We have no agreement on any resources. We just had a budget that gives instructions to appropriators, which means we are going to have but a pittance.

I will have a particular amendment next week that says we do the testing when we live up to the Dodd amendment and fund title I at that level.

By the way, when we are talking about these children and about full funding over 10 years, why are we waiting 10 years, I ask my colleagues. If a child is 8 years old now, 10 years from now when we fully fund these programs, although we don't have any commitment to do so yet, that child will be 18. Childhood is once. You don't recover your childhood. Why aren't we helping these children now? Where in the budget are the resources to help these children now? Where is the commitment to help these children now? Instead, you are going to have people pounding their chests saying they are all for accountability.

These tests don't do a thing when it comes to getting a good teacher, when it comes to a smaller class size, or when it comes to making sure children come to kindergarten ready. None of that is accomplished.

I say to my colleagues, at the very minimum let's at least not drive out good teachers. Let's not make the mistake of discouraging the very best women and men from going into teaching. Let's not drive out good teachers by forcing them to be involved in drill education where they basically are having to teach the tests and that is all that it is about and no more. So they drop social studies, they drop music, they drop theater, and they drop art. None of it is tested.

This amendment says we make the commitment that these tests around the country, if we are going to talk about accountability, are comprehensive. Don't use just one measurement. In addition, they are coherent. They are a measurement that the curriculum is being taught, that they are

continuous, and we can see how a child is doing over a period of time.

We are saying the States need to provide evidence to the Secretary that the tests they use are adequate and of technical quality for each purpose for which they are used. Why wouldn't you want to go on record making sure we have the high-quality tests used for the purposes for which they are supposed to be used?

Finally, the itemized test scores are provided to the schools so the parents and others know where the children are struggling and how they can do better.

I am telling you, if we don't do this, there are two things that are going to happen. First of all, you are going to have either a lot of children who are going to be held back or put into lower reading groups or math groups or whatever or you are going to have a lot of schools that are going to be identified as failing schools on the basis of single standardized tests.

We all draw from our personal experience. I can certainly tell you that based upon my own personal experience. I am glad that many more schools are looking at more than SATs. I wasn't supposed to graduate from the University of North Carolina based on SAT scores. I worked hard and did great. I wasn't supposed to be a graduate of graduate school on the basis of SAT records. I was lucky enough to get a doctorate degree at age 24.

These tests are not always accurate. Why in the world would you want to defy what every single person in the testing field says—that you should never rely on a single standardized test. You must have multiple measures.

I know there are some students and perhaps some teachers in the gallery today.

The second thing that is going to happen is you are going to drive out the best teachers. You are going to make it impossible for the very communities, the very schools, and the very kids who need the best teachers to get the best teachers because you are going to channel everybody down the road of having to teach the standardized test, to teach the test. What could be more educationally dead?

By the way—I will finish on this—I will have a lot to say about this bill next week. I will spend a lot of time saying it.

First of all, we ought to get the testing right.

Second, without the resources, it is a mockery. It is an absolute mockery. We already know what works and what doesn't work. All we have to do is look at the schools that our children and our grandchildren attend. That is all we have to do.

The schools that Senators' children and grandchildren attend are good schools. They are beautiful. They are inviting. The landscape is lovely. The teachers are highly paid. The classes are small. They don't do drill education. It is exciting and rewarding. And our children and grandchildren, before kindergarten, have been read to widely, know the alphabet, and know computers. They are sophisticated and are ready to learn.

We already know we don't need tests to tell us what works. All we need to do is live up to our own rhetoric and be accountable. We will not be accountable if we jam down the throats of every school district in every State in the United States of America a test without at least some standards to make sure they are high-quality tests that do not lead to what will only be a disaster for education, for these children, and for their teachers. We will not be doing our job if we do not provide the resources to go with the accountability.

Today in this amendment I am focusing on the quality of testing. I would love to find out why—I had the understanding there was strong support for it. Now I understand there isn't. I would like to know in what ways the administration disagrees with this amendment.

I yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Wellstone amendment be laid aside, and the Senate then turn to the Lincoln amendment No. 451, with 15 minutes under the control of Senator LINCOLN and 5 minutes under the control of Senator JEFFORDS, with no second-degree amendments in order, and, further, following that debate, the remaining time until 1:45 be divided equally on the Wellstone amendment.

I further ask consent that the vote occur in relation to the Lincoln amendment following the Wellstone amendment at 1:45 p.m. today, with 2 minutes prior to the vote for explanation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, the Senator from Minnesota is in the Chamber. That would give the Senator from Minnesota approximately 50 minutes in additional time to debate the amendment.

I ask the Senator, would that be sufficient?

Mr. WELLSTONE. Mr. President, I actually, first of all, am pleased to speak after the Senator from Arkansas. Second of all, as far as time that I need, I said what I needed to say. I am just interested in what in the world is the opposition to a high-quality testing amendment? I would like to hear what it is people have to say in opposition. So I only need time to respond.

If the Senator from Vermont, and others, support the amendment—which I hope they will—I do not need to respond. If other Senators don't want to come to the Chamber and debate, then there is no one to respond to, so I will not need a lot of additional time. I already said what I needed to say on this amendment.

Mr. REID. Further reserving the right to object, Mr. President, it is the understanding of the two managers of the bill—one of whom is not here—on these two amendments there would be no second-degree amendments?

Mr. JEFFORDS. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I say to my friend from Vermont, the Senator from Arkansas is on her way to the Chamber. She will be here momentarily. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 451 TO AMENDMENT NO. 358

Mrs. LINCOLN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 451 to amendment No. 358.

Mrs. LINCOLN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding, and authorize appropriations for, part A and part D of title III of the Elementary and Secondary Education Act of 1965)

At the appropriate place, add the following:

SEC. 902. SENSE OF THE SENATE; AUTHORIZATION OF APPROPRIATIONS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate $750,000,000 for fiscal year 2002 to carry out part A and part D of title III of the Elementary and Secondary Education Act of 1965 and thereby—

(1) provide that schools, local educational agencies, and States have the resources they need to assist all limited English proficient students in attaining proficiency in the English language, and meeting the same challenging State content and student performance standards that all students are expected to meet in core academic subjects;

(2) provide for the development and implementation of bilingual education programs and language instruction educational programs that are tied to scientifically based research, and that effectively serve limited English proficient students; and

(3) provide for the development of programs that strengthen and improve the professional training of educational personnel who work with limited English proficient students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out part A and part D of title III of the Elementary and Secondary Education Act of 1965—

(1) $1,100,000,000 for fiscal year 2003;
(2) $1,400,000,000 for fiscal year 2004;
(3) $1,700,000,000 for fiscal year 2005;
(4) $2,100,000,000 for fiscal year 2006;
(5) $2,400,000,000 for fiscal year 2007; and
(6) $2,800,000,000 for fiscal year 2008.

Mrs. LINCOLN. Mr. President, before I begin, I ask unanimous consent to add as cosponsors to the amendment Senator BINGAMAN and Senator KENNEDY.

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

Mrs. LINCOLN. Thank you, Mr. President.

Before I describe the specifics of my amendment, I want to take just a few moments to commend Senators JEFFORDS and KENNEDY for their tireless efforts in crafting the bipartisan proposal that is before the Senate today. As someone who works hard to bridge the partisan divide in Washington, I think each Member of this body owes the managers of this particular bill a debt of gratitude for bringing Senators with very different points of view together to find common ground on the most important bill we will likely consider this year.

They have done an excellent job. They have worked tirelessly together. I certainly commend both of them for their good manners and for the diligence with which they have gone about this very important issue. They have demonstrated real leadership in this debate by placing the education of our children above partisan advantage. I am proud to join this bipartisan effort to reform our system of public education by helping States and local school districts raise academic achievement and deliver on the promise of equal opportunity for all students.

I think the way this bill has been brought up also accentuates the opportunity we have to move in a timely way. As the mother of small children who will start kindergarten this fall, I certainly understand that the more time we waste in addressing this critical issue, the more at risk we put more and more young people across this Nation of not being able to achieve their goals.

So I am pleased to note that the bill before us reflects many of the priorities that are important to me and the 500,000 elementary and secondary students in my State of Arkansas. As many of my colleagues know, I have worked with Senator LIEBERMAN and other new Democrats over the last 18 months on a bold ESEA reform proposal known as the three R's bill. Our bill took a new approach to Federal education policy by combining the concepts of increased funding, targeting, flexibility and accountability to help our school districts meet higher standards.

If there is one thing we have come to know about education, it is that you do not get something for nothing. We have to make a priority in this Nation of investing in education. This bill and this session gives us that opportunity to meet the mark and to actually do what it is we say we want to do.

One fundamental component of our plan, which is also a part of the BEST bill, is a commitment to give States the resources they need to help all limited English proficient students attain proficiency in the English language and achieve high levels of learning in all subjects.

The amendment I offer today recognizes that we aren't doing enough at the Federal level to provide the vast majority of LEP students in this Nation with the educational services they need to be successful under this new framework. This year, we will spend $460 million to serve LEP and immigrant students but only 17 percent of eligible children will benefit from these programs.

My amendment calls on Congress to appropriate $750 million for language instruction programs and services in fiscal year 2002. Also, my amendment would authorize additional funding over the next 6 years so all LEP and immigrant students could receive services under title III within 7 years. Under this approach, funding will be distributed to States and local districts through a reliable formula based on the number of students who need help with their English proficiency. It is so essential, if we are going to ask these students to meet the performance standards in our schools, that we indicate we have left the status quo of education in this country and have moved beyond to the 21st century. We must give them the tools in order to do so.

If you have visited many schools in your States lately, you have probably heard about the challenges schools and educators face in serving the growing number of students in need of LEP programs. From 1989 to the year 2000, the enrollment of limited-English-proficient students in our Nation's schools grew by 104 percent, from 2 million to an estimated 4.1 million today. During this same time period, total school enrollment grew only by 14 percent.

My State of Arkansas is a prime example of the trend that is occurring across this great Nation, especially in Southern States. According to the most recent census estimates, the Hispanic population in our State of Arkansas grew 337 percent since 1990, which is believed to be the largest percentage of growth in the Nation. Not surprisingly, the number of LEP students in Arkansas has increased dramatically in recent years as well. Since 1994, the number of LEP students enrolled in Arkansas public schools has increased by 80 percent, from 2,172 students to 10,599 students today.

Other States have experienced a similar increase in the number of students in need of services under title III. Between fiscal year 1999 and the year 2000, the percentage of immigrant students grew dramatically in the following States: Connecticut by 72 percent; Georgia by 39 percent; Louisiana by 34 percent; Michigan by 35 percent; Missouri, our neighboring State to the north, grew by 50 percent; Oregon by 28; Tennessee by 33 percent; and Utah by 38 percent.

The need to do more to serve these students and the educators who are responsible for teaching them is clear. Providing more resources alone won't bring about reform or help close the achievement gap which persists between LEP and non-LEP students. Under the BEST bill, States will have to establish and meet annual performance goals for LEP students or face sanctions. In addition, all LEP students must attain the State's proficient level of performance within 10 years. This is a new approach that represents an important change from the past where too often low expectations for LEP students and immigrant students has resulted in low performance in the classroom. Our Nation and its economy cannot tolerate that approach to educating our children any longer.

In closing, I hope my colleagues will support my amendment which expresses a strong commitment to enhance educational opportunities for LEP students by increasing and distributing Federal resources for LEP programs in a reliable way and requiring LEP and immigrant students to meet higher standards. If we are going to ask these students to master English and meet the same challenging State content and student performance standards that all students are expected to meet, which we must do under this bill, then we need to provide States and local school districts with the resources they need to meet this new challenge.

I thank all of my colleagues for their support and encourage their vote in favor of the amendment. Attention to this issue is growing in so many of our States.

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

The PRESIDING OFFICER. Will the Senator withhold, please.

The Senator from Vermont.

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 403, AS MODIFIED

Mr. WELLSTONE. Mr. President, I really will not need to take much more time. In a few moments, I am going to ask unanimous consent to modify my amendment. There isn't anything I have said that I would change. I just think part of the disagreement, at least with the Senator from Vermont, was more semantics. I am intending the quality of testing language here to apply to this act, this piece of legislation, this reauthorization of the ESEA.

I haven't resolved this one way or the other yet. In my own mind, I have a question as to whether or not the Federal Government ought to be telling the school districts—I really mean this—in States across the country that you will do this testing, and you will do it every year in grades 3, 4, 5, 6, 7, and 8 with every kid. That is a philosophical question.

The second concern I have is that in terms of our involvement and the ways in which schools are going to be measured and accountability is going to be defined, I want to make sure we have the necessary language that deals with quality, and again I, in particular, would emphasize the importance of comprehensiveness, multiple measures, and coherence, tests measuring the curriculum and what is being taught, and that it is continuous so that we see how children are doing over time.

I don't know how other Senators will vote, but I am certainly pleased to have had the discussion with my colleague from Vermont.

I send my amendment to the desk and ask that the amendment be modified.

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

The amendment (No. 403), as modified, reads as follows:

On page 46, strike line 19 and replace with the following:

''assessments developed and used by national experts on educational testing.

''(D) be used only if the State provides to the Secretary evidence from the test publisher or other relevant sources that the assessment used is of adequate technical quality for each purpose required under this Act, and such evidence is made public by the Secretary upon request;''.

On page 46, line 20, strike ''(D)'' and insert ''(E)''.

On page 51, between lines 15 and 16, insert the following:

''(K) enable itemized score analyses to be reported to schools and local educational agencies in a way that parents, teachers, schools, and local educational agencies can interpret and address the specific academic needs of individual students as indicated by the students' performance on assessment items.''.

On page 125, between lines 4 and 5, insert the following:

SEC. 118A. GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.

Part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1117 (20 U.S.C. 6318) the following:

''SEC. 1117A. GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.

''(a) PURPOSE.—The purpose of this section is to—

''(1) enable States (or consortia or States) and local educational agencies (or consortia of local educational agencies) to collaborate with institutions of higher education, other research institutions, and other organizations to improve the quality and fairness of State assessment systems beyond the basic requirements for assessment systems described in section 1111(b)(3);

''(2) characterize student achievement in terms of multiple aspects of proficiency;

''(3) chart student progress over time;

''(4) closely track curriculum and instruction; and

''(5) monitor and improve judgments based on informed evaluations of student performance.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

''(c) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to States and local educational agencies to enable the States and local educational agencies to carry out the purpose described in subsection (a).

''(d) APPLICATION.—In order to receive a grant under this section for any fiscal year, a State or local educational agency shall submit an application to the Secretary at such time and containing such information as the Secretary may require.

''(e) AUTHORIZED USE OF FUNDS.—A State or local educational agency having an application approved under subsection (d) shall use the grant funds received under this section to collaborate with institutions of higher education or other research institutions, experts on curriculum, teachers, administrators, parents, and assessment developers for the purpose of developing enhanced assessments that are aligned with standards and curriculum, are valid and reliable for the purposes for which the assessments are to be used, are grade-appropriate, include multiple measures of student achievement from multiple sources, and otherwise meet the requirements of section 1111(b)(3). Such assessments shall strive to better measure higher order thinking skills, understanding, analytical ability, and learning over time through the development of assessment tools that include techniques such as performance, curriculum-, and technology-based assessments.

''(f) ANNUAL REPORTS.—Each State or local educational agency receiving a grant under this section shall report to the Secretary at the end of the fiscal year for which the State or local educational agency received the grant on the progress of the State or local educational agency in improving the quality and fairness of assessments with respect to the purpose described in subsection (a).''.

Mr. WELLSTONE. Mr. President, I want to hear from my colleague from Vermont. Sometimes when I feel particularly indignant—and I do right now about where we are heading with this bill, and I have a Senator on the floor whom I respect and like to work with, I don't want the Senator from Vermont to think this is aimed at him.

My third concern, which I will talk about next week, is that we are just going to kind of keep these children thin when it comes to prekindergarten and what is being done for them, and keep them thin when it comes to the additional title I help, which could be pre-K, or extra reading help, or after school, and we are going to keep them thin when it comes to whether or not their schools have the resources and they are able to get the best teachers; and then we are going to put them on the scale, test them, and fail them again.

This doesn't work. The ''accountability'' without resources doesn't work. But at least this amendment deals in part with the accountability piece, which is to make sure we don't confuse accountability and testing and a single standardized test as one and the same thing. It is not.

So in the spirit of improving this bill, I hope there will be support for this amendment. I thank my colleague from Vermont for his very useful suggestions. As I say, next week I am going to have some amendments that are going to say, basically, put up or shut up. We voted for the title I authorization—not money. So at least let's not do this testing until we in fact fund it. I am going to have amendments that say that, and I am going to talk about the funding of prekindergarten. If you are going to start testing 8-years-olds, I guarantee you what has much more to do with what 8-year-olds do in school is what happens to them before kindergarten. That is absolutely true. That is what is so wrong about the direction in which we are heading. I will speak about that at great length next week.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to comment briefly on Senator WELLSTONE's willingness to modify his amendment. We all agree we want high-quality tests, and it is entirely proper the tests required under this act be demonstrably valid and reliable. I appreciate the Senator offering his amendment, and I believe it is vastly improved. Hopefully, it will be acceptable.

The Senate now has returned to consideration of the Better Education for Students and Teachers, called the BEST, Act. We have now spent a little over a week on this bill, and we have made good progress. We have disposed of about a dozen amendments, and we have eight that are pending, most of which I hope we can complete action on quickly.

As my colleagues know, consent was reached that first-degree amendments

were to be filed by 5 p.m. yesterday, and I want to bring my colleagues up to date as to those results.

I compliment my colleagues for their interest and industry in preparing the amendments. Somewhere around 280 amendments were filed to the bill. Of course, this number does not include possible second-degree amendments that could be allowed under the rules.

At our current base of 20 amendments a week, we would complete this legislation, say, in another 14 weeks. Obviously, that is about the time we intend to adjourn for the year, if we assume we did not do anything else. Assuming the Senate takes up no other business and all amendments are offered and everybody is happy, that would be fine. Obviously, that is not the case. I urge all my colleagues to make sure when we get back into the amendment process after today that they cooperate so we can narrow these amendments and hopefully consolidate many of them, or whatever, so we can finalize this bill within the next week or 2.

I hope my colleagues will reflect on what is really important to them and this legislation and communicate to Senator KENNEDY's staff or my staff which amendments they want considered.

At a minimum, I urge my colleagues to restrict themselves to education amendments. I advise my colleagues that I plan to oppose all amendments that are not relevant to the bill regardless of the merits of the particular proposal.

We will obviously have our hands full completing action on this legislation without undertaking debate on largely unrelated issues.

Senators rightly have taken a great interest in this legislation and have proposed hundreds of amendments to the bill. We will do our very best to work with Senators to clear as many amendments as possible and, in turn, will ask our colleagues to identify over the next few days which amendments are their highest priority.

As we move on today, hopefully Members will let us know which amendments they want to pursue so we can narrow the number as soon as possible without having to bother Members with calling up amendments.

I urge my colleagues to please let us know which amendments they really want to have offered, and we will try our best to expedite them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, first I want to say I am very hopeful that the Senate will overwhelmingly support the amendment of the Senator from Minnesota, Mr. WELLSTONE. He spoke very clearly and effectively about his presentation today. I made comments yesterday about the importance of developing a test which is going to be comprehensive and not just reflective of perhaps the simple rote answers to rote kinds of questions, but real examinations of the thinking process of children and where they need help and assistance.

The purpose of this legislation is to provide valid and reliable tests along with meaningful reforms that enable children to move ahead academically.

That is what we want to try to do with the whole range of tests. We have enough experience now of knowing which ones really can be used for instruments for learning as compared to those which are solely punitive. In too many instances, teachers teach to the test. In this way, we both fail the student, fail the test, fail the school, and fail the parents.

Senator WELLSTONE's amendment is enormously important. As I tried to point out yesterday, I think the kind of thoughtful examination by those who have been in the field for years in terms of the evaluation, as well as testing, have come to the conclusion that the more comprehensive examination of children done in a timely way and with the supplementary services available can be a very powerful instrument in helping needy children move ahead academically. I am hopeful that will be accepted by the Senate.

I want to say a strong word in support of Senator LINCOLN's amendment in terms of the bilingual education.

One of the themes of this legislation is to try to find out what the challenges are in our local communities but also what works in our local communities in terms of educational achievement and build on that; also, to take that experience, and make sure that the children who ought to be covered in title I will be covered. This amendment is a no-brainer.

If we look at the legislation that we currently have without the acceptance of the Lincoln amendment, we will be denying millions of limited English proficient children the key element in terms of increasing their academic ability with high quality, effective programs in Title III. We are not prescriptive. We give the local communities the choices in terms of the bilingual and language instructional programs that will be available to the schools and to the local communities in terms of helping children who are limited English proficient. Local communities can make judgments and decisions as to which program is suitable for their particular community.

There is a wide range of different evaluations of these programs to demonstrate the ones that have been the most successful. All of that will be available to the local community. What is important is that those services be available to those children. Without those services being available to those children, then we are basically failing those children. It is a very clear group of children that we are failing.

The number of children who fall into the limited English proficiency has virtually doubled over the period of the last 10 years, and is increasing daily. These students are making up a growing number of district's total enrollment. In 9 states the limited English proficient population has grown by 25 percent or more since 1995.

The amendment of the Senator from Arkansas recognizes this growth, and responds to it. It says: Look, we know what works for the local communities. We know that schools throughout the nation have been struggling to serve this population.

For a certain period of time, we thought the only language was going to be Spanish, and that it was just going to be in Florida, Texas, and California. But we know of the expansion of and the need for these programs in many other areas of our country, including Arkansas, as the Senator has pointed out.

On this chart, the red line shows that the limited-English-proficiency enrollment has increased by 100 percent in the last 10 years, while total enrollment has basically been rather flat over that period of time.

What we also know is, if we do not provide these programs, effectively, these children, almost out of definition, are going to fail in terms of new accountability and testing standards. That, we know. That is a given.

The question is—here, this afternoon, in a few minutes—whether we are going to go on record and say, look, this is a particular group of children who are part of our public school systems—as a result of a variety of factors; the changes in immigration patterns, the changes in our immigration laws—who need assistance.

There are many children who are falling into this category. We know, as sure as we are standing in this Chamber today, that if we do not adopt the Lincoln amendment, we are denying millions of children the kinds of benefits that we know are successful because they have demonstrated success.

I have a number of examples where we have seen local communities that were able to participate in programs, such as what would be included in the amendment of the Senator from Arkansas. They have seen dramatic changes in their whole academic attitude. The result is that these children have really blossomed with those kinds of programs. Without them, we are going to be reaching only a very small number of these children who would

otherwise be eligible—only 17 percent under the Bush budget. Over the 4 million limited English proficient students nationwide, we are only serving 900,000 at the present time. We aim to serve more. But we need the resources.

We are hopeful, with this legislation, to try to build on tried and tested efforts that have been initiated in different parts of the country and that have been demonstrated to be constructive and productive in enhancing academic achievement—to offer these out to local communities, to let local communities make these decisions. We have given them additional kinds of flexibility. Then we would have accountability in terms of the teachers, in terms of the schools, in terms of the parents, and also new accountability for disadvantaged children who are facing enormous kinds of challenges every single day. Many students struggle with learning English, and meeting challenging academic standards.

If we are really interested in getting a fair start for these children, if we are really interested in no children being left behind, we have, we believe, a program that can do that. But if we do not provide the kinds of targeting assistance with these programs for children who have the limited English proficiency, then effectively we are writing them off, make no mistake about it.

That is what is at stake. That is what is so important.

If we are really interested, we ought to recognize that this is a defined group of children who we have in our schools, and we ought to make sure the children are going to benefit from these programs.

The red line on the chart—which brings us up to the year 2000—shows that the limited English proficient population now numbers more than 4 million students. That number is going to continued to grow. So the question is, Are we going to recognize what is happening in our schools today—what has happened over the last 10 years and what is going to happen in the next 5 years? If we are really interested in trying to make sure these children are not going to be left behind, this is the amendment that can make a major difference.

I congratulate the Senator from Arkansas. I think this is one of the most important amendments we will consider. It is a lifeline in many respects. It is the crutch upon which the other provisions in Title III of this legislation really depend. If we do not provide resources for this program, then the other aspects of this legislation are going to, fail millions of children. That is wrong.

We ought to take what we know. The good Senator from Arkansas has done that and has offered us an opportunity to make this legislation even stronger. We saw a modest increase in our authorization coming out of the committee. But that increase is clearly not enough to do the job. The Lincoln amendment will do the job. I am very hopeful that it will be accepted in the Senate.

Mr. President, whatever time I have remaining, I am glad to yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey has 9½ minutes.

Mr. TORRICELLI. Mr. President, I thank the Senator from Massachusetts for yielding.

In the last few weeks this Senate has begun to focus on what is, by any measure, the most pressing issue before the country; and that is simply the quality of education for America's schoolchildren.

It is a quality-of-life issue. It is an economic issue. It is even a national security issue. A great nation cannot long endure in its position if the quality of education for its children is not paramount. You cannot lead economically, socially, culturally, or even militarily for long if you do not lead in the quality of education for your children.

This reality, I believe, has focused the Senate's attention on funding standards and quality of education. I believe the debate has been promising. The Senate adopted the Dodd amendment to authorize a $132 billion increase over 10 years in title I aid to poor schools. Currently, the Federal Government provides school districts with only one-third of the assistance for which they are eligible. Under the Dodd measure, by 2011, they will receive 100 percent of the assistance they both need and require.

The Senate adopted the Harkin amendment to meet our Federal commitment to special education by guaranteeing $181 billion over 10 years for IDEA. This program was enacted by Congress in 1975. The Federal Government promised to pay 40 percent of the per-pupil cost. The reality is, for the year 2000, we have paid simply 13 percent.

The Harkin amendment will make an enormous difference to local school district budgets where the share of the special education funding has increased from 3 percent to 20 percent in total cost since 1975.

But also, I believe that the bill itself—before amendment —does have the underpinnings of genuine reform. The Bush administration's plan does include an emphasis on accountability, standards, and testing. If these provisions of accountability are married with meeting a genuine Federal commitment on special education, training, hiring teachers, and special education, then the Senate can be proud of this legislation. Indeed, to date, we have done exactly that.

Now we turn to the question of construction, the quality of these schools themselves. Most Americans in their communities would not believe what many of us have seen in our States, that in this extraordinary time of American prosperity, economic power, and budget surplus, American students are attending class in gymnasiums, trailers, and hallways. I have seen it in New Jersey, in prosperous communities. It is not a proud statement about our country.

Mr. President, 2,400 schools will have to be built in the next 2 years just to accommodate rising enrollments.

Education reform will be incomplete without dedicating this funding. No standard of accountability or testing will mean anything—indeed, even hiring teachers will mean little—if we do not do something about the quality of the schools themselves.

As strongly as I believe in the building of schools, even that must be complemented by doing something about the human capital, our teachers, for it to be a balanced piece of legislation.

This week we passed the Kennedy amendment which authorized $3 billion for professional development. By combining professional development with class size reduction, this bill, however, will be jeopardized without keeping the commitment of the Clinton administration to hire 100,000 new teachers. I believe there was nothing more significant accomplished in the Clinton administration than the hiring of these new teachers to reduce class size.

In the Nation, we have hired 30,000 towards that national goal. In my State of New Jersey, 1,500 new teachers are at work today who would not be in place, reducing class size, but for this initiative.

A balanced program in the Senate will have accountability; it will construct new classrooms. But it must also reduce class size. Every study that has ever been chartered has made it clear that the single greatest variable in the quality of education is having more teachers teaching fewer students. Overcrowded classrooms are a direct threat to the ability of our children to learn. We must take disadvantaged students and have them engaged in the classroom to increase performance.

An important element is going to be not only recruiting but also retaining teachers who otherwise are leaving the classroom, who can only be retained by improvements in discipline, but also easing the burden by smaller class size and, of course, by compensation.

In the next decade in New Jersey, more than one-third of our 93,000 teachers are going to retire. It is going to happen. It is a clock that is ticking. Nationwide in the next 11 years, 2.4 million teachers will retire.

As I believe this debate has demonstrated, we have moved beyond a partisan debate. The most significant element in this education discussion is that Democratic and Republican ideas are now being melded together. It is a

great moment for the Senate. If we can preserve the Clinton administration's efforts at hiring new teachers to reduce class size, combine the efforts of Democrats in the Senate for school construction to improve the quality of the infrastructure, and take the Bush administration's proposals for accountability and testing and discipline, this Senate can be proud of what we have done. The Harkin and Dodd amendments on special education, on title I, on full funding of IDEA are important beginnings. But it is in the balance whether good legislation can now be made great, reducing class size, constructing the schools that America's children need and deserve.

I believe every Member of the Senate can be proud of this debate to date. Now let's finish and make a good bill great.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifty seconds.

Mr. KENNEDY. Mr. President, both the Wellstone and Lincoln amendments are very important.

One is to make sure we have quality testing that reflects an accurate evaluation of the progress children are making and where the needs are so teachers can work on them and so the children can excel. The other is to make sure the programs are made available to the children who need the kind of assistance that limited-English programs provide and that has been demonstrated to be effective. We are talking about the neediest children in the country. We are talking about the poorest of the poor, living in enormously trying circumstances, who are trying to understand and make academic progress. Let's make sure that all the support will be there for them.

I believe the yeas and nays have been asked for, Mr. President.

The PRESIDING OFFICER. They have.

The Senator from Tennessee has 11 seconds.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, my understanding is we will have a vote at any moment.

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. I thank the Chair. I will take a moment or two to summarize this amendment.

Again, the amendment focuses on quality testing. The amendment says that everything we are doing within this Elementary and Secondary Education Act which has to do with these tests that are going to take place every year must meet the professional standards. In particular, what I am focused on is that there be multiple measures, not a single measurement; that, again, there be coherence; that the actual curriculum that is being taught is what is being measured; and that we also focus on continuity and are able to look at a child's progress over time.

I am not at all excited about any of the direction here, but any way I can make this bill a better bill, I want to. I certainly hope my colleagues will vote for this amendment.

Again, this budget resolution that was passed tells the story loudly and clearly. We are not going to have the resources going to the schools and the children. Next week I will have amendments that say we go with the testing and accountability when, in fact, we have provided the funding for title I; when, in fact, we have provided funding for early childhood development; when we have done the job by way of getting the tools to the schools and the children and the teachers so they can succeed. That is going to be a long story next week.

For now, I am hoping there is good, strong support for this quality of testing amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, how much time remains?

The PRESIDING OFFICER. There is no time remaining on either side.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent that at 2 p.m. on Monday, the Senate resume consideration of S. 1 and the Reid amendment No. 460 and there be up to 1 hour for debate to be equally divided in the usual form with no second-degree amendments in order.

I further ask unanimous consent that following that debate, the amendment be laid aside and at 4 p.m. the Senate resume consideration of amendment No. 376 offered by Senator CLELAND and there be up to 1 hour for debate on that amendment with no second-degree amendments in order.

I further ask unanimous consent that a vote occur in relation to that amendment following the Reid amendment with 2 minutes prior to the vote for explanation.

I further ask unanimous consent that a vote occur in relation to the Reid amendment at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, it is my understanding that there would be no second-degree amendments to the amendments of Senators REID and CLELAND.

Mr. FRIST. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question now is on agreeing to the Wellstone amendment No. 403, as modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

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

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—50

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

NAYS—47

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

NOT VOTING—3

Boxer	Crapo	Ensign

The amendment (No. 403), as modified, was agreed to.

Mr. FEINGOLD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 451

The PRESIDING OFFICER. There are now 2 minutes evenly divided on the Lincoln amendment No. 451.

Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mrs. LINCOLN. Mr. President, the amendment on which we are about to vote reconfirms our commitment to give States the resources they need to help all students with limited English proficiency to attain proficiency in the English language and achieve high levels of learning in all subjects.

This year we spent $460 million to serve LEP and immigrant students, but only 17 percent of eligible children will benefit from these programs. This amendment calls on Congress to appropriate $750 million for language instruction programs and services in 2002. It would also authorize additional funding over the next 6 years.

The critical part of this is that these children are also going to be judged by standards and tests. We want to be able to give these school districts the capabilities to give these children the tools they need in order to be successful within these standards and these tests. It is absolutely essential if what we want to do in this Nation is to leave the status quo of education and move on to something that is progressive.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. JEFFORDS. I have no requests for time. I yield back my time.

The PRESIDING OFFICER. The question now is on agreeing to Lincoln amendment No. 451.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Louisiana (Mr. BREAUX) are necessarily absent.

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

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—62

Akaka	Domenici	Leahy
Allen	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	McCain
Bingaman	Feinstein	Mikulski
Campbell	Fitzgerald	Miller
Cantwell	Graham	Murray
Carnahan	Harkin	Nelson (FL)
Carper	Hollings	Nelson (NE)
Chafee	Hutchinson	Reed
Cleland	Hutchison	Reid
Clinton	Inouye	Rockefeller
Collins	Jeffords	Sarbanes
Conrad	Johnson	Schumer
Corzine	Kennedy	Smith (OR)
Daschle	Kerry	Snowe
Dayton	Kohl	Specter
Dodd	Landrieu	Stabenow
Torricelli	Voinovich	Wellstone
	Warner	Wyden

NAYS—34

Allard	Gramm	Nickles
Bennett	Grassley	Roberts
Bond	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (NH)
Byrd	Inhofe	Stevens
Cochran	Kyl	Thomas
Craig	Lott	Thompson
DeWine	Lugar	Thurmond
Enzi	McConnell	
Frist	Murkowski	

NOT VOTING—4

Boxer	Crapo
Breaux	Ensign

The amendment (No. 451) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

AMENDMENT NO. 534 TO AMENDMENT NO. 358

(Purpose: To provide for a Careers to Classrooms program and improve the Troops to Teachers program)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. WELLSTONE, Mr. DEWINE, Mrs. CLINTON, Mr. SCHUMER, Mr. CRAPO, Mr. KENNEDY, and Mr. BIDEN, proposes an amendment numbered 534.

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

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

(The text of the amendment is printed in the RECORD of May 9, 2001, under ''Amendments Submitted.'')

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, amendment No. 534 is the Careers to Classrooms Act of 2001. I have several cosponsors who have worked very hard with me to put this amendment together because many of us had ideas along the same line. I thank very much my cosponsors: Mr. WELLSTONE, Mr. DEWINE, Mrs. CLINTON, Mr. CRAPO, Mr. KENNEDY, Mr. SCHUMER, and Mr. BIDEN.

We have all worked on this issue because probably every one of us has had some experience that caused us to realize we must do more to recruit teachers into our classrooms. I had the experience of having a very good friend in Greenville, TX, who was a Latin major in college. She taught Latin in a private school, but when she moved to Greenville, she did not have the teacher certification for public school, so she was not able to teach Latin. Well, they didn't offer Latin in Greenville High School, even though they very much wanted to do so. But she was not qualified to teach because she didn't have the teacher certification, even though she had taught Latin in private school and that was her major in college.

So I started thinking, what are we doing, when we have a shortage of teachers, especially in rural classrooms, in urban classrooms, in high-growth areas, where we have subjects that are not being taught—subjects such as math, science, languages—yet we have artificial barriers to bringing people who have expertise into the classroom?

So I modeled the Careers to Classrooms Program—along with my cosponsors—along the lines of the Troops to Teachers Program, which Senator DEWINE will speak about later, which has been so successful in taking retired military personnel who would like to have another career, who are 40, 45, 50 years old, and bringing them into the classroom with all of their myriad of great experience and giving the children in our country the chance to experience this kind of expertise.

This is Careers to Classroom because now we have a number of people who have done very well early in their careers, and they would like to change careers, or they would like to retire from the computer industry. We want to lure those qualified people into the classroom. We want to target the classes that don't have teachers, where we have teacher shortages. So this amendment simply puts forward another opportunity for our school districts to give alternative certification, expedited certification, to encourage teachers to go into the classrooms in areas where we have teacher shortages.

In this legislation, individuals with demonstrable skills in high-need areas would be given the chance to help a school that has a need for teachers in their field. It would provide limited stipend assistance for individuals involved in State alternative certification programs and will agree to teach in rural schools, schools with the most pressing teacher shortages, and schools with the highest percentage of students from low-income families. So we give incentives through stipends to help them get that teacher certification.

Second, to help offset the additional costs these high-needs schools incur when they accept individuals in the Careers to Classrooms Program, the provision allows States to award grants to such schools to meet these costs.

In other words, we are rewarding the school districts for creativity, for going the extra mile to bring qualified teachers into the classroom, and we are rewarding the person who is willing to go into the classroom by giving assistance for that alternative certification.

I ask that we pass this bill. It is one more way our public schools can give

every child an opportunity to reach his or her full potential. That is the goal of public education. It is why public education is so important. We want every child to reach his or her dreams with a public education.

We like private schools. We like parochial schools. We think home schools are fine for many students. But we also want our public schools to be the foundation of our country, and that is exactly what adding more options and more incentives for creativity will do.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take 3 or 4 minutes. I notice Senator CLINTON is on the floor, and Senator DEWINE is on the floor as well. I say to Senator DEWINE, I will let him cover the Troops to Teachers part of this legislation. It is a real addition, and I like this effort. This whole notion of Careers to Classrooms makes all the sense in the world.

I want to highlight two facts. No. 1, we are focusing again on underserved children and underserved communities, be they inner city, rural, or, for that matter, in a suburb.

No. 2, we want to make it possible for some people to make big career changes, to go into teaching, working with the States, and States having collaborative relationships with higher institutions to provide alternative means for certification and have more lateral entry into teaching.

Some of the best teachers are women and men who midcareer decide to make this change and go into teaching. For my own part —I hope I do not have to do it too soon; some of my colleagues might disagree with me on that—I often think to myself that I would love to do some teaching in the schools I visit all the time. Even though I do have a doctorate in political science and have some experience in the area of social studies, the thought of going back to school and going through the usual certification is a disincentive. We are trying to provide more incentives for people to come into teaching.

Every discussion I have been involved in at every school, once every 2 weeks for the last 101/2 years, if I ask a student what makes for a good education, the first thing they talk about before anything else is good teachers. By the way, they are not talking about teachers who teach the worksheets. They are talking about teachers who fire their imagination.

Finally—and Senator CLINTON may speak about this—it is not just recruitment but retention, having mentors, and providing support for teachers to stay in the profession. We run into the problem of good people leaving the profession. This is terribly important.

This amendment is on target. Each of us wrote our own amendments, our own bills. The Senator from Texas is right; we put this all together in a collaborative relationship. It is a very important amendment. There is widespread support for it, and I am proud to work with my colleagues on this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I thank the Chair.

Mr. President, I congratulate my colleagues from Texas, Minnesota, and New York for the great work they have done on this bill. This bill goes to the heart of the challenge we face in the next few years in education. We know a lot of things are important in education. We know we have to have a good building, laboratory equipment, and good books. We have to have different items, but we know the most important thing in education is the teacher.

As my high school principal, Mr. MALONE, told me years ago, there are only two things that really count in education: One is a student who wants to learn and the other is a teacher who can teach. This amendment goes directly to the heart of this issue.

We face a challenge in this country. In the next decade, we will have to produce 1.6 million to 2.6 million new teachers just to replace the teachers today who are getting ready to retire—1.6 to 2.6 million. We know from our experience that the greatest challenge with regard to recruiting these teachers is in the poorer parts of the country—in the inner cities many times, in areas of Appalachia. This is where it is so vitally important for us to attract, retain, and keep the best teachers we can find. We absolutely have to do that. This amendment is targeted directly at that.

I wish to talk for a moment about the part of the bill that we refer to as Troops to Teachers. This is not a new program. It is a program, frankly, we had to fight last year to keep afloat. It is a program that has been proven to work.

The concept is very simple. Every year in this country we have tens of thousands of men and women who retire from the military, and they retire many times at, at least from my point of view now, a relatively young age, the age of 57. They have a lot of time ahead of them, and they have a great deal of experience. We want to encourage as many of these people as we can who have already proven they can lead other people to go into education, to teach, to take that leadership ability and lead our young people and mold them and work with them to, in turn, become leaders.

It has been a very successful program. This bill expands that program. Let me briefly tell the Members of the Senate what the results of this program have been.

A 1999 study found that 30 percent of Troops to Teachers, 30 percent of the people who go from the military into teaching under this program, are minorities. That is compared to only 10 percent of all teachers. Thirty percent of these former troops are now teachers and teaching math. Many of them are involved in teaching science. These are two subjects for which we know it is always difficult to find quality people to teach and people who have that background.

Twenty-five percent of the Troops to Teachers teach in urban schools; 90 percent are male, compared to the current teaching force, which is 74 percent female. Many educators tell us we need more males to go into teaching, particularly in K–6, 7, 8, the primary education. Troops to Teachers has proven this will, in fact, work and helps to do that.

I congratulate my colleagues for their work on this issue. The Troops to Teachers provision is something I have worked on for some time. I have had the chance in my State of Ohio to meet with people who have been troops who are now teachers. It is phenomenal to see their enthusiasm but, more importantly, to see the enthusiasm of their students. It really makes a difference in these children's lives.

This is an amendment that goes right at the heart of our problems and our concerns and that is to improve the quality of teaching in this country and to continue to do what we can to recruit the best people we can and put them into education and let them teach our young people.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I am so pleased to join my colleagues supporting this amendment, Careers to Classrooms. I commend my good friend from Texas who brought all of us together, took all of our various ideas, and came up with a amendment that I believe will make a tremendous difference in one of the most serious problems facing us in education. This is an issue all of us who joined together as original cosponsors have worked on because it is one that came to us in our respective States.

I brought along just three sample headlines from 3 different years. The first, from August of 1998, from the Buffalo News, reports that more than half of the teachers in New York State, 201,000, were headed for retirement in the next 10 years.

Then a year later, in August 1999, the New York Times ran a story on the front page alerting the public that as children were heading back to school, cities and towns across our country were struggling to fill the teacher slots, especially in our poorest neighborhoods, and especially in difficult subjects such as math and science and special ed.

Then, again, in August 2000, the New York Times focused on Westchester

County where I live, highlighting the fact that faced with retirements and other departures from the profession, superintendents were spending their time desperately searching for teachers to be there when school opened.

I think all of us who joined together on this amendment do not want to see these headlines anymore. We think it is time that, from August 2001 on, the headlines should read that our country is coming together to answer the call to recruit and retain more teachers. I am so pleased that this amendment hits what I see as all of the necessary major points.

As Senator HUTCHISON said, it supports alternative routes to certification. I have heard so many stories similar to the one she told about her friend, the Latin teacher, who could not get a job in the public schools. As Senator DEWINE points out, it continues to support and fund the very successful Troops to Teachers Program. As Senator WELLSTONE points out, it begins to provide the resources that our high-need school districts will require in order to place them at the head of the queue to try to attract teachers. I am pleased it will permit each local school district to develop a local teacher corps, which would be able to provide bonuses for midcareer professionals interested in becoming teachers.

I have often said if we give signing bonuses to athletes, we ought to give signing bonuses to teachers. There is not any more important job in our country. All too often our teachers are relegated to the margins of our concerns. The teacher corps would also be able to make scholarships available for recent college students and create new career ladders for teacher's aides to become fully certified teachers. A lot of our teacher's aides want to become teachers. If they are performing well, if they have the requisite academic skills, we ought to encourage their development.

It will also provide additional mentoring, support, and professional development that is needed to become an effective teacher.

All in all, I am so pleased that we have an opportunity to address this important issue in this bill because if we do not address the quality and the quantity of our teaching force, we are not going to be able to deliver on all the other promises we are trying to make and keep with the children, teachers, and parents of our country.

I know in New York City we are looking desperately to fill the slots that are needed for our teachers. This kind of program of alternative certification and additional mentoring, similar to what we call the New York City Teaching Fellows Program, will help us recruit and retain our teachers.

In addition to promoting alternative routes to full certification, I am pleased that in the underlying bill as part of S. 1 we have the National Teacher Recruitment Campaign to alert prospective teachers from across the country about these new resources and routes to teaching and include a National Teacher Recruitment Clearinghouse so someone, anywhere in the country, can sign on to the Web and find out information about where they are living now or where they hope to move so we can really attract people who are the best and the brightest into teaching.

I am excited about this opportunity. I commend all my colleagues who have worked in a collegial and bipartisan manner, representing States from Texas to Ohio to Minnesota to New York, to send a clear message that teacher recruitment and retention is not a partisan issue. It is at the root of how successful we can be in improving education. I am so pleased we are going to have a chance to vote on this amendment and send that clear message to the people of our country.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank all of my colleagues who have spoken so eloquently. I think Senator WELLSTONE, Senator CLINTON, Senator DEWINE, and I have each addressed a separate part of this bill. We have each addressed something from our own States that we have seen that caused us to come together to try to alleviate the critical teacher shortage that we have in public schools throughout our Nation.

I think this is one more way that we will be able to add more creativity and more options to our arsenal of weapons that we have to combat the teacher shortage that we are seeing in our country.

I thank all my colleagues.

If there is no one else wishing to speak on this amendment, I urge adoption of amendment No. 534.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 534) was agreed to.

Mrs. HUTCHISON. Thank you, Mr. President. I think we have taken a great step forward. I hope in the final bill this is a very big part of the reform we are all seeking in public education.

Mrs. CLINTON. Mr. President, thanks to my colleague, especially for her leadership on this issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. Mr. President, I rise today as we debate one of the most important issues to come before us in the Senate—the education of our children—and to urge my colleagues to support the Careers to Classrooms amendment.

If you have listened to the debate, there is not a single Senator who is satisfied with the quality of education in our public schools. We are unanimous in our belief that U.S. schools must do better in this global, competitive, ideas-based world.

In my own State, New Yorkers were shocked to learn that more than one-third of the State's students performed below the basic level of achievement in reading. Over the last 8 years, the number of New York State schools cited for poor performance has more than doubled, and this is simply unacceptable.

When you look at the studies, you see that they show that the greatest influence on how a young person performs in school is their parents and the values and oversight their parents are giving. There is something we can do about that, but not very much—at least in this bill.

Second is the quality of our teachers. On this bill, if we could only accomplish one thing—I hope it will accomplish many more than that—if we could make only one change to our schools to raise the quality of education for all kids, it would be to improve the quality of our teachers and make the teaching profession more attractive to young people and midcareer professionals alike.

In the past, America was able to attract high-quality individuals into teaching. We had three cohorts of people who went into teaching:

In the 1930s and 1940s, we had New Dealers—people who were raised in the Depression and got that civil service job because they did not want to be fired, even if it paid a little less.

In the 1950s and 1960s, there were not many opportunities for women, and millions of young, bright American women were told, ''Go be a teacher,'' and, ''Go be a nurse.'' To our great luck as a nation and to my great luck as a student who was taught by many of them, many of them did go into teaching.

The final cohort were the young men in the late 1960s and early 1970s who, because you received a draft deferment when you taught, went into teaching.

My children attend public schools in New York City. At Open School Night, I asked the six teachers of my daughter who is in high school how they got into teaching. They are women who had gotten into teaching in the 1960s, 1970s, and 1980s, and they are men all about my age—I am 50—who had become teachers during the Vietnam war.

Those three groups of people are gone. New Deal, not too many people who lived in the shadow of the Depression are going into professions now;

Women, thank God there are many more opportunities; and, again, thank God we don't have a Vietnam war that drove men into teaching.

As a result, because of that, our teachers are old.

This chart shows the age of teachers in America. This big bump shows teachers 47 to 49 in my State. I think the No. 1 age—the ''immediate mode'' I think it is called—of the teacher, the most frequent age of any, is 53.

In the next 10 years, we are going to have huge numbers of our teachers retire, and they are going to have to be replaced. The $64,000 question for education is, Who is going to replace them?

One thing we know. Today, to choose to teach is to choose financial sacrifice. Teacher salaries do not compare with other possible options facing graduates. In fact, over the past 4 years salary offers for college graduates in all fields have grown at twice the rate of those for new teachers. Isn't that incredible that in America, where we value education, salaries for teachers grew at half the rate of others?

This chart tells the story about why we are having such difficulty attracting good teachers. The starting salary for computer programming is $44,000, for accounting is $37,000, for market research is $34,000, and for a paralegal is $45,000. But the starting salary for a teacher with a bachelor's degree in America is $26,700.

So a qualified young person, idealistic though they may be, can often make $10,000, $15,000, or even $20,000 more starting out by going into another profession.

What job could be more important than teaching? It is the most important job in America in the 21st century. Teaching should be an exalted profession the way medicine and law were in the 20th century. That is not just something that sounds nice; that is if we want to keep America the leading country in the world.

Yet this most important job has become less and less and less attractive compared to other jobs financially. That means that quality has become less important than simply filling vacant teacher slots. We have seen it all. We have seen in my city they now are going not just around America but around the world to find young men and women to teach, particularly in math and science. The board of education in New York City found itself lucky that it had a gold mine of Yugoslavian students who wanted to come teach, and Austrian students who wanted to come teach. And they are good to have—better than nothing. But how many of them are going to stay here and become career teachers and gain the invaluable experience in the first 3 or 4 years that a teacher gains?

We cannot continue in this manner. We cannot have so many math and science teachers not experienced in math and science. We cannot have this global search for people who might teach for a year. We cannot have it for a lot of reasons.

Today's economy depends on the quality of the minds of our young people, the quality of the education we provide in our schools, and, consequently, our children's success depends on the education they receive.

As you can see from the chart, in my own State, in New York City alone, 11,000 teachers could retire by this year's end. And remember that previous chart: One-third of our teachers are eligible to retire in 5 years. That means our country will have to hire or replace close to 2 million teachers over the next decade. And New York State will need to hire 80,000 teachers over the next 5 years.

Studies tell us that teacher qualifications account for more than 90 percent of the differences in students' math and reading scores.

I believe in having more teachers. I support having 100,000 new teachers. But let me tell you this. I would rather have a really good teacher for 21 students than a mediocre teacher for 18. So as much as I support having 100,000 new teachers, I would much rather see us get the best quality teachers, even if it means slightly bigger class size.

We, of course, in an ideal world, should not have to settle between one and the other. But quality and training counts. That is what the studies show. The bad news is that more than 12 percent of all newly hired teachers enter the teaching workforce with no training at all. More than 1 out of 10 teachers have not a single bit of training. They hire you and throw you in a classroom. Isn't that amazing? Would we do that to somebody who is working in a foundry on an assembly line? Would we do it in almost any other job? No. But here it is. And a third of all teachers lack a major or even a minor in the subject they teach. And 33 percent of new teachers nationwide lack full certification.

We all talk about education. We all think that it is the key to our future. And the people who are going into teaching are often financially underpaid, which means, frankly, we do not get the highest quality, and they are untrained when they enter the classroom.

I do not think anyone in this Chamber, from the most conservative to the most liberal, would dispute this statement: Every American child deserves to be taught by a highly qualified, motivated teacher.

So what does that mean? It means that scarce Federal dollars—and they are scarce; particularly, I might add, with this huge tax cut they are even more scarce—it means that scarce Federal dollars should be used to support and help replicate successful programs to recruit and retain highly qualified teachers, especially in those districts with the highest need.

I have been working on this piece of legislation since I came to the Senate 2 years ago. We put together something called the ''Marshall Plan for Teachers.'' I am proud to say that a lot of the things in this amendment—and the ideas were not mine alone; lots of my colleagues had very similar ideas—are very much like the ''Marshall Plan'' that we introduced and talked about.

I am very proud to have worked with so many of my colleagues —of course, Senator KENNEDY in the lead, and Senators HUTCHISON, WELLSTONE, CRAPO, CLINTON, DEWINE, and BIDEN—on this amendment to provide Federal support for States and local districts to recruit and retain midcareer professionals and to attract young people into the teaching profession. To me, it is the most important part of this bill.

There are many important parts. Federal dollars will help establish, expand, or enhance programs that provide alternative routes to certification, such as the National Teaching Fellows Program in my city of New York. Dollars will be targeted to the areas where they are needed most—districts and schools with high numbers of low-income families, high numbers of uncertified teachers, and high teacher turnover.

Similar to legislation I introduced this Congress, our amendment would provide funds that could be used to recruit new teachers through incentives, scholarships, tax credits, or stipends, as long as these efforts are linked to effective retention activities such as mentoring programs and high-quality, in-service professional development opportunities.

We know that 20 percent of new teachers leave the profession within their first 3 years of service. And nearly 10 percent leave within the first year. We must be committed to providing incentives to attract highly qualified people and provide the resources and opportunities to keep people teaching.

The amendment would support collaboration—partnerships, if you will—between local districts, parents, colleges, and universities, and community leaders to develop effective recruitment and retention strategies.

In addition, we would support accelerated paraprofessional-to-teacher programs and State and regionwide clearinghouses for recruitment and placement. And we would expand upon the successful Troops to Teachers Program.

Because accountability is so crucial to the success of our efforts, the amendment would require an evaluation report from each grantee to determine whether we have increased the number of certified, highly qualified teachers teaching the subject areas in

which they have experience, decreased teacher shortages in high-need subject areas, and increased teacher retention.

It is time to make a change. This amendment will get us on the way to what I know is a goal shared by all of us: a qualified teacher in every classroom in America.

Thank you, Mr. President.

Mr. KENNEDY. Will the Senator yield?

Mr. SCHUMER. I am happy to yield to our friend and leader from Massachusetts.

Mr. KENNEDY. I thank my friend and colleague from New York for offering this amendment. I would appreciate his opinion on this. I have seen, in a number of different situations, where there are many individuals in different professions who are skilled in math and science and other areas in the new economy. And there are individuals who are retiring.

If they had some way, some pathway to go into teaching, we would find that there is a great deal of interest. What the Senator is attempting to do is create a pathway for individuals who may have gone into a career for a period of time and have been able to have achievement in terms of their professional careers but then, with this kind of an opportunity that is included in the Schumer amendment, they would be able to have a career change and, with the kind of training and what they would bring to teaching as achievement in a number of different potential areas, they would be able to be of a real advantage to these students.

Many of us have seen, for example, the Troops to Teachers Program where we have had a number of members of the U.S. Navy, particularly in the areas of—well, the submarine fleet comes the closest in the State of Washington, I believe, where a number of the people who retired from the Navy stayed in the area. These are people with enormous kinds of understanding and a great deal of training in terms of math and in terms of science. When they were offered this opportunity to engage in the schools—it is also true in a number of districts in Florida and in other communities where there were significant numbers of retirees in the military—when they opened up the opportunity for these servicemen to go into teaching, they just went in droves. The positive impact it has had in the schools in the areas of math and science has been absolutely extraordinary.

As I was listening to the Senator, it seems to me that this is sort of a particular situation, but there are going to be other professions as well where individuals, through the Senator's amendment, could get into the areas of teaching and have a rewarding and satisfying and inspiring career and also make a real difference in terms of children's appreciation for learning as well as enhancing their skills academically.

Mr. SCHUMER. I thank the Senator for his question. He is right on the money, as usual. There are so many people in modern America in the military—the Troops to Teachers—so many other professions who retire early; they receive their pensions after 25 years; they say they are not going to work at this job any longer because they are getting a good pension, whatever, who would love to teach, who would just love to teach.

I myself, as everyone here, have been invited into classrooms to teach. Come to Cunningham Junior High School and teach 8th grade social studies for a day or come to Madison High School and teach 11th grade history for a morning. I guess I am not atypical. I love it. When these people who have retired, who have such skills, get a taste of teaching, they love it.

One of the things we do in this amendment—and the Senator is correct to point this out—is make it a lot easier for them to go into teaching. There are no inadvertent barriers in the way.

In this bill, we allow them to go teach. These days they could have 15 or 20 productive years as a teacher after their original career. The Senator is exactly correct. As we try to think of how to attract new teachers, this group of people is one of the great untapped resources. I hope, through this amendment, we can tap it.

Mr. KENNEDY. I commend the Senator. We have seen awakened in this country, particularly in recent times, a sense of voluntarism. I think voluntarism is alive and well in the United States. Many of us hope that our young people, whatever their disposition, will be more involved in the public policy aspects of our country. You can't get away from the fact of their involvement in terms of volunteerism. I have seen it in our high-tech area in my own State of Massachusetts with our ''netdays'' where Massachusetts was 48 out of 50 States in terms of Internet access. And basically, through asking the high-tech industry to tie up with local schools, we have moved now into No. 11. We have what we call ''netdays.'' The private sector in the high-tech area, the software industry, has been enormously responsive in adopting schools, and labor laid down 350 miles of cable in Boston voluntarily on Saturdays because their children were going to these schools.

Schools have an enormous ring in terms of our value system. To challenge our society in ways which they haven't been challenged before, in terms of giving people an opportunity to be a part of an educational system, would get a very positive response. We shouldn't miss the opportunity to at least challenge professionals in that area. The good Senator's amendment will help enormously in being able to do it.

I thank the Senator.

Mr. SCHUMER. I thank the senior Senator from Massachusetts.

Mr. JEFFORDS. If the Senator will yield, I would like to share some experiences I have had in this area also.

As you may remember, a few years ago, Congress took back—sort of—the school system of the District of Columbia. I had the opportunity of sort of being the de facto superintendent of schools for awhile. I have been following up on some of the problems they have had, as all schools are having, with finding teachers who are qualified. I find that the only teachers they can get in the science and math area are retired people who have come back in and had some sort of a certification process to make sure they knew the basics about teaching.

Also, in Vermont, we have one of the largest IBM plants, and we have the same shortage of teachers. They are finding there that the source of getting good teachers back into the schools is from the retired IBM employees.

This is an idea we have been talking quite a bit about today. I wanted to share those experiences with the Senate because we have to do everything we can. At some point, the States would be better to do that, to make sure the standards just of the common capabilities of teaching are there and all that sort of thing.

I commend the Senator on his amendment and the Hutchison amendment.

Mr. SCHUMER. I thank the Senator from Vermont not only for his insight but for his great leadership on this bill. One of the reasons we have such a broad and bipartisan bill is because of the Senator's leadership, as well as my friend from Massachusetts.

Teaching is so fulfilling. It is a great job, if people get a taste of it, as both Senators from Massachusetts and Vermont have said. Whether you are a retired military person or a retired person from technology or a retired small businessperson, I say: Look at teaching. If we can pass this legislation with the amendment that so many of us on both sides of the aisle have put together, we will make it easier for you to get into teaching.

Given the importance of teaching to America and given what a fulfilling job it is, maybe this amendment will really help the children of this generation, and certainly generations in the future, to get the kind of great fulfilling experience they had from great teachers as we each did as we went through elementary and secondary school.

I thank the Senator for those nice words as well as for his leadership.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be set aside.

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

Mr. JEFFORDS. Mr. President, I plead with my fellow Members of the Senate who may still be here that we are waiting for another Senator to hopefully offer an amendment. We have some 270 remaining to be brought to our attention. Hopefully, we will be here for a little length of time anyway. I am not sure how long. Now is the time.

I yield the floor to Senator BYRD.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 402 TO AMENDMENT NO. 358

Mr. BYRD. Mr. President, I shall offer an amendment. The amendment is at the desk. It is amendment No. 402. I call up the amendment at this time.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 402.

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

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

The amendment is as follows:

(Purpose: To provide grants for the teaching of traditional American history as a separate subject)

On page 893, after line 14, add the following:

SEC. ____. GRANTS FOR THE TEACHING OF TRADITIONAL AMERICAN HISTORY AS A SEPARATE SUBJECT.

Title IX (as added by section 901) is amended by adding at the end the following:

"PART B—TEACHING OF TRADITIONAL AMERICAN HISTORY

"SEC. 9201. GRANTS FOR THE TEACHING OF TRADITIONAL AMERICAN HISTORY AS A SEPARATE SUBJECT.

''(a) IN GENERAL.—There are authorized to be appropriated $100,000,000 to enable the Secretary to establish and implement a program to be known as the 'Teaching American History Grant Program' under which the Secretary shall award grants on a competitive basis to local educational agencies—

''(1) to carry out activities to promote the teaching of traditional American history in schools as a separate subject; and

''(2) for the development, implementation, and strengthening of programs to teach American history as a separate subject (not as a component of social studies) within the school curricula, including the implementation of activities to improve the quality of instruction and to provide professional development and teacher education activities with respect to American history.

''(b) REQUIRED PARTNERSHIP.—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with 1 or more of the following:

''(1) An institution of higher education.

''(2) A non-profit history or humanities organization.

''(3) A library or museum.''.

Mr. BYRD. Mr. President, this amendment authorizes to be appropriated $100 million to enable the Secretary to establish and implement a program to be known as ''Teaching American History Grant Program'' under which the Secretary shall award grants on a competitive basis to local educational agencies—to carry out activities that will promote the teaching of traditional American history in schools as a separate subject; and for the development, implementation, and strengthening of programs to teach American history as a separate subject, not as a component of social studies, within the school curricula, including the implementation of activities to improve the quality of instruction and to provide professional development and teacher education activities with respect to American history.

A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with one or more of the following:

(1) An institution of higher education.

(2) A nonprofit history or humanities organization.

(3) A library or museum.

Mr. President, I started school in a two-room schoolhouse 79 years ago, in 1923. It was 1924 that John W. Davis of Clarksburg was nominated on the 103rd ballot for the office of President of the United States. He was defeated by Calvin Coolidge.

My first teacher was a woman by the name of Carrico. Her husband had lost his arm as a brakeman on, I believe, the N&W railroad. Mrs. Carrico was my first teacher and she taught the lower grades.

We started out in the Primer and the main character in that primer was Baby Ray. And there were two rooms, as I say. In the other room, a man by the name of Lawrence Jennings taught the upper grades. I went through the Primer in about 3 weeks. I promoted myself when it came to geography. Being in the same classroom with other students in the first, second, third, fourth grades—I believe the fourth grade was in the same room—I learned a lot by listening to the other students in the higher grades.

There was a geography book. I can remember it as though it were yesterday; it was Fryes Geography. Well, I liked geography; I liked the maps and the pictures. So I went home one night and said to the man who raised me, a coal miner—he was my uncle by marriage—''I want a copy of Fryes Geography. I like that book.'' He said, ''Well, we will go to Matoaka,'' which was about 5 miles away. This was all in Mercer County, in southern West Virginia. ''We will go to Matoaka on Saturday, which is pay day, and we will get Fryes Geography.''

He took for granted that the teacher had asked me to ask him for this book. The teacher didn't ask me to do that. I just decided I wanted it. So we caught the train and went to Matoaka. There was no highway up to Algonquin. Algonquin was the coal camp. There was no highway up to Algonquin from Matoaka.

The railroad ran across Clark's Gap Mountain, and we went by railroad, a passenger train, from Matoaka up to Algonquin. We went by Giatto and Weyanoke in Mercer County. That is the way we went from Matoaka to Algonquin.

Mr. Byrd, the man who raised me, was a man who didn't have much education. He probably never went to the second grade. He could barely read. We had a Holy Bible in our house. That was about the only book at our house. I always called him my dad because I loved him and he loved me. I didn't know anybody else as a father. His wife was my aunt. She was my natural father's sister, and I had three brothers and a sister. But losing my mother when I was 1 year old, my biological father could not care for five children. That was back in the days when he probably earned only $3 or $4 a week working in a furniture shop.

Upon the death of my mother during the influenza epidemic, he gave the children to his sisters. He kept the one daughter. I only saw her when I was in high school—about 15 or 16 years old. I saw my sister then for the first and only time.

But there we were. These people who took me in to be raised loved me. They had one child prior to their taking me as their adopted child. That child had died of scarlet fever. So they had me as their adopted son. They loved me. I never knew about a mother's kiss. My aunt was tough, very religious, and strict. I never knew a mother's kiss, but she loved me.

Anyhow, I went home one evening, and I said to my dad—as I say, I called him my dad because, as far as I knew at that time, he was my father. Now, I went home and I said I had to have a Fryes Geography. So on Saturday, we caught the passenger train, went down to Matoaka and bought Fryes Geography.

I took it to school on Monday. The teacher Mrs. Carrico, said, ''I didn't tell you to get this.'' I said, ''Well, I have to have it and I want to study it.'' That teacher let me keep that book and let me study along with the class in which the book was being taught.

Well, I came to love my teachers, and we had a category on that report card that was denominated ''Deportment.'' My old coal miner dad told me, ''If you get a whipping in school, I will give you another whipping when you get home.'' I wanted to please that coal miner dad, and I wanted to please those teachers. Back in those days, I say to Senator KENNEDY, the history book was by Muzzie.

It did not have a lot of pictures in it. It was full of narrative. I often ask the

young pages who serve us—we have different pages from year to year to let me see their history book. I ask the students, the pages: Who is Nathan Hale? If an American history book does not tell us about Nathan Hale, I do not think it is much of a history book.

Who was Nathan Hale? Nathan Hale was a young schoolteacher, 21 years of age. When George Washington asked for a volunteer to go behind the British lines and spy on the British fortifications and bring back drawings of the British gun placements, and so on, this young man by the name of Nathan Hale, age 21, schoolteacher, volunteered to go.

He went behind the British lines. He accomplished his mission. On the night before he was to return to the American lines, he was arrested as a spy, and, of course, the drawings and the papers were in his clothing. The next morning, September 22, 1776, he was brought before a gallows, and as he stood there with his hands tied behind him, he asked for a Bible. The request was refused. Nathan Hale stood there before the gallows, and only a few yards away was a wooden coffin—a wooden coffin. He knew that his body would soon be placed in that coffin.

He was asked by the British captain, whose name was Cunningham: Have you anything to say?

Nathan Hale said:

I only regret that I have but one life to lose for my country.

Nathan Hale died for his country. I often wonder why people cannot give one vote for their country—whether they are Republicans or Democrats, why they will not vote, why they will not give one vote for their country Nathan Hale gave the only life he had for his country.

That history book taught me about Nathan Hale. As a lad, I memorized my history lessons. I memorized them by the light of an oil lamp. I memorized history. I liked history. I liked to read about Francis Marion the ''Swamp Fox,'' Nathanael Greene, Daniel Morgan, George Washington, Benjamin Franklin, James Madison. They were my heroes.

So I say today we need good history books and good teachers so that the boys and girls today will find their heroes among the early Americans who built this country.

I came to appreciate the fact that the peoples of western Europe, eastern Europe, central Europe, southern Europe, northern Europe and elsewhere came to this country and helped to build it. My heroes were those men and women who were mentioned in the history books. The teaching of history is important.

When I moved out of that area of West Virginia—moved out with a wagon team—we moved up a hollow called Wolf Creek Hollow. We were 3 miles up that hollow.

I then attended another two-room school up on the mountain. I walked to that school with a man by the name of Archie Akers. He was one of the two teachers in the school. He would walk from 3 or 4 miles down the hollow up by my house, and I would get with him and walk on up to the top of that mountain to that school.

I had two teachers there. One was named Mary Grace Lilly. I remember the first day I went there. She said: If you have a fence and you can't get over it, you can't get under it, what do you do?

I held up my hand. She called on me. I was eager to be called on. I said: If you can't get over it, you can't get under it; you go around it.

She patted me on the head and said: That's right.

I memorized my lessons. Yes, memorized my lessons. I loved to do it. I loved to be called on by the teachers. I liked my teachers. I had good teachers. They did not get paid much. Very little did they get paid, but they were dedicated teachers.

We did not have any electricity in the house. We did not have any running water. If we wanted to go to the toilet, we had to go outside to a privy behind the house. No radio. Never heard of television. You see, that was in the twenties.

I will never forget those books. Those history books, to a degree, shaped me to what I am today. They shaped me, they shaped my attitude, they shaped my outlook, and I came to want to be like James Madison or Webster or Clay or some other historical figure.

Oh, yes, I had my sports hero. That was Babe Ruth or Jack Dempsey—these are some years later. But history, history had an impact on me, may I say to my friend, Senator KENNEDY. It had a decided impact on me when I was just a boy, 8 years old, 9 years old, 10 years old, and was a root of my ambition to try to make something out of myself.

Mr. Byrd, who raised me, wanted me to go to school and to learn and to get a better education than he had been given. As I say, if he went to the second grade, I do not know that.

He did not want me to be a coal miner. He wanted me to get an education. And in those days, when I graduated from high school in 1934, it was something to have a high school education. I heard it said by my elders: If you don't get a high school education, you are not going to amount to much, you are going to have a hard time. You have to have a high school education.

We had great teachers, good high school teachers. W.J.B. Cormany, William Jennings Bryan Cormany, was the principal of the high school.

When we moved out of that hollow, Wolf Creek Hollow in Mercer County and moved to a coal camp, I enrolled at the Mark Twain School. The principal of that school, when he learned that I could recite whole chapters from the history book, took me up before the senior class and had me perform for the senior class. Well, that kind of enhanced my reputation around the school—to be able to go up before the senior class and recite history.

So, I loved my teachers. We were talking about teachers a minute ago. I often worked to be the best student in the class in order to please my teacher. David Reemsnyder, a huge man, when I was in junior high school, taught mathematics, Algebra, and geometry. I wanted to please him.

Mrs. W.J.B. Cormany taught music. I wanted to study the violin because she wanted me to study the violin.

That is the kind of influence teachers had on me. I always wanted to be the best student in the class, to please my teachers and to please that old coal miner dad who reared me. There is no way to establish the worth of a good teacher.

A Builder builded a temple,
He wrought it with grace and skill;
Pillars and groins and arches
All fashioned to work his will.
Men said, as they saw its beauty,
''It shall never know decay;
Great is they skill, O Builder!
Thy fame shall endure for aye.''

A Teacher builded a temple
With loving and infinite care,
Planning each arch with patience,
Laying each stone with prayer.
None praised her unceasing efforts,
None knew of her wondrous plan,
For the temple the Teacher builded
Was unseen by the eyes of man.

Gone is the Builder's temple,
Crumpled into the dust;
Low lies each stately pillar,
Food for consuming rust.
But the temple the Teacher builded
Will last while the ages roll,
For that beautiful unseen temple
Was a child's immortal soul.

I have done a little reminiscing here today. The Senator I am most fond of saying is my favorite Senator on this side of the aisle, Senator KENNEDY—one gets into trouble saying things like that—saying ''This man, this Senator, is my favorite,'' or, ''that Senator is my favorite.'' They are all my favorites. But Senator KENNEDY is my favorite favorite Democratic Senator.

A few days ago, he wanted me to do a little reminiscing about my schooldays. You see, I have been going along life's pathway quite awhile. I came from those deep roots, and I like to speak of my remembrances of those teachers who sacrificed, back in the Depression. They couldn't get their checks cashed. They had to surrender 20 percent, sometimes, of the monthly check, the total check, in order to get it cashed. That was in the Great Depression.

Mr. President, my amendment to the budget resolution, as I have already indicated, will add $100 million in fiscal year 2002 to function 550, education. This increased funding will allow for the continuation of an American history grant program I initiated last

year. That program is going, it is ongoing, it is moving. This program is designed to promote the teaching of history, American history.

It is shocking—it is shocking—to read of students who do not know that the Civil War occurred during the second half of the 19th century. They cannot place the Civil War in a specific 50-year period with accuracy, let alone say it was from 1861 to 1865. They don't even know what half century it occurred in. So we are falling down badly in teaching American history. And history is so important.

Byron, Lord Byron, said, ''History, with all her volumes vast, hath but one page,'' meaning that history repeats itself. And it does. It repeats itself.

When Adam and Eve were placed in the Garden of Eden, H_2O was water. Water was made up of two atoms of hydrogen and one atom of oxygen. And it is still that way. It has never changed. It is still H_2O.

It is the same with human nature. Human nature has never changed. Cain slew Abel, and men are still slaying their brothers. It has not changed. That is why we can truthfully say, and mean it, that history repeats itself—not in every precise and particular detail, but one needs to know history.

An unfortunate trend of blending history with a variety of other subjects to form a hybrid called ''social studies'' has taken hold in our schools. I am not against social studies, but I want history. If we are going to have social studies, that is OK, but let's have history. Further, the history books provided to our young people, all too frequently, gloss over the finer points of America's past. My amendment provides incentives to help spur a return to the teaching of traditional American history.

Every February our nation celebrates the birth of two of our most revered presidents—George Washington, the father of our country who victoriously led his ill-fitted assembly of militiamen against the armies of King George, and Abraham Lincoln, the eternal martyr of freedom, whose powerful voice and iron will shepherded a divided nation toward a more perfect Union. Sadly, I fear that many of our Nation's schoolchildren may never fully appreciate the lives and accomplishments of these two American giants of history. They have been robbed, the students have been robbed of that appreciation robbed by our schools that no longer stress a knowledge of American history, robbed by books that purport to be history books but are not history.

Study after study has shown that the historical significance of our Nation's grand celebrations of patriotism—such as Memorial Day or the Fourth of July—is lost on the majority of young Americans. What a waste. What a shame.

American students, regardless of race, religion, or gender, must know the history of the land to which they pledge allegiance. They should be taught about the Founding Fathers of this Nation, the battles that they fought, the ideals that they championed, and the enduring effects of their accomplishments. Without this knowledge, they cannot appreciate the hard won freedoms that are our birthright.

Our failure to insist that the words and actions of our forefathers be handed down from generation to generation will ultimately mean a failure to perpetuate this wonderful, glorious experiment in representative democracy. Without the lessons learned from the past, how can we insure that our Nation's core ideals—life, liberty, justice—will survive? As Marcus Tullius Cicero stated: ''. . . to be ignorant of what occurred before you were born is to remain always a child.''

Many groups are interested and have expressed support for this grant program. Representatives from the National Council for History Education, the National Coordinating Committee for the Promotion of History, the American Historical Association, and National History Day have all expressed enthusiasm for this grant program. They are very supportive of this effort.

So, for those reasons, I offer this amendment to the budget resolution to increase function 500 (education) by $100 million in fiscal year 2002, and I urge the adoption of it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, some few days ago when we were on the floor of the Senate—I think it was at that time, or perhaps even a little later in the week as we find ourselves today—we listened to our good friend from West Virginia. At that time he quoted one of his famous poems that, as his poem today suggests, had a deep-seated meaning to it. I took the occasion to ask him prior to the time that we were going to end this debate and discussion if he might recall his early years as a student and share them with us once again on the floor of the Senate.

I have had the good opportunity to listen to the good Senator speak on many, many different subject matters, and always with great enthusiasm, strength, and belief for the causes for which he speaks, so many of which I agree. I always find, having listened to him for many, many years, that the stories he talks about of his early years and the power of education is really a lesson that all of us should hear because it reminds all of us about what, in this case, this legislation is all about and what we are attempting to try to provide for the young people in this country.

If we were ever possibly able to sort of capture that extraordinary magic that was evidenced in that small school, the primer schools and then after that, and somehow develop in that classroom the atmosphere which brought BOB BYRD to sense the great desire and thirst for knowledge and personal achievement, accomplishment, and desire to really respond to the teachers by demonstrating keen intellect and an awareness in the classroom, and to take those early lessons and use them as guideposts for the rest of his life resulting in this extraordinary career of public service for the people of West Virginia, and the people of this Nation, I think our problems really as a country and as a society would be immensely advanced.

Whenever I listen to Senator BYRD, I think about what we were trying to do in terms of different paragraphs, different authorizations and approaches in what we were trying to do in different provisions of the legislation. It always makes us think about what we ought to be doing better to try to make the dream of education and the kind of opportunity this extraordinary Senator felt, which was so much a part of his pathway to his own life and such a source of strength to him, as well as his deep-seated faith—we would be very fortunate if we were ever able to sort of capture that in a legislative undertaking. We have not done so with this legislation, needless to say.

But we are going to continue to try to create a climate and atmosphere in the schools so other Bob Byrds in West Virginia, Massachusetts, Vermont, and across this country might perhaps have a similar life's experience, and, as a result of that, we would have a better and a stronger nation.

I thank the Senator for his amendment. I know very well the Senator's strong interest in history.

I will just take a moment or two to remind the Senate that one of our great historians, David McCullough, will be releasing his wonderful book on Adams and Jefferson. The book is going to be published in about 2 weeks. They have already printed some 350,000 copies. I don't think they have underestimated both the success of the book or the thirst of Americans for knowledge about this country in its early years.

I remember the occasion when I was at the Longfellow House in Cambridge, MA, a few years back. I was looking at some of the papers in the Longfellow House. The Longfellow House was designated by Mrs. CLINTON under Saving America's Treasures as one of our two treasures. The Longfellow House in Cambridge and the Frelinghuysen Morris House in Lenox are other treasures. But this was a special treasure for a number of reasons.

One of those related to David McCullough's book is the fact that this

was the place where George Washington assumed command of the American forces in the American Revolution. As David McCullough reminds us, this was the first symbol of national unity of a southern general commanding northern troops. Others had signed up for the American Revolution for periods of time, but the Glovers, which was a small band of troops who had been organized by Colonel Glover, committed themselves for the duration of the war.

They were subsequently enormously important because they were the ones who brought Washington from Brooklyn Heights over to New York when the British fleet came into New York Harbor at a very key time in 1776. And when the wind was blowing from the northeast, it kept the British troops out. The Glovers brought Washington back into the main of New York, which would be Manhattan now. And then he escaped out into southern New York State and eventually over to New Jersey. Then the Glovers were the ones who brought him across the river at Trenton.

But Dave McCullough wrote to me about papers that were there that were not as well cataloged or kept and were in danger of deterioration. These were magnificent handwritten notes of John Adams and John Quincy Adams that were directly relevant to the early years of the founding of this country. Senator BYRD was good enough to review—find out for himself, actually, as one would expect—the substance of that material and made his own independent judgment about the importance of preserving those in terms of our national history. As a result of his efforts, some extraordinarily important early documents involving the founding of this country are now carefully preserved for future generations.

So when Senator BYRD talks about his love of history, we all know it and have seen it, but I think many of us have also witnessed it in our relationships with Senator BYRD on different issues.

I thank him for offering this amendment.

Some years ago, I was on the Bicentennial of the American Constitution committee. I was on that committee that Chief Justice Berger chaired with a number of our colleagues, Senator HATCH, Senator THURMOND—a number of our colleagues.

From that, which was the bicentennial of the Constitution, one enduring, continuing, and ongoing force from that period was the establishment of the Madison Fellows. And there are two schoolteachers from each State, each year, who are selected through a very rigorous selection process. They receive a stipend for a period of study and then basically commit to teach the Constitution for the rest of the time they are teaching. We have now two in each State of the Union.

We found during that period of time there was so little understanding about the Constitution. We found the challenge that we had so many people who could not read the Constitution. One of the small efforts that came out of that was a literacy corps to try to help in terms of reading.

We have seen a number of different efforts since that time. There are some important initiatives in this legislation to improve reading for the young people in this country. This was a serious deficiency. But I can just say, as we reviewed at that time the importance of developing knowledge about the Constitution, we saw, as well, the failure in too many of our schools of the understanding, the appreciation of being taught good history.

The good Senator's amendment can help immeasurably in developing a better understanding and awareness in history for our students.

I appreciate the way the amendment is structured as well because it gives some special effort to our neediest communities that perhaps do not have the range of different resources in terms of our history and gives them the recognition that they can participate in this program and be able to do so on a very even basis with any of the other communities in the country. So I think it is structured in a very compelling way as well.

I thank the Senator for both his statement and, most of all, for his earlier comments. I know every Member in this body is extremely busy, but if Americans want to know the value of an education and what it means in terms of an individual, read BOB BYRD, West Virginia, Thursday.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I commend my colleague from Massachusetts for this dialog. I was in this Chamber, I think it was probably a week ago, when there were similar circumstances, when the Senator from Massachusetts asked the Senator from West Virginia to bring together his memories of his childhood and the importance of history and the importance of a good education.

So I am pleased to have had the opportunity to hear the Senator speak. I wish more Members had the opportunity to be able to do that because it is a step back into history and a move forward in our ability to understand this great Nation of ours.

I thank the Senator from West Virginia so much for his efforts and for the amendment he has offered today.

Mr. KENNEDY. Mr. President, if I could say one final word, I particularly appreciate the reference the Senator from West Virginia made about his teachers and the names of his teachers. And Fryes, is that the geography book?

Mr. BYRD. Fryes.

Mr. KENNEDY. And the history book was——

Mr. BYRD. Muzzie.

Mr. KENNEDY. Muzzie. So I was glad to hear that.

I might just mention one of my great teachers was Arthur Holcombe, who wrote ''Our More Perfect Union,'' who was probably the leading teacher—and certainly was at Harvard—about the Constitutional Convention. When he taught, you had a feeling you were right at the Constitutional Convention.

I was fortunate to have him the last year he taught at Harvard. He taught my father when he went to Harvard, and he taught my three brothers. He taught about the Constitutional Convention. So he had a pretty good grasp of the subject matter by that time. But it was also a course that made a profound impact and impression on me, and one I will never forget.

I thank again the Senator for his good words and his good work today.

Mr. JEFFORDS. Let me share another moment, too. When the Senator mentioned who his teachers were, I thought, let's see if I can remember my teachers. They were Miss Anderson, Miss Maughn, Miss Burns, Miss Brown, Miss Shipp, and then back to Miss Burns for the first six grades. I remember them just as if it were yesterday.

Mr. BYRD. Yes.

Mr. JEFFORDS. But it is amazing what influence teachers have on students, and others. The principal at the high school I went to was a good friend who was a real mentor to me, also.

So we have to do all we can to make sure every child in this country has the ability to get as good an education and have as wonderful teachers as we all had.

Mr. BYRD. Mr. President, I thank both of my colleagues for their generous comments.

I sat and marveled, with great admiration, at the recollections that were expressed by Senator KENNEDY and at what he had to say today about some of the things that have happened in his great State as we try to contemplate the American Revolution, and then his comments concerning David McCullough; and his reference to John Adams.

Some few years ago I read John Adams' ''Thoughts on Government.'' John Adams, I think, has been underestimated—or really has never been fully appreciated, as he should be.

During the Constitutional Convention, he had had his ''Thoughts on Government'' printed and had passed this work around among the members of the convention. It had a great impact on the members and influenced them very much in their deliberations.

I am glad that David McCullough, who is the right man for the job, is going to have this publication soon concerning John Adams, which leads me to say that knowing of David

McCullough's interest in John Adams and knowing of John Adams' influence upon the Framers of the country, I have been interested in trying to get an appropriation for an appropriate monument to John Adams. I understand that David McCullough is also supporting and promoting that idea. I am very much for it.

I thank Senator KENNEDY for what he has said about John Quincy Adams. John Qunicy Adams suffered a stroke on February 23, 1848, as he spoke in Statuary Hall. He was a vigorous opponent of America's entry and participation in the Mexican war. He was making this very emotional speech, and he had a stroke. He was taken to the office of the Speaker of the House of Representatives and died 2 days later—John Quincy Adams. He was elected to nine terms in the House, after having served as President.

Senator KENNEDY, we are not supposed to address each other in the first person in this body, but I want to tell you, I really enjoyed what you had to say. I am glad that you have such an appreciation of American history and the great patriots who gave us the Constitution. Senator KENNEDY is a student of history sui generis.

Mr. JEFFORDS. And an important part of history.

Mr. BYRD. I thank my friend, Mr. JEFFORDS, for his recollections of teachers. I remember a Miss McCone who taught history. And she asked me a question one day. I said: Huh? And I kept on studying. I was paying attention to my reading, and Miss McCone had not said another word. Next thing I knew, she had walked around the room and she came up behind me and gave me a resounding slap on the cheek and said: ROBERT, don't you ever say ''huh'' to me again.

I never said ''huh'' to Miss McCone again.

Mr. KENNEDY. Mr. President, if there is no further discussion of this particular amendment, we are prepared to accept it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 402.

The amendment (No. 402) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. I again thank both of the Senators.

Mr. JEFFORDS. Mr. President, we have had a wonderful moment here, and I now would like to give the opportunity for others to come and give their moments if they so desire.

VOTE EXPLANATION

Mr. DODD. Mr. President, yesterday, during rollcall vote No. 96, the Mikulski amendment, and No. 97, the McConnell amendment, as modified, I was necessarily absent to attend the funeral of a dear friend, Larry Cacciola, of Middletown, Connecticut.

Had I been present, I would have voted ''aye'' for each amendment.

MORNING BUSINESS

Mr. JEFFORDS. 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.

The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

ENERGY AND CLIMATE CHANGE POLICY

Mr. HAGEL. Mr. President, in the midst of the energy challenges facing our Nation lies a very unique opportunity. We have a chance to develop energy and environmental policies that work together. A clean environment and a strong energy policy need not be mutually exclusive. The forces of reality have brought us to this point. We have an energy problem that we cannot ignore. We also have a new administration which is re-evaluating our environmental policies, as any new administration would do, to ensure that what we are pursuing, and how we are pursuing it, is relevant, realistic, and achievable.

In the past, there has been a division of these issues. Energy and environmental policies have been considered separately—and mostly at odds with one another. This has led to an unnecessary gap of confidence in both efforts. We have an opportunity to reverse this division and create integrated policies to pursue both critically important objectives of a steady energy supply and a clean environment.

In the next few days, President Bush will release the administration's new energy policy. This policy will provide a balanced approach to meet the supply and demand imbalance we are now facing in this country. It will reflect our absolute need for a wide and deep energy supply portfolio, including the use of renewable energy and alternative energy sources. It would have been easy to defer this challenge, to delay the tough choices. But that's what got us into this mess. For the last 8 years, this country drifted without an energy policy, and today we are literally paying the price.

Gas prices have hit record levels and are predicted to continue rising. The energy shortages in California will spread to other areas of this country during the hot summer months when the demand for energy will continue to outstrip supply.

Finding solutions to problems requires bold ideas, common sense, imagination and sometimes unpopular choices. President Bush has shown courage and leadership for his willingness to address the problem and develop solutions. As we create a comprehensive and balanced policy to address our energy needs, we need to take into account our environmental priorities, particularly in the area of climate change.

Just one example of where we can do this is nuclear energy production. Like solar and wind power, nuclear power produces no greenhouse gases—zero emissions. It is one of the most cost effective, reliable, available, and efficient forms of energy we have. Vast improvements in technology have made it one of the safest forms of energy production. Having nuclear energy play a vital role in our energy policy will enhance not only our energy supply but our environmental health as well.

President Bush has assembled a cabinet level environmental task force to review climate change. They have been listening to and learning from some of the world's foremost meteorologists, climatologists, physicists, scientists, and environmental experts. The President has said that his administration will offer a science based, realistic, and achievable alternative to the Kyoto protocol.

That is the responsible thing to do. President Bush merely stated the obvious when he declared the Kyoto protocol dead. Although his actions have been criticized, the forthrightness and clarity are refreshing on this issue. The Kyoto protocol would never have been in a position to be ratified by the U.S. Senate. The Clinton-Gore administration knew this as well. That is why they never submitted the treaty to the Senate even for debate and consideration.

Despite the heated rhetoric on this issue from the other side of the Atlantic, no major industrialized nation has ratified the Kyoto protocol. In fact, Australia has said it will follow in rejecting the treaty. There is a reason for that. The Kyoto protocol would not work. It left out 134 nations, some of whom are among the world's largest emitters of greenhouse gases. A treaty claiming to attempt to reduce global emissions of greenhouse gases has no chance of being effective when it exempts some of the largest greenhouse gas emitters in the world—nations like China, India, South Korea, Brazil, and 130 other nations.

My colleague from West Virginia, Senator BYRD, whom I worked with in 1997 on S. Res. 98, addressed this point last week. S. Res. 98, or the Byrd-Hagel

resolution, which the Senate agreed to by a vote of 95 to 0, stated that the United States should not agree to any treaty in Kyoto, or thereafter, which would place binding limits on the United States and other industrialized nations unless ''the protocol or other agreement also mandates new specificly scheduled commitments to reduce greenhouse gas emissions for Developing County Parties within the same compliance period.'' As Senator BYRD reiterated last week, developing countries must be included in any international agreement to limit greenhouse gas emissions.

From the moment it was signed, the Kyoto protocol was never a realistic or achievable way to move forward on climate change. In the meantime, we've lost precious time when we could have been exploring achievable and realistic ways to reduce greenhouse gas emissions. We have an opportunity now to discard an unworkable protocol and build a new consensus that will address climate change, and initiate efforts that are realistic and achievable.

The United States is still a party to the Framework Convention on Climate Change (Rio Treaty), which was signed by the United States and ratified by the U.S. Senate in 1992. We should go back to the framework of that treaty, before the Berlin Mandate that excluded developing countries from participation, and lay the groundwork for future international efforts. This gives us a strong base to work from. Many of the discussions during the negotiations for the Kyoto protocol have worked to build consensus on areas that will need to be part of any international initiative—flexible measures to reduce greenhouse gas emissions, the role of carbon sinks, and other areas. We can build on this progress in developing an alternative to Kyoto.

If we are creative and if our partners will work with us in good faith, we can negotiate arrangements that are responsible and proactive. By addressing this issue domestically, the United States can demonstrate our commitment to climate change and show that meeting this challenge can be done in an integrated way that ensures a sound energy supply and economic stability. The world will not be better off if the United States slips into an energy crisis or if our economy falters. Both would set off shock waves that would reverberate around the world. By creating our own integrated policy, we can provide direction for how the world can address the dual challenges of energy and climate change.

Senators MURKOWSKI and BREAUX have introduced a comprehensive energy bill, of which I am an original cosponsor, that will increase our domestic resources, and increase the use of renewable and alternative fuels. In the last Congress, Senators MURKOWSKI, BYRD, CRAIG, and I had legislation that would dramatically increase funding for the research and development of technologies to provide cleaner energy sources, and to incentivize efforts to reduce or sequester greenhouse gases. We are building upon that legislation and will be reintroducing it soon. It will improve our scientific knowledge and lay out positive steps that we can take now to address climate change.

A forward-looking domestic policy will demonstrate our commitment to this important issue, enhance what we genuinely know abut climate change, create more efficient energy sources, include the efforts of our agricultural sector, and have the additional effect of reducing air pollutants.

Mr. President, as I stated earlier, we have an historic opportunity to create policies that will address both our energy and environmental priorities in a way that is not mutually exclusive. Policies that compliment each other and work together. As we enter the 21st century, we face a world that is integrated like never before in history. Just as foreign policy cannot be considered separate from national security or trade policy—energy policy cannot and should not be considered separate from environmental and economic policy. What we do in one policy area has dramatic implications for another—both in our nation and across the globe. Building sound policies for our future requires that we create integrated policies to address the challenges facing America and the world.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

MOTHER'S DAY

Mr. BYRD. Mr. President, this Sunday is Mother's Day. In an annual tribute as old as the holiday itself, all across America, families will demonstrate just how essential mothers are to the smooth functioning of our families. How will they do this? They will serve mother breakfast in bed. Youngsters will rise early and attempt to sneak past their sleeping mother to reach the kitchen undetected. And despite the keenness of a mother's hearing—just ask any teenager who has been caught coming in too late how keen it is—a mother's soft heart will keep her breathing even and her eyes gently shut as this stealth attack on her kitchen is made. Toast will be burnt, eggs—well, they will be runny, coffee may be the consistency of tar, and the flowers freshly plucked from the prized beds outside the window may be presented in a juice glass because no one knows in what dark cupboard mother hides her nice vases.

Why are these mealtime disasters met by smiles and nods of recognition? Simply because mothers do their many jobs so well. Day after day, week after week, month after month, the meals get cooked, the dishes done, the laundry folded, the house cleaned up, in a never-ending routine performed by loving, busy, efficient hands—mother's hands. Despite all the changes in American families, it is still the mother, whether or not she also works outside the home, who does most of the household chores. So, when other family members, particularly the younger ones, attempt to take over mom's role for even one meal, their inexperience shows, highlighting in its comedy mom's effortless mastery of her crowded schedule.

Children who do not attempt to serve mother breakfast in bed may instead make reservations for brunch. That's another Mother's Day tradition. And on this day, long distance telephone circuits will be busier than usual. Florists, too, will be working overtime to deliver flowers, just as the postman will have carried more flowery cards and calorie-laden packages of sweets than bills in the leather bag slung over his shoulder.

Mothers deserve far more recognition and far more applause than can be delivered on just one day. Even women who are not mothers in the traditional sense exercise their inborn mothering skills all around us—the co-worker whose desk serves as the office pharmacy for headaches, colds, and just plain sympathy—these coworkers are mothers. The neighbor who picks up the mail and newspapers when we are out of town, and who we know is watching over our house while we are away, these are mothers, really. The woman who feeds stray animals and birds—those women are mothers. Without them, we could not function and society would fray and tear just a bit more.

Even in a world of automated teller machines and on-line banking, one still needs to know how to multiply and divide in one's head to be sure that the bank has not made a mistake in one's account. One still needs to be able to think, to analyze, to cogitate, to compute. It does not all need to be done in some glitzy new way in order to be effective. There is still a place for the tried and true, even for rote memorization. After all, what child does not learn the alphabet by memorizing the alphabet song? Of course, that simple tune was likely not taught by a teacher in a school but by a mother, perhaps in a nursery, using the same melody line as ''Twinkle, Twinkle, Little Star.''

All parents are teachers, by deed as well as by example. When a mother and child bake cookies together, that mother effortlessly includes lessons in mathematics, chemistry, and reading, in addition to teaching order and discipline. And what sweeter way to take those lessons than by reading and following a spotted and time-worn family recipe, measuring out a half of a teaspoon of salt or a tablespoon and a half of vanilla, adding ingredients in the proper order and mixing long enough but not too long, then dropping even rows of dough on a baking sheet and waiting for the edges to crisp and turn brown. Taken separately, flour and egg, spices and chocolate, do not look especially mouth-watering, perhaps. But is there anything more sublime than warm chocolate chip cookies still tender from the oven, washed down with a glass of icy cold milk? ''Ah, how sweet it is,'' and Jackie Gleason used to say. Not when you are 10 years old, I suspect. Perhaps not ever. Those are the lessons, and the memories, that mothers give us every day.

We learn life's essential lessons at our mother's side. They may not be life's greatest lessons, yet they may be. They may not be earth shattering new inventions may result, no cosmos-clarifying theorem be inspired—but they are essential nonetheless. When mothers read stories at night, and when they wash grimy hands and smeared faces, when they nag children to pick up their toys and put away the clean laundry, when they scold children for not sharing with a playmate or for perhaps hitting a playmate, they teach more than reading, more than cleanliness, more than tidiness, more than manners: they teach love. They teach respect for themselves, for oneself, and for others. These are lessons that last a lifetime. They are ingrained. They are what we teach our children. They are how we live our lives. Mothers—they are what make society work. Even as adults, in times of trouble, we may seek solace in a prayer learned in the dim bedrooms of an earlier time, when our mother's voice led us in ''Now I lay me down to sleep, I pray the Lord my soul to keep.''

For all that mothers have to do each day, for all the lessons they teach, setting aside one day each year to honor them is but a small down payment on the debt of love and gratitude that we owe. My own angel mother, having died when I was just a year old, left no memories for me.

But to her, that angel mother whose prayers have followed me in all the days of my years, and to the kind woman, my aunt, who took me to raise as her own, I say on this day: Thank you. Thank you. I know—I know that they hear. They are in heaven today. And to my wife Erma, to whom I shall be married 64 years, 3 weeks from this past Tuesday, she has mothered me, too, my wife Erma, and she has continued my raising since I met her in the schoolyard long ago. To my wife Erma, who raised my two precious daughters to be the strong and resourceful women and mothers that they are, I say a heartfelt, ''Thank you!'' I have been in good hands, and I am grateful on this Mother's Day and every day. And to all the mothers in America who work so hard each day to keep our lives orderly and well fed, and who remind and nag and scold and coach and encourage and hug and mold their children into happy, loving, responsible people, I say on behalf of all mothers, ''Thank you!'' ''Thank you'', mothers.

Mr. President, I would like to close with a poem that I learned a long time ago, and which illustrates nicely that combination of education that mothers provide, both practical and spiritual.

I want to dedicate it to our pages today, these fine young people. They are all juniors in high school. They will be calling their mothers, I will bet.

It is called ''A Pinch of This, A Pinch of That.''

Have you ever heard that said, ''a pinch of this, a pinch of that''?

When Mother used to mix the dough,
Or make a batter long ago;
When I was only table high,
I used to like just standing by
And watching her, for all the while,
She'd sing a little, maybe smile,
And talk to me and tell me—What?

Well, things I never have forgot.
I'd ask her how to make a cake.
''Well, first,'' she'd say, ''Some sugar take
Some butter and an egg or two,
Some flour and milk, you always do,
And then put in, to make it good—''
This part I never understood
And often use to wonder at—
''A pinch of this, a pinch of that.''

And then, she'd say, ''my little son,
When you grow up, when childhood's done,
And mother may be far away,
Then just remember what I say,
For life's a whole lot like a cake;
Yes, life's a thing you have to make—
Much like a cake, or pie, or bread;
You'll find it so,'' my Mother said.

I did not understand her then,
But how her words come back again;
Before my eyes my life appears
A life of laughter and of tears,
For both the bitter and the sweet
Have made this life of mine complete—
The things I have, the things I miss,
A pinch of that, a pinch of this.

And, now I think I know the way
To make a life as she would say:
''Put in the wealth to serve your needs,
But don't leave out the lovely deeds;
Put in great things you mean to do,
And don't leave out the good and true.
Put in, whatever you are at,
A pinch of this, a pinch of that.''

Mr. President, I yield the floor.

The PRESIDING OFFICER. I thank the Senator from West Virginia for speaking on behalf of all the Senators and all the people in America.

Mr. BYRD. Mr. President, I thank the Chair. 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. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMERICAN SERVICEMEMBERS' PROTECTION ACT

Mr. HELMS. Mr. President, in rejecting U.S. membership in the U.N. Human Rights Commission, the strongest voice for freedom in the world has been silenced at and by the United Nations.

Clearly, Members of the United Nations are far more comfortable with a definition of human rights which is agreeable to rogue nations like Libya and Sudan. This is precisely the sentiment which created the International Criminal Court. If the signatories to the Rome Treaty proceed to establish a permanent International Criminal Court, we need an insurance policy against politicized prosecution of American soldiers and officials.

This bill is just that protection, and let me be absolutely clear, the Rome Treaty, if sent to the United States Senate for ratification, will be dead on arrival.

Notwithstanding the fact that the Senate will not ratify this treaty, it is, to my knowledge, the first treaty which would be applicable to the U.S. even without the United States consent. This is, to say the least, an appalling breach of American sovereignty and it will not stand.

But, there will be real consequences if the United States remains silent in the face of this outrage. It is easy to imagine the U.S. or Israel becoming a target of a U.N. witch hunt, with officials or soldiers being sent before judges handpicked by undemocratic countries.

I am pleased that the able Senator from Georgia, ZELL MILLER, is joining in the introduction of this bill. It will help President Bush signal that the United Nations will have to go back to the drawing board when dealing with war crimes. If any such treaty creating a war crimes court does not include the opportunity for a U.S. veto, I will make certain that the Senate vetoes the treaty.

GUNS AND SUICIDE

Mr. LEVIN. Mr. President, this week, May 6–12, is National Suicide Prevention Week. Suicide is the eighth leading cause of death in the United States. This devastating tragedy takes the lives of more than 30,000 Americans each year, and brings suffering and loss to the lives of the friends and family who are left behind. Citing suicide as a

''national public health problem,'' the U.S. Surgeon General recently announced a national strategy for suicide prevention. Central to the strategy is promoting awareness of the fact that suicide is, indeed, preventable and that we must all do our part to help end this tragedy.

One of the Surgeon General's main goals for preventing suicide is to reduce access to lethal means of suicide of which guns are the most deadly. I commend the Surgeon General for recognizing the need to address the role that guns play in our Nation's staggering suicide rate. Firearms account for 60 percent of all suicides, making them the most commonly used method of suicide and;

Each year more Americans die in suicides by firearms than in murders by firearms. The national suicide prevention strategy recommends a public campaign to reduce the accessibility of lethal means of suicide, including firearms, and urges the gun industry to improve firearm safety design. These aims are backed by evidence that limiting access to lethal means of suicide and self-harm can be an effective strategy to prevent suicide attempts and other self-destructive behaviors. In fact, studies have shown that there is a separate, additional risk of suicide when there is a handgun in the home. Moreover, limiting access to lethal means of suicide, especially handguns, can reduce the number of suicide attempts that are fatal. While more than 650,000 Americans attempt suicide each year, the chance that the attempt will be fatal increases dramatically in those cases where a handgun is used.

The relationship between handguns and suicide is even stronger among young people. Every 46 minutes a young person in this country kills himself or herself, over 60 percent of the time with a firearm. And these numbers are continuing to increase: the youth suicide rate has nearly tripled since 1952, making suicide the third leading cause of death among young people 15 to 24 years of age. There is no question that the increased access young people have to guns has been a major factor in this rise. In fact, one of the most rapidly rising suicide rates in this country is among young African-American makes, increasing 105 percent between 1980 and 1996, and this rise can be attributed almost entirely to suicides by firearms.

The Surgeon General has stated that ''we should make it clear that suicide prevention is everybody's business. I believe the Surgeon General is right. Suicide is a national problem that demands our attention and our commitment. Congress should do its part to help prevent suicide by encouraging the manufacture of safer handguns and by closing the loopholes that allow young people easy access to handguns.

THE MOSCOW HELSINKI GROUP

Mr. CAMPBELL. Mr. President, May 12th marks the twenty-fifth anniversary of the founding of one of the most significant human rights groups of the 20th century, the Moscow Group to Monitor Implementation of the Helsinki Final Act.

On August 1, 1975, the United States, Canada, and thirty-three nations of Europe, including the Soviet Union, signed the Final Act of the Conference on Security and Cooperation in Europe, the Helsinki Final Act. Among the agreement's provisions was a section devoted to respect for human rights and fundamental freedoms.

The Soviet government viewing the document as a great foreign policy victory published the text, in its entirety, in ''Pravda,'' the Communist Party's widely circulated newspaper. That move proved to be decisive for the cause of human rights in the Soviet Union. A small group of human rights activists in Moscow, led by Professor Yuri Orlov, read the Helsinki Accords carefully and decided to take their government at its word.

On May 12, 1976, at a press conference initiated by Dr. Andrei Sakharov, the group announced the creation of the ''Moscow Group for Assistance in Implementation of Helsinki Agreements,'' soon to be known simply as the Moscow Helsinki Group.

Needless to say, the Soviet authorities were not pleased that a group of private citizens would publicize their government's deplorable human rights record. The KGB swept down on the Moscow Helsinki Group and made its work almost impossible. Members were imprisoned, sent to ''internal exile,'' expelled from the country, slandered as foreign agents, and harassed.

Despite considerable hardship and risks, members of the group persisted and their work served to inspire others to speak out in defense of human rights. Soon similar groups sprang up elsewhere in the Soviet Union dedicated to seeking implementation of the Helsinki Final Act. By 1982, the three remaining members at liberty in Moscow were forced to suspect their public activities.

Eventually, domestic and international pressure began to bear fruit and helped usher in dramatic changes under Soviet leader Mikhail Gorbachev. Political prisoners and prisoners of conscience began to be freed and longstanding human rights cases were resolved.

In 1989, the Moscow Helsinki Group was reestablished by former political prisoners and human rights activists. In 1996, President Boris Yeltsin signed a decree formally recognizing the contribution of the Moscow Helsinki Group in the campaign to promote respect for human rights in Russia.

Mr. President, ten years after the fall of the Soviet Union, the Moscow Helsinki Group continues to promote human rights and fundamental freedoms in the Russian Federation. Working with a network of human rights centers throughout the country, the Moscow Group provides a wide range of assistance to Russian citizens and residents seeking information about human rights.

As Chairman of the Commission on Security and Cooperation, I congratulate the Moscow Helsinki Group on its 25th anniversary and wish its members the best in their continued endeavors.

Thank you, Mr. President. I yield the floor.

FREEDOM RIDERS

Mr. DURBIN. Mr. President, today, after the Senate finishes its business for the week, many of us will be returning to our home states. I will be flying to my home state of Illinois. And I can anticipate that the trip, for the most part, will be without incident.

However, this wasn't the case for African Americans 40 years ago. Forty years ago, desegregation laws in bus and train stations, as well as their waiting rooms and restaurants, prohibited African Americans from enjoying the same facilities as their white counterparts. The Supreme Court issued a ruling calling for the desegregation of interstate travel. However, this had to be tested.

The Congress of Racial Equality selected a group of students to make a two week trip through the South in nonviolent protest of racial desegregation laws. Congressman JOHN LEWIS was one of those students who was later joined by Rev. Martin Luther King, Jr. These civil rights activists became known as the Freedom Riders. But unlike the travel we are all used to, their ride was filled with fear and brutality. Prior to embarking on this historic journey, the students were told to make out their last will and testament, just in case. But like most youths, they thought themselves invincible. They had no idea how truly dangerous and bloody their mission would become.

One white rider, Jim Zwerg, who joined the riders because he could no longer stand the injustice, had three of his vertebrae cracked, all of his teeth fractured, his nose broken, and suffered from a concussion. The Klan thought that he and other white Riders were betraying them.

On Mother's Day in Alabama, the young Freedom Riders were greeted by a mob of 200 with stones, baseball bats, lead pipes and chains. One Freedom Rider bus had its tires slashed and was stopped by an angry mob. An incendiary device was thrown inside the bus causing it to fill with smoke. And the angry mob held the door closed so that the Riders would burn inside.

The Riders were saved when the fuel tank exploded causing the mob to back

away from the bus and allowing the Riders to escape before the bus was completely engulfed.

The Freedom Riders never made it to their destination of New Orleans. But they achieved their objective. Attorney General Robert Kennedy ordered that the Supreme Court ruling finding segregation in interstate bus and rail travel unconstitutional be enforced.

The Freedom Riders became an inspiration to thousands of Americans to join the cause of tearing down racial inequality. It was a critical moment in the civil rights movement. About 300 protesters had joined the crusade, including our colleague Senator LIEBERMAN. This weekend marks that historic day 40 years ago.

I want to recognize and pay tribute to my colleagues and original Freedom Rider Representative JOHN LEWIS, as well as Senator JOE LIEBERMAN, who also took an active role in the South in the early 1960s volunteering to register African Americans to vote.

But even after 40 years, our nation still confronts racial problems everyday. In cities all across America, we can plainly see evidence of inequality, and injustice.

I am concerned that African Americans represent 12 percent of the U.S. population (some sources reflect 13 percent) and 13 percent of its drug users. Yet African Americans comprise 35 percent of all those arrested for drug possession and 55 percent of those convicted of drug possession. Five times as many whites use drugs as African Americans, but African Americans comprise the greatest majority of drug offenders sent to prison. Race appears to be a clear factor.

Yet, I also believe, there is still hope. I believe that justice can, and will prevail, if we are all diligent in pursuing the goals of peace and respect for each other that the brave men and women of the Freedom Riders set forth for the nation to follow back in 1961.

I am hopeful because we know that our system of criminal justice works. It may not be perfect, but it always strives to do right.

On September 15, 1963, a violent bomb went off in the Sixteenth Street Baptist Church in Birmingham, Alabama, blasting the silent tranquility of that Sunday morning. That devastation also claimed the lives of four young African American girls, Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley, who were preparing for a church youth service that day.

Almost 40 years after this brutal hate crime was committed, justice finally prevailed last week when a Birmingham jury convicted Thomas Blanton of plotting the church bombing. During the closing argument, United States Attorney Doug Jones said, ''It's never too late for the truth to be told. It's never too late for wounds to heal. It's never too late for a man to be held accountable for his crimes.''

That's right. It is never too late to pursue justice in the face of injustice. And it is never too late to thank the Freedom Riders and all the other civil rights activists of the 1960s for their courage in standing up for justice.

DEMOCRACY UNDER SIEGE IN BELARUS

Mr. CAMPBELL. Mr. President, I wish to update my Senate colleagues on developments in Belarus in my capacity as Chairman of the Commission on Security and Cooperation in Europe, the Helsinki Commission. The Commission continues to pay close attention to events in Belarus especially as they impact democracy, human rights and the rule of law.

May 7 marked the second anniversary of the disappearance of Yuri Zakharenka, the former Belarusian Minister of Internal Affairs. In 1999, General Zakharenka, who had been critical of Belarusian leader Alexander Lukashenka and had attempted to form a union of officers to support democracy, was put in a car by unidentified men and taken away. He has not been heard from since. His fate is probably similar to other prominent Belarusian opposition figures who have disappeared over the last few years, notably Victor Hanchar, Antaloy Krasovsky and Dmitry Zavadsky. The Belarusian authorities have had no success in investigating these disappearances; indeed, there are indications that the regime of Alexander Lukashenka may have been involved. Opinion polls in Belarus have shown that a clear majority of those who are aware of the disappearances believe that they are the work of the Lukashenka regime.

These disappearances embody the climate of disregard for human rights and democracy that has persisted since the election of Mr. Lukashenka in 1994. That disregard has intensified following his unconstitutional power grab in November 1996.

Presidential elections are planned for later this year. Unfortunately, recent developments in Belarus do not inspire confidence that these elections will meet OSCE standards for free and democratic elections. Despite commitments made to the OSCE, Belarusian authorities continue to unlawfully restrict freedom of assembly and to beat and detain participants in peaceful demonstrations, as illustrated by the April 21 protest by youth activists. On April 27, Valery Shchukin, deputy of the disbanded Belarusian parliament, received a three month sentence for the dubious charge of ''malicious hooliganism.'' And on May 7, police arrested opposition activists who marked the anniversary of Yuri Zakharenka's disappearance. The activists held placards reading: ''Where is Zakharanka?''; ''Who's Next?''; and ''Where are the Disappeared People—Zakharanka, Hanchar, Krasousky, Zavadsky?''

Lukashenka continues his harsh assault on OSCE's efforts to develop democracy, characterizing domestic elections observers supported by the OSCE Advisory and Monitoring Group (AMG) as ''an army of bandits and collaborationists.'' This is only the last in a series of incredible accusations against the international community, including far-fetched allegations that $500 million had been earmarked in support of the opposition candidates. On April 25, the OSCE Representative on Freedom of the Media Friemut Duve canceled his visit to Belarus to protest the denial of a visa to his senior advisor, a U.S. diplomat Diana Moxhay who had earlier served at the U.S. Embassy in Miensk. The visit was to have examined the difficult media environment in Belarus, especially in light of the forthcoming presidential elections.

I continue to have grave concerns that Presidential Directive No. 8, which imposes restrictions on assistance from abroad offered to NGOs for democracy building and human rights including election monitoring, could be used to block NGO activities and important OSCE AMGroup projects in Belarus.

These and numerous other recent occurrences call into question the Belarusian government's willingness to comply with freely undertaken OSCE commitments and raise doubts as to whether the Lukashenka regime intends to conduct the upcoming elections in a manner consistent with international standards.

As Chairman of the Helsinki Commission, I call upon the Belarusian authorities to conduct a real and public investigation of the disappearances. Furthermore, I urge the Belarusian Government to take the steps necessary in order for the presidential elections to be recognized as free and democratic as outlined by the March 7 Final Statement of the Parliamentary Troika. These are: transparency and democracy in the preparation and implementation of the elections, in particular the process of registration of the candidates, the composition of electoral commissions and counting of votes; equal access for all candidates to the mass media; refraining from harassment of candidates, their families and supporters; and freedom in carrying out their work for all those engaged in domestic election observation.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY 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

I would like to detail a heinous crime that occurred September 22, 2000 in Roanoke, VA. Ronald Edward Gay, 53, allegedly walked into the Backstreet Café and opened fire on patrons, killing one person and wounding six others. Gay told police that he shot seven people in a gay bar because he was angry about jokes people made about his last name. Gay has been charged with first-degree murder in the death of Danny Lee Overstreet. Police have said that Gay admits shooting people ''to get rid of, in his term, 'faggots,' saying that Gay was upset over the fact that people made fun of his last name.''

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 by passing this legislation we can change hearts and minds as well.

SUPPORT FOR PUBLIC POWER

Mr. JOHNSON. Mr. President, on April 24, 2001, I voted to report S. 206, legislation which would repeal the Public Utility Holding Company Act, out of the Senate Banking Committee. I did so with strong reservations. I have been one of the strongest supporters of public power during my service in Congress. Public power has been extremely beneficial for my State. Without the initiative and determination of the municipal utilities and the rural cooperatives in the early part of this century, South Dakota and the neighboring states would not have received electricity as soon as they did. Since then, these entities have provided South Dakota with reliable electricity and energy services.

In addition, I have had a long record of support for public power. This includes authoring an amendment during committee consideration in the House of Representatives that helped stop the sale of the public power administrations that House Republicans attempted to sell in 1995. Moreover, I have worked closely with the rural electric coops, municipal owned utilities and rural telephone coops on a number of issues. Recently, I was graciously given an award from the South Dakota Rural Electric Cooperatives and the Congressional Leadership Award from the National Telephone Cooperative Association in recognition of the work we have done together.

I have concerns about S. 206 and am not committed to voting for it on the floor. I believe that more needs to be done to ensure that sustainable, competitive markets are in place that will keep prices affordable and that will discourage undue concentration. I pledge to work with all parties on this effort so that any legislation that is considered will be fair to public power and its concerns.

CONGRATULATIONS TO THE RUSSIAN JEWISH CONGRESS

Mr. SMITH of Oregon. Mr. President, I rise today to congratulate the Russian Jewish Congress for laying the cornerstone of the Archipova street Community Center near the Moscow Choral synagogue. I think it is also important to thank the Chief Rabbi of Moscow, Rabbi Pinchas Goldschmidt, the spiritual guide of the Russian Jewish Congress, for the restoration of the Choral Synagogue dome which was destroyed under an anti-Semitic decree of the pre-revolutionary Moscow government.

The Russian Jewish Congress was established in January 1996. In the years since then it has been a stalwart combatant of racism and anti-Semitism in Russia establishing 50 branch offices throughout the Federation. In 1998 the Congress completed the Holocaust Memorial Complex on Poklonnaya Gora in Moscow, the first Holocaust museum in Russia. In addition the Russian Jewish Congress arranged for the restitution of funds disbursed to Holocaust survivors in Russia to be tax exempt.

Finally, I would like to note the work of Mr. Yuri Luzhkov, Mayor of Moscow, for his initiative to restore the Choral Synagogue and the surrounding area, including erecting a replica of Jerusalem's Wailing Wall, symbolizing the suffering of the past as well as the hope for the future of Russian Jewry. I congratulate all of you for your dedication and hard work on behalf of the Jewish Community in Russia.

WAGRO ANNUAL TRIBUTE TO THE MARTYRS OF THE WARSAW GHETTO

Mrs. CLINTON. Mr. President, on April 22, 2001 I delivered a statement before the Warsaw Ghetto Resistance Organization's, WAGRO, Annual Tribute to the Martyrs of the Warsaw Ghetto, at Temple Emanuel in New York City. I ask unanimous consent that my remarks be printed in the RECORD along with the statement delivered on the same day by Mr. Benjamin Mead, President of the Warsaw Ghetto Resistance Organization, WAGRO.

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

Mrs. CLINTON. Good afternoon.

It's an honor for me to be here as your Senator, but more than that, as a fellow human being who is called upon to remember. I am also pleased to be here with the Governor, the Mayor, and my friend and partner, Senator Schumer.

I would only add to the strong words that Senator Schumer has just expressed, for most of us, if not all of us. That in addition to the Jewish people and the people of Israel, protecting themselves, the government and the people of the United States must stand with the government and people of Israel in that endeavor. And we will reassert as strongly as possible the need for our government to do that in every way necessary.

What brings us here today as we commemorate the six million Jewish martyrs and the 58th Anniversary of the Warsaw Ghetto Uprising, is not to relive the pain for those of us who can't possibly imagine. But to honor and respect the survivors and to join together in pledging that the sacrifice and the spirit was never extinguished, never given in vain.

I remember being in Warsaw with Ben and Vladka and looking at some of the same places that he referred to, that he saw with horror as a young man, as the Warsaw Ghetto was burned. And as we remember Warsaw and as we do again today in New York. Those young people, primarily young people, who struggled, who understood the central mission of their fight: to live with honor.

And what a struggle and what fighters and what an army they were. The Warsaw Ghetto fighters constituted an army of hope. These young soldiers, who smuggled arms, created bunkers, established a system of intelligence and organized their community, they transformed a ghetto, which the Nazis had established as a mere way station to the death camps, into a battlefield.

The Warsaw Ghetto fighters turned their vulnerability and disadvantage, into an espirit de corps that shocked their enemy. Let us not forget, it took the Nazi troops longer to put down the ghetto revolt than it took to conquer all of Poland.

When I read about or think back or when Ben or Vladka or others tell me of the first hand experience of what those days were like, I imagine the months of organizing and smuggling and hiding, that made that uprising possible. I imagine as though it were a ray of light penetrating the walls of the ghetto. The constant renaissance of spirit and courage that took place under the worst of all possible conditions.

And I especially felt that, Vladka, after reading your poignant account of the resistance. I commend that to you, as I do the real life experiences and remembrances that we should be passing on and teaching to our children.

Vladka describes the feeling of standing on the brink of an abyss. She conveys the sense of despair that pervades the emptied, ravaged ghetto. She recalls that, ''All roads in the ghetto seemed to lead to Treblinka; there was no escape.''

And yet at the moment when all seemed lost, something changes. And she tells the story of the resistance and describes the hidden hope and the gathering storm of courage brewing beneath the ruins. She eloquently writes, ''A spark had been smoldering . . . in the ghetto. Now it began to glow, slowly, tentatively at first, then ever more fiercely.''

As I watched the women climb the steps to light the candles, I thought about that flame. I thought about the flame of determination and yes, even triumph. That flame that today stands as the greatest rebuke, not only to the Nazis, but anti-Semites and evildoers everywhere. That flame did keep hope and courage alive and with it, the will to live.

One of my favorite biblical passages comes from the book of Deuteronomy. God has gathered his people together to explain their

obligations to him and to each other. And He tells them, ''Before you I have placed life and death, the blessing and the curse. You must choose life, so that you and your descendants will survive.'' Even in the darkest hours of the Holocaust, in the death camps and certainly, in the Warsaw Ghetto that is the choice the martyrs, heroes and survivors made. They chose life.

And we today, in some small and totally inadequate way, not only remember them, but come to thank them for reminding us that we must always choose life as well.

Thank you and God bless you.

FROM REMEMBRANCE MUST COME TRUTH AND UNDERSTANDING

Mr. MEAD: This week, as Jews come together to remember, from Jerusalem to Buenos Aires from New York to London, Paris, Toronto, we find ourselves asking the same painful and unanswered questions which have tormented us for the past years: How could the nearly total destruction of European Jewry have happened? How could the world have stood by silently?

Why were we left so alone and abandoned?

Language does not exist to describe what our people endured in those years. We tremble to think what could happen if we allow a new generation to arise, ignorant of the tragedy which is still shaping the future.

The dread we have carried in ourselves from the Holocaust has just been aroused again with the publication of shocking details about the atrocious murder of the 1600 Jews in Jedwabne, Poland.

On a single day in July, 1941, a German mobile killing unit had arrived to ''cleanse'' the town of the Jews who made up half of its population. But their ''Neighbors'' decided to take the genocide into their own hands. They went on a murderous rampage, killing Jews in the streets. Then they rounded up a thousand more Jews and burned them alive in a barn. Of the town's Jewish population, only seven people survived who were in hiding.

The people who murdered those Jews were not strangers. They were not members of an elite political party committed to racial genocide. Nor were they soldiers taking orders. They were their neighbors.

We have good reason to fear that there are many more Jedwabne's which have yet to come to light. We are here to remember each community of Jews, which was destroyed.

We must also remember that there were righteous gentiles among the Polish population, and throughout Europe, who risked and even sacrificed their lives to protect Jews. I would not be here myself if it had not been for some of those courageous and heroic people. But how few they were.

The realization that so many participated and collaborated with our enemy in the nearly total destruction of European Jewry reminds us that the impossible is possible—that the unthinkable can happen. So many stood silently by and watched as the horrors took place before their eyes, so many blinded themselves from recognizing the barbarity of what they saw, and were deaf to our cries for help.

Fifty-eight years ago, during the Warsaw Ghetto uprising, I stood in Krasinski Square outside a Catholic church which faced the ghetto wall, a young Jewish boy posing as a gentile. The air throbbed with the blasts of German artillery bombardment. A carousel turned, music blared, and children and their parents rode as I watched the horrifying sight of the ghetto burning. Its houses were in flames, and its remaining inhabitants jumping out of windows. I could not believe that the people around me actually rejoiced and reveled, declaring, ''the Jews are frying!''

It is not for us to grant forgiveness for the crimes of the Holocaust. That can come only from the victims. We cannot forget the Nazis Germans who ordered the ''Final Solution.'' Nor can we forget either the ''willing executioners'' who participated in the systematic genocide, or the by-standers.

We are learning and documenting how hatred and greed motivated and aided in the destruction of our people. Germany and individuals throughout Europe profited by using Jewish slave labor for military purposes, and for the production of consumer goods for their home front as well.

Last Thursday, the State of Israel observed Yom Ha Shoah—everything came to a standstill. Today we stand in resolute solidarity with our brothers and sisters in Israel, where a large community of Holocaust survivors resides, where Arab violence must come to an end, and where both Jews and Arabs must forge a common peaceful destiny. After the Holocaust, we survivors chose life, not hatred; we chose to struggle for understanding rather than to take revenge. We continue to build new families, new generations. We must do all that is possible to ensure that those who follow us will not face evil, ruthless destruction, as was visited upon us. Thus, we remember the past for the sake of our future.

Now, more than at any other time in history, the world's wellbeing depends upon the awareness of humankind's interlocking fate. We Holocaust survivors, for whom there were so many enemies and so few rescuers, are determined to extend our commitment to remembrance, education and documentation by bearing witness to what we experienced as fully as we can.

We now stand at a half-century's distance from the events which shaped our lives and reshaped history. We look back and remember. Our memory is a warning, for all people and all time.

Let us remember!

NOMINATION OF JOHN P. WALTERS

Mr. MCCAIN. Mr. President, I am pleased to announce my strong support for President Bush's selection of John P. Walters as the next Director of the Office of National Drug Control Policy.

John will bring two decades of drug policy experience in the non-profit sector and in government to his mission as the nation's drug czar. His passionate commitment to improving the quality of our society by decreasing drug use through effective drug education, treatment, and interdiction programs has already touched the lives of many Americans. I trust that the Bush Administration will give him the resources and authority his position requires as a sign of its determination to cut drug use in America and provide the moral leadership essential to this task.

Many of John's advocates will note his impressive record of public service in the fields of drug interdiction, treatment, and education. John distinguished himself during the first Bush Administration as Deputy Director for Supply Reduction, Chief of Staff and National Security Director, and Acting Director of the Office of National Drug Control Policy. During the Administration of President Reagan, John served as Chief of Staff and Counselor to the Secretary of Education, as well as Assistant to the Secretary, the Secretary's Representative to the National Drug Policy Board, and the Secretary's Representative to the Domestic Policy Council's Health Policy Working Group.

But John's work outside of government is equally admirable. John is currently serving as President of the Philanthropy Roundtable, a national association of charitable donors who are doing great work in our communities. He was previously President of the New Citizenship Project, an organization created to promote greater civic participation in our national life. John also served on the Council on Crime in America, a bipartisan commission on violent crime co-chaired by former Drug Czar Bill Bennett and former Attorney General Griffin Bell.

In 1988, John created the Madison Center, a non-profit organization dedicated to early childhood education and drug abuse prevention. From 1982 to 1985, he served as Acting Assistant Director and Program Officer in the Division of Education Programs at the National Endowment of the Humanities.

I am confident John will bring strong leadership to our efforts to cut drug use. Not so long ago, Nancy Reagan taught our young people to ''Just Say No'' to drugs. That was just one demonstration of committed leadership at the national level. What Nancy Reagan started was followed up by engaged national leadership, including Drug Czar Bill Bennett, who used the bully pulpit to change attitudes, and in the process helped rescue much of a generation. Drug use declined by more than a third in the wake of the Reagan-Bush effort, and teen drug use, the pipeline to future addiction, dropped even faster.

In fact, drug use in America has declined by 45 percent since 1985. Drug prevention, education, and interdiction can make a tangible difference in the supply and use of drugs in this country. Moral leadership is critical. Unfortunately, the overall decline in drug use obscures a rise in drug consumption of 15 percent during the last seven years and a near doubling of teen drug use over the past 8 years.

John Walters' emphasis on targeting both drug supply and demand through effective drug treatment programs, and his laudable call for cultural leadership in fending off illegal narcotics' assault on our blessed youth, will help reverse years of drift in our counter-drug policies. I hope he can also play a useful role in refining our drug interdiction strategy in the Andean region and reforming a drug certification law that does more to hinder than help our drug

reduction efforts overseas. I look forward to John's leadership on these issues, backed by the personal support of the President, and commend his speedy confirmation to my colleagues.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 9, 2001, the Federal debt stood at $5,643,268,010,418.43, five trillion, six hundred forty-three billion, two hundred sixty-eight million, ten thousand, four hundred eighteen dollars and forty-three cents.

One year ago, May 9, 2000, the Federal debt stood at $5,662,963,000,000, five trillion, six hundred sixty-two billion, nine hundred sixty-three million.

Five years ago, May 9, 1996, the Federal debt stood at $5,088,829,000,000, five trillion, eighty-eight billion, eight hundred twenty-nine million.

Ten years ago, May 9, 1991, the Federal debt stood at $3,435,605,000,000, three trillion, four hundred thirty-five billion, six hundred five million.

Fifteen years ago, May 9, 1986, the Federal debt stood at $2,012,034,000,000, two trillion, twelve billion, thirty-four million, which reflects a debt increase of more than $3.5 trillion, $3,631,234,010,418.43, three trillion, six hundred thirty-one billion, two hundred thirty-four million, ten thousand, four hundred eighteen dollars and forty-three cents during the past 15 years.

ADDITIONAL STATEMENTS

MAUPIN RECEIVES PATRICK HENRY AWARD

• Mr. HOLLINGS. Mr. President, The Wilson Center for Leadership in the Public Interest at Hampden-Sydney College in Virginia annually presents the Patrick Henry Award to alumni whose lives have been distinguished by dedication to public service. I'm proud to congratulate Colonel Joe Maupin, U.S. Army retired and my Lowcountry Representative in Charleston, SC, who is among the three who will be receiving the 2001 Patrick Henry Award this evening.

Some of my colleagues may remember Colonel Maupin from his time as Chief of Army Liaison here in the Senate, his last assignment before retiring from the Army after 22 years of service. During those 22 years, Joe attended Officer Candidate School, commanded several Field Artillery Batteries, was selected as a Major for Battalion Command and was inducted into the Field Artillery Hall of Fame. I am fortunate to have benefitted from Joe Maupin's dedication to public service, his willingness to get the job done, his ability to relate to people from all walks of life, his sense of humor, and, most of all, his friendship. I can think of no one more deserving of the Patrick Henry Award than Joe Maupin. My heartfelt congratulations go out to him and to his wonderful wife, Shirley, who made it possible for him to pursue not one, but two careers in public service.•

IN REMEMBRANCE OF STEPHEN GREEN

• Mrs. BOXER. Mr. President, earlier this week, this country suffered a tremendous loss with the passing of Steve Green.

Steve was a veteran reporter and editorial columnist and a very dear person. He worked as a journalist for forty years, covering issues ranging from Congress to national security to social policy.

I got to know Steve as he kept a watchful eye on Congress for the Copley News Service and the San Diego Union-Tribune. He had a quick wit, a keen intellect and a great nose for a story. Above all, he was scrupulously fair in his reporting. And he believed that as a journalist it was his role in life to help this country realize its tremendous potential. How very blessed we are that Stephen used his talent with words and his insight to make us a better, more informed people.

With a wink Steve could puncture the biggest ego. He had the uncanny ability to be skeptical without being cynical. He cared for the people he covered without coddling them. He followed serious issues without losing his sense of humor.

Let me read from an article filed by Steve's colleague and Copley News veteran reporter Findlay Lewis:

Mr. Green's 40-year newspaper career embraced a range of interests and assignments, including a political column that was syndicated around the country. In recent years, his reporting focused on Congress, national security issues and social welfare policy. His work in these and other areas earned him a reputation as a quick study and an incisive writer, who could quickly penetrate to the heart of complex issues.

"Steve Green was a colleague I admired greatly," said Herbert G. Klein, editor in chief of Copley Newspapers. "He thrived on professionalism, which leaves a great legacy for all to follow. He was a man of enormous courage."

A native of Malden, Mass., he graduated from Boston's Northeastern University, where he began his newspaper career. While pursuing his undergraduate degree, Mr. Green filed stories for the wire services and several Boston dailies, and also served as editor of the college newspaper.

Former colleagues at the [Washington] Star describe Mr. Green in those years as a tireless reporter, who never allowed himself to be beaten on a story by rivals from the larger and better-staffed Washington Post.

"He had a knack for getting scoops," recalled Barbara Cochran, one of his editors at the time and president of the Radio-Television News Directors Association. "When he had a good story going he would get this grin on his face—when he felt he had the goods."

His tenure at the [Washington] Post was followed by an editing stint at the Miami News before arriving at The San Diego Union in 1979 as state and politics editor. In the latter capacity, Mr. Green directed the Union's coverage of the 1980 presidential election and of the state political campaigns two years later.

In 1983, Mr. Green joined the Union's editorial board before returning to Washington in January 1984 to fill the newly created position of managing editor in the Washington Bureau of the Copley News Service.

Considered a shrewd student of American politics and foreign affairs by his peers, Mr. Green pursued those interests in a column syndicated by the news service and given frequent prominent display by The Washington Times on its op-ed page.

By the early 1990s, Mr. Green had returned to reporting, providing coverage of Congress, a beat that he knew well from his duty with Washington newspapers. He wrote in depth about the financing problems likely to confront the nation's social welfare programs, such as Social Security and Medicare, and also played a role in the bureau's coverage of President Clinton's impeachment crisis in the Congress. He later took over the Pentagon beat before falling ill.

Survivors include his wife, Ginny Durrin of Washington, a film maker; two daughters from his first marriage—Jennifer Green of San Jose, and Alison Green of Arlington, Va.; brother, Edward Green of Rockville, Md.; sister, Judy Schoen of Lawrenceville, N.J.; and a granddaughter also survive him.

Steve Green was a wonderful man, a wonderful journalist and anyone who knew him will miss him deeply.•

CONGRATULATIONS TO MIKE MILLER

• Mr. JOHNSON. Mr. President I rise today to congratulate Mike Miller from Mitchell, SD. Mike, a starting small forward for the Orlando Magic, has been selected as the National Basketball Association, NBA, Rookie of the Year. As the fifth overall draft pick from the University of Florida, he averaged 11.9 points, 4.0 rebounds and 1.7 assists this year. Mike scored in double figures 51 times this year and scored a season-high 28 points against the Milwaukee Bucks on March 23. Although those statistics are very impressive, perhaps the most impressive part of Mike's rookie season was the leadership role Mike had to assume with the injury to his teammate Grant Hill. He responded to the challenge of filling the shoes of a perennial NBA all-star and he came to be a trusted go-to, clutch player. Of course he showed this type of poise when he made the game winning shot against Butler in last year's NCAA tournament.

By winning this award, Mike has joined the ranks of the very best to ever play basketball. Wilt Chamberlain, Oscar Robertson, Michael Jordan and Shaquille O'Neal are just a few of the basketball luminaries who Mike joins as winners of this award. Those in South Dakota knew that Mike was destined for great things. As a three-time all-state selection and a two time state

champion in South Dakota, Miller has showcased his abilities for many years. As a father of three children I know how proud Tom and Sheryl Miller must feel today. I join the rest of the State of South Dakota in congratulating Mike on his remarkable accomplishment and look forward to cheering him on as his career moves forward.●

TRIBUTE TO THE REVEREND LEON H. SULLIVAN

● Mr. FEINGOLD. Mr. President, I rise today to remember the The Reverend Leon Sullivan, a civil rights leader who spent his life breaking down the barriers of racial prejudice, and building in their place a more just world for all of us. Among his many accomplishments, Reverend Sullivan crafted the famous Sullivan Principles, which helped to topple Apartheid in South Africa, and he founded Opportunities Investment Centers, OICs, which have brought new hope and new job skills to the lives of people in my state of Wisconsin, and around the world.

With everything he did, Reverend Sullivan was both an idealist and a pragmatist. He righted the wrong of prejudice not just by calling for change, but by charting the course by which that change could occur. Leon Sullivan was born in West Virginia in 1922, where his quest for racial justice began in early childhood. He desegregated a restaurant in his hometown at the age of ten, and worked his way through graduate school as the first African-American coin-box collector for the Bell Telephone Company. Later, as pastor of the Zion Baptist Church in Philadelphia, he and other African-American pastors started the highly successful Selective Patronage Program, which boycotted businesses that refused to hire minorities.

Then, in 1964, Reverend Sullivan, as always, saw hope and possibility in an unlikely place: an old jailhouse in Philadelphia. In his eyes, the structure could be remade into a center for helping the unemployed reach their full potential. And so it was, through his characteristic hard work and determination. By 1969 about 20,000 minority workers were enrolled in OICs around the country. The OIC in Milwaukee, where I first had the honor of meeting Reverend Sullivan, is the world's largest OIC affiliate, and has helped thousands of people in that community achieve economic independence. The Opportunities Investment Center of Greater Milwaukee is a leader, not only in Milwaukee, but also nationally, in the provision of local employment, training and community development services. The University of Wisconsin-Milwaukee established the Sullivan Professorship in 1979 to strengthen the ties between the university and the inner city.

OICs are now located in South America, England, Poland and throughout Africa. In the creation of the OIC, and in his myriad other endeavors, Leon Sullivan was often in the forefront of social change. His name is also well known for the creation, in 1976, of the ''Sullivan Principles,'' which outlined a code of conduct by which U.S. corporations operating in apartheid-era South Africa could voluntarily choose to abide.

As disinvestment pressures on U.S. companies increased, the Sullivan Principles helped push companies to support education and community development projects outside the workplace that could help improve the quality of life for black South Africans.

Reverend Sullivan's legacy lives on in so many ways. In South Africa, thanks to the Sullivan Principles, U.S. companies operating in South Africa still make it a priority to devote significant resources to philanthropic programs, including job training and efforts to create partnerships with black-owned businesses. In Milwaukee, the OIC has succeeded because Reverend Sullivan believed that by empowering people with new skills, he could change lives, and change the world.

And he did change the world, from an old jailhouse in Philadelphia, to a Saturday school in Johannesburg, to the Opportunities Investment Center in Milwaukee. Leon Sullivan made enormous contributions—to local communities throughout the United States, and to our global community as well. We remember him today as a great leader who believed in a more just world, and set out to build it. We are grateful that he did.●

TRIBUTE TO BOTTOMLINE TECHNOLOGIES

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Bottomline Technologies of Portsmouth, New Hampshire, for the honor of being named the 2001 Business of the Year by Business NH Magazine.

Bottomline Technologies is a Portsmouth-based firm that has become a global leader in business-to-business Internet-based transactional processing. The company was founded by Dan McGurl, recipient of the 1998 Entrepreneur of the Year Award from the New Hampshire High Technology Council, and Jim Loomis 12 years ago.

Bottomline is the creator of the LaserCheck system which allows businesses to streamline the payment of paper checks. More than 5,500 client companies throughout the world utilize Bottomline's software solutions.

The company has earned recognition from Inc. Magazine being named as one of the fastest growing private companies. It was also named as one of the fastest high technology companies by Deloitte & Touche and Hale and Dorr.

Bottomline was recognized with the 2000 United Way Special Achievement Award for achieving 119 percent of its contribution goal that year.

Bottomline Technologies has been a leader in the high technology sector of the New Hampshire business community and a good neighbor to civic organizations. I commend them for their dedicated service to the citizens of New Hampshire. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO NORTHEAST DELTA DENTAL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Northeast Delta Dental of Concord, New Hampshire, for the honor of being named 2001 Business of the Year by Business NH Magazine.

Northeast Delta Dental, a New Hampshire-based company, is a leader in their industry for customer and community service. Teamwork is the key to the success of Northeast Delta Dental where employees strive to work together with shared responsibility and accountability. The values of the company are substantiated by the company's Guarantee of Service Excellence program which promises customers exceptional service.

Northeast Delta Dental is also committed to leadership and contribution within the local community. As a generous corporate neighbor they have made donations to programs such as: the New Hampshire Symphony Orchestra, a soccer field on-site for area youth, and grants to New Hampshire dental clinics which serve underprivileged citizens.

Northeast Delta Dental and CEO Thomas Raffio are an asset to the communities of New Hampshire. I commend them for their outstanding contribution to the citizens of our state. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO REVEREND MARK HURLEY

● Mr. SMITH of New Hampshire. Mr President, I rise today to pay tribute to the Reverend Mark J. Hurley, the former bishop of the Catholic Diocese of Santa Rosa, California. Bishop Hurley passed away on Monday February 5, 2001, after undergoing surgery for an aneurysm. Mark Hurley was one of two priests born to a proud Irish Catholic family. His brother, Francis Hurley, is the Archbishop of Anchorage, Alaska.

I had the great fortune to make the acquaintance of Mark Hurley several years ago while traveling in California. He was a deeply religious man, as you would expect, and a very learned individual and the author of several books. He lectured about the tragedy of abortion and wrote extensively about medical and genetic research and individual privacy. But he will be remembered most of all for his extraordinary

work as the bishop of the six-county North Coast diocese from 1969–1986.

Pope Paul VI appointed Mark Hurley second bishop of the Santa Rosa diocese in 1969. Prior to his appointment, he was a teacher and administrator for Catholic high schools in San Francisco, Marin and Oakland and served as vicar general of the Archdiocese of San Francisco. He would become Santa Rosa's longest-serving bishop since the diocese was created. Most importantly, Bishop Hurley was credited with saving the diocese from financial ruin. When he took office the diocese was over $12 million in debt, including $7 million owed to parishes and other organizations within the diocese. By imposing strict spending limits, a building moratorium and other cutbacks he was able to orchestrate the financial recovery that was so desperately needed.

After his tenure, Pope John Paul II rewarded Revernd Hurley's efforts by transferring him to the Vatican where he was consular to the Sacred Congregation for Catholic Education and a member of the Secretariat for Non-Believers. He returned to the United States and retired in San Francisco—the same city in which he was born on December 13, 1919.

He was acknowledged by many as an intellectual and a world leader on religious matters, but it was his successful tenure as bishop of Santa Rosa for which he will be remembered most. Santa Rosa's current bishop, Daniel Walsh, said of Mark Hurley, ''I believe his most esteemed role and responsibility was that of Bishop of Santa Rosa. He labored here from November 1969 to April 1986. He made a great impact on the diocese and we are all beneficiaries of his ministry here.''

Mr. President, with the death of Bishop Hurley the Lord has lost a dutiful servant, the Catholic faith has lost a pillar of virtue and our nation has lost a loving soul that quietly touched and improved the lives of many. Mr. President, I know I speak for all my colleagues in extending our condolences to his brother, Bishop Francis Hurley, his sister Phyllis Porter of San Francisco and to the rest of his family and friends. May he rest in peace.●

TRIBUTE TO CONCORD HOSPITAL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Concord Hospital of Concord, New Hampshire, for the honor of being named the 2001 Business of the Year by Business NH Magazine.

Concord Hospital serves the citizens of the local community with a state of the art technology facility and staff. The hospital is the only one in the Granite State to provide computers at patients' bedsides to permit charting of medical information and data and to track patient charges for supplies and medical procedures.

The Concord Hospital continues to keep abreast of the changing technologies within the industry by becoming the first cardiac catheterization laboratory in our state to use digital equipment for patient procedures. It also uses the only FDA approved computer-aided detection systems for breast cancer.

The Hospital has paid 132 of its employees to participate in community committees and projects. It has also provided cash donations to other organizations and has created a database of health and human service providers and services for New Hampshire Helpline information service.

The Concord Hospital is a good neighbor to the citizens of Concord and our state. I commend them for their dedication and service to the health care community in New Hampshire. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO THE COMMON MAN FAMILY OF RESTAURANTS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Common Man Family of Restaurants of Ashland, Concord, Lincoln, Windham, Meredith and Tilton, New Hampshire, on being named the 2001 Business of the Year by Business NH Magazine.

The Common Man Family Restaurants and owner, Alex Ray, operate nine restaurants throughout the Granite State and employ more than 400 people. Alex was the recipient of the New Hampshire Lodging and Restaurant Associations' ''Restauranteur of the Year'' in 1996.

The company is a strong supporter of community and national charitable organizations. For the past 10 years, The Common Man Family of Restaurants has donated more than $300,000 to Easter Seals and was recognized nationally for organizing and hosting the most successful fund-raiser for the March of Dimes in New Hampshire, raising more than $40,000. They also offer scholarships to Plymouth Regional High School students who are interested in pursuing a career in the culinary arts.

The Common Man Family of Restaurants also participated in the Smithsonian Folklife Festival by preparing traditional New Hampshire cuisine for over 50,000 people during the 10-day event. I personally had the opportunity to sample their delicious wares.

Alex Ray and The Common Man Family of Restaurants have been an asset to the citizens of New Hampshire. I commend them for their service and dedication to the people and communities of our state. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO CONCORD COMMUNITY MUSIC SCHOOL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Concord Community Music School of Concord, New Hampshire, for the honor of being named the 2001 Business of the Year by Business NH Magazine.

New Hampshire's largest and oldest community music school, Concord Community Music School is celebrating its 17th anniversary this year. The primary mission of the school is to provide access to music for all people of New Hampshire while having the best resources available.

Concord Community Music School has touched the lives of many Granite State citizens. In 2000, over 43,000 people received 80,100 musical services thanks to the school. The school also provides weekly lessons and classes at the facility and provides performances at public events.

Concord Community Music School generously reaches out to area citizens with its Music in the Community Initiative. The program is a partnership with area schools, human service agencies and hospitals in New Hampshire which provides music and lessons to at-risk students, disabled people, senior citizens and pre-schoolers from low income families.

Concord Community Music School has been a dedicated and caring neighbor to the citizens of New Hampshire. I commend them for their contributions to the cultural, educational and economic communities of our state. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO NIXON PEABODY LLP

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Nixon Peabody LLP of Manchester, New Hampshire, for the honor of being named the 2001 Business of the Year by Business NH Magazine.

The New Hampshire office of Nixon Peabody LLP was established in 1992, and is one of the top 50 law firms in the United States with 11 East Coast offices, including 20 in the Granite State.

The firm has been instrumental in New Hampshire's premier business deals and has established itself in our state by assuming the role of a strong corporate citizen.

Active within the Manchester community, staff members from Nixon Peabody serve on several nonprofit boards including: Kevin Fitzgerald as president and chairman of the Manchester Community Music School's board, W. Scott O'Connell as vice president of the Farnum Center, and James Hood as chairman of New Hampshire's International Trade Advisory Committee.

Staff members and clients have also served the City of Manchester with

charity and concern. Victims of a recent apartment house fire were provided with clothing and furniture by a client of the firm after a fire that left more than 50 people homeless.

I commend Nixon Peabody LLP for their contributions to both the business and civic communities in our state. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO BELKNAP LANDSCAPE COMPANY, INC.

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Belknap Landscape Company, Inc. of Gilford, New Hampshire, on being named the 2001 Business of the Year by Business NH Magazine.

Belknap Landscape Company, Inc., has been owned for the past 13 years by Hayden McLaughlin, who is a member of several industry organizations and works to inform people about landscaping benefits. The company was the recipient of the Blue Chip Award, Leon Patterson Award for Landscape Excellence, and numerous national safety awards.

Belknap Landscape Company, Inc. has participated in many community events and outreach programs. The company was active in the development of the Kirkwood Gardens in 1995 and continues to sponsor the gardens and annual ''Wildflower Day'' which benefits the gardens and Science Center. They are involved in other community projects including: the Fireds of the New Hampshire Music Festival, New Beginnings, the United Way, and the New Hampshire State Police Association.

They have donated materials and staff manpower to the Squam Lakes Association waterfront area. Hayden also makes annual contributions to the New Hampshire Horticulture Endowment Fund and he is a mentor in the Associated Landscape Contractors of America ''One-on-One'' Mentor program.

Belknap Landscape Company, Inc. and Hayden McLaughlin have been strong stewards of the environmental and business communities in New Hampshire. I commend them for the positive contributions they have made to the citizens of the Granite State. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO THE TALARICO DEALERSHIPS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Talarico Dealerships of Manchester, Merrimack and Milford, New Hampshire, on being named the 2001 Business of the Year by Business NH Magazine.

The Talarico Dealerships and Stephen Talarico, president and CEO, conduct business by a company mission statement of providing quality service to customers with trained professional employees and ''to remain supportive to our community and committed to the education of our youth.''

The Talarico Dealerships recognize the importance of giving back to the community and have generously contributed to civic programs including the Manchester Riverwalk Development Project and Souhegan Valley Chamber of Commerce First Annual Golf Tournament.

The company was among the first automobile dealerships in the country to install custom designed, thermo-reactor stainless steel Devilbis spray booths at its Body Magic Auto Collision Center. Talarico Dealership was also the first dealership in the Granite State to have a service department managed completely by women.

Stephen Talarico was named Souhegan Valley Chamber of Commerce Business Leader of the Year in 1999. His Merrimack Used Car Superstore became one of the top five used car volume dealerships in New Hampshire in 2000.

The Talarico Dealerships and Stephen Talarico have been good neighbors to the citizens of Manchester, Merrimack and Milford, New Hampshire. I commend them on their dedication and service to the communities of the Granite State. It is an honor and a privilege to represent them in the U.S. Senate.●

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 12:55 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, without amendment:

S. 700. An act to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly knows as ''mad cow disease'') and foot-and-mouth disease in the United States.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 146. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes.

H.R. 581. An act to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 146. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 581. An act to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 802: A bill to authorize the Public Safety Officer Medal of Valor, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

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.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

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. 166: A bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs.

Kenneth I. Juster, of the District of Columbia, to be Under Secretary of Commerce for Export Administration.

Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade.

Maria Cino, of Virginia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Robert Glenn Hubbard, of New York, to be a Member of the Council of Economic Advisers.

(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.)

By Mr. HATCH for the Committee on the Judiciary.

Larry D. Thompson, of Georgia, to be Deputy Attorney General.

Daniel J. Bryant, of Virginia, to be an Assistant Attorney General.

Charles A. James, Jr., of Virginia, to be an Assistant Attorney General.

(The above nominations were reported with the recommendations that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMAS (for himself, Mr. CONRAD, Mr. DOMENICI, Mr. JOHNSON, Mr. ROBERTS, and Mr. NELSON of Nebraska):

S. 859. A bill to amend the Public Health Service Act to establish a mental health community education program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. CONRAD, Mr. BREAUX, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BAUCUS, and Mrs. LINCOLN):

S. 860. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers; to the Committee on Finance.

By Mr. BOND:

S. 861. A bill to enhance small business access to Federal contracting opportunities and provide technical advice and support that small businesses need to perform contracts awarded to them, and for other purposes; to the Committee on Small Business.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. GRAHAM, Mr. REID, Mr. BINGAMAN, Mr. KERRY, and Mr. MCCAIN):

S. 862. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. REID:

S. 863. A bill to require medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. LIEBERMAN, and Mr. LEVIN):

S. 864. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings , or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. LIEBERMAN):

S. 865. A bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. WARNER):

S. 866. A bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself and Mr. COCHRAN):

S. 867. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit exemption and the qualified family-owned business interest deduction, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 868. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage and group health plans provide coverage of cancer screening; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. KERRY, Mr. ROCKEFELLER, and Mrs. BOXER):

S. 869. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of New Hampshire (for himself and Mr. INHOFE):

S. 870. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for public-private partnerships in financing of highway, mass transit, high speed rail, and intermodal transfer facilities projects, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. KERRY, Mr. REID, and Mr. DAYTON):

S. 871. A bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. REID, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. MURRAY, Mr. SCHUMER, Mr. HARKIN, and Mrs. CLINTON):

S. Res. 87. A resolution expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases; to the Committee on Rules and Administration.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. Con. Res. 37. A concurrent resolution expressing the sense of Congress on the importance of promoting electronic commerce, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 11

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 11, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals, and for other purposes.

S. 37

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 37, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 123

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 123, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 131

At the request of Mr. JOHNSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 181

At the request of Mr. SHELBY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to phase out the taxation of social security benefits.

S. 587

At the request of Mr. CONRAD, the name of the Senator from Wisconsin (Mr. FEINGOLD) 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. 592

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 592, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 627

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 671

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 671, a bill to provide for public library construction and technology enhancement.

S. 706

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 718

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 718, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

S. 742

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. MILLER), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. SMITH), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 742, a bill to provide for pension reform, and for other purposes.

S. 760

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 760, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 790

At the request of Mr. BROWNBACK, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 795

At the request of Mr. THOMPSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 795, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 804, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 829

At the request of Mr. BROWNBACK, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Utah (Mr. HATCH), the Senator from Ohio (Mr. DEWINE), the Senator from Illinois (Mr. DURBIN), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 841

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 841, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program.

S. 850

At the request of Mr. CHAFEE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 850, a bill to expand the Federal tax refund intercept program to cover children who are not minors.

S. 857

At the request of Mr. HELMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 857, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 858

At the request of Mr. HUTCHINSON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 858, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small business with respect to medical care for their employees.

S.J. RES. 13

At the request of Mr. WARNER, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S.J. Res. 13, a joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from North Dakota (Mr. DORGAN), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day.''

S. RES. 75

At the request of Mr. HUTCHINSON, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. Res. 75, a resolution designating the week beginning May 13, 2001, as ''National Biotechnology Week.''

S. CON. RES. 15

At the request of Mr. BROWNBACK, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Colorado (Mr. ALLARD), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. Con. Res. 15, a concurrent resolution to designate a National Day of Reconciliation.

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from Nebraska

(Mr. NELSON, of Nebraska) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

AMENDMENT NO. 389

At the request of Mr. VOINOVICH, the name of the Senator from New Jersey (Mr. CORZINE) was withdrawn as a cosponsor of amendment No. 389.

AMENDMENT NO. 426

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 426 intendent to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 443

At the request of Mr. VOINOVICH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 443 intendent to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 451

At the request of Mrs. LINCOLN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 451.

At the request of Mrs. LINCOLN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 451, supra.

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 451, supra.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 451, supra.

AMENDMENT NO. 461

At the request of Mr. DORGAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 461 intendent to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself, Mr. CONRAD, Mr. DOMENICI, Mr. JOHNSON, Mr. ROBERTS, and Mr. NELSON of Nebraska):

S. 859. A bill to amend the Public Health Service Act to establish a mental health community education program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. THOMAS. Mr. President, I rise today to introduce the Rural Mental Health Accessibility Act of 2001 with Senators CONRAD, DOMENICI, JOHNSON, ROBERTS, and NELSON from Nebraska. Like all of the rural health bills I've worked on with my colleagues in the Senate Rural Health Caucus, I am proud of the bipartisan effort behind this important legislation.

I believe, the Rural Mental Health Accessibility Act of 2001 is crucial because it reflects the unique needs of rural communities to improve access to mental health services.

Many people do not seek mental health services because of the stigma associated with mental illnesses. This is especially true in rural areas where anonymity is more difficult to obtain. This legislation creates the Mental Health Community Education Grant program, which permits states and communities to conduct targeted public education campaigns with particular emphasis on mental illnesses, mental retardation, suicide, and substance abuse disorders. This new program will go a long way in reducing the stigmatization and misinformation surrounding mental health issues.

More than 75 percent of the 518 nationally designated Mental Health Professional Shortage Areas are located in rural areas and one-fifth of all rural counties in the nation have no mental health services of any kind. Frontier counties have even more drastic numbers as 95 percent of these remote areas do not have psychiatrists, 68 percent do not have psychologists and 78 percent do not have social workers. While I'm proud that every county in my home state of Wyoming now has a psychologist, there are still several counties that are severely underserved and are designated as a Mental Health Shortage Area.

Due to the scarcity of mental health specialists in rural communities, primary care providers are often the only source of treatment. However, primary care providers do not receive the specialized training necessary to recognize the signs of depression and other mental illnesses in their patients. The Rural Mental Health Accessibility Act of 2001 authorizes an Interdisciplinary Grant program that will permit universities and other entities to establish interdisciplinary training programs where mental health providers and primary care providers are taught side-by-side in the classroom, with clinical training conducted in rural underserved communities. This will encourage greater collaboration amongst providers and increase the quality of care for rural patients.

I am particularly concerned that suicide rates among rural children and adolescents are higher than in urban areas, especially in western and frontier states. Additionally, 20 percent of the nation's elderly population live in rural areas, but only 9 percent of our nation's physicians practice in rural areas. This bill authorizes $30 million for 20 demonstration projects, equally divided, to provide mental health services to children and elderly residents of long term care facilities located in mental health shortage areas. These projects will also provide mental illness education and targeted instruction on coping and dealing with the stressful experiences of childhood and adolescence or aging.

To prepare for further expansion of mental telehealth, this bill requires the Director of the National Institute of Mental Health in consultation with the Director of the Office of Rural Health Policy to report to Congress on the efficacy and effectiveness of mental health services delivered through the utilization of telehealth technologies.

In crafting this legislation I and my colleagues worked with numerous outside organizations with an interest in mental health issues. As a result of this collaboration, the Rural Mental Health Accessibility Act of 2001 is strongly supported by the National Rural Health Association, the National Alliance for the Mentally Ill, the American Psychiatric Association and the American Psychological Association.

I believe this legislation is critically important to the health and well-being of our rural communities. I strongly urge all my colleagues to support the rural areas in their states by becoming cosponsors of the Rural Mental Health Accessibility Act of 2001.

I ask unanimous consent that the text of the bill and letters of endorsement from supporting organizations be printed in the RECORD.

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

S. 859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Mental Health Accessibility Act of 2001''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

''SEC. 330I. MENTAL HEALTH COMMUNITY EDUCATION PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Director of the Office of Rural Health Policy (of the Health Resources and Services Administration) shall award grants to eligible entities to conduct mental health community education programs.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' includes a State entity, public or private school, mental health clinic, rural health clinic, local public health department, nonprofit private entity, federally qualified health center, rural Area Health Education Center, Indian tribe and tribal organization, and any other entity deemed eligible by the Secretary.

''(2) MENTAL HEALTH COMMUNITY EDUCATION PROGRAM.—The term 'mental health community education program' means a program regarding mental illness, mental retardation, suicide prevention and co-occurring mental illness and substance abuse disorder.

''(c) PREFERENCE.—In awarding grants under subsection (a), the Director shall give a preference to eligible entities that are or propose to be in a network, or work in collaboration, with other eligible entities to carry out the programs under this section, such as a rural public or nonprofit private entity that represents a network of local health care providers or other entities that provide or support delivery of health care services, and a State office of rural health or other appropriate State entity.

''(d) DURATION.—The Director shall award grants under subsection (a) for a period of 3 years.

''(e) AMOUNT.—Each grant awarded under this section shall not be greater than $200,000 each fiscal year.

''(f) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds received through such grant to administer a mental health community education program to rural populations that provides information to dispel myths regarding mental illness and to reduce any stigma associated with mental illness.

''(g) APPLICATION.—An eligible entity desiring a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including—

''(1) a description of the activities which the eligible entity intends to carry out using amounts provided under the grant;

''(2) a plan for continuing the project after Federal support is ended;

''(3) a description of the manner in which the educational activities funded under the grant will meet the mental health care needs of underserved rural populations within the State; and

''(4) a description of how the local community or region to be served by the network or proposed network, if the eligible entity is in such a network, will be involved in the development and ongoing operations of the network.

''(h) EVALUATIONS; REPORT.—Each eligible entity that receives a grant under this section shall submit to the Director of the Office of Rural Health Policy (of the Health Resources and Services Administration) an evaluation describing the programs authorized under this section and any other information that the Director deems appropriate. After receiving such evaluations, the Director shall submit to the appropriate committees of Congress a report describing such evaluations.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 through 2006.

''SEC. 330J. INTERDISCIPLINARY GRANT PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Director of the Office of Rural Health Policy (of the Health Resources and Services Administration) shall award grants to eligible entities to establish interdisciplinary training programs that include significant mental health training in rural areas for certain health care providers.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a public university or other educational institution that provides training for mental health care providers or primary health care providers.

''(2) MENTAL HEALTH CARE PROVIDER.—The term 'mental health care provider' means—

''(A) a physician with postgraduate training in a residency program of psychiatry;

''(B) a licensed psychologist (as defined by the Secretary for purposes of section 1861(ii) of such Act (42 U.S.C. 1395x(ii)));

''(C) a clinical social worker (as defined in section 1861(hh)(1) of such Act (42 U.S.C. 1395x(hh)(1)); or

''(D) a clinical nurse specialist (as defined in section 1861(aa)(5)(B) of such Act (42 U.S.C. 1395x(aa)(5)(B))).

''(3) PRIMARY HEALTH CARE PROVIDER.—The term 'primary health care provider' includes family practice, internal medicine, pediatrics, obstetrics and gynecology, geriatrics, and emergency medicine physicians as well as physician assistants and nurse practitioners.

''(4) RURAL AREA.—The term 'rural area' means a rural area as defined in section 1886(d)(2)(D) of the Social Security Act, or such an area in a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725)), or any other geographical area that the Director designates as a rural area.

''(c) DURATION.—Grants awarded under subsection (a) shall be awarded for a period of 5 years.

''(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds received through such grant to administer an interdisciplinary, side-by-side training program for mental health care providers and primary health care providers, that includes providing, under appropriate supervision, health care services to patients in underserved, rural areas without regard to patients' ability to pay for such services.

''(e) APPLICATION.—An eligible entity desiring a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including—

''(1) a description of the activities which the eligible entity intends to carry out using amounts provided under the grant;

''(2) a description of the manner in which the activities funded under the grant will meet the mental health care needs of underserved rural populations within the State; and

''(3) a description of the network agreement with partnering facilities.

''(f) EVALUATIONS; REPORT.—Each eligible entity that receives a grant under this section shall submit to the Director of the Office of Rural Health Policy (of the Health Resources and Services Administration) an evaluation describing the programs authorized under this section and any other information that the Director deems appropriate. After receiving such evaluations, the Director shall submit to the appropriate committees of Congress a report describing such evaluations.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.

''SEC. 330K. STUDY OF MENTAL HEALTH SERVICES DELIVERED WITH TELEHEALTH TECHNOLOGIES.

''(a) IN GENERAL.—The Director of the National Institute of Mental Health, in consultation with the Director of the Office of Rural Health Policy, shall carry out activities to research the efficacy and effectiveness of mental health services delivered remotely by a qualified mental health professional (psychiatrist or doctoral level psychologist) using telehealth technologies.

''(b) MANDATORY ACTIVITIES.—Research described in subsection (a) shall include—

''(1) objective measurement of treatment outcomes for individuals with mental illness treated remotely using telehealth technologies as compared to individuals with mental illness treated face-to-face;

''(2) objective measurement of treatment compliance by individuals with mental illness treated remotely using telehealth technologies as compared to individuals with mental illness treated face-to-face; and

''(3) any other variables as determined by the Director.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''SEC. 330L. MENTAL HEALTH SERVICES DELIVERED VIA TELEHEALTH.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Office for the Advancement of Telehealth of the Health Resources and Services Administration, shall award grants to eligible entities to establish demonstration projects for the provision of mental health services to special populations as delivered remotely by qualified mental health professionals using telehealth and for the provision of education regarding mental illness as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth.

''(2) NUMBER OF DEMONSTRATION PROJECTS.—Ten grants shall be awarded under paragraph (1) to provide services for the children and adolescents described in subsection (d)(1)(A) and not less than 6 of such grants shall be for services rendered to individuals in rural areas. Ten grants shall also be awarded under paragraph (1) to provide services for the elderly described in subsection (d)(1)(B) in rural areas. If the maximum number of grants to be awarded under paragraph (1) is not awarded, the Secretary shall award the remaining grants in a manner that is equitably distributed between the populations described in subparagraphs (A) and (B) of subsection (d)(1).

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or nonprofit private telehealth provider network which has as part of its services mental health services provided by qualified mental health providers.

''(2) QUALIFIED MENTAL HEALTH EDUCATION PROFESSIONALS.—The term 'qualified mental health education professionals' refers to teachers, community mental health professionals, nurses, and other entities as determined by the Secretary who have additional training in the delivery of information on mental illness to children and adolescents or who have additional training in the delivery of information on mental illness to the elderly.

''(3) QUALIFIED MENTAL HEALTH PROFESSIONALS.—The term 'qualified mental health professionals' refers to providers of mental health services currently reimbursed under medicare who have additional training in the treatment of mental illness in children and adolescents or who have additional training in the treatment of mental illness in the elderly.

''(4) SPECIAL POPULATIONS.—The term 'special populations' refers to the following 2 distinct groups:

''(A) Children and adolescents located in primary and secondary public schools in mental health underserved rural areas or in mental health underserved urban areas.

''(B) Elderly individuals located in long-term care facilities in mental health underserved rural areas.

''(5) TELEHEALTH.—The term 'telehealth' means the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health, and health administration.

''(c) AMOUNT.—Each entity that receives a grant under subsection (a) shall receive not less than $1,500,000 with no more than 40 percent of the total budget outlined for equipment.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use such funds—

''(A) for the populations described in subsection (b)(3)(A)—

''(i) to provide mental health services, including diagnosis and treatment of mental illness, in primary and secondary public schools as delivered remotely by qualified mental health professionals using telehealth;

''(ii) to provide education regarding mental illness (including suicide and violence) in primary and secondary public schools as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth, including early recognition of the signs and symptoms of mental illness, and instruction on coping and dealing with stressful experiences of childhood and adolescence (such as violence, social isolation, and depression); and

''(iii) to collaborate with local public health entities and the eligible entity to provide the mental health services; and

''(B) for the populations described in subsection (b)(3)(B)—

''(i) to provide mental health services, including diagnosis and treatment of mental illness, in long-term care facilities as delivered remotely by qualified mental health professionals using telehealth;

''(ii) to provide education regarding mental illness to primary staff (including physicians, nurses, and nursing aides) as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth, including early recognition of the signs and symptoms of mental illness, and instruction on coping and dealing with stressful experiences of old age (such as loss of physical and cognitive capabilities, death of loved ones and friends, social isolation, and depression); and

''(iii) to collaborate with local public health entities and the eligible entity to provide mental health services.

''(2) OTHER USES.—An eligible entity receiving a grant under this section may also use funds to—

''(A) acquire telehealth equipment to use in primary and secondary public schools and long-term care facilities for the purposes of this section;

''(B) develop curriculum to support activities described in subsections (d)(1)(A)(ii) and (d)(1)(B)(ii);

''(C) pay telecommunications costs; and

''(D) pay qualified mental health professionals and qualified mental health education professionals on a reasonable cost basis as determined by the Secretary for services rendered.

''(3) PROHIBITED USES.—An eligible entity that receives a grant under this section shall not use funds received through such grant to—

''(A) purchase or install transmission equipment (other than such equipment used by qualified mental health professionals to deliver mental health services using telehealth under the project); or

''(B) build upon or acquire real property (except for minor renovations related to the installation of reimbursable equipment).

''(e) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among geographical regions of the United States.

''(f) APPLICATION.—An entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be reasonable.

''(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit a report to the appropriate committees of Congress that shall evaluate activities funded with grants under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $30,000,000 for fiscal year 2002 and such sums that are required to carry out this program for fiscal years 2003 through 2009.

''(i) SUNSET PROVISION.—This section shall be effective for 7 years from the date of enactment of this section.''.

NAMI, NATIONAL ALLIANCE FOR THE MENTALLY ILL,
Arlington, VA, May 7, 2001.

Hon. CRAIG THOMAS,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR THOMAS: on behalf of the 220,000 members and 1,200 affiliates of the National Alliance for the Mentally Ill (NAMI), I am pleased to offer our support for the Rural Mental Health Accessibility Act of 2001. As the nation's largest organization representing children and adults with severe mental illnesses and their families, NAMI is pleased to support this important legislation. Thank you for your leadership in bringing this bipartisan measure forward.

Accessing mental illness treatment and services is a particular challenge for individuals living in isolated rural communities. The challenges related to geographic isolation are too often further compounded by the stigma associated with severe mental illnesses such as schizophrenia, bipolar disorder, major depression and severe anxiety disorders. Advances in scientific research and medical treatment for these serious brain disorders have been tremendous in recent years. Your legislation will bring these advances in research and treatment to underserved rural areas. The initiatives contained in the rural Mental Health Accessibility Act—community education to address stigma, training for providers, funding for a telehealth services program—are an important step forward for expanding access to treatment in sparsely populated regions of our country. NAMI looks forward to working with you to ensure passage of this legislation in 2001.

Thank you for your leadership on this important issue for individuals with severe mental illnesses and their families.

Sincerely,

JACQUELINE SHANNON
President.

NATIONAL RURAL HEALTH ASSOCIATION,
Washington, DC, May 4, 2001.

Hon. CRAIG THOMAS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR THOMAS: on behalf of the National Rural Health Association, I would like to convey our strong support for the Rural Mental Health Accessibility Act of 2001.

While a lack of primary care services in rural and frontier areas has long been acknowledged, the scarcity of rural mental health services has only recently received increased attention. At the end of 1997, 76% of designated mental health professional shortage areas were located in nonmetropolitan areas with a total population of over 30 million Americans.

The Rural Mental Health Accessibility Act of 2001 would provide important first steps toward increased access to mental health care services in rural and frontier areas. The stigma associated with having a mental disorder and the lack of anonymity in small rural communities leads to under-diagnosis and under-treatment of mental disorders among rural residents. Your legislation would address this problem by creating a Mental Health Community Education Program aimed at reducing the stigma and misinformation surrounding mental health care.

In many rural and frontier communities, primary care providers by necessity are responsible for the delivery of mental health services. Because primary care providers often lack specific mental health training, interdisciplinary collaboration and training would increase access for rural residents to appropriate mental health care treatment. The interdisciplinary training grant program created by your legislation would increase collaboration and sharing of information between mental health providers and primary care providers and improve care for rural residents.

The NRHA appreciates your ongoing leadership on rural health issues, and stands ready to work with you on enactment of the Rural Mental Health Accessibility Act of 2001, which would increase the availability of mental health care in rural and frontier areas.

Sincerely,

CHARLOTTE HARDT,
President.

Mr. CONRAD. Mr. President, today I am pleased to join my colleagues as a cosponsor of the Rural Mental Health Accessibility Act of 2001. This bipartisan effort would take important steps toward improving access to mental health care in rural America.

This issue is particularly important to me and my constituents in North Dakota. Sadly, as compared to the rest of the United States, North Dakota has the second-highest suicide rate among children ages 10 through 14, and the sixth-highest suicide rate among teenagers 15 through 19 years of age. As a result, over the 10 year period from 1987 to 1996, the percentage of deaths due to suicide among North Dakota's children and teens was double the national average. Clearly, suicide makes a much greater impact on child mortality in North Dakota than it does in the rest of the United States, and it is a leading cause of death in this age group.

In the vast majority of cases, suicide is directly related to mental illness, particularly mood disorders such as depression. Depressive symptoms are remarkably common in North Dakota's school-age children, with one screening finding that 21 percent of students had mild depression and 5 percent had moderate-to-severe depression. This level of depression is likely a contributing factor to the 2,600 suicide attempts by North Dakota's teens reported in 1999.

North Dakota is not alone in this crisis. Rather, it is one of a group of western and Plains states that have elevated youth suicide rates. As agricultural difficulties continue to plague rural areas, the stress on families and individuals grows greater with each passing season. Farm financial stress has been related to individual psychological problems and an increased risk of mental disorders, including depression, substance abuse, and suicide.

It is important to keep in mind that rural areas have a prevalence of mental illness similar to urban areas. The difference is that people in rural areas have less access to health care, especially mental health care. Availability of mental health treatment is scarce in remote rural areas. Additionally, there remains a strong stigma surrounding mental illness and its treatment. The bill we introduce today would address both of these problems: reducing the stigma and increasing access to mental health services in rural areas.

Our bill addresses the problem of stigma through $50 million in grants designed to support community mental health education programs. Existing state and community efforts could be sustained and expanded through these grants, and new efforts could obtain early support. In addition, our bill establishes $30 million in demonstration projects for the provision of mental health education in rural public schools and nursing homes using televideoconferencing technology. Rural schools and nursing homes would have access to information regarding mental illness, information that would reduce stigma, enhance understanding, and increase recognition of mental disorders. Importantly, suicide education and prevention are to be key parts of these programs.

Other provisions of our bill address the access problem to mental health services found in the majority of rural communities. Since mental health care in rural communities is often provided solely by primary care clinics, our bill establishes a $150 million grant program to foster close interaction between mental health professionals and primary care physicians. The grants would be available to public universities or educational institutions to develop side-by-side training programs for mental health care professionals and primary care providers. These provider teams would give care to patients in underserved, rural areas without regard to the patient's ability to pay for such services. It is expected that primary care providers participating in such a training program would develop greater comfort and improved coordination with colleagues in treating mental illness in rural settings.

Finally, our bill would increase access to mental health care professionals by taking advantage of the latest telehealth technologies. Our bill would fund telehealth demonstration projects that would be focused on providing mental health services to hard-to-reach populations, such as children, adolescents, and the elderly. These individuals would be able to receive mental health services in convenient sites, such as rural public schools and nursing homes.

It is my hope that the Rural Mental Health Accessibility Act will strengthen existing community efforts to fight mental illness while encouraging the formation of new and innovative programs. I am pleased to join Senator THOMAS and others in this effort. I urge my colleagues to support this important legislation.

By Mr. GRASSLEY (for himself, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. CONRAD, Mr. BREAUX, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BAUCUS, and Mrs. LINCOLN):

S. 860. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, the U.S. Postal Service provides a vital and important communication link for the Nation and the citizens of my home state of Iowa. Rural Letter Carriers play a special role and have a proud history as an important link in assuring the delivery of our mail. Rural Carriers first delivered the mail with their own horses and buggies, later with their own motorcycles, and now in their own cars and trucks. They are repsonsible for maintenance and operation of their vehicles in all types of weather and road conditions. In the winter, snow and ice is their enemy, while in the spring, the melting snow and ice causes potholes and washboard roads. In spite of these quite adverse conditions, rural letter carriers daily drive over 3 million miles and serve 24 million American families on over 66,000 routes.

Although the mission of rural carriers has not changed since the horse and buggy days, the amount of mail they deliver has changed dramatically. As the Nation's mail volume has increased throughout the years, the Postal Service is now delivering more than 200 billion pieces of mail a year. The average carrier delivers about 2,300 pieces of mail a day to about 500 addresses.

Most recently, e-commerce has changed the type of mail rural carriers deliver. This fact was confirmed in a recent GAO study entitled ''U.S. Postal Service: Challenges to Sustaining Performance Improvements Remain Formidable on the Brink of the 21st Century,'' dated October 21, 1999. As this report explains, the Postal Service expects declines in its core business, which is essentially letter mail, in the coming years. The growth of e-mail on the Internet, electronic communications, and electronic commerce has the potential to substantially affect the Post Service's mail volume.

First-Class mail has always been the bread and butter of the Postal Service's revenue, but the amount of revenue from First-Class letters is declining. E-commerce is providing the Postal Service with another opportunity to increase another part of its business. That's because what individuals and companies order over the Internet must be delivered, sometimes by the Postal Service and often by rural carriers. Currently, the Postal Service has about 33 percent of the parcel business. Carriers are not delivering larger volumes of business mail, parcels, and priority mail packages. But, more parcel business will mean more cargo capacity will be necessary in postal delivery vehicles, especially in those owned and operated by rural letter carriers.

When delivering greeting cards or bills, or packages ordered over the Internet, Rural Letter Carriers use vehicles they currently purchase, operate and maintain. In exchange, they receive a reimbursement from the Postal Service. This reimbursement is called an Equipment Maintenance Allowance (EMA). Congress recognizes that providing a personal vehicle to deliver the U.S. Mail is not typical vehicle use. So, when a rural carrier is ready to sell such a vehicle, it's going to have little trade-in value because of the typically high mileage, extraorindary wear and tear, and the fact that it is probably right-hand drive. Therefore, Congress intended to exempt the EMA allowance from taxation in 1988 through a specific provision for rural mail carriers in the Technical and Miscellaneous Revenue Act of 1988.

That provision allowed an employee of the U.S. Postal Service who was involved in the collection and delivery of mail on a rural route, to compute their business use mileage deduction as 150 percent of the standard mileage rate for all business use mileage. As an alternative, rural carrier taxpayers could elect to utilize the actual expense method, business portion of actual operation and maintenance of the vehicle, plus depreciation. If EMA exceeded the allowable vehicle expense deductions, the excess was subject to tax. If EMA fell short of the allowable vehicle expenses, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous

itemized deductions exceeded two percent of the taxpayer's adjusted gross income.

The Taxpayer Relief Act of 1997 further simplified the tax returns of rural letter carriers. That Act permitted the EMA income and expenses ''to wash,'' so that neither income nor expenses would have to be reported on a rural letter carrier's return. That simplified taxes for approximately 120,000 taxpayers, but the provision eliminated the option of filing the actual expense method for employee business vehicle expenses. The lack of this option, combined with the dramatic changes the Internet is having on the mail, specifically on rural carriers and their vehicles, is a problem I believe Congress can and must address.

The mail mix is changing and already Postal Service management has, understandably, encouraged rural carriers to purchase larger right-hand drive vehicles, such as Sports Utility Vehicles, SUVs, to handle the increase in parcel loads. Large SUVs are much more expensive than traditional vehicles, so without the ability to use the actual expense method and depreciation, rural carriers must use their salaries to cover vehicle expenses. Additionally, the Postal Service has placed 11,000 postal vehicles on rural routes, which means those carriers receive no EMA.

These developments have created a situation that is contrary to the historical congressional intent of using reimbursement to fund the government service of delivering mail, and also has created an inequitable tax situation for rural carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. To correct this inequity, I am introducing a bill today that reinstates the ability of a rural letter carrier to choose between using the actual expense method for computing the deduction allowable for business use of a vehicle, or using the current practice of deducting the reimbursed EMA expenses.

Rural carriers perform a necessary and valuable service and face many changes and challenges in this new Internet era. We must make sure that these public servants receive fair and equitable tax treatment as they perform their essential role in fulfilling the Postal Service's mandate of binding the Nation together.

I urge my colleagues to join Senators BINGAMAN, MURKOWSKI, JEFFORDS, CONRAD, BREAUX, ROCKEFELLER, DASCHLE, BAUCUS, LINCOLN and myself in sponsoring this legislation.

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. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN EXPENSES OF RURAL LETTER CARRIERS.

(a) IN GENERAL.—Section 162(o) of the Internal Revenue Code of 1986 (relating to treatment of certain reimbursed expenses of rural mail carriers) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

''(2) SPECIAL RULE WHERE EXPENSES EXCEED REIMBURSEMENTS.—Notwithstanding paragraph (1)(A), if the expenses incurred by an employee for the use of a vehicle in performing services described in paragraph (1) exceed the qualified reimbursements for such expenses, such excess shall be taken into account in computing the miscellaneous itemized deductions of the employee under section 67.''

(b) CONFORMING AMENDMENT.—The heading for section 162(o) is amended by striking ''REIMBURSED''.

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

Mr. BINGAMAN. Mr. President, I rise today to introduce this important legislation with the Chairman of the Finance Committee and several of our colleagues that would reduce the costs incurred by rural letter carriers by allowing them to deduct the actual expenses they incur when using their own vehicle to deliver the mail. For many years, rural letter carriers were allowed to calculate their deductible expenses by using either a special formula or keeping track of their costs. In 1997, Congress simplified the tax treatment for letter carriers, but disallowed them the ability to use the actual expense method (business portion of actual operation and maintenance of the vehicle, plus depreciation) for calculating their costs. The result is that many letter carriers are unable to account for the real expenses they incur when using their own vehicle to deliver the mail. This problem has been exasperated by the increased need for larger vehicles by rural letter carriers, in part, due to the volume and size of parcels. Road conditions and severe weather have also increased vehicle costs because of the necessity to have an SUV or four wheel drive vehicle. These letter carriers must often purchase special vehicles with right hand drive capabilities which are more expensive than the regular counterpart and may have little to no value when it is time to trade them in for a new one. It is important that these mail carriers are not forced to pay these costs out of their own pockets.

Although the internet has made the world seem smaller, purchased goods must still be delivered. The benefits of internet purchases in remote locations is limited if the purchased item cannot be delivered. For this reason, in rural states, such as New Mexico, these letter carriers play an important role in delivering the majority of the state's mail and parcels. On a daily basis, across the nation rural letter carriers drive over 3 million miles delivering mail and parcels to over 30 million families. We need to be sure that we have not created a tax impediment for these dedicated individuals. I look forward to working with the Chairman and my colleagues to get this legislation passed this year.

By Mr. BOND:

S. 861. A bill to enhance small business access to Federal contracting opportunities and provide technical advice and support that small businesses need to perform contracts awarded to them, and for other purposes; to the Committee on Small Business.

Mr. BOND. Mr. President, today I offer a bill to take a successful pilot program at the Department of Defense, make it permanent, and extend it governmentwide. For the past decade, DOD has had a program in place to try to develop and maintain small business vendors as a vital part of our Nation's defense industrial base. This program, the Mentor-Protégé program, has also been a principal source of opportunity for small business, to offset some of the other Federal procurement practices that have squeezed small business out of contracting.

Those two goals, the enhanced vendor base and improved opportunity, are worth emphasizing before I discuss the specific provisions of this bill. Why is small business participation in contracting important?

Far too often, small business is seen as just another social or economic development program. In Federal contracting, however, it is much more than that. Small business is a critical, vital, indispensable part of our nation's preparedness for its defense.

We have been working here in the Senate toward trying to shore up our defense preparedness. For the better part of a decade, DOD has had more and more missions with fewer and fewer resources. Now that we are trying to overcome this neglect with additional funding, we must also ensure that our economic base is strong, as well. It will do little good to have the money to buy defense-related goods and services if there are no vendors available to sell them.

The DOD Office of Small and Disadvantaged Business Utilization has an excellent slogan that drives this point home. ''Small Business: A Readiness Multiplier.''

So, keeping small business involved in contracting is a matter of self-interest for our Nation. It is a matter of having the goods, the services, the resources for the warfighter to take into battle.

Second, small business must have access to contracting as a matter of economic opportunity. The Government is an enormous customer. It averages about $180 to $190 billion worth of contracting every year. No one else has

that kind of presence in the marketplace.

If the Government spends the lion's share of its money on a handful of large insider corporations, it distorts the marketplace. It tends to give unfair advantage to the winning firms, purely because of the Government's enormous purchasing power.

To avoid harming our economy with that kind of market distortion, the small business program seeks to disperse Government contracts among a variety of vendors. The small business program is not so much an intervention in the economy as it is a dilution of the distortion that would otherwise occur.

Unfortunately, over the last decade the Government has increasingly squeezed small business out of contracting. As part of the ''Reinventing Government'' effort, acquisition has been streamlined.

Now, I don't mean to suggest that all acquisition reform has been harmful. In fact, burdensome processes and bureaucracy also tend to discourage small business. Large businesses are more likely to have lawyers and contracting staff to wade through the bureaucracy, so excessive emphasis on process tends to crowd out small business.

But in some areas we have gone too far. Contract bundling is a good example of this. By rolling several small contracts into large packages, the Government has made things simpler and faster for the contracting officers. It is administratively simpler to handle one bundled contract than ten smaller ones.

However, that often crowds out small business. A small business owner looks at one of these huge contracts and says, ''Even if I won that contract, I couldn't carry it out. It's too big, and the requirements are too complex.'' So she, and it is often women business owners that suffer, she doesn't even bother to bid.

Those two issues, the need to improve opportunity and to strengthen our defense vendor base, show why we need to take specific steps to restore small business access to procurement opportunities.

Fortunately, we have a successful model to build upon!

In the Fiscal 1991 defense authorization bill, the Congress adopted a provision to help small firms develop the technical infrastructure necessary to perform Federal contracts effectively. This pilot program, the Mentor-Protégé program, provided for prime contractors either to be reimbursed for their added costs in providing technical assistance to small firms, or to receive credit for accomplishing their subcontracting plans in lieu of reimbursement.

Experience under the Mentor-Protégé pilot program has been very positive. We have learned a lot about what it takes to get small businesses ready to be serious players in Federal procurement. For firms that are simply delivering a specific order for a product, performing on that delivery order is often simple enough.

But longer term, larger contracts are more complex. They require sustained effort over many months or years. They require a firm to commit to and achieve intermediate milestones on time. They require the firm to maintain quality assurance standards month in and month out, year in and year out. This can be extraordinarily challenging.

Mentor firms have demonstrated that they can help train small protégé firms to develop that infrastructure, so necessary to be successful in larger Federal contracts.

I have a case history right here that I call to the attention of my colleagues. Scott Ulvi, of Anteon Corporation, has written me about his experience in mentoring, and Ray Lopez, of Engineering Services Network, has written about the value of the training and assistance he received from Anteon. I call particular attention to Mr. Lopez' experience in successfully receiving Federal contracts, only to have the reality sink in that he was originally unprepared to carry them out. His experience is truly instructive of what small business owners encounter daily, and I call his letter to the attention of my colleagues. I will ask unanimous consent that both letters be inserted into the RECORD at the conclusion of my remarks.

The bill I am offering today would build upon the experience with the DOD program and make it governmentwide. Specifically, the Administrator of the Small Business Administration would be charged with developing a governmentwide program that would provide assistance to all types of firms targeted for special procurement procedures under the Small Business Act.

Now, it would not be possible for the SBA to manage every Mentor-Protégé relationship in the Federal Government. It would be administratively impossible. Thus, my bill calls for the Administrator to develop a core Mentor-Protégé program, applicable across the Government, and to reimburse part of the expenses of agencies that agree to adopt the SBA program. Agencies would administer the program in-house, but would apply to be reimbursed for up to 50 percent of certain expenses incurred in a program that conforms to the Administrator's guidelines.

The expenses to be partially reimbursed are those for which an agency reimburses the mentoring firms. Mentor firms can get reimbursed from the contracting office for added costs they incur in providing technical, managerial, and developmental assistance to the protégé firm. Under this bill, up to 50 percent of these costs would then in turn be reimbursed to the agency from the SBA. The technical assistance provided through this reimbursable program is far and away the most valuable, as the letter from Scott Ulvi of Anteon Corporation describes. This program seeks to help agencies put together the resources they need to make such reimbursements.

This program will help all agencies of the Government strengthen their vendor base, just as it has for the Department of Defense. It will help small businesses develop their abilities to compete for larger contracts, and the taxpayer will be the ultimate winner as a result of that competition. It also meets one of the Bush administration's goals, as described in the recent budget submission, of reducing fragmentation among Federal programs by ensuring a uniform, core Mentor-Protégé program across the Government.

Nothing succeeds like success. The DOD Mentor-Protégé program, adopted as a pilot in 1991, has been such a success. Now we need to learn from that success and make it available across the Government. My bill proposes to do exactly that and I ask unanimous consent that the text of the bill and supporting letters be printed in the RECORD.

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

S. 861

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 ''Governmentwide Mentor-Protege Program Act of 2001''.

SEC. 2. MENTOR-PROTEGE PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 36 as section 37; and

(2) by inserting after section 35 the following:

''SEC. 36. MENTOR-PROTEGE PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a Program to be known as the 'Governmentwide Mentor-Protege Program'.

''(b) PURPOSES.—The purposes of the Program are to provide—

''(1) incentives for major Federal contractors to assist eligible small business concerns to enhance the capabilities of eligible small business concerns to perform as subcontractors and suppliers under Federal contracts in order to increase the participation of eligible small business concerns as subcontractors and suppliers under those contracts; and

''(2) Governmentwide criteria for partial reimbursement of certain agency costs incurred in the administration of the Program.

''(c) PROGRAM PARTICIPANTS.—

''(1) MENTOR FIRMS.—A mentor firm may enter into agreements under subsection (e) and furnish assistance to eligible small business concerns upon making application to the head of the agency for which it is contracting and being approved for participation in the Program by the head of the agency.

''(2) ELIGIBLE SMALL BUSINESS CONCERNS.—

''(A) IN GENERAL.—An eligible small business concern may obtain assistance from a mentor firm upon entering into an agreement with the mentor firm to become a protege firm, as provided in subsection (e).

''(B) RESTRICTION.—A protege firm may not be a party to more than one agreement to receive assistance described in subparagraph (A) at any time.

''(3) CERTIFICATION.—

''(A) IN GENERAL.—Before receiving assistance from a mentor firm under this section, a small business concern shall furnish to the mentor firm—

''(i) if the Administration regularly issues certifications of qualification for the category of that small business concern listed in subsection (k)(1), that certification; and

''(ii) if the Administration does not regularly issue certifications of qualification for the category of that small business concern listed in subsection (k)(1), a statement indicating that it is an eligible small business concern.

''(B) DEVELOPMENT OF CERTIFICATION.—Nothing in this section shall be construed to require the Administration to develop a certification program for any category of small business concern listed in subsection (k)(1).

''(C) ASSISTANCE TO NON-ELIGIBLE SMALL BUSINESS CONCERN.—If at any time, a small business concern is determined by the Administration not to be an eligible small business concern in accordance with this section—

''(i) the small business concern shall immediately notify the mentor firm of the determination; and

''(ii) assistance furnished to that small business concern by the mentor firm after the date of the determination may not be considered to be assistance furnished under the Program.

''(d) MENTOR FIRM ELIGIBILITY.—

''(1) IN GENERAL.—Subject to subsection (c)(1), a mentor firm that is eligible for award of Federal contracts may enter into an agreement with one or more protege firms under subsection (e) and provide assistance under the Program pursuant to that agreement, if the mentor firm demonstrates to the subject agency the capability to assist in the development of protege firms.

''(2) PRESUMPTION OF CAPABILITY.—A mentor firm shall be presumed to be capable under paragraph (1) if the total amount of contracts and subcontracts that the mentor firm has entered into with the subject agency exceeds an amount determined by the Administrator, in consultation with the head of the subject agency, to be significant relative to the contracting volume of the subject agency.

''(e) MENTOR-PROTEGE AGREEMENT.—

''(1) IN GENERAL.—Before providing assistance to a protege firm under the Program, a mentor firm shall enter into a mentor-protege agreement with the protege firm regarding the assistance to be provided by the mentor firm.

''(2) CONTENTS OF AGREEMENT.—The agreement required by paragraph (1) shall include—

''(A) a developmental program for the protege firm, in such detail as may be reasonable, including—

''(i) factors to assess the developmental progress of the protege firm under the Program; and

''(ii) the anticipated number and type of subcontracts to be awarded to the protege firm;

''(B) a Program participation term of not longer than 3 years, except that the term may be for a period of not longer than 5 years if the Administrator determines, in writing, that unusual circumstances justify a Program participation term of longer than 3 years; and

''(C) procedures for the protege firm to terminate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

''(f) FORMS OF ASSISTANCE.—A mentor firm may provide to a protege firm—

''(1) assistance using mentor firm personnel, in—

''(A) general business management, including organizational management, financial management, and personnel management, marketing, business development, and overall business planning;

''(B) engineering and technical matters, including production, inventory control, and quality assurance; and

''(C) any other assistance designed to develop the capabilities of the protege firm under the developmental program referred to in subsection (e)(2)(A);

''(2) the award of subcontracts on a noncompetitive basis under Federal contracts;

''(3) progress payments for performance of the protege firm under a subcontract referred to in paragraph (2), in amounts as provided for in the subcontract, except that no such progress payment may exceed 100 percent of the costs incurred by the protege firm for the performance;

''(4) advance payments under subcontracts referred to in paragraph (2);

''(5) loans;

''(6) cash in exchange for an ownership interest in the protege firm, not to exceed 10 percent of the total ownership interest;

''(7) assistance obtained by the mentor firm for the protege firm from—

''(A) small business development centers established pursuant to section 21;

''(B) entities providing procurement technical assistance pursuant to chapter 142 of title 10, United States Code; or

''(C) a historically Black college or university or a minority institution of higher education.

''(g) INCENTIVES FOR MENTOR FIRMS.—

''(1) REIMBURSEMENT FOR PROGRESS OR ADVANCE PAYMENT.—The head of the agency for which a mentor firm is contracting may provide to a mentor firm reimbursement for the total amount of any progress payment or advance payment made under the Program by the mentor firm to a protege firm in connection with a Federal contract awarded to the mentor firm.

''(2) REIMBURSEMENT FOR MENTORING ASSISTANCE.—

''(A) MENTOR FIRM.—The head of the agency for which a mentor firm is contracting may provide to a mentor firm reimbursement for the costs of the assistance furnished to a protege firm pursuant to paragraphs (1) and (7) of subsection (f), as provided for in a line item in a Federal contract under which the mentor firm is furnishing products or services to the agency, subject to a maximum amount of reimbursement specified in the contract, except that this subparagraph does not apply in a case in which the head of the agency determines in writing that unusual circumstances justify reimbursement using a separate contract.

''(B) TOTAL AMOUNT OF REIMBURSEMENT.—The total amount reimbursed under subparagraph (A) to a mentor firm for costs of assistance furnished in a fiscal year to a protege firm may not exceed $1,000,000, except in a case in which the head of the subject agency determines in writing that unusual circumstances justify reimbursement of a higher amount.

''(C) REIMBURSEMENT TO AGENCY.—The head of an agency may submit documentation to the Administrator indicating the total amount of reimbursement that the agency paid to each mentor firm under this paragraph, and the agency shall be reimbursed by the Administration for not more than 50 percent of that total amount, as indicated in the documentation.

''(3) COSTS NOT REIMBURSED.—

''(A) IN GENERAL.—

''(i) CREDIT.—Costs incurred by a mentor firm in providing assistance to a protege firm that are not reimbursed pursuant to paragraph (2) shall be recognized as credit in lieu of subcontract awards for purposes of determining whether the mentor firm attains a subcontracting participation goal applicable to the mentor firm under a Federal contract or under a divisional or companywide subcontracting plan negotiated with an agency.

''(ii) SUBJECT AGENCY AUTHORITY.—Clause (i) shall not be construed to authorize the negotiation of divisional or companywide subcontracting plans by an agency that did not have such authority before the date of enactment of the Governmentwide Mentor-Protege Program Act of 2001.

''(B) AMOUNT OF CREDIT.—The amount of the credit given to a mentor firm for unreimbursed costs described in subparagraph (A) shall be equal to—

''(i) 4 times the total amount of the unreimbursed costs attributable to assistance provided by entities described in subsection (f)(7);

''(ii) 3 times the total amount of the unreimbursed costs attributable to assistance furnished by the employees of the mentor firm; and

''(iii) 2 times the total amount of any other unreimbursed costs.

''(C) ADJUSTMENT OF CREDIT.—Under regulations issued by the Administrator pursuant to subsection (j), the head of the subject agency shall adjust the amount of credit given to a mentor firm pursuant to subparagraphs (A) and (B) of this paragraph, if the head of the subject agency determines that the performance of the mentor firm regarding the award of subcontracts to eligible small business concerns has declined without justifiable cause.

''(h) ADMINISTRATIVE PROVISIONS.—

''(1) DEVELOPMENTAL ASSISTANCE.—For purposes of this Act, no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to the protege firm pursuant to a mentor-protege agreement under this section any form of developmental assistance described in subsection (f).

''(2) PARTICIPATION IN PROGRAM.—Notwithstanding section 8, the Administration may not determine an eligible small business concern to be ineligible to receive any assistance authorized under this Act on the basis that the small business concern has participated in the Program, or has received assistance pursuant to any developmental assistance agreement authorized under the Program.

''(3) ADMINISTRATION REVIEW.—

''(A) IN GENERAL.—Upon determining that the mentor-protege program administered by the subject agency conforms to the standards set forth in the rules issued under subsection (j)(1), the Administrator may not require a small business concern that is entering into, or has entered into, an agreement

under subsection (e) as a protege firm, or a firm that makes an application under subsection (c)(1), to submit the application, agreement, or any other document required by the agency in the administration of the Program to the Administration for review, approval, or any other purpose.

''(B) EXCEPTION.—The Administrator may require submission for review of an agreement entered into under subsection (e), or application submitted under subsection (c)(1), if the agreement or application relates to—

''(i) a mentor-protege program administered by the agency that does not conform to the standards set forth in the rules issued under subsection (j)(1); or

''(ii) a claim for reimbursement of costs submitted by an agency to the Administration under subsection (g)(2)(C) that the Administrator has reason to believe is not authorized under this section.

''(i) PARTICIPATION IN PROGRAM NOT TO BE A CONDITION FOR AWARD OF A CONTRACT OR SUBCONTRACT.—A mentor firm may not require a small business concern to enter into an agreement with the mentor firm pursuant to subsection (e) as a condition for being awarded a contract by the mentor firm, including a subcontract under a contract awarded to the mentor firm.

''(j) REGULATIONS.—

''(1) PROPOSED RULES.—Not later than 270 days after the date of enactment of the Governmentwide Mentor-Protege Program Act of 2001, the Administrator shall issue final rules to carry out this section .

''(2) PROPOSED RULES FROM THE FEDERAL ACQUISITION REGULATORY COUNCIL.—Not later than 180 days after the date of issuance of the final rules of the Administration under paragraph (1), the Federal Acquisition Regulatory Council shall publish final rules that conform to the final rules issued by the Administration .

''(k) DEFINITIONS.—In this section—

''(1) the term 'eligible small business concern' means—

''(A) any qualified HUBZone small business concern, as defined in section 3(p)(5);

''(B) any small business concern that is owned and controlled by women, as defined in section 3(n);

''(C) any small business concern that is owned and controlled by socially and economically disadvantaged individuals, as defined in section 8(a)(4); and

''(D) any small business concern that is owned and controlled by service-disabled veterans, as defined in section 3(q)(2);

''(2) the term 'historically Black college and university' means any of the historically Black colleges and universities referred to in section 2323 of title 10, United States Code;

''(3) the term 'mentor firm' means a business concern that—

''(A) meets the requirements of subsection (d); and

''(B) is approved for participation in the Program under subsection (c)(1);

''(4) the term 'minority institution of higher education' means an institution of higher education with a student body that reflects the composition specified in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)(3), (4), (5));

''(5) the term 'Program' means the Mentor-Protege Program established under this section;

''(6) the term 'protege firm' means an eligible small business concern that receives assistance from a mentor firm under this section; and

''(7) the term 'subcontracting participation goal', with respect to a Federal Government contract, means a goal for the extent of the participation by eligible small business concerns in the subcontracts awarded under such contract, as established by the Administrator and the subject agency head, in accordance with the goals established pursuant to section 15(g).

''(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2002 through 2004.''.

ANTEON CORPORATION,
Fairfax, VA, April 30, 2001.

Senator CHRISTOPHER S. BOND,
Chairman, Small Business Committee, Russell Senator Office Building, Washington, DC.

DEAR SENATE BOND: Anteon Corporation is a mid-sized Government contractor that has been a Department of Defense Mentor since 1997. This program has enabled Anteon to provide valuable assistance to seven small disadvantaged businesses at critical points in their development. We are committed to the success of our protégé firms and the Mentor-Protégé Program overall. The responsibility of a mentor is a serious one. We recognize this and have established a separate Mentor-Protégé organization dedicated to delivering the highest quality mentoring services. This has been made possible primarily by the reimbursement provided under our Mentor-Protégé Agreements within the DOD. The financial incentives from DOD's program have produced significant results in several of Anteon's Mentor-Protégé Agreements:

Anteon and Engineering Services Network, Inc.—March 2001, DoD Nunn-Perry Award winning team—240% Growth in Revenues in 18 months; 178% Growth in employees; 1,281% return on investment (ROI) since March 1999.

Anteon and CETECH, Inc.—422% Growth in Revenues in 36 months; 400% Growth in employees; 452% ROI over 36 months.

Anteon and DaySys, Inc.—217% improvement in Revenues; 128% improvement in profit from 1999 to 2001 (projected).

While each firm is certainly unique, the common denominator for the success realized under this program, is the owner's recognition of the value of a mentor and a willingness to accept assistance. Anteon's success as a mentor comes from our commitment and dedication to our protégé and the program. Our experience has taught us that a truly successful program must focus on technical development while effectively balancing the infrastructure support so important to small businesses. Technical development is unquestionably the most important component of this program because it increases the value and competitive posture of the protégé to the customer. As a result of the DOD Mentor-Protégé Program our protégés have been able to receive technical development in such critical areas as: ISO 9000 Quality Management System Certification; Software Engineering Institute Capability Maturity Model preparation; and other high technology development in the disciplines of engineering and information technology. These important skills produce significant return to the Federal Government in terms of increased efficiency, lower costs and higher project success rates.

The success of our program is the direct result of knowledge, experience and a great deal of hard work, work that would not have been possible without the support afforded this program by the DOD, both financially and otherwise. This program is what it is today because of the tremendous support and vision of its leaders past and present. Mr. Robert Neal, Mr. George Schultz, and Ms. Janet Koch have shown relentless commitment to the success of the Mentor-Protégé program in DOD and deserve the lion's share of recognition for the program's success. The support of the Congress in reauthorizing this program every year for the last decade speaks volumes of the support received by our Nation's leaders. The support for this program must continue and the program must grow to reach the multitude of deserving small businesses that desperately need the assistance.

Mentor firms like Anteon receive considerable business, social and political value from this program. That value translates directly to the bottom line by taking part in the growth and success of our protégés as business partners and through our active participation in the small business community. My mentor once told me that the highest calling of a leader is to develop others—I truly believe that. My reward for being a mentor is the gratification of knowing that my efforts have helped to develop the business leaders of tomorrow.

Anteon stands ready to assist the Department of Defense, the Congress and the Federal Government in any way possible to ensure the continued success and growth of this most important program.

Sincerely,

M.N. SCOTT ULVI,
Director, Mentor-Protégé Programs.

ENGINEERING SERVICES NETWORK, INC.,
Arlington, VA, April 27, 2001.

Senator CHRISTOPHER S. BOND,
Chairman, Small Business Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BOND: I would like to make you aware of what I consider to be the most important small business program currently available to small businesses whether they be minority owned, veteran owned, woman owned, or otherwise. The Mentor-Protégé Program is so important that it transcends personalities, race, creed, color or religion. This program has enabled my firm, Engineering Services Network, Inc., to realize remarkable success in a very short period of time. The Mentor-Protégé Program deserves continued and increasing support from the Federal government and our Executive Branch.

After my retirement from the U.S. Navy in 1994, I considered a career coaching in the secondary education system, I also had an interest in providing high technology services to my former fellow shipmates and the patriots of this great nation. My wife and I made the decision that the transition to a business life would be easier if I could provide services to the organization that meant so much to me for thirty years. Little did I realize the amount of headwork, legwork, anxiety and mental toughness required to enter the field of business. Our first few years became the toughest challenge of our lives. Although I was technically astute in Command, Control, Communication, Combat Systems and the various operational aspects of the United States Navy, I soon realized that I was ill prepared for the challenges presented by owning your own business. I enjoyed a gift that enabled me to bring in business, but quickly found that we lacked the necessary skills and experience within the firm to manage and grow the work that I'd captured. We needed to learn the basic skills of pricing, contract management, and

project management in order to perform successfully. On the business side, the basic and key concepts of developing a solid business plan were foreign to me. The significance and meaning of operating assets and liabilities were as unfamiliar to me as the standard operational procedures of an M1 Tank. I was a warrior, not a businessman.

After two years of slowly building the organization to 18 employees, surviving delivery order to delivery order, and continually asking ourselves whether the effort was worth the reward, two pivotal events occurred:

1. The company received its 8(a) status from the Small Business Administration.

2. We entered into an informal Mentor-Protégé relationship with Anteon Corporation.

The 8(a) program was instrumental in opening doors to market areas in which our corporation would not normally compete. Our informal mentor protégé relationship with Anteon provided us access to training resources that allowed us to understand some of the basic concepts of doing business in the DOD arena. This was an important asset for ESN at such a critical point in our business life.

In 1999 ESN and Anteon took the next natural step in advancing our relationship by entering into a formal Mentor-Protégé relationship through the Defense Information Systems Agency (DISA). In the short four years since its birth, the company had grown to 28 employees and had limped along with limited and inexperienced infrastructure.

The formal Mentor-Protégé relationship established a far more structured and focused approach to assisting ESN with its developmental needs. Our mentor introduced to us cutting edge and critical ideas, not only in technology but in our financial and other responsibilities as a company. They have helped ESN to implement effective management controls including budgeting and financial management and are largely responsible for catalyzing ESN's commitment to achieve ISO 9000 certification in 2001. Our mentor has helped us build a foundation that will take ESN far into the 21st century. After only two short years in our formal Mentor-Protégé relationship with Anteon we employ 87 people, which would not have been possible without our Mentor's help. Our progress was recognized by the Department of Defense in March 2001 with the award of the prestigious Nunn-Perry Award. As a result of the progress we have made, ESN is able to contribute to the Gross National Product and provide outstanding technical and engineering skills to our nation's warfighters. I am now a businessman and former warrior.

Without the Mentor-Protégé Program there would be no ''ESNs'' to contribute to the important cause of keeping our nation safe and free by protecting our country and our national security. As you can tell from this letter, I fully believe in and support the Mentor-Protégé Program, established many years ago by our forward thinking leaders, and willingly respond to any call that will help to continue and improve this program.

Sincerely,

RAYMOND F. LOPEZ, Jr.,
President & CEO.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. GRAHAM, Mr. REID, Mr. BINGAMAN, Mr. KERRY, and Mr. MCCAIN):

S. 862. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the ''State Criminal Alien Assistance Program Reauthorization Act of 2001,'' bipartisan legislation that would authorize funds to relieve State and county governments of the some of the high costs of incarcerating persons who enter this country illegally and are later convicted of felonies or multiple misdemeanors. I am pleased to be joined in introducing this bill by Senators JON KYL, BOB GRAHAM, JOHN MCCAIN, HARRY REID, JEFF BINGAMAN, and JOHN KERRY.

The broad principle on which this bill is based is simple: the control of illegal immigration is a Federal responsibility. The Federal government's failure to control illegal immigration, and the financial and human consequences of this failure are, thus, Federal responsibilities as well.

More and more, the fiscal consequences of illegal immigration are being dealt to the states and local counties. The ''State Criminal Alien Assistance Program Reauthorization Act of 2001'' would properly vest the fiscal burden of incarcerating illegal immigrants who commit crimes with the Federal government. It would do this by authorizing up to $750 million for federal reimbursement to the States and county governments for the direct costs associated with incarcerating undocumented felons.

At the initiative of my colleague from Florida, Senator BOB GRAHAM, the Federal government took the first steps in 1994 in addressing these costs by authorizing reimbursements to State and local governments through the State Criminal Alien Assistance Program, SCAAP, established by the Violent Crime and Law Enforcement Act of 1994. Since 1997, the authorization level for SCAAP has been $650 million. Last year, the provision authorizing SCAAP funding through the Violent Crime Reduction Trust Fund expired. Enactment of the reauthorization legislation would constitute an acknowledgment that these costs, though borne by other levels of government, remain the Federal government's obligation.

Winning enactment of this authorization bill is half of what Congress needs to do to provide adequate funding to states and counties for this important program. Congress also must appropriate an adequate level of funding for SCAAP, and my colleagues and I will be working in the Appropriations Committee to assure that this is done.

This bill would help all states that are experiencing increasing costs from incarcerating undocumented felons, both low-impact and high-impact states. Even in historically low impact states and counties SCAAP funding has been on the rise. SCAAP funding to Fairfax County, Virginia, for example, has risen from $14,906 in FY 1999 to $2 million in FY 2000. In the County of Outgamie, Wisconsin, SCAAP funding has jumped from $0 in FY 1999 to $548,458 in FY 2000. In the State of Mississippi, SCAAP funding rose from $47,171 in FY 1999 to $$780,795 in FY 2000.

Clearly, these numbers suggest that the increasing costs to states and local governments for incarcerating criminal aliens is not just a problem for States on the southwest border but, rather, it is a nationwide problem.

High impact States, like California, continue to face extraordinary criminal alien incarceration costs. In February 1997, there were 17,904 undocumented felons in the California correctional system with Immigration and Naturalization Service holds. By the end of February 2001, there were 20,937 illegal alien inmates in the system with INS holds. This year, California taxpayers can expect to spend $576.1 million to pay for what is, indeed, a Federal obligation. In fact, 1995, the first year in which SCAAP funding was awarded, California has spent a total of $3.8 billion in costs directly associated with incarcerating undocumented criminal aliens.

Local counties often shoulder a disproportional share of the burden of criminal aliens as well. In California, for example, counties are responsible for providing local law enforcement, detention, prosecution, probation and indigent defense services. While SCAAP only reimburses a portion of the costs directly related to the incarceration of undocumented criminal aliens, most other indirect criminal justice expenditures, are fully borne by County taxpayers.

Furthermore, while funding levels for SCAAP has remained about the same, the number of local governments applying for the awards has greatly increased over the past few years. In fiscal year 1996, local governments were reimbursed at a rate of approximately 60 percent for the costs of incarcerating criminal aliens convicted of a felony or two or more misdemeanors when only 90 jurisdictions applied for such reimbursement. For fiscal year 2000, 361 local jurisdictions applied for SCAAP funding, and reimbursement amounted to less than 40 percent of the costs incurred by these jurisdictions.

SCAAP funding is especially important to Los Angeles County, which has a larger undocumented immigrant population than any single state except California, and operates the nation's largest local criminal justice system. Los Angeles County also has a violent crime rate which is far higher than the national average, and accounts for about one out of every 16 violent crimes committed in the United States.

A recent study conducted by the Los Angeles County Sheriff's Department concluded that 23 percent of the County's inmate population consisted of criminal aliens in 2000. The study further found that the impact of criminal aliens on the criminal justice system in Los Angeles County had doubled from approximately $75 million in 1990 to more than $150 million in 1999.

There are numerous other jurisdictions in California that are significantly affected by criminal aliens, including the border counties of San Diego and Imperial. Like Los Angeles County, these counties are not being adequately reimbursed for the costs associated with the incarceration of criminal aliens.

In FY 1999 San Diego and Imperial counties spent a combined $56 million on law enforcement and indirect costs involving illegal aliens, whether criminal or not. These costs include criminal alien incarceration, justice and court costs, emergency medical care, autopsies, and burials of indigents. SCAAP compensated these counties for only $8 million or 15 percent of these costs which went solely to the cost of incarcerating criminal aliens.

Border counties, however, are taking a hit in other areas: San Diego, has to spend 7 percent of its total public safety budget to cover other costs, including indigent defense, court and emergency medical costs; Imperial County expends 16 percent of its public safety budget to cover these costs.

The structure of public financing in California makes it extremely difficult for local governments, especially county governments, to increase their sources of revenue. This problem is greatly exacerbated when they are also forced to pay for costs related to the Federal responsibility of controlling illegal immigration.

Without the ability to raise taxes in any significant way to deal with the costs associated with criminal illegal aliens, counties are forced to cut back on other expenditures that would otherwise benefit the legal resident population.

It is unfortunate, that at a time when Congress is concerned about unfunded mandates, the Administration has seen fit to propose cutting SCAAP funding by almost $300 million for fiscal year 2002. Given the increasing numbers of illegal aliens that California and other states incarcerate each year, the Administration's decision in this regard is perplexing.

If the Administration has its way, States and local counties would face an unfair set of choices with real consequences: either cut other essential local law enforcement programs and community services, or raise local taxes. Neither of these are acceptable options.

I am pleased that this legislation has the support of such organizations as the National Association of Counties and the California Correctional Peace Officers Association.

I also ask unanimous consent that the letter to President Bush, signed by a bipartisan group of Senators, expressing concern about the proposed cuts in SCAAP funding and the text of the bill be printed into the RECORD.

I join my colleagues in introducing the SCAAP reauthorization bill today in hopes that it will go further to alleviate some of the fiscal hardships States and local counties incur when they must take on a Federal responsibility. I look forward to working with my colleagues to move it through the Senate.

I ask for unanimous consent that their letters in support of this measure be printed in the RECORD.

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

S. 862

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 ''State Criminal Alien Assistance Program Reauthorization Act of 2001''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2002 THROUGH 2006.

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1251(i)(5)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(G) $750,000,000 for each of fiscal years 2002 through 2006.''.

U.S. SENATE,
Washington, DC, May 8, 2001.

Hon. GEORGE W. BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We write out of deep concern over your Fiscal Year 2002 Budget proposal to cut funding for the State Criminal Alien Assistance Program (SCAAP) by nearly 50 percent. We ask that you reconsider this recommendation and, instead, at a minimum, support funding this program at $750 million. SCAAP is a vitally important program that assists states in recovering the costs associated with the incarceration of criminal aliens. We would strongly oppose cuts in this important program.

As you are well aware, control of our nation's borders is under the exclusive jurisdiction of the Federal government. Unfortunately, Federal efforts are often not adequate to combat illegal immigration. As a consequence, such high impact states as California, Arizona, New Mexico, Texas, Florida, New York, Washington, Nevada and Massachusetts continue to face extraordinary costs associated with incarcerating criminal aliens. Much of these costs are borne by counties, some of which are among the poorest in the nation and traditionally operate with slim budgets and staffing.

By some estimates, the total annual cost to states and county governments exceeds $1.6 billion. In light of this growing burden, your FY 02 budget proposal inexplicably recommends cutting funding for this urgently needed program by $300 million.

Unless the Administration supports and Congress appropriates sufficient funds for SCAAP, our state and local governments will continue to unfairly shoulder the burden of bearing the costs of a Federal responsibility. Given the upward trend in incarceration costs, any shortfall in SCAAP funding would force states to draw funds away from other, cash-strapped crime control and prevention programs. In short, the impact on the states would be devastating.

Therefore, we urge you to support funding for this important program at a level of $750 million.

Sincerely,

DIANNE FEINSTEIN.
BOB GRAHAM.
JON KYL.
HARRY REID.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, May 1, 2001.

Hon. GEORGE W. BUSH,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: The National Association of counties strongly supports the State Criminal Alien Assistance program (SCAAP) at least at its full authorization level. However, we believe the program needs to be funded at a much higher level than proposed, in order to address the serious shortfall in meeting costs to counties.

As of today, SCAAP only reimburses counties at a rate of 40 percent of actual expenses. To truly meet our annual costs for the incarceration of alien undocumented criminals, this considerable increase in funding would be needed. Moreover, due to recent changes in the administration of the program, significant costs such as inmate recreation and drug treatment expenses are no longer recognized.

While immigration policy is solemnly within federal responsibility, many of the expenses associated with it burden counties and state governments. Costs of providing services for undocumented aliens extend to county hospitals and county health departments and county human service agencies. With the upward trend in incarceration costs, counties depend even more on federal programs such as SCAAP since most of our local correctional agencies are at or near capacity.

We strongly urge you to fund SCAAP at least at its full authorization level.

Sincerely,

LARRY E. NAAKE,
Executive Director.

PINELLAS COUNTY SHERIFF'S OFFICE,
Largo, FL, April 27, 2001.

Senator BOB GRAHAM,
Senate Hart Building,
Washington, DC.

DEAR MR. PRESIDENT: We write to you in response to your Fiscal Year 2002 budget proposal to cut funding for the state Criminal Alien Assistance Program (SCAAP) by more than 50 percent. We urge you not to reduce the program but rather secure funding at a minimum of the current appropriation level. As of today, SCAAP only partly reimburses the actual expenses borne by state and local governments. To truly meet our annual costs for the incarceration of alien undocumented criminals, a considerable increase in the funding would be needed. Due to recent changes in the administration of the program, significant costs such as inmate recreation and drug treatment expenses are no longer recognized.

While immigration policy is solemnly within federal responsibility, many of the expenses associated with it burden local jurisdictions. Costs of providing services for undocumented aliens extend to the municipal police, local hospitals and health care department. With the upward trend in incarceration costs, counties depend even more on federal programs such as SCAAP since any undocumented alien caught committing a state felony or several misdemeanors enters the state or county criminal justice system.

We strongly ask you to reconsider your proposed cuts for SCAAP and instead secure financial assistance for the states and counties.

Sincerely,

EVERETT S. RICE,
Sheriff.

COLLIER COUNTY SHERIFF'S OFFICE,
Naples, FL, April 27, 2001.

Re State Criminal Alien Assistance Program (SCAAP).

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to you in response to your Fiscal Year 2002 budget proposal to cut funding for the State Criminal Alien Assistance Program (SCAAP) by more than 50 percent. We urge you not to reduce the program but rather secure funding at a minimum of the current appropriation level. As of today, SCAAP only partially reimburses the actual expenses borne by state and local governments. To truly meet our annual costs for the incarceration of alien undocumented criminals, a considerable increase in the funding would be needed. Due to recent changes in the administration of the program, significant costs such as inmate recreation and drug treatment expenses are no longer recognized.

While immigration policy is solemnly within federal responsibility, many of the expenses associated with it burden local jurisdictions. Costs of providing services for undocumented aliens extend to local law enforcement agencies, local hospitals, and health care departments. With the upward trend in incarcerations costs, counties depend even more on federal programs such as SCAAP since any undocumented alien caught committing a state felony or several misdemeanors enters the state or county criminal justice system.

We strongly urge you to reconsider your proposed cuts for SCAAP and instead secure financial assistance for the states and counties.

Sincerely,

DON HUNTER,
Sheriff.

HILLSBOROUGH COUNTY SHERIFF'S OFFICE,
Tampa, FL, May 2, 2001.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: Enclosed is the original and a copy of my letter to President Bush regarding the State Criminal Alien Assistance Program. I appreciate the pro active stance that you have taken to counter the proposed funding cut.

We have examined Senate Bill 169 and do not feel that it is a reasonable alternative. Each county and state, regardless of its geographic location, should have equal opportunity to apply for reimbursement using the same formula and criteria.

The other questions that you posed regarding the efficiency and effectiveness of the current SCAAP program are on point, but we do not have supporting statistics or documentation readily available. I would simply suggest that adequate funding for the program in its current form is of greatest importance.

Thank you again for taking the lead to protect the SCAAP program.

Sincerely,

CAL HENDERSON,
Sheriff.

CALIFORNIA CORRECTIONAL PEACE OFFICERS ASSOCIATION,
Sacramento, CA, May 9, 2001.

Hon. DIANNE FEINSTEIN,
Senate Hart Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing on behalf of the California Correctional Peace Officers Association (CCPOA), representing approximately 28,000 correctional officers and parole agents in the State of California, to express our strong support for legislation you plan to introduce to reauthorize the State Criminal Alien Assistance Program (SCAAP).

It is our understanding that your bill would reauthorize the SCAAP program at an increased level of $750,000,000 for fiscal years 2002 through 2006. As you know, this program reimburses state and local governments for the costs of incarcerating criminal aliens. This program pays for the incarceration costs of criminals who have illegally entered or stayed in our country, have committed at least one felony or two misdemeanor crimes while in this country, and are serving time in local jails or state prisons. SCAAP recognizes that the federal government has sole jurisdiction over preventing illegal immigration and should be accountable for the consequences of illegal immigration. States and counties should not have to bear the financial consequences of the federal government's failure to prevent illegal immigration.

CCPOA was disappointed that the President's $265 million in funding for this program, a decrease of $299 million from last year, because ''SCAAP reimburses a relatively small portion of states incarceration costs and contributes little to reducing violent crime.'' SCAAP does only reimburse a small portion of states' incarceration costs, which is exactly why appropriations for this program need to be increased, not decreased. The program was never intended to reduce violent crime. It was intended, and has succeeded, in allowing state and local resources to be used on state and local crime issues, rather than federal responsibilities.

Again, CCPOA commends you for your leadership in this area. Please contact our Washington representative, Shannon Lahey if we can be of any assistance to you in securing the passage of this important legislation.

Sincerely,

MIKE JIMENEZ,
Executive Vice President.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, May 9, 2001.

Hon. DIANE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I understand you will be introducing legislation tomorrow that will raise the SCAAP authorization level to $750 million annually. The National Association of Counties (NACo) wishes to go on record in support of your legislation.

NACo recognizes that securing the nation's border from illegal immigration is clearly the responsibility of the federal government and that Congress should fully reimburse counties for the costs of incarcerating undocumented aliens.

We look forward to working with you on this issue.

Sincerely,

LARRY E. NAAKE,
Executive Director.

Mr. GRAHAM. Mr. President, I rise today, with my colleagues Senators FEINSTEIN, KYL, and others, to reauthorize the State Criminal Alien Assistance Program, or SCAAP.

SCAAP was created as part of the 1994 Violent Crime Control and Law Enforcement Act because the federal government recognized the responsibility we have to alleviate the impact of immigration policy on state and local governments.

The federal government has sole jurisdiction over national immigration policy, and we should do all possible so that our federal decisions and actions do not cause a financial burden on states and localities.

SCAAP is a reimbursement program that sends dollars to our counties and states to help offset the costs associated with jailing illegal or criminal aliens.

SCAAP also established and now facilitates a process to better identify undocumented criminal aliens and to expedite the transfer of illegal aliens from state facilities and county jails to federal institutions in preparation for deportation, or other federal proceedings.

Thus, I was greatly concerned looking through the President's budget that this program was cut by more than 50 percent this year.

At the moment, SCAAP only provides reimbursement for about 37 cents of every dollar a state spends on criminal aliens.

We barely cover half the costs as is, and this is before the program was cut in half in this most recent budget.

For FY99, state and local governments incurred $1.5 billion in costs associated with criminal aliens which were eligible for reimbursement under the SCAAP program. In FY98, costs to state and local governments were even higher: $1.7 billion. This past year, $1.6 billion was spent by state and local governments on these concerns. Yet, we funded the program at $585 million in each of those years.

It's not as much reimbursement as is needed, but the reimbursement gives an appropriate and respectful amount of relief to state and local law enforcement budgets for the benefits they are providing to the federal government.

The National Governors Association has the reauthorization of this program as one of their top priorities for this year. I am certain that they also join me in asking that the program at least maintain funding levels of last year, if not a funding increase that will get them a more fair reimbursement for the dollars they spend.

The National Association of Counties supports reauthorization and full funding of SCAAP.

They make the point that state and local taxpayers should not have to bear the costs of criminal aliens. They are a federal responsibility, and should be transferred to federal custody in an expeditious manner.

Last year, every state, and more than 220 local governments received reimbursement under SCAAP.

This affects us all. I do not want to see the federal government backtrack on our obligation to state and local governments in the area of immigration.

Lastly, statements in the President's budget about this program concern me.

Two reasons were given for the cut of $299 million which this program endured.

The first was that it ''reimburses a relatively small portion of states' incarceration costs.''

This statement is true. As I've said, it only reimburses state or local governments about 37 cents of each dollar they spend on illegal immigrants and criminal aliens.

However, this is no reason to further cut the program! If anything, if we agree on the premise that immigration policy is a federal responsibility, then it is reason to fully fund the program.

I have never seen a rationale given where there is clear federal jurisdiction, like in this case, that specifically says: we can only reimburse states a small portion of what we owe them, so let's cut the program in half. I fail to see how this accomplishes the most effective public policy.

The second reason that is given for the program cut is that it has contributed ''little to reducing violent crime.''

Again—on it's face—this statement may be true, although I have not been able to obtain any supporting documentation that verifies it. But, regardless, that was never the Congressional intent of the program.

The intent of the program, clearly spelled out in the 1994 Crime bill, was to reimburse state, and later on through amendments in 1996, local governments for the costs they incur because of federal immigration policy. And, secondly, to expedite the transfer of criminal aliens from the state and local facilities where they may be originally held, into the federal system. I would argue that this, in and of itself, does reduce crime.

But I find it unfair that a program should be penalized with a 50 percent budget cut because it failed to achieve a goal that was never intended for the program.

Whichever side of the immigration debate you may be on—a more expansive immigration policy, or a more restrictive immigration policy—if you agree with the premise that immigration is the responsibility of and obligation of the federal government—then you should join us in our efforts to reauthorize and fully fund the SCAAP program.

I commend my colleagues, especially Senator FEINSTEIN and Senator KYL, for their tireless work on this issue. I look forward to seeing the program reauthorized and funded at an appropriate level this Congress.

Mr. MCCAIN. Mr. President, I am pleased to join my distinguished colleagues in introducing this important legislation to reauthorize the State Criminal Alien Assistance Program, SCAAP. Our bill will provide a higher level of federal reimbursement to states and localities across America whose budgets are disproportionately affected by the costs associated with illegal immigration.

The premise of our bill, and of current law governing this type of federal reimbursement to the states, is that controlling illegal immigration is principally the responsibility of the federal government, not the states. Local jurisdictions in many areas of our country, and especially along the southwest border, are burdened by the excessive costs of incarcerating criminal illegal aliens and providing emergency medical care to illegal immigrants. In a typical year, the federal government reimburses states and localities for less than 40 percent of these costs.

Regrettably, the Bush Administration's proposed FY 2002 budget would slash SCAAP funding by 50 percent from its current, already-insufficient level of $575 million. The National Governors' Association and the National Association of Counties, whose members deal with the problem of illegal immigration on a daily basis, believe we should increase, not cut, funding for this program, and I agree. SCAAP money flows to all 50 states and 350 local governments, with more applying for this assistance every year. Rather than forcing local residents to subsidize local jails and hospitals because of our government's failure to adequately reimburse them for illegal alien incarceration and medical costs, I hope we will take responsibility as a nation for protecting our borders and covering the contingencies that arise at the local level when we fail to do so.

The State Criminal Alien Assistance Program is an important expression of our government's commitment to border control, and to the quality of life of Americans who suffer the costs of illegal immigration. I thank my colleagues for considering the merits of our bill.

By Mr. REID:

S. 863. A bill to require Medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice; to the Committee on Finance.

Mr. REID. Mr. President, I rise today to introduce the Patient Safety Act. This legislation would require Medicare providers, such as hospitals and clinics, to publicly disclose staffing ratios and performance data in order to promote improved consumer information and choice.

As we celebrate National Nurses Week, it is hard to ignore our nation's burgeoning nurse staffing crisis. As the baby-boom population ages and begins to require more nursing care, this shortage will only get worse. Inadequate staffing levels not only diminish nurses' working conditions, but they affect the quality of care patients receive. A recent report by the Department of Health and Human Services, Nurse Staffing and Patient Outcomes in Hospitals, confirmed that the number of nurses in a hospital makes a difference in the quality of care patients receive. One recommendation that came out of the study was the need to develop a system for routinely monitoring outcomes of hospital patient care sensitive to nursing and nurse staffing.

The Patient Safety Act would help to accomplish this goal by requiring health care institutions to make public specified information on staffing levels, mix and patient outcomes. At a minimum, they would have to make public: the number of registered nurses providing direct care; the number of unlicensed personnel utilized to provide direct patient care; the average number of patients per registered nurse providing direct patient care; patient mortality rate; incidence of adverse patient care incidents; and methods used for determining and adjusting staffing levels and patient care needs.

In addition, health care institutions would have to make public data regarding complaints filed with the state agency, the Health Care Financing Administration (HCFA) or an accrediting agency related to Medicare conditions of participation. The agency would then have to make public the results of any investigations or findings related to the complaint.

I urge my colleagues to join me in supporting this bill that would improve the safety of patients by encouraging higher nurse to patient ratios, and ultimately help retain nurses in the face of a nationwide nursing shortage by encouraging safe work environments.

By Mr. LEAHY (for himself, Mr. LIBERMAN, and Mr. LEVIN):

S. 864. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture

and extrajudicial killings abroad; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce with Senators LIEBERMAN and LEVIN the Anti-Atrocity Alien Deportation Act of 2001. I introduced similar legislation in the last Congress, and was pleased when the proposal garnered bipartisan support in both the House and the Senate. The measure was introduced in the last Congress by Representatives FOLEY, FRANKS and ACKERMAN as H.R. 2642 and H.R. 3058, and has again been introduced on April 4, 2001, by Representatives FOLEY and ACKERMAN as H.R. 1449. Moreover, the legislation passed the Senate, on November 5, 1999, as part of the Hatch-Leahy ''Denying Safe Havens to Internationals and War Criminals Act,'' S. 1754, but unfortunately was not acted on by the House. The problem of human rights abusers seeking and obtaining refuge in this country is real, and requires an effective response with the legal and enforcement changes proposed in this legislation. The loss last week by the United States of its seat on the U.N. Human Rights Commission is highly embarrassing and unfortunate, but by ensuring that our country is no safe haven for human rights abusers, we can lead the world by our actions.

War criminals and human rights abusers have used loopholes in current law to enter and remain in this country. I have been appalled that this country has become a safe haven for those who exercised power in foreign countries to terrorize, rape, murder and torture innocent civilians. For example, three Ethiopian refugees proved in an American court that Kelbessa Negewo, a former senior government official in Ethiopia engaged in numerous acts of torture and human rights abuses against them in the late 1970's when they lived in that country. The court's descriptions of the abuse are chilling, and included whipping a naked woman with a wire for hours and threatening her with death in the presence of several men. The court's award of compensatory and punitive damages in the amount of $1,500,000 to the plaintiffs was subsequently affirmed by an appellate court. See Abebe-Jira v. Negewo, 72 F.3d 844 (11th Cir. 1996). Yet, while Negewo's case was on appeal, the Immigration and Naturalization Service granted him citizenship.

As Professor William Aceves of California Western School of Law has noted, this case reveals ''a glaring and troubling limitation in current immigration law and practice. This case is not unique. Other aliens who have committed gross human rights violations have also gained entry into the United States and been granted immigration relief.'' 20 Mich. J. Int'l.L. at 657. In fact, the Center for Justice and Accountability, a San Francisco human rights group, has identified approximately sixty suspected human rights violators now living in the United States.

Unfortunately, criminals who wielded machetes and guns against innocent civilians in countries like Haiti, Chile, Yugoslavia and Rwanda have been able to gain entry to the United States through the same doors that we have opened to deserving refugees. We need to lock that door to those human rights abusers who seek a safe haven in the United States. To those human rights abusers who are already here, we should promptly show them the door out.

We have unwittingly sheltered the oppressors along with the oppressed for too long. We should not let this situation continue. We waited too long after the last world war to focus prosecutorial resources and attention on Nazi war criminals who entered this country on false pretenses, or worse, with the collusion of American intelligence agencies. Last month, thousands of declassified CIA documents were made public, as a result of the Nazi War Crimes Disclosure Act that I was proud to help enact in 1998, and made clear the extent that United States relied on and helped Nazi war criminals. As Eli M. Rosenbaum, the head of the Justice Department's Office of Special Investigations, noted, ''These files demonstrate that the real winners of the Cold War were Nazi criminals.'' We should not repeat that mistake for other aliens who engaged in human rights abuses before coming to the United States. We need to focus the attention of our law enforcement investigators to prosecute and deport those who have committed atrocities abroad and who now enjoy safe harbor in the United States.

When I first introduced this bill in 1999, the Pulitzer prize-winning paper, the Rutland Herald, opined on October 31, 1999, that:

> For the U.S. commitment to human rights to mean anything, U.S. policies must be strong and consistent. It is not enough to denounce war crimes in Bosnia and Kosovo or elsewhere and then wink as the perpetrators of torture and mass murder slip across the border to find a home in America.

The Clinton Administration recognized the deficiencies in our laws. One Clinton Administration witness testified in February, 2000:

> Right now, only three types of human rights abuses could prevent someone from entering or remaining in the United States. The types of prohibited conduct include: (1) genocide; (2) particularly severe violations of religious freedom; and (3) Nazi persecutions. Even these types of conduct are narrowly defined.

Hearing on H.R. 3058, ''Anti-Atrocity Alien Deportation Act,'' before the Subcomm. on Immigration and Claims of the House Comm. On the Judiciary, 106th Cong., 2d Sess., Feb. 17, 2000 (Statement of James E. Costello, Associate Deputy Attorney General).

The Anti-Atrocity Alien Deportation Act closes these loopholes. The Immigration and Nationality Act, INA, currently provides that (i) participants in Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, (ii) aliens who engaged in genocide, and (iii) aliens who committed particularly severe violations of religious freedom, are inadmissable to the United States and deportable. See 8 U.S.C. §1182(a)(2)(G) & (3)(E) and §1227(a)(4)(D). The Justice Department's specialized OSI unit is authorized under a 1979 Attorney General order to investigate only Nazi war criminals, not any other human rights abuser. The bill would expand the grounds for inadmissibility and deportation to (1) add new bars for aliens who have engaged in acts, outside the United States, of ''torture'' and ''extrajudicial killing'' and (2) remove limitations on the current bases for ''genocide'' and ''particularly severe violations of religious freedom.''

The definitions for the new bases of ''torture'' and ''extrajudicial killing'' are derived from the Torture Victim Protection Act, which implemented the United Nations' ''Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.'' These definitions are therefore already sanctioned by the Congress. The bill incorporates the definition of ''torture'' codified in the federal criminal code, 18 U.S.C. § 2340, which prohibits:

> an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control. 18 U.S.C. § 2340(1).

''Severe mental pain or suffering'' is further defined to mean:

> prolonged mental harm caused by or resulting from: (A) the intentional infliction or threatened infliction of severe physical pain or suffering; (B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and (C) the threat of imminent death; or (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality. 18 U.S.C. § 2340(2).

The Torture Victim Protection Act also included a definition for ''extrajudicial killing.'' Specifically, this law establishes civil liability for wrongful death against any person ''who, under actual or apparent authority, or color of law, of any foreign nation . . . subjects an individual to extrajudicial killing,'' which is defined to mean ''a deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. Such term, however, does not include any such

killing that, under international law, is lawfully carried out under the authority of a foreign nation.''

The bill would not only add the new grounds for inadmissibility and deportation, it would expand two of the current grounds. First, the current bar to aliens who have ''engaged in genocide'' defines that term by reference to the ''genocide'' definition in the Convention on the Prevention and Punishment of the Crime of Genocide. 8 U.S.C. 1182(a)(3)(E)(ii). For clarity and consistency, the bill would substitute instead the definition in the federal criminal code, 18 U.S.C. § 1091(a), which was adopted pursuant to the U.S. obligations under the Genocide Convention. The bill would also broaden the reach of the provision to apply not only to those who ''engaged in genocide,'' as in current law, but also to cover any alien who has ordered, incited, assisted or otherwise participated in genocide. This broader scope will ensure that the genocide provision addresses a more appropriate range of levels of complicity.

Second, the current bar to aliens who have committed ''particularly severe violations of religious freedom,'' as defined in the International Religious Freedom Act of 1998, IFRA, limits its application to foreign government officials who engaged in such conduct within the last 24 months, and also bars from admission the individual's spouse and children, if any. The bill would delete reference to prohibited conduct occurring within a 24-month period since this limitation is not consistent with the strong stance of the United States to promote religious freedom throughout the world. As Professor Aceves opines:

> This provision is unduly restrictive . . . The 24-month time limitation for this prohibition is also unnecessary. A perpetrator of human rights atrocities should not be able to seek absolution by merely waiting two years after the commission of these acts. William J. Aceves, supra, 20 Mich. J. Int'l L., at 683.

In addition, the bill would remove the current bar to admission for the spouse or children. This is a serious sanction that should not apply to individuals because of familial relationships that are not within an individual's control. None of the other grounds relating to serious human rights abuse prevent the spouse or child of an abuser from entering or remaining lawfully in the United States. Moreover, the purpose of these amendments is to make those who have participated in atrocities accountable for their actions. That purpose is not served by holding the family members of such individuals accountable for the offensive conduct over which they had no control.

Changing the law to address the problem of human rights abusers seeking entry and remaining in the United States is only part of the solution. We also need effective enforcement. As one expert noted:

> [s]trong institutional mechanisms must be established to implement this proposed legislation. At present, there does not appear to be any agency within the Department of Justice with the specific mandate of identifying, investigating and prosecuting modern day perpetrators of human rights atrocities. The importance of establishing a separate agency for this function can be seen in the experiences of the Office of Special Investigations. 20 Mich. J. Int'l L., at 689.

We need to update OSI's mission to ensure effective enforcement. Our country has long provided the template and moral leadership for dealing with Nazi war criminals. The Justice Department's specialized unit, OSI, which was created to hunt down, prosecute, and remove Nazi war criminals who had slipped into the United States among their victims under the Displaced Persons Act, is an example of effective enforcement. Since the OSI's inception in 1979, 61 Nazi persecutors have been stripped of U.S. citizenship, 49 such individuals have been removed from the United States, and more than 150 have been denied entry.

OSI was created almost 35 years after the end of World War II and it remains authorized only to track Nazi war criminals. Specifically, when Attorney General Civiletti established OSI within the Criminal Division of the Department of Justice, that office was directed to conduct all ''investigative and litigation activities involving individuals, who prior to and during World War II, under the supervision of or in association with the Nazi government of Germany, its allies, and other affiliated [sic] governments, are alleged to have ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.'' (Attorney Gen. Order No. 851–79). The OSI's mission continues to be limited by that Attorney General Order.

Little is being done about the new generation of international human rights abusers and war criminals living among us, and these delays are costly. As any prosecutor, or, in my case, former prosecutor, knows instinctively, such delays make documentary and testimonial evidence more difficult to obtain. Stale cases are the hardest to make. Since I introduced this bill in the last Congress, there have been no further developments in the Kelbessa Negewo case, he still remains living in Atlanta. In addition, there has been no action taken on Carlos Eugenio Vides Casanova, the former head of the Salvadoran National Guard, a unit whose members kidnaped, raped, and murdered four American churchwomen during the El Salvadoran civil war. Vides Casanova remains in the United States.

We should not repeat the mistake of waiting decades before tracking down war criminals and human rights abusers who have settled in this country. War criminals should find no sanctuary in loopholes in our current immigration policies and enforcement. No war criminal should ever come to believe that he is going to find safe harbor in the United States.

The Anti-Atrocity Alien Deportation Act would amend the Immigration and Nationality Act, 8 U.S.C. § 1103, by directing the Attorney General to establish an Office of Special Investigations (OSI) within the Department of Justice with authorization to investigate, remove, denaturalize, prosecute or extradite any alien who has participated in Nazi persecution, torture, extrajudicial killing or genocide abroad. Not only would the bill provide statutory authorization for Office of Special Investigation, it would also expand its jurisdiction to deal with any alien who participated in torture, extrajudicial killing and genocide abroad, not just Nazis.

The success of OSI in hunting Nazi war criminals demonstrates the effectiveness of centralized resources and expertise in these cases. OSI has worked, and it is time to update its mission. The knowledge of the people, politics and pathologies of particular regimes engaged in genocide and human rights abuses is often necessary for effective prosecutions of these cases and may best be accomplished by the concentrated efforts of a single office, rather than in piecemeal litigation around the country or in offices that have more diverse missions.

The bill directs the Attorney General, in determining what action to take against a human rights abuser seeking entry into or found within the United States, to consider whether a prosecution should be brought under U.S. law or whether the alien should be deported to a country willing to undertake such a prosecution. As one human rights expert has noted:

> The justifiable outrage felt by many when it is discovered that serious human rights abusers have found their way into the United States may lead well-meaning people to call for their immediate expulsion. Such individuals certainly should not be enjoying the good life America has to offer. But when we ask the question ''where should they be?'' the answer is clear: they should be in the dock. That is the essence of accountability, and it should be the central goal of any scheme to penalize human rights abusers.

Hearing on H.R. 5238, ''Serious Human Rights Abusers Accountability Act,'' before the Subcomm. on Immigration and Claims of the House Comm. On the Judiciary, 106th Cong., 2d Sess., Sept. 28, 2000 (Statement of Elisa Massimino, Director, Washington Office, Lawyers Committee For Human Rights).

I appreciate that this part of the legislation has proven controversial within the Department of Justice, but others have concurred in my judgment that the OSI is an appropriate component of the Department to address the

new responsibilities proposed in the bill. Professor Aceves, who has studied these matters extensively, has concluded that OSI's ''methodology for pursuing Nazi war criminals can be applied with equal rigor to other perpetrators of human rights violations. As the number of Nazi war criminals inevitably declines, the OSI can begin to enforce U.S. immigration laws against perpetrators of genocide and other gross violations of human rights.'' 20 Mich. J. Int'l. 657.

Similarly, the Rutland Herald noted that the INS has never deported an immigrant on the basis of human rights abuses, by contrast to OSI's active deportations of ex-Nazis, while maintaining a list of 60,000 suspected war criminals with the aim of barring them from entry. Based on this record, the Rutland Herald concluded that the legislation correctly looks to OSI to carry out the additional responsibilities called for in the bill, noting that:

It resolves a turf war between the INS and the OSI in favor of the OSI, which is as it should be. The victims of human rights abuses are often victimized again when, seeking refuge in the United States, they are confronted by the draconian policies of the INS. It's a better idea to give the job of finding war criminals to the office that has shown it knows how to do the job.

Unquestionably, the need to bring Nazi war criminals to justice remains a matter of great importance. Funds would not be diverted from the OSI's current mission. Additional resources are authorized in the bill for OSI's expanded duties.

Finally, the bill directs the Attorney General to report to the Judiciary Committees of the Senate and the House on implementation of the new requirements in the bill, including procedures for referral of matters to OSI, any revisions made to INS forms to reflect amendments made by the bill, and the procedures developed, with adequate due process protection, to obtain sufficient evidence and determine whether an alien is deemed inadmissible under the bill.

We must honor and respect the unique experiences of those who were victims in the darkest moment in world history. We may help honor the memories of the victims of the Holocaust by pursuing all human rights abusers and war criminals who enter our country. By so doing, the United States can provide moral leadership and show that we will not tolerate perpetrators of genocide, extrajudicial killing and torture, least of all here.

I ask unanimous consent that the text of the bill and a sectional analysis be printed in the RECORD.

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

S. 864

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 ''Anti-Atrocity Alien Deportation Act of 2001''.

SEC. 2. INADMISSIBILITY AND REMOVABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS ABROAD.

(a) INADMISSIBILITY.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(1) in clause (ii), by striking ''has engaged in conduct that is defined as genocide for purposes of the International Convention on the Prevention and Punishment of Genocide is inadmissible'' and inserting ''ordered, incited, assisted, or otherwise participated in conduct outside the United States that would, if committed in the United States or by a United States national, be genocide, as defined in section 1091(a) of title 18, United States Code, is inadmissible'';

(2) by adding at the end the following:

''(iii) COMMISSION OF ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS.—Any alien who, outside the United States, has committed, ordered, incited, assisted, or otherwise participated in the commission of—

''(I) any act of torture, as defined in section 2340 of title 18, United States Code; or

''(II) under color of law of any foreign nation, any extrajudicial killing, as defined in section 3(a) of Torture Victim Protection Act of 1991;

is inadmissible.''; and

(3) in the subparagraph heading, by striking ''PARTICIPANTS IN NAZI PERSECUTION OR GENOCIDE'' and inserting ''PARTICIPANTS IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING''.

(b) REMOVABILITY.—Section 237(a)(4)(D) of such Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) by striking ''clause (i) or (ii)'' and inserting ''clause (i), (ii), or (iii)''; and

(2) in the subparagraph heading, by striking ''ASSISTED IN NAZI PERSECUTION OR ENGAGED IN GENOCIDE'' and inserting ''ASSISTED IN NAZI PERSECUTION, PARTICIPATED IN GENOCIDE, OR COMMITTED ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offenses committed before, on, or after the date of the enactment of this Act.

SEC. 3. INADMISSIBILITY AND REMOVABILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) Section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)) is amended to read as follows:

''(G) FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any time, particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998, are inadmissible.''.

(b) Section 237(a)(4) of such Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

''(E) PARTICIPATED IN THE COMMISSION OF SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien described in section 212(a)(2)(G) is deportable.''.

SEC. 4. BAR TO GOOD MORAL CHARACTER FOR ALIENS WHO HAVE COMMITTED ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, OR SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(2) by adding at the end the following:

''(9) one who at any time has engaged in conduct described in section 212(a)(3)(E) (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 212(a)(2)(G) (relating to severe violations of religious freedom).''.

SEC. 5. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

''(g) The Attorney General shall establish within the Criminal Division of the Department of Justice an Office of Special Investigations with the authority of investigating, and, where appropriate, taking legal action to remove, denaturalize, prosecute, or extradite any alien found to be in violation of clause (i), (ii), or (iii) of section 212(a)(3)(E). In determining such appropriate legal action, consideration shall be given to—

''(1) the availability of prosecution under the laws of the United States for any conduct that may form the basis for removal and denaturalization; or

''(2) removal of the alien to a foreign jurisdiction that is prepared to undertake a prosecution for such conduct.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the additional duties established under section 103(g) of the Immigration and Nationality Act (as added by this Act) in order to ensure that the Office of Special Investigations fulfills its continuing obligations regarding Nazi war criminals.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 6. REPORT ON IMPLEMENTATION OF THE ACT.

Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Immigration and Naturalization, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on implementation of this Act that includes a description of—

(1) the procedures used to refer matters to the Office of Special Investigations in a manner consistent with the amendments made by this Act;

(2) the revisions, if any, made to immigration forms to reflect changes in the Immigration and Nationality Act made by the amendments contained in this Act; and

(3) the procedures developed, with adequate due process protection, to obtain sufficient evidence to determine whether an alien may be inadmissible under the terms of the amendments made by this Act.

SECTIONAL ANALYSIS OF LEAHY ANTI-ATROCITY ALIEN DEPORTATION ACT

SUMMARY

This bill would make the following four changes in our country's enforcement capability against aliens who have committed atrocities abroad and then try to enter or remain in the United States:

Amend the Immigration and Nationality Act (INA) to expand the grounds for inadmissibility and deportation to cover aliens who have engaged in acts of torture, as defined in 18 U.S.C. §2340, and extrajudicial killing, as

defined in the Torture Victim Protection Act, abroad, as well as expand the scope of the current prohibitions on aliens who have engaged in genocide and particularly severe violations of religious freedom;

Amend the INA to make clear that aliens who have committed torture, extrajudicial killing or particularly severe violations of religious freedom abroad do not have ''good moral character'' and cannot qualify to become U.S. citizens or for other immigration benefits;

Direct the Attorney General to establish the Office of Special Investigation (OSI) within the Criminal Division and expand the OSI's authority to investigate, remove, denaturalize, prosecute, or extradite any alien who participated in torture, genocide and extrajudicial killing abroad—not just Nazi war criminals; and

Direct the Attorney General, in consultation with the INS Commissioner, to report to the Judiciary Committees of the Senate and House of Representatives on implementation of procedures to refer matters to OSI, revise INS forms, and procedures to obtain adequate evidence to develop ''watch lists'' of aliens deemed inadmissible under the bill.

SEC. 1. SHORT TITLE

The bill may be cited as the ''Anti-Atrocity Alien Deportation Act of 2001.''

SEC. 2. INADMISSIBILITY AND REMOVABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORTURE OR EXTRAJUDICIAL KILLING ABROAD

Currently, the Immigration and Nationality Act (INA) provides that (i) participants in Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, and (ii) aliens who engaged in genocide, are inadmissible to the United States. *See* 8 U.S.C. §1182(a)(3)(E)(i)&(ii). Current law also provides that aliens who have participated in Nazi persecutions or engaged in genocide are deportable. *See* §1227(a)(4)(D). The bill would amend these sections of the Immigration and Nationality Act by expanding the grounds for inadmissibility and deportation to cover aliens who have committed, ordered, incited, assisted, or otherwise participated in the commission of acts of torture or extrajudicial killing abroad and clarify and expand the scope of the genocide bar.

Subsection (a) would first amend the definition of ''genocide'' in clause (ii) of section 212(a)(3) of the INA, 8 U.S.C. 1182(a)(3)(E)(ii). Currently, the ground of inadmissibility relating to genocide refers to the definition in the Convention on the Prevention and Punishment of the Crime of Genocide. Article III of that Convention punishes genocide, the conspiracy to commit genocide, direct and public incitement to commit genocide, attempts to commit genocide, and complicity in genocide. The bill would modify the definition to refer instead to the ''genocide'' definition in section 1091(a) of title 18, United States Code, which was adopted to implement United States obligations under the Convention and also prohibits attempts and conspiracies to commit genocide.

Specifically, section 1091(a) defines genocide as ''whoever, whether in time of peace or in time of war, . . . with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial or religious group as such: (1) kills members of that group; (2) causes serious bodily injury to members of that group; (3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques; (4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part; (5) imposes measures intended to prevent births within the group; or (6) transfers by force children of the group to another group.'' This definition includes genocide by public or private individuals in times of peace or war. While the federal criminal statute is limited to those offenses committed within the United States or offenders who are U.S. nationals, *see* 18 U.S.C. 1091(d), the grounds for inadmissibility in the bill would apply to such offenses committed outside the United States that would otherwise be a crime if committed within the United States or by a U.S. national.

In addition, the bill would broaden the reach of the inadmissibility bar to apply not only to those who ''engaged in genocide,'' as in current law, but also to cover any alien who has ordered, incited, assisted or otherwise participated in genocide abroad. This broader scope will ensure that the genocide provision addresses a more appropriate range of levels of complicity.

Second, subsection (a) would add a new clause to 8 U.S.C. §1182(a)(3)(E) that would trigger operation of the inadmissibility ground if an alien has ''committed, ordered, incited, assisted, or otherwise participated in'' acts of torture, as defined in section 2430 of title 18, United States Code, or extrajudicial killings, as defined in section 3(a) the Torture Victim Protection Act. The statutory language—''committed, ordered, incited, assisted, or otherwise participated in''—is intended to reach the behavior of persons directly or personally associated with the covered acts. Attempts and conspiracies to commit these crimes are encompassed in the ''otherwise participated in'' language. This language addresses an appropriate range of levels of complicity for which aliens should be held accountable, and has been the subject of extensive judicial interpretation and construction. See *Fedorenko* v. *United States*, 449 U.S. 490, 514 (1981); *Kalejs* v. *INS*, 10 F. 3d 441, 444 (7th Cir. 1993); *U.S.* v. *Schmidt*, 923 F. 2d 1253, 1257–59 (7th Cir. 1991); *Kulle* v. *INS*, 825 F. 2d 1188, 1192 (7th Cir. 1987).

The definitions of ''torture'' and ''extrajudicial killing'' are contained in the Torture Victim Protection Act, which served as the implementing legislation when the United States joined the United Nations' ''Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.'' This Convention entered into force with respect to the United States on November 20, 1992 and imposes an affirmative duty on the United States to prosecute torturers within its jurisdiction. The Torture Victim Protection Act provides both criminal liability and civil liability for persons who, acting outside the United States and under actual or apparent authority, or color of law, of any foreign nation, commit torture or extrajudicial killing.

The criminal provision passed as part of the Torture Victim Protection Act defines ''torture'' to mean ''an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.'' 18 U.S.C. §2340(1). ''Severe mental pain or suffering'' is further defined to mean the ''prolonged mental harm caused by or resulting from (A) the international infliction or threatened infliction of severe physical pain or suffering; (B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and (C) the threat of imminent death; or (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality.'' 18 U.S.C. §2340(2).

The bill also incorporates the definition of ''extrajudicial killing'' from section 3(a) of the Torture Victim Protection Act. This law establishes civil liability for wrongful death against any person ''who, under actual or apparent authority, or color of law, of any foreign nation . . . subjects an individual to extrajudicial killing,'' which is defined to mean ''a deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. Such term, however, does not include any such killing that, under international law, is lawfully carried out under the authority of a foreign nation.''

Both definitions of ''torture'' and ''extrajudicial killing'' require that the alien be acting under color of law. A criminal conviction, criminal charge or a confession are not required for an alien to be inadmissible or removable under the new grounds added in this subsection of the bill.

The final paragraph in subsection (a) would modify the subparagraph heading to clarify the expansion of the grounds for in admissibility from ''participation in Nazi persecution or genocide'' to cover ''torture or extrajudicial killing.''

Subsection (b) would amend section 237(a)(4)(D) of the INA, 8 U.S.C. §1227(a)(4)(D), which enumerates grounds for deporting aliens who have been admitted into or are present in the United States. The same conduct that would constitute a basis of inadmissibility under subsection (a) is a ground for deportability under this subsection of the bill. Under current law, assisting in Nazi persecution and engaging in genocide are already grounds for deportation. The bill would provide that aliens who have committed any act of torture or extrajudicial killing would also be subject to deportation. In any deportation proceeding, the burden would remain on the government to prove by clear and convincing evidence that the alien's conduct brings the alien within a particular ground of deportation.

Subsection (c) regarding the ''effective date'' clearly states that these provisions apply to acts committed before, on, or after the date this legislation is enacted. These provisions apply to all cases after enactment, even where the acts in question occurred or where adjudication procedures within the Immigration and Naturalization Service (INS) or the Executive Office of Immigration Review were initiated prior to the time of enactment.

SEC. 3. INADMISSIBILITY AND REMOVABILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM

This section of the bill would amend section 212(a)(2)(G) of the INA, 8 U.S.C. §1182(a)(2)(G), which was added as part of the International Religious Freedom Act of 1998 (IFRA), to expand the grounds for inadmissibility and removability of aliens who commit particularly severe violations of religious freedom. Current law bars the admission of an individual who, while serving as a foreign government official, was responsible for or directly carried out particularly severe violations of religious freedom within

the last 24 months. 8 U.S.C. §1182(c)(2)(G). The existing provision also bars from admission the individual's spouse and children, if any. ''Particularly severe violations of religious freedom'' is defined in section 3 of IFRA to mean ''systematic, ongoing, egregious violation of religious freedom, including violations such as (a) torture or cruel, inhuman, or degrading treatment or punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons or clandestine detention of those persons; or (D) other flagrant denial of the right to life, liberty, or the security of persons. While IRFA contains numerous provisions to promote religious freedom and to prevent violations of religious freedom throughout the world, including a wide range of diplomatic sanctions and other formal expressions of disapproval, section 212(a)(2)(G) is the only provision which specifically targets individual abusers.

Subsection (a) would delete the 24-month restriction in section 212(a)(2)(G) since it limits the accountability, for purposes of admission, to a two-year period. This limitation is not consistent with the strong stance of the United States to promote religious freedom throughout the world. Individuals who have committed particularly severe violations of religious freedom should be held accountable for their actions and should be admissible to the United States regardless of when the conduct occurred.

In addition, this subsection would amend the law to remove the current bar to admission for the spouse or children of a foreign government official who has been involved in particularly severe violations of religious freedom. The bar of inadmissibility is a serious sanction that should not apply to individuals because of familiar relationships that are not within an individual's control. None of the other grounds relating to serious human rights abuse prevent the spouse or child of an abuser from entering or remaining lawfully in the United States. Moreover, the purpose of these amendments is to make those who have participated in atrocities accountable for their actions. That purpose is not served by holding the family members of such individuals accountable for the offensive conduct over which they had no control.

Subsection (b) would amend section 237(a)(4) of the INA, 8 U.S.C. §1227(A)(4), which enumerates grounds for deporting aliens who have been admitted into or are present in the United States, to add a new clause (E), which provides for the deportation of aliens described in subsection (a) of the bill.

The bill does not change the effective date for this provision set forth in the original IFRA, which applies the operation of the amendment to aliens ''seeking to enter the United States on or after the date of the enactment of this Act.''

SEC. 4. BAR TO GOOD MORAL CHARACTER FOR ALIENS WHO HAVE COMMITTED ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, OR SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

This section of the bill would amend section 101(f) of the INA, 8 U.S.C. §1101(f), which provides the current definition of ''good moral character,'' to make clear that aliens who have committed torture, extrajudicial killing—severe violation of religious freedom abroad do not qualify. Good moral character is a prerequisite for certain forms of immigration relief, including naturalization, cancellation of removal for nonpermanent residents, and voluntary departure at the conclusion of removal proceedings. Aliens who have committed torture or extrajudicial killing, or severe violations of religious freedom abroad cannot establish good moral character. Accordingly, this amendment prevents aliens covered by the amendments made in sections 2 and 3 of the bill from becoming United States citizens or benefitting from cancellation of removal or voluntary departure. Absent such an amendment there is no statutory bar to naturalization for aliens covered by the proposed new grounds for inadmissibility and deportation.

SEC. 5. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS

Attorney General Civiletti established OSI in 1979 within the Criminal Division of the Department of Justice, consolidating within it all 'investigative and litigation activities involving individuals, who prior to and during World War II, under the supervision of or in association with the Nazi government of Germany, its allies, and other affiliated [sic] governments, are alleged to have ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.'' (Att'y Gen. Order No. 851–79). The OSI's mission continues to be limited by that Attorney General Order.

This section would amend the Immigration and Nationality Act, 8 U.S.C. §1103, by directing the Attorney General to establish an Office of Special Investigations within the Department of Justice with authorization to investigate, remove, denaturalize, prosecute or extradite any alien who has participated in Nazi persecution, genocide, torture or extrajudical killing abroad. This would expand OSI's current authorized mission. In order to fulfill the United States' obligation under the ''Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment'' to hold accountable torturers found in this country, the bill expressly directs the Department of Justice to consider the availability of prosecution under United States laws for any conduct that forms the basis for removal and denaturalization. In addition, the Department is directed to consider deportation to foreign jurisdictions that are prepared to undertake such a prosecution. Statutory and regulatory provisions to implement Article 3 of that Convention Against Torture, which prohibits the removal of any person to a country where he or she would be tortured, may also be part of this consideration. Additional funds are authorized for these expanded duties to ensure that OSI fulfills its continuing obligations regarding Nazi war criminals.

SEC. 6. REPORT OF IMPLEMENTATION OF THE ACT

This section of the bill would direct the Attorney General, in consultations with the INS Commissioner to report within six months on implementation of the Act, including procedures for referral of matters to OSI, any revisions made to INS forms to reflect amendments made by the bill, and the procedures developed, with adequate due process protection, to obtain sufficient evidence and determine whether an alien is deemed inadmissible under the bill.

By Mr. McCONNELL (for himself and Mr. LIEBERMAN):

S. 865. A bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers; to the Committee on the Judiciary.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 865

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 ''Small Business Liability Reform 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—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Limitation on punitive damages for small businesses.
Sec. 104. Limitation on joint and several liability for noneconomic loss for small businesses.
Sec. 105. Exceptions to limitations on liability.
Sec. 106. Preemption and election of State nonapplicability.

TITLE II—PRODUCT SELLER FAIR TREATMENT

Sec. 201. Findings; purposes.
Sec. 202. Definitions.
Sec. 203. Applicability; preemption.
Sec. 204. Liability rules applicable to product sellers, renters, and lessors.
Sec. 205. Federal cause of action precluded.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

TITLE I—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

SEC. 101. FINDINGS.

Congress finds that—

(1) the United States civil justice system is inefficient, unpredictable, unfair, costly, and impedes competitiveness in the marketplace for goods, services, business, and employees;

(2) the defects in the United States civil justice system have a direct and undesirable effect on interstate commerce by decreasing the availability of goods and services in commerce;

(3) there is a need to restore rationality, certainty, and fairness to the legal system;

(4) the spiralling costs of litigation and the magnitude and unpredictability of punitive damage awards and noneconomic damage awards have continued unabated for at least the past 30 years;

(5) the Supreme Court of the United States has recognized that a punitive damage award can be unconstitutional if the award is grossly excessive in relation to the legitimate interest of the government in the punishment and deterrence of unlawful conduct;

(6) just as punitive damage awards can be grossly excessive, so can it be grossly excessive in some circumstances for a party to be held responsible under the doctrine of joint and several liability for damages that party did not cause;

(7) as a result of joint and several liability, entities including small businesses are often brought into litigation despite the fact that their conduct may have little or nothing to do with the accident or transaction giving rise to the lawsuit, and may therefore face increased and unjust costs due to the possibility or result of unfair and disproportionate damage awards;

(8) the costs imposed by the civil justice system on small businesses are particularly acute, since small businesses often lack the

resources to bear those costs and to challenge unwarranted lawsuits;

(9) due to high liability costs and unwarranted litigation costs, small businesses face higher costs in purchasing insurance through interstate insurance markets to cover their activities;

(10) liability reform for small businesses will promote the free flow of goods and services, lessen burdens on interstate commerce, and decrease litigiousness; and

(11) legislation to address these concerns is an appropriate exercise of the powers of Congress under clauses 3, 9, and 18 of section 8 of article I of the Constitution of the United States, and the 14th amendment to the Constitution of the United States.

SEC. 102. DEFINITIONS.

In this title:

(1) CRIME OF VIOLENCE.—The term ''crime of violence'' has the same meaning as in section 16 of title 18, United States Code.

(2) DRUG.—The term ''drug'' means any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) that was not legally prescribed for use by the defendant or that was taken by the defendant other than in accordance with the terms of a lawfully issued prescription.

(3) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(4) HARM.—The term ''harm'' means any physical injury, illness, disease, or death or damage to property.

(5) HATE CRIME.—The term ''hate crime'' means a crime described under section 1(b) of the Hate Crime Statistics Act (28 U.S.C. 534 note).

(6) INTERNATIONAL TERRORISM.—The term ''international terrorism'' has the same meaning as in section 2331 of title 18, United States Code.

(7) NONECONOMIC LOSS.—The term ''noneconomic loss'' means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, or any other nonpecuniary loss of any kind or nature.

(8) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(9) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded against any person or entity to punish or deter such person, entity, or others from engaging in similar behavior in the future. Such term does not include any civil penalties, fines, or treble damages that are assessed or enforced by an agency of State or Federal government pursuant to a State or Federal statute.

(10) SMALL BUSINESS.—

(A) IN GENERAL.—The term ''small business'' means any unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has fewer than 25 full-time employees as determined on the date the civil action involving the small business is filed.

(B) CALCULATION OF NUMBER OF EMPLOYEES.—For purposes of subparagraph (A), the number of employees of a subsidiary of a wholly owned corporation includes the employees of—

(i) a parent corporation; and

(ii) any other subsidiary corporation of that parent corporation.

(11) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, commonwealth, territory, or possession.

SEC. 103. LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, punitive damages may, to the extent permitted by applicable Federal or State law, be awarded against the small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.

(b) LIMITATION ON AMOUNT.—In any civil action against a small business, punitive damages awarded against a small business shall not exceed the lesser of—

(1) three times the total amount awarded to the claimant for economic and noneconomic losses; or

(2) $250,000,

except that the court may make this subsection inapplicable if the court finds that the plaintiff established by clear and convincing evidence that the defendant acted with specific intent to cause the type of harm for which the action was brought.

(c) APPLICATION BY THE COURT.—The limitation prescribed by this section shall be applied by the court and shall not be disclosed to the jury.

SEC. 104. LIMITATION ON JOINT AND SEVERAL LIABILITY FOR NONECONOMIC LOSS FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, the liability of each defendant that is a small business, or the agent of a small business, for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—In any civil action described in subsection (a)—

(A) each defendant described in that subsection shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable; and

(B) the court shall render a separate judgment against each defendant described in that subsection in an amount determined under subparagraph (A).

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the harm to the claimant, regardless of whether or not the person is a party to the action.

SEC. 105. EXCEPTIONS TO LIMITATIONS ON LIABILITY.

The limitations on liability under sections 103 and 104 do not apply—

(1) to any defendant whose misconduct—

(A) constitutes—

(i) a crime of violence;

(ii) an act of international terrorism; or

(iii) a hate crime;

(B) results in liability for damages relating to the injury to, destruction of, loss of, or loss of use of, natural resources described in—

(i) section 1002(b)(2)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)(A)); or

(ii) section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C));

(C) involves—

(i) a sexual offense, as defined by applicable State law; or

(ii) a violation of a Federal or State civil rights law; or

(D) occurred at the time the defendant was under the influence (as determined under applicable State law) of intoxicating alcohol or a drug, and the fact that the defendant was under the influence was the cause of any harm alleged by the plaintiff in the subject action; or

(2) to any cause of action which is brought under the provisions of title 31, United States Code, relating to false claims (31 U.S.C. 3729 through 3733) or to any other cause of action brought by the United States relating to fraud or false statements.

SEC. 106. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—Subject to subsection (b), this title preempts the laws of any State to the extent that State laws are inconsistent with this title.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title does not apply to any action in a State court against a small business in which all parties are citizens of the State, if the State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title does not apply as of a date certain to such actions in the State; and

(3) containing no other provision.

TITLE II—PRODUCT SELLER FAIR TREATMENT

SEC. 201. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) although damage awards in product liability actions may encourage the production of safer products, they may also have a direct effect on interstate commerce and consumers of the United States by increasing the cost of, and decreasing the availability of, products;

(2) some of the rules of law governing product liability actions are inconsistent within and among the States, resulting in differences in State laws that may be inequitable with respect to plaintiffs and defendants and may impose burdens on interstate commerce;

(3) product liability awards may jeopardize the financial well-being of individuals and industries, particularly the small businesses of the United States;

(4) because the product liability laws of a State may have adverse effects on consumers and businesses in many other States, it is appropriate for the Federal Government to enact national, uniform product liability laws that preempt State laws; and

(5) under clause 3 of section 8 of article I of the United States Constitution, it is the constitutional role of the Federal Government to remove barriers to interstate commerce.

(b) PURPOSES.—The purposes of this title, based on the powers of the United States under clause 3 of section 8 of article I of the United States Constitution, are to promote the free flow of goods and services and lessen the burdens on interstate commerce, by—

(1) establishing certain uniform legal principles of product liability that provide a fair balance among the interests of all parties in the chain of production, distribution, and use of products; and

(2) reducing the unacceptable costs and delays in product liability actions caused by excessive litigation that harms both plaintiffs and defendants.

SEC. 202. DEFINITIONS.

In this title:

(1) ALCOHOL PRODUCT.—The term ''alcohol product'' includes any product that contains not less than 1/2 of 1 percent of alcohol by volume and is intended for human consumption.

(2) CLAIMANT.—The term ''claimant'' means any person who brings an action covered by this title and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) COMMERCIAL LOSS.—The term ''commercial loss'' means—

(A) any loss or damage solely to a product itself;

(B) loss relating to a dispute over the value of a product; or

(C) consequential economic loss, the recovery of which is governed by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(4) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means damages awarded for economic and noneconomic losses.

(5) DRAM-SHOP.—The term ''dram-shop'' means a drinking establishment where alcoholic beverages are sold to be consumed on the premises.

(6) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for that loss is allowed under applicable State law.

(7) HARM.—The term ''harm'' means any physical injury, illness, disease, or death or damage to property caused by a product. The term does not include commercial loss.

(8) MANUFACTURER.—The term ''manufacturer'' means—

(A) any person who—

(i) is engaged in a business to produce, create, make, or construct any product (or component part of a product); and

(ii)(I) designs or formulates the product (or component part of the product); or

(II) has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) that are created or affected when, before placing the product in the stream of commerce, the product seller—

(i) produces, creates, makes, constructs and designs, or formulates an aspect of the product (or component part of the product) made by another person; or

(ii) has engaged another person to design or formulate an aspect of the product (or component part of the product) made by another person; or

(C) any product seller not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(9) NONECONOMIC LOSS.—The term ''noneconomic loss'' means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, or any other nonpecuniary loss of any kind or nature.

(10) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(11) PRODUCT.—

(A) IN GENERAL.—The term ''product'' means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term ''product'' does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; or

(ii) electricity, water delivered by a utility, natural gas, or steam.

(12) PRODUCT LIABILITY ACTION.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), the term ''product liability action'' means a civil action brought on any theory for a claim for any physical injury, illness, disease, death, or damage to property that is caused by a product.

(B) The following claims are not included in the term ''product liability action'':

(i) NEGLIGENT ENTRUSTMENT.—A claim for negligent entrustment.

(ii) NEGLIGENCE PER SE.—A claim brought under a theory of negligence per se.

(iii) DRAM-SHOP.—A claim brought under a theory of dram-shop or third-party liability arising out of the sale or providing of an alcoholic product to an intoxicated person or minor.

(13) PRODUCT SELLER.—

(A) IN GENERAL.—The term ''product seller'' means a person who in the course of a business conducted for that purpose—

(i) sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, refurbishes, reconditions, or maintains the harm-causing aspect of the product.

(B) EXCLUSION.—The term ''product seller'' does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the lessor does not initially select the leased product and does not during the lease term ordinarily control the daily operations and maintenance of the product.

(14) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, commonwealth, territory, or possession.

SEC. 203. APPLICABILITY; PREEMPTION.

(a) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), this title governs any product liability action brought in any Federal or State court.

(2) ACTIONS FOR COMMERCIAL LOSS.—A civil action brought for commercial loss shall be governed only by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(b) RELATIONSHIP TO STATE LAW.—This title supersedes a State law only to the extent that the State law applies to an issue covered by this title. Any issue that is not governed by this title, including any standard of liability applicable to a manufacturer, shall be governed by any applicable Federal or State law.

(c) EFFECT ON OTHER LAW.—Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any State law;

(2) supersede or alter any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief, for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8))).

SEC. 204. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS, AND LESSORS.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action covered under this title, a product seller other than a manufacturer shall be liable to a claimant only if the claimant establishes that—

(A)(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of the harm to the claimant;

(B)(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused the harm to the claimant; or

(C)(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) the intentional wrongdoing caused the harm that is the subject of the complaint.

(2) REASONABLE OPPORTUNITY FOR INSPECTION.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect the product, if—

(A) the failure occurred because there was no reasonable opportunity to inspect the product; or

(B) the inspection, in the exercise of reasonable care, would not have revealed the aspect of the product that allegedly caused the claimant's harm.

(b) SPECIAL RULE.—

(1) IN GENERAL.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product, if—

(A) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(B) the court determines that the claimant is or would be unable to enforce a judgment against the manufacturer.

(2) STATUTE OF LIMITATIONS.—For purposes of this subsection only, the statute of limitations applicable to claims asserting liability of a product seller as a manufacturer shall be tolled from the date of the filing of a complaint against the manufacturer to the date that judgment is entered against the manufacturer.

(c) RENTED OR LEASED PRODUCTS.—

(1) DEFINITION.—For purposes of paragraph (2), and for determining the applicability of this title to any person subject to that paragraph, the term ''product liability action'' means a civil action brought on any theory for harm caused by a product or product use.

(2) LIABILITY.—Notwithstanding any other provision of law, any person engaged in the business of renting or leasing a product (other than a person excluded from the definition of product seller under section 202(13)(B)) shall be subject to liability in a product liability action under subsection (a), but any person engaged in the business of renting or leasing a product shall not be liable to a claimant for the tortious act of another solely by reason of ownership of that product.

SEC. 205. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction under this title based on section 1331 or 1337 of title 28, United States Code.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act shall take effect with respect to any civil action commenced after the date of the enactment of this Act without regard to whether the harm that is the subject of the action occurred before such date.

By Mr. REID (for himself and Mr. WARNER)

S. 866. A bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today along with my good friend and colleague Senator WARNER because I am deeply concerned with the underage drinking occurring in America. Alcohol is currently the number 1 drug problem for America's youth. Alcohol kills 6.5 times more young people in America than all other illicit drugs combined, Pacific Institute for Research and Evaluation.

Drinking under the age of 21 is illegal in all 50 states, yet 10.4 million kids in America consume alcohol illegally, starting on average at just 13 years of age, Health People 2010 Study, Health and Human Services. In my own state of Nevada, there has been a 3-percent increase since 1997 in the number of teens who report drinking. Nevada's youth, ages 12–17 are ranked third nationally in reported illicit drug or alcohol dependence and 5th in binge alcohol use, National Household Survey, 1999.

Alcohol is a major contributing factor in approximately half of all youth homicides, suicides, motor vehicle crashes, death and disability in Nevada, Nevada Youth Risk Behavior Survey, 1999. Alcohol is clearly the drug of choice for teenagers throughout America.

Specifically in Nevada, 73 percent of 10th graders have tried alcohol, while 33 percent drink monthly. The numbers are even greater for high school seniors, 75 percent and 41 percent respectively, Nevada Safe and Drug Free Schools Survey.

The purpose of our bill the ''National Media Campaign to Prevent Underage Drinking Act of 2001'' is to establish a national campaign to reduce and prevent underage drinking in America and will be conducted by the Department of Health and Human Services.

This bipartisan legislation will educate America's youth and their parents about the dangers and consequences of underage drinking. It will use television, print, radio and Internet advertisements to highlight the facts and the negative consequence of underage drinking.

Our bill addresses a need for a comprehensive public education campaign aimed at underage drinking. MADD reports that underage drinking contributes to increased motor vehicle crashes, crime, violence, unprotected sex, teenage pregnancy, sexually transmitted diseases, depression, suicide, alcohol dependence, and other drug use.

Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking after age 21, National Institutes of Health. The more America's youth drink, the more likely they are to drink and drive, American Academy of Pediatrics. Over 16,000 Americans were killed in alcohol-related motor vehicle crashes in 1999 and nearly one million were injured. In 1999, over 2,000 young people between the ages of 15–20 lost their lives to alcohol-related crashes.

Senator WARNER and I have chosen to introduce this legislation today because Prom season, graduation parties, and summer vacations are all rapidly approaching. And that means a lot of parents are focused on the threat of teen drinking, and drunk driving. It is however, important that we do not focus on underage drinking only during these types of events. This is something we should address every day of the year, year after year. That is what this legislation does.

Additionally, as you all know Mother's Day is this Sunday. I want to ask that all of you young Americans consider giving your mother a very special gift this year. Promise her that you won't drink and drive—at your prom, or at your graduation.

This independent campaign should be established and should be conducted by the Secretary of the Department of Health and Human Services. Modeled after the Anti-Drug Campaign, the National Media Campaign to Prevent Underage Drinking will be separately funded and conducted by the Office of Public Health and Science, in conjunction with the Surgeon General, and will be based on scientific research.

I ask unanimous consent that the text of the National Media Campaign to Prevent Underage Drinking Act of 2001 be printed in the RECORD.

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

S. 866

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 ''National Media Campaign to Prevent Underage Drinking Act of 2001''.

SEC. 2. DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF PUBLIC HEALTH AND SCIENCE; PROGRAM FOR NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following:

''SEC. 1711. NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.

''(a) REQUIREMENT TO CONDUCT A NATIONAL MEDIA CAMPAIGN.—

''(1) IN GENERAL.—The Secretary shall develop, implement, and conduct a national media campaign in accordance with this section for the purpose of reducing and preventing underage drinking in the United States.

''(2) ADMINISTRATION.—The Secretary shall carry out this section through the Office of Public Health and Science and in consultation with the Surgeon General of the Public Health Service.

''(3) BASED ON SCIENCE.—The Secretary shall develop, implement, and conduct the national media campaign based upon reputable academic and scientific research on youth attitudes and the prevalence of underage drinking in the United States, as well as on the science and research on mass media prevention campaigns.

''(4) SUPPLEMENT; NOT SUPPLANT.—In developing, implementing, and conducting the national media campaign, the Secretary shall supplement (and not supplant) existing efforts by State, local, private, and nonprofit

entities to reduce and prevent underage drinking in the United States and shall coordinate with other Federal agencies and departments, including the Centers for Disease Control and Prevention, the National Institute on Alcohol Abuse and Alcoholism, the Substance Abuse and Mental Health Services Administration, the National Institute on Drug Abuse, the Department of Justice, the Department of Transportation, and the Office of National Drug Control Policy.

''(5) TARGETING.—The Secretary shall, to the maximum extent feasible, use amounts available under subsection (e) for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific geographic local areas. The Secretary shall ensure that the national media campaign includes messages that are language-appropriate and culturally competent to reach minority groups.

''(b) USE OF FUNDS.—

''(1) ADVERTISING.—Of the amounts available under subsection (e), the Secretary shall devote sufficient funds to the advertising portion of the national media campaign to meet the stated reach and frequency goals of the campaign.

''(2) AUTHORIZED USES.—

''(A) IN GENERAL.—Amounts available under subsection (e) for the national media campaign may only be used for the development of the campaign and—

''(i) the development of a comprehensive strategy planning document;

''(ii) the purchase of media time and space;

''(iii) talent reuse payments;

''(iv) out-of-pocket advertising production costs;

''(v) testing and evaluation of advertising;

''(vi) evaluation of the effectiveness of the media campaign; and

''(vii) the negotiated fees for the winning bidder on request for proposals issued by the Assistant Secretary for Health.

''(B) CERTAIN USES.—In support of the primary goal of developing, implementing and conducting an effective advertising campaign, funds available under subsection (e) may be used for—

''(i) partnerships with community, civic, and professional groups, and government organizations related to the media campaign; and

''(ii) entertainment industry collaborations to fashion underage-drinking prevention messages in motion pictures, television programming, popular music, interactive (Internet and new) media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

''(3) PROHIBITIONS.—None of the amounts available under subsection (e) may be obligated or expended—

''(A) to supplant efforts of community-based coalitions to reduce and prevent underage drinking;

''(B) to supplant current pro bono public service time donated by national and local broadcasting networks;

''(C) for partisan political purposes;

''(D) to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of schedule C of title 5, Code of Federal Regulations, unless the Assistant Secretary for Health provides advance notice to the appropriations committees, the oversight committees, and the appropriate authorizing committees of the House of Representatives and the Senate; or

''(E) to fund or support advertising messages bearing any company or brand logos or other identifying corporate or trade information.

''(4) MATCHING REQUIREMENT.—As a condition of each purchase of media time or space for the national media campaign, the Secretary shall require that the seller of the time or space provide non-Federal contributions to the national media campaign in an amount equal to 50 percent of the purchase price of the time or space, which may be contributions of funds, or in-kind contributions in the form of public service announcements specifically directed to reducing and preventing underage drinking.

''(c) REPORTS TO CONGRESS.—

''(1) COMPREHENSIVE STRATEGY.—Not later than 6 months after the date of enactment of this section, the Secretary shall develop and submit to Congress a comprehensive strategy that identifies the nature and extent of the problem of underage drinking, the scientific basis for the strategy, including a review of the existing scientific research, target audiences, goals and objectives of the campaign, message points that will be effective in changing attitudes and behavior, a campaign outline and implementation plan, an evaluation plan, and the estimated costs of implementation.

''(2) ANNUAL REPORTS.—The Secretary shall annually submit to Congress a report on the activities for which amounts available under subsection (e) were obligated during the preceding year, including information for each quarter of such year, and on the specific parameters of the national media campaign including whether the campaign is achieving identified performance goals based on an independent evaluation.

''(3) PROGRESS REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to Congress a report on the progress of the national media campaign based on measurable outcomes previously provided to Congress.

''(d) DEFINITION.—For purposes of this section, the term 'underage drinking' means any consumption of alcoholic beverages by individuals who have not attained the age at which (in the State involved) it is legal to purchase such beverages.

''(e) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2002 through 2007.

''(2) LIMITATION REGARDING COMPREHENSIVE STRATEGY ACTIVITIES.—Of the amounts appropriated under paragraph (1), the Secretary may not expend more than $1,000,000 to carry out subsection (c)(1).''.

By Mrs. FEINSTEIN:

S. 868. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage and group health plans provide coverage of cancer screening; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to require health insurance plans to cover screening tests for cancer. Congresswomen CAROLYN MALONEY and SUE KELLY are introducing a companion bill in the House today.

The bill requires plans to cover screening tests including mammography and clinical breast examinations for breast cancer, ''pap'' tests and pelvic examinations for gynecological cancers, colorectal screening for colon and rectum cancers, and prostate screening for prostate cancer.

To address future changes in scientific knowledge and medical practice, the bill allows the Secretary to change the requirements upon the Secretary's initiative or upon petition by a private individual or group. This provision is included because we do not yet have screening tests for many cancers, including brain tumors, leukemia Hodgkin's disease, and ovarian, liver and pancreatic cancers. These are often not detected until they produce symptoms, at which point the cancer may have advanced significantly.

The American Cancer Society has described ''screening'' as ''the search for disease in persons who do not have disease or who do not recognize that they have symptoms of disease,'' Screening, as defined by the American medical Association, is ''health care services or products provided to an individual without apparent signs or symptoms of an illness, injury, or disease for the purpose of identifying or excluding an undiagnosed illness, disease or condition.'' One of the most common screening procedures is the mammogram, which millions of women get annually to determine if there are suspicious lesions or lumps in their breasts.

A major way to reduce the number of cancer-related deaths and to increase survival is to increase cancer screening rates. The American Cancer Society, (ACS), predicts that 563,100 Americans will die of cancer this year. With appropriate screening, one-third of cancer deaths could be prevented, says ACS.

Screening is the greatest single tool for finding cancers early. Cancers found early are cancers that do not grow or metastasize and are cancers that can be treated more successfully than those that are found late. Early detection can extend life, reduce treatment, and improve the quality of life. For example, people can have colon cancer long before they know it. They may not have any symptoms, Patients diagnosed by a colon cancer screening have a 90 percent chance of survival while patients not diagnosed until symptoms are apparent only have a 8 percent change of survival.

Screening-accessible cancers, such as cancers of the breast, tongue, mouth, colon, rectum, cervix, prostate, testis, and skin, account for approximately half of all new cancer cases. If all Americans had regular cancer screenings, the five-year survival rate for cancers of the breast, tongue, mouth, colon, rectum, cervix, prostate, testis and skin could grow from 81 percent to 95 percent.

Screening costs less than treatment. For example, Medicare pays from $100 to $400 for a colorectal cancer screening test. The cost of treating colorectal

cancer from diagnosis to death costs over $51,000, according to the Institute of Medicine.

To put cancer deaths in perspective, the number of Americans that die each year from cancer exceeds the total number of Americans lost to all wars that we have fought in this century. The American Cancer Society says that over 1.3 million new cancer cases will be diagnosed in the U.S. this year.

Despite our increasing understanding of cancer, unless we act with urgency, the cost to the United States is likely to become unmanageable in the next 10–20 years. The incidence rate of cancer in 2010 is estimated to increase by 29 percent for new cases, and cancer deaths are estimated to increase by 25 percent. Cancer will surpass heart disease as the leading fatal disease in the U.S. by 2010. With our aging U.S. population, unless we act now to change current cancer incidence and death rates, according to the September 1998 report from the Cancer March Research. Task Force, we can expect over 2.0 million new cancer cases and 1.0 million deaths per year by 2025. Listen to these startling statistics: One out of every four deaths in the U.S. is caused by cancer. That more than 1,500 Americans will die each day from cancer. The National Cancer Institute estimates that approximately 8.2 million Americans alive today have a history of cancer. One out of every two men, one out of every three women will be diagnosed with cancer at some point in their lifetime.

One of the tragedies of cancer is that we have tools available which can prevent much unnecessary suffering and death. But cancer must be prevented and it must be found early.

Deaths from colorectal cancer could be cut in half if most people over 50 had refuting screenings, for a disease that claims 56,700 a year.

Experts cite several barriers that prevent many Americans from getting cancer screenings. These include a lack of insurance coverage, inadequate insurance coverage, inability to pay for screenings, a fear of discomfort, and the fact that most of American health care is complaint drive, not preventive.

Insurance coverage is a major factor in whether people have preventive screenings. In other words, when screenings are covered by plans, people are more likely to get them. In California, screening rates for cervical and breast cancer are lower for uninsured women, who are less likely to have had a recent screening and more likely to have gone longer without being screened than women with coverage. In Medicare, for example, a study reported in Public Health Reports in October 1997, found that Medicare coverage increased the use of mammograms.

According to an University of California-Los Angeles Center for Health Policy Research study from February 1998, in California women ages 18–64, 63 percent of uninsured women had not had a Pap test during 1997 versus 40 percent of insured women. Additionally, approximately 67 percent of uninsured Californian women ages 30–64 had not had a clinical breast examination during 1997, compared to 40 percent for insured women in the same age group.

The bill we are introducing, by requiring plans to cover screenings, can reduce death, reduce suffering and reduce costs.

I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objections, it was so ordered.

A summary of the bill follows:

SUMMARY OF THE COMPREHENSIVE CANCER SCREENING ACT OF 2001

Requires private health insurance plans to cover cancer screenings consistent with professionally-developed and recognized medical guidelines, specifically: mammograms and clinical breast examinations (for breast cancer); ''pap'' tests and pelvic examinations (for gynecological cancers); colorectal screening (for colon and rectum cancers); prostate cancer screening (for prostate cancers).

Authorizes the U.S. Secretary of Health an Human Services by regulation to modify or update the coverage requirements to reflect advances in medical practice or new scientific knowledge, for all cancers as screenings are developed, based on the Secretary's own initiative or upon the petition of an individual or organization.

Prohibits health insurance plans from: denying eligibility for the purpose of avoiding the requirements of the bill; providing monetary payments to encourage individuals to accept less than the minimum protections available; penalizing or reducing reimbursement because a provider provides care consistent with these requirements; providing incentives to a provider to encourage the provider to provide care inconsistent with the requirements.

Requires plans to provide subscribers full information on the extent of coverage, including covered benefits, cost-sharing requirements, and the extent of choice of providers.

By Mr. SMITH of New Hampshire (for himself and Mr. INHOFE):

S. 870. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for public-private partnerships in financing of highway, mass transit, high speed rail, and intermodal transfer facilities projects, and for other purposes; to the Committee on Finance.

Mr. SMITH of New Hampshire. Mr. President, today I rise to introduce the Multi Modal Transportation Financing Act. The United States faces a significant shortfall in funding for our highway and bridge infrastructure needs. It is incumbent upon us to look at new and innovative ways to make the most of limited resources to address these significant needs. This bill will lift the existing restrictions on tax-exempt bond financing for public agencies seeking greater private sector participation in a variety of transportation projects. This financing tool will serve to manage congestion, build more transportation options, and encourage technological innovation.

This bill will adjust the tax code in order to remove a barrier to needed transportation infrastructure investment. Under current Federal tax law, highways built by government can be financed through the use of tax exempt bonds—but those built by the private sector are not eligible to use this valuable financing tool, even though this tool is currently available to the private sector for the construction of seaports, airports and other public infrastructure facilities. Tax-exempt bonds can reduce interest rates as much as two percentage points below rates on comparable taxable bond issues and can reduce financing costs by 20–25 percent. While this has been a huge benefit for other infrastructure needs, once the private sector seeks to participate in the development or operation of a government-owned highway or intercity rail project, tax-exempt financing is no longer available. Yet these transportation projects costing from $100 million to over $1 billion are rendered financially infeasible when subjected to taxable bond financing, forcing the private sector out of transportation project development.

As a result, public/private partnerships in the provision of highway facilities are unlikely to materialize, despite the potential efficiencies in design, construction, and operation offered by such arrangements. By depending solely on public sector tax-exempt financing, some projects will not be built at all, while projects that still get built are done so much later, at higher cost, greater inefficiency and public sector risk.

Private sector participation in these transportation projects will provide access to new expertise, greater operating efficiencies, new sources of investment capital, and private sector risk sharing. This practice of private sector involvement has already been successfully implemented in a number of other countries. U.S. companies are currently investing billions of dollars in foreign infrastructure projects that are not subject to the United States tax code discrimination against similar private investment. Increasing the private sector's role in these countries has offered opportunities for construction cost savings and more efficient operation.

The effort to enhance private sector participation began a few years ago by my predecessor as chairman of the environment and Public Works Committee, Senator John Chafee. While his legislation did pass the Senate, it never made it to the President's desk. It is

time for this long over due private sector encouragement to become law.

I hope that this bill can be one in a series of new approaches to meeting our substantial transportation infrastructure needs and will be one of the approaches that will help us find more efficient methods to design, build, and operate the nation's transportation infrastructure. We should begin by knocking down barriers that discourage the private sector from unleashing its full resources to help build this nation's transportation network. I urge my colleague to join me in supporting this vital legislation.

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. 870

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 ''Multimodal Transportation Financing Act''.

SEC. 2. TAX-EXEMPT FINANCING OF QUALIFIED HIGHWAY INFRASTRUCTURE.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bond) is amended by striking ''or'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', or'', and by adding at the end the following:

''(13) qualified highway infrastructure projects.''.

(b) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(k) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—

''(1) IN GENERAL.—For purposes of subsection (a)(13), the term 'qualified highway infrastructure project' means a project—

''(A) for the construction, reconstruction, or maintenance of a highway, including related startup costs, and

''(B) meeting the requirements of paragraph (2).

''(2) PROJECT REQUIREMENTS.—A project meets the requirements of this paragraph if the project—

''(A) serves the general public,

''(B) is located on publicly-owned rights-of-way, and

''(C) is publicly owned or the ownership of the highway constructed, reconstructed, or maintained under the project reverts to the public.''

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended—

(1) by striking ''or (12)'' and inserting ''(12), or (13)'', and

(2) by striking ''and environmental enhancements of hydroelectric generating facilities'' and inserting ''environmental enhancements of hydroelectric generating facilities, and qualified highway infrastructure projects''.

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(c)(3) of the Internal Revenue Code of 1986 (relating to exception for certain land acquired for environmental purposes, etc.) is amended by striking ''or wharf'' both places it appears and inserting ''wharf, or qualified highway infrastructure project''.

(e) TREATMENT OF CERTAIN REFUNDING BONDS.—

(1) IN GENERAL.—Paragraph (2) of section 149(d) of the Internal Revenue Code of 1986 (relating to certain private activity bonds) is amended by inserting ''or any exempt facility bond issued as part of an issue described in paragraph (13) of section 142(a) (relating to qualified highway infrastructure projects)'' after ''other than a qualified 501(c)(3) bond''.

(2) SPECIAL RULES.—Paragraph (6) of section 149(d) of such Code is amended to read as follows:

''(6) SPECIAL RULES FOR PURPOSES OF PARAGRAPH (3).—For purposes of paragraph (3)—

''(A) bonds issued before October 22, 1986, shall be taken into account under subparagraph (A)(i) thereof except—

''(i) a refunding which occurred before 1986 shall be treated as an advance refunding only if the refunding bond was issued more than 180 days before the redemption of the refunded bond, and

''(ii) a bond issued before 1986, shall be treated as advance refunded no more than once before March 15, 1986, and

''(B) a bond issued as part of an issue that is either the 1st or 2nd advance refunding of the original bond shall be treated as only the 1st advance refunding of the original bond if—

''(i) at least 95 percent or more of the net proceeds of the original bond issue are to be used to finance a highway infrastructure project (regardless of whether the original bond was issued as a private activity bond),

''(ii) the original bonds and applicable refunding bonds are or are reasonably expected to be primarily secured by project-based revenues, and

''(iii) in any case in which—

''(I) the original bonds or applicable refunding bonds are private activity bonds issued as part of an issue at least 95 percent or more of the net proceeds of which are to be used to finance a qualified highway infrastructure project described in section 142(a)(13), the refunding bonds of the issue and original bonds of the issue satisfy the requirements of section 147(b), or

''(II) the original bonds and applicable refunding bonds are not private activity bonds, the second generation advance refunding bonds of the issue (and any future bonds of the issue refunding such bonds) satisfy the requirements of section 147(b).''.

(3) SPECIAL RULE RELATING TO MATURITY LIMITATION.—Section 147(b) of such Code (relating to maturity limitations) is amended by adding at the end the following:

''(6) SPECIAL RULE FOR CERTAIN HIGHWAY INFRASTRUCTURE PROJECTS.—

''(A) IN GENERAL.—In the case of bonds of an issue described in section 149(d)(6)(B), the limit described in paragraph (1)(B) shall be reduced—

''(i) in any case in which the original bonds or applicable refunding bonds are private activity bonds, by the remaining weighted average maturity of the escrowed bonds with respect to both the first and second generation advance refunding, and

''(ii) in any case in which the original bonds and applicable refunding bonds are not private activity bonds, by the remaining weighted average maturity of the escrowed bonds with respect to the second generation advance refunding.

''(B) REMAINING WEIGHTED AVERAGE MATURITY OF ESCROWED BONDS.—For purposes of subparagraph (A), the remaining weighted average maturity of the escrowed bonds is equal to the weighted average maturity, calculated as of the applicable refunding bond issue date—

''(i) with respect to subparagraph (A)(i), of the applicable bonds advance refunded, and

''(ii) with respect to subparagraph (A)(ii), of the applicable bonds directly refunded by the second generation advance refunding bonds, and

treating any date of actual early redemption as a maturity date for this purpose.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

SEC. 3. MASS COMMUTING FACILITIES.

(a) EXEMPTION FROM STATE VOLUME CAP.—Section 146(g)(3) of the Internal Revenue Code of 1986 (relating to exception for certain bonds), as amended by section 2, is amended—

(1) by inserting ''(3),'' after ''(2),'', and

(2) by inserting ''mass commuting facilities,'' after ''wharves,''.

(b) INCLUSION OF ROLLING STOCK.—Section 142(c) of the Internal Revenue Code of 1986 (relating to airports, docks and wharves, mass commuting facilities and high-speed intercity rail facilities) is amended by adding at the end the following new paragraph:

''(3) MASS COMMUTING FACILITIES.—The term 'mass commuting facilities' includes rolling stock related to such facilities.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

SEC. 4. MODIFICATION OF DEFINITION OF HIGH-SPEED INTERCITY RAIL FACILITIES.

(a) IN GENERAL.—Section 142(i)(1) of the Internal Revenue Code of 1986 (defining high-speed intercity rail facilities) is amended by striking '' and their baggage'' and all that follows and inserting ''on high speed rail corridors designated under section 104(d)(2) of title 23, United States Code, or on corridors using magnetic levitation technology.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

SEC. 5. TAX-EXEMPT FINANCING OF INTERMODAL TRANSFER FACILITIES.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bond), as amended by section 2(a), is amended by striking ''or'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '', or'', and by adding at the end the following:

''(14) intermodal transfer facilities.''.

(b) INTERMODAL TRANSFER FACILITIES.—Section 142 of the Internal Revenue Code of 1986, as amended by section 2(b), is amended by adding at the end the following:

''(1) INTERMODAL TRANSFER FACILITIES.—For purposes of subsection (a)(14), the term 'intermodal transfer facilities' means any facility for the transfer of people or goods between the same or different transportation modes.''.

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds), as amended by section 2(c), is amended—

(1) by striking ''or (13)'' and inserting ''(13), or (14)'', and

(2) by striking ''and qualified highway infrastructure projects'' and inserting ''qualified highway infrastructure projects, and intermodal transfer facilities''.

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(d)(3) of the Internal Revenue Code of 1986 (relating to exception for certain land acquired for environmental purposes, etc.), as amended by section 2(d), is amended by striking ''or qualified highway infrastructure project'' both places it appears and inserting ''qualified highway infrastructure project, or intermodal transfer facility''.

(e) CONFORMING AMENDMENTS.—Subsection (c) of section 142 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or (11)'' both places it appears in paragraphs (1) and (2) and inserting '', (11), or (14)'', and

(2) by striking ''AND HIGH-SPEED INTERCITY RAIL FACILITIES'' in the heading thereof and inserting '', HIGH-SPEED INTERCITY RAIL FACILITIES, AND INTERMODAL TRANSFER FACILITIES''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 87—EXPRESSING THE SENSE OF THE SENATE THAT THERE SHOULD BE ESTABLISHED A JOINT COMMITTEE OF THE SENATE AND HOUSE OF REPRESENTATIVES TO INVESTIGATE THE RAPIDLY INCREASING ENERGY PRICES ACROSS THE COUNTRY AND TO DETERMINE WHAT IS CAUSING THE INCREASES

Mr. DORGAN (for himself, Mr. DASCHLE, Mr. REID, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. MURRAY, Mr. SCHUMER, Mr. HARKIN, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 87

Whereas the price of energy has skyrocketed in recent months;

Whereas the California consumers have seen a 10-fold increase in electricity prices in less than 2 years;

Whereas natural gas prices have doubled in some areas, as compared with a year ago;

Whereas gasoline prices are close to $2.00 per gallon now and are expected to increase to as much as $3.00 per gallon this summer;

Whereas energy companies have seen their profits doubled, tripled, and in some cases even quintupled; and

Whereas high energy prices are having a detrimental effect on families across the country and threaten economic growth: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE CONCERNING THE NEED TO ESTABLISH A JOINT COMMITTEE OF THE SENATE AND HOUSE OF REPRESENTATIVES TO INVESTIGATE THE RAPIDLY INCREASING ENERGY PRICES ACROSS THE COUNTRY AND TO DETERMINE WHAT IS CAUSING THE INCREASES.

It is the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to—

(1) study the dramatic increases in energy prices (including increases in the prices of gasoline, natural gas, electricity, and home heating oil);

(2) investigate the cause of the increases;

(3) make findings of fact; and

(4) make such recommendations, including recommendations for legislation and any administrative or other actions, as the joint committee determines to be appropriate.

Mr. LIEBERMAN. Mr. President, I rise today to introduce a concurrent resolution calling attention to global e-commerce, a trade issue of great economic interest to this country. My esteemed colleague Senator MCCAIN and I have drafted this legislation to express the sense of Congress on the importance of promoting global electronic commerce. In the House of Representatives, Congresswoman TAUSCHER and Congressman DREIER will introduce the very same legislation. I am honored to be joined on this resolution by these three knowledgeable and distinguished leaders on technology issues.

Our economic landscape is undergoing a fundamental transformation. We are transitioning into a ''new economy'', a rapidly evolving, global marketplace that is governed by new rules and driven largely by new forces. Those new forces include information technology and the Internet. We all recognize that we are witnessing an electronic revolution. There is no shortage of statistics to prove what we are seeing all around us. According to a recent U.S. Department of Commerce report, approximately one third of the U.S. economic growth in the past few years has come from information technologies. Worldwide, there are more than 200 countries connected to the Internet today. That is up from 165 in 1996 and just eight in 1988. Today, more than 300 million people worldwide, more than half in North America, use the Internet. With Internet traffic continuing to double every 100 days, by 2005 more than one billion people will be connected. Importantly, more than three-quarters of them will be outside North America.

This digital age brought about by the Internet and information technology is opening new markets and growth opportunities for all types of U.S. companies in every corner of this vast country. ''Digital Trade'', including cross-border e-commerce transactions for goods and services, global business relationships enabled by electronic networks, and the goods and services that enable those transactions and relationships, can help new companies to emerge and existing companies to flourish. For example, according to a study done for Cisco by the Gartner Group, Europe's Internet economy is set to grow twenty-fold, from $53 billion in 1999 to $1.2 trillion in 2004. That growth presents real opportunities for millions of American companies and consumers.

We are seeing industry adjust to these new realities and seize these new opportunities. Last year, 60 percent of B-to-B companies were building globalized websites designed to reach audiences in many countries and across different cultures. By 2004, the level of globalization is expected to reach 80 percent. Those companies that choose not to globalize their websites project foreign revenue earnings this year of 12 percent. Those companies that do globalize expect foreign revenue earnings of 35 percent.

To make this picture of the digital age more real, let me move closer to home and talk about one of my favorite New Economy companies, Coastal Tool. Coastal Tool is a small family-owned business with 12 employees. They are in a very traditional industry, hardware retail, in a very traditional location, the heart of New England, West Hartford, CT. However, Coastal Tool is anything but traditional in its approach to business. Early on in the Internet revolution, Coastal Tool adopted information technology to improve its sales and marketing efforts. They understood back in the early 1990s what Alan Greenspan speaks of today when he testifies here on the Hill that there is a strong and undeniable link between the adoption of information technology, rising productivity, and increasing economic prosperity. Today, this small company does 20–30 percent of its business online, selling hand and power tools like biscuit joiners and disc grinders. It generates 15–20 percent of its revenue from online sales to overseas customers and is now exporting to more than 50 countries. By competing online and overseas, Coastal Tool, on the web at www.Coastaltool.com, is a true new economy success story and but one example of how an exponential growth in information technology adoption and e-commerce are reshaping the global economy.

But the global economy and digital trade also present us with challenges. While there are few if any technology barriers to global e-commerce, there are actual and potential policy and political barriers. For example, according to a recent survey of chief information officers across the country by CIO Magazine, approximately one third of the respondents feel that current barriers limit their company's ability to conduct e-commerce across international borders. Clearly this is a reality and a challenge with which we here in Washington must be concerned. That is why we have worked closely with industry, including the Information Technology Association of American, the Business Software Alliance, The Information Technology Industry Council, and the Semiconductor Industry Association, to draft this very important resolution.

This resolution describes the incredible opportunity that global e-commerce presents for the U.S. It calls on the Administration to make digital trade, the promotion of cross-border e-

commerce, a high priority on its trade agenda and to work in good faith with our trading partners to encourage its continued growth. More specifically, it states that the U.S. should encourage members of the World Trade Organization to promote the development of infrastructures necessary for e-commerce and refrain from adopting measures that would constitute actual or potential trade barriers to electronic commerce. The resolution does not take policy positions on specific issues of international trade. It does take a first step in making sure that global e-commerce is an issue and an opportunity with which members of this body are familiar.

I respectfully urge all of my colleagues here in the Senate to show their support for U.S. consumer and commercial interests by joining Senator MCCAIN and me in sponsoring and working to pass this very important concurrent resolution.

SENATE CONCURRENT RESOLUTION 37—EXPRESSING THE SENSE OF CONGRESS ON THE IMPORTANCE OF PROMOTING ELECTRONIC COMMERCE, AND FOR OTHER PURPOSES

Mr. LIEBERMAN (for himself, and Mr. MCCAIN) submitted the following concurrent resolution; which was referred to the Committee on Finance.

S. CON. RES. 37

Whereas information technologies have spurred additional growth and efficiency for the United States economy, given consumers greater power and choice, and created new opportunities for entrepreneurs;

Whereas an estimated 60 percent of American businesses are involved in electronic commerce;

Whereas in 2000, business-to-consumer electronic transactions were estimated at $61,000,000,000 and business-to-business electronic transactions at nearly $200,000,000,000;

Whereas economists have shown that the higher a nation's Internet usage, the faster cross-border trade increases, especially among developing nations;

Whereas cross-border electronic commerce represents a revolutionary form of international trade, one that will provide new opportunities for growth, efficiency, and rising living standards in the United States and overseas;

Whereas in this era of policy development for global electronic commerce, certain policy measures could push Internet users into localized regions of the World Wide Web, significantly reducing long-term opportunities for growth and development;

Whereas the current World Trade Organization (WTO) trade rules, including (the General Agreement on Tariffs and Trade, the General Agreement on Trade in Services, and the Agreement on Trade-Related Aspects of Intellectual Property) apply to e-commerce;

Whereas the growth of international trade via global electronic commerce could be stunted by domestic policies or measures that have the effect of reducing or eliminating competition; and

Whereas carefully coordinated agreements that ensure open markets, broad access, competition, and limited burdens on e-commerce can facilitate growth and development in the United States and overseas: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Secretary of Commerce and the United States Trade Representative should make the promotion of cross-border trade via electronic commerce a high priority;

(2) the United States should work in good faith with our trading partners to develop a cross-border trade regime that promotes the continued growth of electronic commerce and advances the interests of Internet buyers and sellers in different countries; and

(3) the United States should encourage members of the World Trade Organization to—

(A) promote the development of infrastructures that are necessary to conduct e-commerce;

(B) promote the development of trade in goods and services via e-commerce;

(C) ensure that products delivered electronically receive the most beneficial treatment available under trade agreements relating to similar products that are delivered physically, including market access and nondiscriminatory treatment; and

(D) refrain from adopting measures that would constitute actual or potential trade barriers to electronic commerce, and ensure that all other measures are predictable and transparent.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 10, 2001, at 10 a.m., in open session to consider the nominations of Dr. David S.C. Chu to be Under Secretary of Defense for Personnel and Readiness; Mr. Thomas E. White to be Secretary of the Army; Mr. Gordon England to be Secretary of the Navy; Mr. James G. Roche to be Secretary of the Air Force; and Mr. Alfred Rascon to be Director of Selective Service.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFIARS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 10, 2001, to conduct a hearing on the nomination of Mr. John E. Robson, of California, to be president of the Export-Import Bank; Mr. Peter R. Fisher, of New Jersey, to be Under Secretary of the Treasury for Domestic Finance; and Mr. James J. Jochum, of Virginia, to be Assistant Secretary of Commerce for Export Administration. The Committee will also vote on the nomination of Mr. Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade; Mr. Kenneth I. Juster, of the District of Columbia, to be Under Secretary of Commerce for Export Administration; Ms. Maria Cino, of Virginia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service: and Mr. Robert Glenn Hubbard, of New York, to be a member of the Council of Economic Advisors.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. 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, May 10 at 9:30 a.m. to conduct an oversight hearing. The committee will receive testimony on the President's proposed budget for FY2002 for the Department of Energy.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The Nation's Investment in Biomedical Research: Opportunities and Outcomes during the session of the Senate on Thursday, May 10, 2001, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, May 10, 2001 at 2:45 p.m. in room 495 of the Russell Senate Office Building to conduct an Oversight Hearing to receive the goals and priorities of the Alaska Native community for the 107th Congress.

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

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 10, 2001 at 10:00 a.m., in SD226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 10, 2001 at 11:30 a.m. to hold a closed briefing on intelligence matters.

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

SUBCOMMITTEE ON AVIATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Aviation of the Committee on Commerce, Science, and

Transportation be authorized to meet on Thursday, May 10, 2001, at 10:00 a.m. on Air Traffic Control.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. JEFFORDS. 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, May 10, immediately following the Subcommittee on National Parks Historic Preservation and Recreation hearing, to conduct an oversight hearing. The subcommittee will receive testimony on H.R. 880, a bill to provide for all right, title, and interest in certain property in Washington County, UT, to be vested in the United States.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 10, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the President's proposed budget for FY2002 for the National Park Service.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet on Thursday, May 10, 2001 at 10:15 a.m. to receive testimony regarding FY02 Budget requests for the Department of Transportation and the General Services Administration.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Christie Onoda and John Carwell of Senator DODD's staff be granted the privilege of the floor during the remainder of the debate on S. 1.

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

MODIFICATION OF AMENDMENT NO. 402

Mr. BENNETT. Mr. President, I ask unanimous consent that the instruction line of amendment No. 402 be modified to conform to the pending Jeffords substitute amendment. Amendment No. 402 was previously agreed to.

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

NATIONAL BIOTECHNOLOGY WEEK

Mr. BENNETT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 75 and the Senate then proceed to its immediate 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. 75) designating the week beginning May 13, 2001, as ''National Biotechnology Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNETT. 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 to the resolution be printed in the RECORD.

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

The resolution (S. Res. 75) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 75

Whereas biotechnology is increasingly important to the research and development of medical, agricultural, industrial, and environmental products;

Whereas public awareness, education, and understanding of biotechnology is essential for the responsible application and regulation of this new technology;

Whereas biotechnology has been responsible for breakthroughs and achievements that have benefited people for centuries and contributed to increasing the quality of human health care through the development of vaccines, antibiotics, and other drugs;

Whereas biotechnology is central to research for cures to diseases such as cancer, diabetes, epilepsy, multiple sclerosis, heart and lung disease, Alzheimer's disease, Acquired Immune Deficiency Syndrome (AIDS), and innumerable other medical ailments;

Whereas biotechnology contributes to crop yields and farm productivity, and enhances the quality, value, and suitability of crops for food and other uses that are critical to the agriculture of the United States;

Whereas biotechnology promises environmental benefits including protection of water quality, conservation of topsoil, improvement of waste management techniques, reduction of chemical pesticide usage, production of renewable energy and biobase products, and cleaner manufacturing processes;

Whereas biotechnology contributes to the success of the United States as the global leader in research and development, and international commerce;

Whereas biotechnology will be an important catalyst for creating more high-skilled jobs throughout the 21st century and will lead the way in reinvigorating rural economies; and

Whereas it is important for all Americans to understand the beneficial role biotechnology plays in improving quality of life and protecting the environment: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning May 13, 2001, as ''National Biotechnology Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

DISCHARGE AND REFERRAL—S. 821

Mr. BENNETT. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 821 and that the bill be referred to the Committee on Environment and Public Works.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to Public Law 106–554, appoints the Senator from Nebraska (Mr. HAGEL) to the Board of Directors of the Vietnam Education Foundation.

The Chair, on behalf of the democratic leader, pursuant to Public Law 100–696, announces the appointment of the Senator from Illinois (Mr. DURBIN) as a member of the United States Capitol Preservation Commission, vice the Senator from California (Mrs. FEINSTEIN).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, in executive session, I ask unanimous consent that the Senate proceed to consideration of the following nominations, reported by the Judiciary Committee: Daniel Bryant, PN 214; Larry Thompson, PN 200; reported by the Banking Committee: Grant Aldonas, PN 216, Robert Hubbard, PN 264, Kenneth Juster, PN 192.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, 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 JUSTICE

Larry D. Thompson, of Georgia, to be Deputy Attorney General.

Daniel J. Bryant, of Virginia, to be an Assistant Attorney General.

DEPARTMENT OF COMMERCE

Kenneth I. Juster, of the District of Columbia, to be Under Secretary of Commerce for Export Administration.

Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade.

EXECUTIVE OFFICE OF THE PRESIDENT

Robert Glenn Hubbard, of New York, to be a Member of the Council of Economic Advisers.

NOMINATION OF DANIEL BRYANT

Mr. LEAHY. Mr. President, Dan Bryant is well-known to many of us, especially those of us serving on the Judiciary Committee. We knew him first as an able member of the House Judiciary Committee staff and through his work as the Chief Counsel of the House Judiciary Committee's Subcommittee on Crime, working under Chairman HYDE and Congressman MCCOLLUM. At his confirmation hearing, Mr. HYDE, Mr. CONYERS, Senator BIDEN and both Senators from Virginia all came to testify on his behalf.

Mr. Bryant is respectful of the Senate and, I feel, all Senators. We are already working with Mr. Bryant as he is serving as a consultant to the Department while his nomination is pending. His history and current work give me every reason to support his nomination. I look forward to working with him in the days and months ahead. His is a most demanding job. I congratulate Dan and his family on his confirmation by the U.S. Senate.

NOMINATION OF LARRY THOMPSON

Mr. LEAHY. Mr. President, I am delighted that the Senate Judiciary Committee unanimously reported the nomination of Larry Thompson to be Deputy Attorney General to the Senate. The Deputy Attorney General is number two in command at the Department of Justice and plays a key role as a top advisor to the Attorney General. Former Deputies include William Rogers and Byron White, Nicholas Katzenbach and Warren Christopher, Harold Tyler, Jamie Gorelick and Eric Holder.

The Deputy has traditionally assumed responsibility for the day-to-day operations of the Department. The Deputy often has direct oversight of a number of divisions and units within the Department, including the FBI and those with criminal jurisdiction. The Deputy position may assume even greater significance in this Administration, since we have not seen any indication that there will be an Associate Attorney General with whom the Deputy might share those leadership responsibilities.

I know that Mr. Thompson is a strong conservative. I have confidence that we can work together. I believe him when he indicates that he is prepared to have a candid and responsive relationship with the Judiciary Committee, including the Democratic Senators.

I know that Mr. Thompson served previously as a United States Attorney and that he appreciates, as those of us who served as local prosecutors understand, where the front lines of law enforcement are, how they must be supported and that partisan politics have no business in law enforcement.

It was not only his testimony but the testimony of Mr. Thompson's home State Senators that I found compelling. Both Senator CLELAND and Senator MILLER came to the Committee and gave strong support. Those statements matter. His home state Senators would be expected to know him best and it was clear to me that they know him well.

Senator CLELAND's endorsement was without reservation. Senator MILLER described him as a consummate professional, quiet yet strong, someone who exercises enormous common sense, a person of great substance and little ego, and one who will put principle ahead of politics every time. We were assured that Larry Thompson comes with no agenda, and will base every decision on what is right, not what is popular or politically expedient.

With those kinds of endorsements and assurances, and with the frank exchanges that we had during the course of the hearing process, I feel confident in supporting the nomination of Larry Thompson. I look forward to working with Mr. Thompson in the days ahead and I congratulate Mr. Thompson and his entire family on his confirmation by the U.S. Senate.

LEGISLATIVE SESSION

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

ORDERS FOR MONDAY, MAY 14, 2001

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, May 14. I further 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 with Senators speaking for up to 10 minutes each with the following exceptions: Senator DURBIN or his designee, 12 noon to 1, and Senator THOMAS or his designee, 1 to 2.

Further, I ask unanimous consent that at 2 p.m. the Senate resume consideration of S. 1, the education bill, and Senator REID be recognized in order to call up amendment No. 460.

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

PROGRAM

Mr. BENNETT. For the information of all Senators, when the Senate convenes at 12 noon on Monday, there will be 2 hours of morning business. Following morning business, the Senate will resume consideration of the education bill and the Reid amendment No. 460. Under the order, if it is agreed to, there will be up to 1 hour of debate on the amendment which will then be laid aside.

Also on Monday, Senator CLELAND will be recognized at 4 p.m. to resume debate of his modified amendment No. 376. A vote in relation to the Reid amendment will begin at 5:30 p.m. and following that vote and some closing remarks, a vote is expected in relation to the Cleland amendment. Senators should therefore be on notice that at least the two votes will occur on Monday evening at 5:30 p.m.

ADJOURNMENT UNTIL MONDAY, MAY 14, 2001

Mr. BENNETT. 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 5:47 p.m., adjourned until Monday, May 14, 2001, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 10, 2001:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CARI M. DOMINGUEZ, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2001, VICE JOYCE ELAINE TUCKER, TERM EXPIRED.

CARI M. DOMINGUEZ, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2006. (REAPPOINTMENT)

FEDERAL COMMUNICATIONS COMMISSION

MICHAEL K. POWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2002. (REAPPOINTMENT)

CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE MAY 10, 2001:

DEPARTMENT OF COMMERCE

KENNETH I. JUSTER, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.

GRANT D. ALDONAS, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT GLENN HUBBARD, OF NEW YORK, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

DEPARTMENT OF JUSTICE

LARRY D. THOMPSON, OF GEORGIA, TO BE DEPUTY ATTORNEY GENERAL.

DANIEL J. BRYANT, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

SIKH ACTIVIST MANN SHOULD APOLOGIZE FOR THREAT ISSUED BY A LEADER OF HIS PARTY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. TOWNS. Mr. Speaker, on Saturday, April 29, a number of Sikh leaders got together for Khalistan Day celebrations in Stockton, California. Overall, the event was very successful and it featured a number of outstanding speakers, including Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, and Dr. Awatar Singh Sekhon, the Managing Editor of the International Journal of Sikh Affairs. Unfortunately, something that happened to Dr. Sekhon seriously marred this otherwise successful, celebratory event.

According to Burning Punjab, an online news service, a leading supporter of Member of Parliament Simranjit Singh Mann made a ''death threat'' against Dr. Sekhon after Dr. Sekhon strongly criticized Mr. Mann. Most of us in this House have been subjected to strong criticism but we have never threatened our critics nor would we permit our supporters to do so. That is not the democratic way.

Mr. Mann, a former member of the Punjab police who has become an Indian politician, has been silent on this event. If Mr. Mann wants to be taken seriously as a leader in a democratic state, he must condemn the threat that his supporter made and issue an apology on behalf of his party to Dr. Sekhon. Otherwise, people will see that there is no difference between Mr. Mann and other Indian politicians.

The Indian government's oppression of Sikhs, Christians, Muslims, and other religious minorities in India has been very well documented. Has that oppression now extended to an effort to suppress their critics in free countries like ours?

TRIBUTE TO BILL WALSH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Ms. LOFGREN. Mr. Speaker, I rise to congratulate Bill Walsh, the vice president and general manager of the San Francisco 49ers, who has been named San Jose State University's 2001 Tower Award winner. The Tower Award is presented annually to an individual ''who has made a significant contribution to the university community through his or her outstanding work.''

Bill Walsh has twice graduated from San Jose State University: once with a bachelor's degree in education in 1955, and then with a master's degree in the same field in 1959. Mr. Walsh began his coaching career as an assistant at Monterey Peninsula Junior College in 1955, before heading back to San Jose State as a graduate assistant in 1956.

After stints at the University of California and Stanford, Bill Walsh joined the Oakland Raiders as the offensive backfield coach. His illustrious career includes coaching slots with the Bengals and Chargers organizations.

Hired in 1979 as the head coach, Bill Walsh coached the San Francisco 49ers to three Super Bowl championships in the 1980s and was a 1993 inductee into the Pro Football Hall of Fame. Mr. Walsh retired from active coaching in the NFL in 1988 with a career record of 102 wins, 63 losses. Bill Walsh now serves as an assistant to the coaching staff of the 49ers.

Bill Walsh was one of only 14 coaches in the history of pro football to be elected to the NFL Hall of Fame, and the first coach in team history to reach the 100-win plateau. He was twice named NFL Coach of the Year and was later named NFL Coach of the Decade for the 1980s. He is the author of two books, ''Finding the Winning Edge'' and ''Building A Champion.''

San Jose State University president Robert Caret said of Bill Walsh, ''[his] role as a coach, an author and as an executive in the industry has brought a new level of professionalism to the sports industry. It is a great source of pride that he is an alumnus of the university.'' I congratulate Bill Walsh on this truly prestigious award, and thank him for his support of San Jose State University. My family and I wish him the best.

ONE SWAP FUND TRANSACTION CONTINUES TO AVOID LAW

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, I introduced legislation in the previous Congress to eliminate a tax avoidance technique available only to the very wealthy. This technique involves the use of swap funds. Today I am introducing this legislation again.

Legislation to shut down this particular practice was enacted in 1967, 1976, and again in 1997. In 1967 Congress enacted a law to prevent swap funds from being transacted in the form of a corporation, as was popular at the time. This led to the swap fund transaction being resurrected in the form of a partnership, which was closed down in 1976. Subsequently, the industry developed methods to get around both laws by manipulating the 80 percent test for investment companies. The Taxpayer Relief Act of 1997 closed these transactions down by broadening the definition of financial assets that are taken into account for purposes of the 80 percent test. Obviously, the point here is that three times Congress has acknowledged the tax avoidance potential of this transaction, and three times Congress has made a public policy decision to close this shelter down. And three times Congress has failed.

Swap funds are designed to permit individuals with large blocks of appreciated stock to diversify their portfolio without recognizing gain and paying tax. In this transaction, a fund is established into which wealthy individuals with large blocks of undiversified stock transfer their stock. In exchange for the transferred stock, these individuals receive an equivalent interest in the funds' diversified portfolio. In effect, these individuals have now diversified their holdings by mixing their shares of stock with different shares of stock from other individuals, without having to sell that stock and pay tax on the gain like ordinary Americans.

The swap fund transaction is complicated, and is limited to individuals with large blocks of stock. For example, one offering was limited to subscriptions of $1 million, although the general partner retained the right to accept subscriptions of lesser amounts. This, however, does not mean an individual with ony a million dollars in stock could invest in the swap fund. In order to avoid Securities and Exchange Commission registration requirements, these transactions are often limited to sophisticated investors who under SEC regulations, according to a 1998 prospectus, must have total investment holdings in excess of $5 million.

As outlined above, current law tries to stop swap funds involving a corporation or a partnership that is in investment company. An investment company is a corporation or partnership where the contribution of assets results in a diversification of the investor's portfolio, and more than 80 percent of the assets of which are defined by law as includable for purposes of this test.

In the most current form of the swap fund transaction, that limitation is avoided by holding at least 21 percent of assets in preferred and limited interests in limited partnerships holding real estate. In fact, the purpose of the fund is clearly identified by the prospectus, which states that ''the value of the Private Investments will constitute at least 21% of the total value of the Fund's portfolio, so that the Fund will satisfy the applicable requirements of the Code and the Treasury Regulations governing the nonrecognition of gain for federal income tax purposes in connection with the contribution of appreciated property to a partnership.'' As in past years, the bill I am introducing addresses the specific transaction being used; that is, the bill would eliminate the latest avoidance technique by providing that such investments would be treated as financial assets for purposes of the 80 percent test.

The second part of this bill at long last recognizes the inadequacy of the above approach, given its 32 year record of failure. This

section states that any transfer of marketable stock or securities to any entity would be a taxable event, if that entity is required to be registered as an investment company under the securities laws, or would be required to but for the fact that interests in the entity are only offered to sophisticated investors, or if that entity is formed or availed of for purposes of allowing investors to engage in tax-free exchanges of stock for diversified portfolios.

The effective date of this legislation is for transfers after date of Committee action.

Mr. Speaker, the Committee on Ways and Means regardless of the party in charge has traditionally been concerned with tax transactions constructed for the very few the sole purpose of which is to avoid paying tax. I believe the Committee continues to hold this concern and look forward to working with the Members to enact this law later this year.

A PROCLAMATION RECOGNIZING MR. DICK JOHNSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Mr. Dick Johnson has been selected for recognition by the Muskingum Chapter of the Boy Scouts of America to receive the distinguished honor of the ''Commitment to Excellence Award''; and,

Whereas, Mr. Johnson has devoted his efforts to providing his community with exemplory service in his positions on the Board of Directors of the Boy Scouts of America, the Muskingum College Board of Directors, and in the Wilds Board of Directors; and,

Whereas, he has served his community as a supporter of medical research; and,

Therefore, Members of Congress, with a real sense of gratitude and pride, join me in commending Mr. Dick Johnson as he has served his community above and beyond all expectations and has truly made a difference in the lives of the people of Ohio. I am proud to call him a constituent.

ON THE INTRODUCTION OF HIGHER EDUCATION AFFORDABILITY AND FAIRNESS ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. HOLT. Mr. Speaker, I rise today to introduce a bill that is very important to me and many New Jersey families—the Higher Education Affordability and Fairness Act.

As a scientist and former teacher, I have spent many years working in post-secondary education, and I have seen how fortunate we are. We have some of the best colleges and universities in the world here in the U.S. and in New Jersey. However, with the increasing costs of higher education, our high quality colleges are becoming inaccessible to many.

According to the College Board, since 1980, the price of a college education has been rising between two and three times as fast as the Consumer Price Index.

In fact, tuition and fees for a four-year college education have risen 115 percent over inflation since the 1980–81 school year, while median household income has risen only 20 percent.

What is most frustrating is that despite the economic prosperity many families have enjoyed over the past decade, the cost of a college education continues to rise at a rate faster than these families can afford.

As a result, more and more families are forced to borrow money to meet tuition costs.

In fact, according to the National Association of Independent Colleges and Universities, nearly 80 percent of their full time, dependent undergraduates receive some sort of financial assistance.

This shift from grant-based assistance programs to loan-based assistance programs increases the financial burden of attending college because students and families must then assume interest costs, which can add thousands to the total cost of tuition. In fact, one of my staffers tells me that he must pay over $9,000 in student loan interest a year.

We must change this by making college more affordable for our students and their families.

In years past, Congress has sought to address college affordability by providing a HOPE Scholarship tax credit of up to $1,500 for the first two years of expenses and a Lifetime Learning tax credit of up to $1,000 for the third and fourth years as well as for graduate school.

In addition, for low-income families, Congress has increased funding to $8.75 billion for Pell Grants, a need-based grant program that will help send four million Americans to college this year.

While this is a good start, much more should be done.

Under current law, taxpayers cannot deduct higher education expenses from their taxes, unless the expenses meet a very narrow definition as "work-related".

In addition, families living in high cost states like New Jersey or California do not receive the same benefits as those living in lower cost states because of unfair income limitations. Finally, a family who invests in an Education IRA cannot use the savings for a child's college education and also receive the benefits of the HOPE or Lifetime Learning tax credits.

I am proud to introduce the Higher Education Affordability and Fairness Act (HEAFA), which will make higher education more affordable by allowing higher education expenses to be tax deductible.

HEAFA would allow families who take the HOPE tax credit to deduct up to the next $8,000 in tuition expenses not covered by the credit, capping the deduction at $15,000 in tuition expenses in one year if a family has more than one child in college. Families ineligible for the Hope Scholarship, due to its income limitations, would be able to deduct $5,000 of tuition costs.

The bill would also increase the Lifetime Learning credit to 20 percent of $10,000 of tuition, from the current 20 percent of $5,000, and provide families with the choice of taking either the credit or a deduction on up to $10,000 of tuition, $5,000 if a family earns more than $120,000 a year.

HEAFA would raise the phase-out limit for the HOPE credit to $60,000 for singles and $120,000 for couples, allowing more families to benefit.

In order to ensure that savings go to the intended beneficiaries, families and students, the bill directs an annual study to examine whether the federal income tax incentives to provide education assistance affect higher education tuition rates.

Finally, to address the needs of low-income families, the bill expresses the sense of the Senate that the maximum annual Pell Grant should be increased to $4,700 per student.

College is the best investment of a lifetime. We must take steps to ensure that higher education is within the reach of all Americans so that they are prepared to meet the challenges they will face in our increasingly competitive world.

We must make it easier for families to afford college, and we can do so this year by allowing college tuition and other expenses to be tax deductible.

I urge my colleagues to support me in this important bill. We can all agree that these are tax cuts we truly need.

TRIBUTE TO COACH PARKER DYKES

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. SHOWS. Mr. Speaker, I rise today to honor a distinguished constituent of mine, Coach Parker Dykes. I am proud to share with my colleagues in Congress that Coach Dykes was recently elected President of the National Junior College Football Coaches Association. He has been head football coach at Jones County Jr. College for eight seasons. Coach Dykes has been actively involved in football for 36 years of his life, coaching at various colleges and high schools throughout Mississippi and the country. His successes in football have brought him many accolades including being repeatedly named "National Coach of the Year."

He is happily married to the former Jane White of Mendenhall, Mississippi, and they have 3 sons together: Ker, Rick, and Mike. They also are the proud grandparents of two young boys who would be fortunate to be coached by as fine a man as their grandfather.

One of Coach Dykes' passions is the Fellowship of Christian Athletes, of which he has been a member since 1964. He fondly notes that his greatest personal achievement was when he was selected for the Fellowship of Christian Athletes of Mississippi Influence Award.

Mr. Speaker, Coach Dykes has been a wonderful influence in many young athletes' lives and it is truly a pleasure and a privilege to have him as a constituent. We need more people like Coach Dykes to inspire the children in our communities.

NATIONAL TEACHERS DAY

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. LUTHER. Mr. Speaker, I would like to take this opportunity to celebrate National Teacher's Day and to recognize the remarkable educators who have dedicated themselves to educating the students of our country.

Since my election to the U.S. House of Representatives in 1994, I have had an opportunity to visit many schools in Minnesota and in every school I have found an amazing group of men and women dedicated to preparing our children for the future. As they create new and innovative ways of teaching, these educators are true professionals committed to their task while facing the difficult challenges of today's world.

I commend the teachers of my district for their dedication and perservance in inspiring our nation's youth to achieve their goals and dreams. I ask everyone to join me.

RECOGNITION OF COL. RUSSELL B. HALL'S 26 YEARS OF SERVICE IN THE UNITED STATES ARMY

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize Colonel Russell B. Hall's twenty-six years of service in the United States Army. Col. Hall will be retiring this year and his extensive experience will be hard to replace. He currently serves as the Chief of the Resources Integration Office in the Office of the Assistant Chief of Staff for Installations Management. Col. Hall also serves as the Executive of the Installation Program and Evaluation Group for the Assistant Chief of Staff for Installation Management.

Colonel Russell B. Hall was born in Roswell, New Mexico on January 19, 1953. He holds a Bachelor's Degree in Biology from Trinity University in San Antonio, Texas and a Master's Degree in Operations Research from George Mason University. Colonel Hall was a Distinguished Military Graduate and received a Regular Army commission from the Reserve Officer Training Corps. His military education includes the Artillery Basic and Advance Courses, and the Command and General Staff College.

He has held a wide variety of key command and staff positions before his current assignment as the Chief of the Resource Integration Office and Executive of the Installation Program Evaluation Group for the Assistant Chief of Staff for Installation Management. Other key assignments include duty as the Secretary of the General Staff of the 1st Cavalry Division; Executive Officer of the 3rd Battalion 82nd Field Artillery; Brigade Fire Support Officer, 2nd Brigade (Blackjack), Fort Hood, Texas, and Charlie Battery Commander 1st Battalion 77th Field Artillery, Executive Officer of the Training and Doctrine (TRADOC) Operations and Analysis Center, Fort Leavenworth, Kansas. He has served as the Commander of the 409th Base Support Battalion, Grafenwoehr and Vilseck, Germany. After command, Col. Hall completed his tour as the Deputy Director of Training in the Directorate of Training, USAREUR DCSOPS and Seventh Army Training Command.

Col. Hall's awards and decorations include: The Bronze Star Medal, the Meritorious Service Medal with four Oak Leaf Clusters, the Army Commendation Medal with three Oak Leaf Clusters, the Saudi-Kuwait Liberation Medal, the Southwest Asia Medal with three Bronze Stars, the Army Service Ribbon and the Overseas Ribbon. He also wears Master Parachutist wings and the Ranger Tab.

Colonel Hall is married to the former Alexia Rowe of Tulsa, Oklahoma. They have one child, a daughter, Rachel.

Our nation owes a large debt to Col. Hall for his service and wishes him good luck with his future endeavors.

PAYING TRIBUTE TO FIVE OUTSTANDING WORCESTER COMMUNITY LEADERS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to five outstanding individuals in Worcester, Massachusetts. These community leaders have been selected to receive awards from the Worcester Democratic City Committee at their annual JFK Dinner on Saturday, May 12.

Julie Komenos is receiving the John F. Kennedy Female Democrat of the Year Award. Julie was born and has lived in Worcester her entire life. She makes her home with her husband of 28 years, Michael and her two sons Michael 3rd and Kristopher. Julie is best known for her work at Abby's House, where she started the Day-Center Program, served on the Board of Directors as a member for 2 years, and served as President of the Board for 5 years. She is presently on staff at Abby's House. Women's issues are her passion. Working at Abby's House gives Julie the opportunity to work on the front lines with women and their struggles.

Gary Vecchio will receive the John F. Kennedy Male Democrat of the Year Award. Gary has earned this honor as a result of his extensive and varied service to the Worcester Democratic Party and the city as a whole. Gary's political activism began in 1977 with his first election as a delegate to the Massachusetts Democratic State Convention. Gary has also served on the Worcester Area Leadership Association, the Eastside Community Development Corporation, the Worcester Citizens Advisory Council, and as chairman of the Shrewsbury Street Advisory Committee. In 1996, Gary received citations from the Massachusetts House of Representatives, the State Senate, and the Governor's Council for his work as President of Worcester State Hospital's Board of Trustees.

Paul Pezzella is being honored with the Robert F. Kennedy Lifetime Achievement Award. Paul is a partner of A.D.S. Ventures, Inc. Paul has over 20 years experience in government affairs and national, state and local electoral politics. He has worked with former State Senator Gerard D'Amico, Governor Michael Dukakis and many many others. In 1985, Paul was elected to the first-ever Worcester Charter Commission. He was the architect of the Elections Commission and led the fight to eliminate the at-large nine member Council and replace it with more district Representation. Paul has recently been nominated as an Incorporator for the Greater Worcester Community Foundation.

Leonard Ciuffredo will receive the Edward M. Kennedy Labor Award. Lenny is a lifelong resident of Worcester's East Side and learned very early on about the values and ideals of working men and women. Lenny has been active in a large number of community affairs, and has especially enjoyed working with young people and encouraging them to get involved in the political process. In addition to his labor activities, Lenny has served on the Board of Directors for the United Way of Central Massachusetts, the Brown Square Crime Watch Group and as a member of Our Lady of Mt. Carmel Parish. Lenny and his wife Juliann have two children, Bianca and Geena-Maria.

Stacey DeBoise Luster will receive the Barbara Jordan Award, named for the late Congresswoman from Texas. Stacey was recently appointed Director of Human Resources for the Worcester Public Schools Manager. Previously, she was the first woman of color to be elected to the Worcester City Council. Stacey also served as the Assistant to the President for Affirmative Action and Minority Affairs at Quinsigamond Community College. Stacey is a member of the Board of Directors of the Greater Worcester Community Foundation and a member of the Board of Trustees of the Worcester Art Museum. Recently, she was named one of "40 under 40" by the Worcester Business Journal.

Mr. Speaker, I commend all of these outstanding citizens for their dedication to making the Worcester area a better place for all its families, and I congratulate them for these well-deserved accolades. I know all of my colleagues join me in paying tribute to 5 fine examples of community involvement.

A TRIBUTE TO BILL GEORGE UPON HIS RETIREMENT AS CHIEF EXECUTIVE OFFICER OF MEDTRONIC

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to Bill George, who recently retired as the Chief Executive Officer of Medtronic, Inc.

Medtronic is one of the leading medical technology companies in the world. This is due in large part to the leadership of Bill George, its COO since 1989 and CEO since

1991. During his tenure, Bill George built Medtronic into a company that employs 25,000 people in 120 countries, with revenues of more than $5 billion.

But Bill is more than a successful businessman. He is a policy visionary who believes in patient centered care, which is enabled by medical technology. I want to single out the Patient Summit he hosted in Washington, D.C. last year, which encouraged a dialogue between patients, policymakers and advocacy groups about the role patients can play in directing their own health care.

Under his leadership, the Medtronic Foundation has reached out to patient groups in unprecedented ways, giving $12 million last year alone to non-profit organizations in communities worldwide.

As a fellow Minnesotan, I've watched Bill's personal efforts in the community with much admiration. His efforts as chair of the board of the United Way of Minneapolis and vice chair of the board of the Minneapolis Institute of Arts, as well as his work on the boards of the American Red Cross and the Carnegie Endowment for International Peace, are just a few of the highlights.

Mr. Speaker, I highly commend Bill George for his visionary and innovative leadership. He has taken a great company and made it better with his strong commitment to bettering the lives of patients. Bill's integrity and leadership qualities have made him a great role model for many aspiring leaders, and he is a true inspiration to many.

Bill George will be sorely missed by Medtronic, but the Twin Cities community will continue to benefit from all that he does for so many. I applaud Bill for a stellar career at Medtronic, and I wish him and his wonderful wife, Penny, and their family continued success and happiness in future years.

PERSONAL EXPLANATION

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 100, I put my voting card in and it did not register. Had it registered, I would have voted "Yea".

CONGRATULATING EISLEBEN EVANGELICAL LUTHERAN CHURCH ON CELEBRATING THE ONE HUNDRED FIFTIETH ANNIVERSARY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mrs. EMERSON. Mr. Speaker, it is with great honor and pride that I stand before the House today to extend my congratulations to Eiselben Evangelical Lutheran Church as the congregation celebrates its 150th Anniversary.

Named after the town in Germany where Dr. Martin Luther, the founder of the Lutheran Church was born, Eiselben Lutheran Church was formed in 1848 in what is now known as Scott City. Formally organized in 1951, the first congregation was comprised of just 19 members gathered together in a home. But although small in numbers, they were large in faith. 1848 was a meaningful year. It was that year the first baptism was performed in the church and it was that same year the first communion was celebrated on the Sunday following Easter.

Slowly the congregation grew, and steadily the numbers rose to a point where in 1855, the church was fortunate enough to welcome the arrival of its first permanent pastor. A short time later, a log building was erected as the first house of worship in 1867 and a second facility was added in 1897—a school building.

Other timely and memorable events followed, including the organization of what is now the Lutheran Youth Fellowship in 1893. The church construction was completed in 1913 and the Ladies Aid Society was organized that year as well. Finally, Sunday School, the education program for the youth in the church community, began in 1922.

The church has seen many changes during its colorful 150-year history. Twenty-five pastors have dedicated their time and energy to growing this spiritual community including the current Rev. Robert Azinger.

Mr. Speaker, on this very special occasion, I ask that all of my colleagues join me in congratulating Eisleben Lutheran Church on its 150th anniversary. May the blessings they have enjoyed thus far continue so that they might remain strong and solid for years to come.

ANTI-SEMITISM IN DAMASCUS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. LANTOS. Mr. Speaker, during the historic visit of His Holiness Pope John Paul II to Syria earlier this week, Syria's new president Bashar al-Assad, in a speech welcoming the Pope in Damascus, spewed forth the most vile and vicious anti-Semitism. He said that the Jews "tried to kill the principles of all religions with the same mentality in which they betrayed Jesus Christ and the same way they tried to betray and kill the Prophet Muhammad."

This venomous remark was in stark contrast to the theme that the Pope voiced during his visit to Syria—peace and understanding. This was reflected in his visit to the Great Omayyad Mosque in Damascus, the first visit by any Pope to a Moslem house of worship. His Holiness on that occasion called for a "new attitude of understanding and respect" between Muslims, Christians and Jews.

The Wall Street Journal yesterday editorially expressed the concern for the response from President Bashar Assad and others in Syria. "But instead of being met by reciprocal gestures, Sheik Kuftaro, with Syrian President Bashar Assad, used the Pope's visit to showcase their own intolerance. The Sheik delivered a speech urging Christians and Muslims to line up against 'Jews and Zionists.' Assad helpfully reminded the Pope of the role played by Jews in the death of Christ. And from Syria's state-controlled media came the line that Israelis were 'enemies of God and faith.'"

The Journal also noted that vicious anti-Semitism which the Pope's visit brought out in his hosts is certainly not limited to Syria alone. The editorial quoted an Arab school text: "'Perhaps Allah brought the Jews to our land so that their demise would be here,' reads a characteristic passage of a Palestinian textbook for children. In Egypt, popular columnist Ahmad Ragab recently wrote, 'Thanks to Hitler, blessed memory, who on behalf of the Palestinians, revenged in advance, against the most vile criminals on the face of this earth.' The Protocols of the Elders of Zion, a notorious anti-Semitic tract penned in czarist Russia, remains in wide circulation throughout the Middle East."

Mr. Speaker, how much at odds with the purpose and message of the Papal visit were the vile words of President Assad. He used the occasion of the Papal visit to throw gasoline on the flames of anti-Semitism at a time when this region of the world is most in need of soothing remarks and racial healing. I welcome the condemnation of the statements of President Bashar Assad that have appeared in the a large number of American newspapers.

Mr. Speaker, The Washington Post published an excellent editorial yesterday criticizing Bashar Assad's vicious anti-Semitic, outrageous and inflammatory statements. I ask that this editorial be placed in the RECORD, and I urge my colleagues to read it.

VILE WORDS

Editorial, The Washington Post, Tuesday, May 8, 2001

SYRIAN PRESIDENT Bashar Assad on Saturday offered a vivid, if vile, demonstration of why he and his government are unworthy of respect or good relations with the United States or any other democratic country. Greeting Pope John Paul II in Damascus, Mr. Assad launched an attack on Jews that may rank as the most ignorant and crude speech delivered before the pope in his two decades of travel around the world. Comparing the suffering of the Palestinians to that of Jesus Christ, Mr. Assad said that the Jews "tried to kill the principles of all religions with the same mentality in which they betrayed Jesus Christ and the same way they tried to betray and kill the Prophet Muhammad." With that libel, the Syrian president stained both his country and the pope, who so far has failed to adequately respond. He also confirmed something about himself that has become increasingly clear during the months since he inherited the presidency from his father: This 35-year-old naif is headed in a dangerous direction.

John Paul's decision to visit Syria and to become the first pontiff to visit a mosque offered Mr. Assad a remarkable opportunity. The former ophthalmologist has been struggling to establish himself as a credible leader both in and outside of Syria, and could have drawn on the pope's enormous prestige by welcoming his latest attempt to reach out to another faith. But Mr. Assad seems to have little understanding of the world outside Damascus, or how he can productively relate to it. Since taking office, he has abandoned his father's uneven efforts to reach out to Israel and the West and instead taken a series of militant and provocative steps, ranging from

increased support for the Hezbollah militia in southern Lebanon to the illegal export of hundreds of millions of dollars of Iraqi oil through a Syrian pipeline. At an Arab conference in March he proposed the reinstitution of a boycott against Israel, saying the Israelis were ''worse than the Nazis.'' The Arab leaders wisely ignored his proposal, while his rhetoric drew widespread condemnation.

Having evidently learned nothing from that episode, Mr. Assad sought Saturday to recruit the pope and the Catholic Church for his war against Jews. Vatican officials maintained that the pope did not have prior notice of Mr. Assad's medieval appeal, and the pontiff's own words implicitly rejected it. But the Vatican's response to Mr. Assad was shockingly blase, considering the effort John Paul has made to repudiate the church's own history of anti-Semitism. ''We are guests of the president and he expressed his opinion,'' said longtime papal spokesman Joaquin Navarro-Valls. ''I wouldn't call it strong; I would call it clear.''

What is clear is that Mr. Assad converted a visit meant to symbolize tolerance and reconciliation into a display of obtuseness by the Vatican in the face of religious ignorance and hatred. During the past decade the United States engaged diplomatically with Mr. Assad's father, gaining his support in the Persian Gulf War and drawing him into the Middle East peace process. Despite the totalitarian nature of his regime and its sponsorship of terrorism, Hafez Assad seemed to understand that peace with Israel and engagement with the West offered the only way forward for his country. His son clearly does not—and should be treated accordingly.

TRIBUTE TO CAITLIN STEIGER FOR HER EXEMPLARY VOLUNTEER SERVICE

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. FORD. Mr. Speaker, I rise to pay tribute to and commend Caitlin Steiger for her exemplary service and commitment to her community. On May 7, 2001, Caitlin was named one of America's top ten teen volunteers in Prudential's Spirit of Community Awards Ceremony. She was recognized for her efforts to organize an annual 5K run, which benefits Hope House day care center in Memphis. Through her own initiative, Caitlin created this local service project to strengthen her community and provide much needed services to children suffering with AIDS.

Caitlin has successfully organized this event for the past two years and, during that time, raised over $50,000 for this day care center that services children with AIDS or who have relatives with AIDS. She was selected to the top ten from over one hundred teenagers who were honored for their community achievements.

It is inspiring to see a young Tennesseean give something of quality back to the Memphis community and to the entire state. While there is no doubt that Caitlin found this work rewarding, I am sure that those who have benefitted from her efforts are very grateful for her special contribution. I am very proud of Caitlin's efforts to create a better, stronger community.

Caitlin is an outstanding young leader and is certain to continue to make a difference in the world around her. Her commitment to public service is an example for all ages of what it means to be a leader. I appreciate what she has done for all Tennesseans and am certain that this is just the beginning of many successes for this most impressive young woman. I ask my colleagues to join me in honoring her today.

INTRODUCTION OF THE AIRLINE CUSTOMER SERVICE IMPROVEMENT ACT OF 2001

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, today I am introducing the Airline Customer Service Improvement Act. This legislation is designed to address many of the underlying problems that have led to the recent public frustration with the air travel industry.

On June 17, 1999, the Air Transport Association, the association representing most of the major air carriers, announced that each of these carriers would develop voluntary customer service plans to address the problems the industry is facing. This came in response to several pieces of legislation that had been introduced in the 106th Congress to address this situation.

However, on February 13, 2001, the Department of Transportation Office of the Inspector General released its final report analyzing the progress made by the airlines under their voluntary ''Customer Service Commitment.'' The Inspector General's report concluded that, although progress had been made, there were still significant shortfalls. The report further pointed out that the Service Commitments did nothing to address the underlying problem of delays and cancellations.

When a customer purchases an airline ticket, there are obligations such as arriving on time, staying seated on the plane during takeoff and obeying rules and regulations set by airlines. But the contract should be mutual. The passenger needs assurances that the airline lives up to the other end of the bargain.

This legislation directs the Secretary of Transportation to establish a uniform check-in deadline and requires airlines to disclose that deadline on their ticket jackets. It states there must be notification that involuntarily bumped passengers must be offered compensation before any offers are made to volunteers. The bill also requires prompt notification and truthful explanation of any flight delays, cancellations or diversions.

The Airline Customer Service Improvement Act requires more detailed and accurate information on mishandled baggage, including the establishment of a luggage tracking system and a toll free telephone number passengers can call to check on the status of their delayed luggage. It also requires that passengers who do not check luggage not be counted when calculating the rate of mishandled luggage.

This bill codifies common sense and common courtesy. If someone's flight is canceled, then that person should be called. Why should someone who owns an airline ticket be forced to pack up the car and drive to the airport on a wild goose chase?

Mr. Speaker, this legislation is urgently needed to address some of the underlying problems in the air travel industry as we move into the summer traveling season. I encourage my colleagues to take a look at this legislation and join me in co-sponsoring the Airline Customer Service Improvement Act.

IN HONOR OF OUR VETERANS

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. CANNON. Mr. Speaker, on Memorial Day, we remember those brave men and women who have given the ultimate sacrifice for the freedom and world stability that we now enjoy. Let us use this day to remember our ancestors, our family members, our loved ones, and our friends who have given their last full measure of devotion to our country.

As part of the ongoing celebration, I rise today to honor the Lehi American Legion of Utah as well as the Veterans of Foreign Wars. The veteran memorial they have constructed in the Third District of Utah, which I represent, is a fitting and proper way to honor those who have served.

The Lehi American Post 19 and their 88 members have designed a memorial wall which includes over 400 names of veterans that are buried in the Lehi cemetery. This memorial stands not only as a tribute to the deceased, but as a tribute to the ideals that American soldiers still embrace and defend today.

Many of us celebrate Memorial Day with parades, social gatherings, and barbeques, but let us not forget the silent pain of the widows, widowers, and orphans of our fallen dead. Let us not forget what Memorial Day is really all about: honoring America's fallen heroes. The Lehi American Legion's memorial honors over 400 such heroic veterans who have served since World War I. Its unique presentation is deserving of special attention.

Mr. Speaker, Memorial Day is a very special day to honor our veterans and current service men and women who contribute to our national defense. The people of Utah are eternally grateful to them and to their families for making such great sacrifices on our behalf.

TRIBUTE TO THE MONTGOMERY-AUTAUGA-ELMORE MEDICAL ALLIANCE

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. EVERETT. Mr. Speaker, I wish to pay tribute to an outstanding community service organization in my congressional district that is committed to enhancing the medical care of our residents through vital health education and awareness campaigns.

The Montgomery-Autauga-Elmore Medical Alliance serves central Alabama and is comprised of spouses of the area's physicians and surgeons. The Alliance annually conducts a number of worthy projects benefiting the citizens of the community.

For example, members of the leadership of the Alliance assist local and State civic leaders as they participate in the Montgomery County Medical Society's Mini-Internship program for familiarization with the intricacies of the art, science, business and practice of Medicine.

Through the local Blood and Tissue Donors Day program, the Alliance performs a valuable role in helping to collect life-giving blood and cancer curing bone marrow.

Furthermore, through the charitable donation of the funds raised in the annual Physicians' Pheast to many local organizations and causes, the Alliance truly improves the health and the health awareness of the public at large.

I salute the Montgomery-Autauga-Elmore Medical Alliance for their dedication and service to the good health of the residents of Alabama.

TRIBUTE TO DR. FOSTER B. GIBBS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Dr. Foster B. Gibbs upon his retirement after 23 years as Superintendent of the Saginaw Public Schools. Dr. Gibbs is a legend in education circles in Michigan and beyond. His storied career has spanned 42 years, all of them serving the needs of students in the Saginaw Public Schools system.

A native of Royal Oak, Michigan, Foster comes from a family of educators. His father, H. Britton Gibbs, was a former teacher, principal and superintendent. His mother, E. Marie Gibbs, was a teacher and principal. In addition, Foster's wonderful wife, RaeAnn, and his two sons, Douglas and Stephen, have enthusiastically encouraged and sustained his commitment and dedication to the Saginaw Public Schools.

Foster, who holds three degrees from the University of Michigan—a bachelor's degree in education, a master's degree in educational administration and a doctorate in administration, supervision and instruction, has had an incredible tenure. His pioneering efforts and many innovative ideas earned the Saginaw Public Schools system a national reputation for progressive approaches to improving educational opportunities for all students. In fact, his own reputation for excellence propelled him to myriad leadership positions in professional and community organizations throughout his career, including Past President of the Michigan Middle Cities Education Association, a founding member and President of the Urban Education Alliance, founding member of the Boys and Girls Clubs of Saginaw County and board member of Saginaw's America's Promise.

Foster's deep sense of obligation to the future of young people has prompted his faithful adherence to strong educational standards of excellence and a relentless pursuit of better methods to achieve that goal. His service has been marked by exemplary staff development and curriculum improvement that has put the district on the right path for the 21st Century.

Finally, Mr. Speaker, I am honored to call Foster my friend. During my time in politics, I have had many opportunities to interact with Foster and each and every occasion has provided more reasons to respect the man and the educator. I ask my colleagues to join me in expressing gratitude to Dr. Gibbs for his outstanding service and wish him continued success in his endeavors.

THANK YOU TO GARY DAVID DEDMAN FOR SERVICE ON MY STAFF

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. GORDON. Mr. Speaker, I want to give thanks and offer special recognition to an intern in my office, Gary David Dedman.

David attends my alma mater Middle Tennessee State University. He interned the entire fall semester in my office, working 35 hours a week.

Interns play an invaluable role in helping congressional offices function efficiently and effectively, often performing the most thankless but essential tasks required. David pitches in wherever and whenever he is needed, never complaining and always accomplishing his work on time and of the highest quality.

David loves interacting with our constituents. He truly goes above and beyond what is expected of him to ensure the satisfaction of our constituents. This high regard for the people of Middle Tennessee is reflected each and every day in his attitude and dependability.

David is a fine young man and has been an invaluable member of my staff. He deserves the highest praise for his dedication to a job well done.

It has been a pleasure to have Gary David Dedman serve in my office, and I join my staff in thanking him for all his hard work and invaluable contribution in serving the people of Middle Tennessee.

HONORING NATIONAL SCIENCE FOUNDATION FOR 50 YEARS OF SERVICE

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. HOLT. Mr. Speaker, I rise today to recognize the National Science Foundation on the 50th anniversary of this excellent and important agency. The NSF has been the central advocate for basic and applied scientific research in five decades of service to this country.

Before NSF came into existence in 1950, government-sponsored research system for the sciences was disjointed. Different government agencies had made advances in areas as far-reaching as medical research and atomic energy. Under President Truman, the NSF was directed, among other things, to forge a national policy for the promotion of basic research and science and math education. The success of the Soviet Union's space program, exhibited through the successful launch of Sputnik, focused new attention on the need to promote science research and education at all levels. This was done through a strengthened relationship among the government, universities and researchers, with the Foundation in the lead.

NSF built a project grant system that President Eisenhower found so effective he promoted it as a government-wide model. Proposals were widely solicited from all geographic areas and from all branches of science, including the social sciences. Scientific merit was the main criterion for award. The prestige of American scientists was encouraged through NSF's support of international travel by its project teams and by sponsoring scientific symposia and conferences.

In its early support for science education, NSF increased the number and quality of scientists nationwide that could be used as its research base. Many of today's leading scientists owe their training to the NSF. This was accomplished through a fellowship program for graduate students and post-doctoral scientists.

NSF took the lead in performing "big science," which eventually became a sizable percentage of their budget. The Foundation was able to conduct programs that required facilities and instrumentation so costly that only the government could afford them. These facilities were open to all researchers and led to major developments in atmospheric research and radio and optical astronomy. Big-science projects at NSF also led to major breakthroughs in the theories of the shape of the universe, continental drift, and sea floor spreading.

NSF's role has been essential in producing science that could enhance America's competitiveness. In an effort to improve science and math education, NSF received a big boost in its budget in the mid-1950s for teacher institutes, other educational projects and new curricula in physics, biology, chemistry, and mathematics. Although Congressional support for education at the NSF has wavered over the years, based on each Administration's commitment to science, the need continues to increase as we find ourselves in an increasingly technological society.

The environmental movement provided a context for the growing interest in applied science, and new legislation authorized the Foundation to support applied, as well as basic, research. As President Kennedy stated on the occasion of the 100th anniversary of the National Academy of Sciences, "scientists alone can establish the objectives of their research, but society, in extending support to science, must take account of their own needs." The science-government relationship is an essential one, both for the betterment of our society and for the advancement of mankind. NSF has been a leader in this area, and

I am sure that we will be celebrating a full century of their contributions fifty years from now.

HONORING DAN GERNATT, SR. UPON HIS RECEIPT OF THE DEWITT CLINTON MASONIC AWARD

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. REYNOLDS. Mr. Speaker, I rise today to honor both an extraordinary man and a dear friend. On Saturday, May 12, 2001, Dan Gernatt, Sr., will be honored with the prestigious DeWitt Clinton Masonic Award from the Grand Lodge of the State of New York.

Named in honor of former New York Governor DeWitt Clinton, this award recognizes those who have given ''distinguished or outstanding community service,'' and ''whose actions exemplify a shared concern for the well-being of mankind.''

A dairy farmer who built the largest sand and gravel business in New York State, which today employs more than 200 people in seven plants, Dan Gernatt, Sr., has always worked to improve the quality of life in his community. He was not content simply to build a successful business, and believed strongly in giving back to those less fortunate. As the Dunkirk Observer noted, ''Gernatt is a philanthropist by definition: one who practices good will to fellow men; one who is active in the effort to promote human welfare; a humanitarian.''

Mr. Speaker, in ''Song of Myself,'' Walt Whitman wrote ''I do not give lectures on a little charity. When I give, I give myself.'' Throughout his life, Dan Gernatt, Sr. has given of himself time and time again, and I ask that this Congress join me in saluting those philanthropic works upon his receipt of the DeWitt Clinton Masonic Award.

INTRODUCTION OF THE INDEPENDENT CONTRACTOR DETERMINATION ACT OF 2001

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. MANZULLO. Mr. Speaker, as Chairman of the Small Business Committee, I rise today to introduce a bill, the Independent Contractor Determination Act of 2001, to clarify and simplify the determination of whether an individual worker is an employee or an independent contractor. The current definition of independent contractors is so complex that many small businesses face inconsistent Internal Revenue Service (IRS) worker reclassifications and potentially crippling back taxes, penalties and fines. Today's tax law hinders our dynamic economy, which includes millions of independent contractors now used by roughly 60 percent of all businesses and many diverse industries.

The Independent Contractor Determination Act of 2001 would provide a new safe harbor to help small business owners use independent contractors with more confidence, and to minimize IRS reclassifications of their legitimate business relationships. New objective criteria would protect both employees and independent contractors. These criteria include economic and workplace independence, a written contract, and the ability to realize a profit or loss. In addition, to protect employees further, the bill includes an effective anti-abuse provision that would limit the ability of corporations to treat former employees as independent contractors.

As important as this bill is to protecting all workers by providing an objective test for the determination of worker classification, the bill also limits the ability of the IRS to reclassify workers retroactively. Most small businesses operating as or hiring independent contractors do so in good faith and, therefore, face unfairly imposed back taxes, penalties and fines. Consequently, the bill allows only prospective IRS reclassifications of good faith independent contractor determinations, and shifts the burden of proof to the IRS.

Mr. Speaker, I am pleased to offer this bill as an identical, companion bill to one introduced earlier this week by Senator KIT BOND, Chairman of the Senate Committee on Small Business, and recommend its passage in this Congress.

RECOGNIZING VETERANS OF OHIO'S 8TH DISTRICT

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. BOEHNER. Mr. Speaker, I rise today to recognize 20 veterans of the United States Armed Forces who will be honored at a special ceremony on, May 11, at Lakota East High School in my congressional district. These men and women have made sacrifices that most of us cannot fathom. They left their homes, their schools, their families, and their friends to travel to far-away lands for a single purpose: the defense of freedom.

On May 11, these exceptional men and women will be receiving honorary diplomas at this very special ceremony. They are:

John L. Burden, Sr., who served in the Army from 1943 through 1945 and was stationed in Europe.

Henderson Caudill, who served in the Navy from 1942 to 1965 and was stationed in both Europe and the Pacific.

Everett Cole, who served in the Army and the Air Force from 1944 through 1946 and was stationed in the United States and the Philippines.

Lorenzo Denson, Sr., who served in the Army from 1943 to 1945 and was stationed in the United States and Europe.

LaMar G. Doutaz, who served in the Navy from 1943 to 1945 and was stationed aboard the U.S.S. Doherty.

Harry Thomas Falck, who served in the Army from 1945 to 1946, when he was stationed in Europe, and from 1950 to 1953, when he fought in the Korean War and was held as a Prisoner of War.

Sam Fishman, who served in the Army from 1943 through 1946 and was stationed in the Philippines.

Uell Flagg, who served in the Army from 1943 to 1945, when he was stationed in Europe, and from 1951 to 1955, when he fought in the Korean War with the Air Force.

Louis E. Fox, who served in the Navy from 1943 to 1946 and was stationed aboard the U.S.S. Sage.

Wesley P. Gaunce, who served in the Marine Corps from 1942 to 1945 and was stationed in the Pacific.

Ralph Grothjan, who served in the Army from 1950 to 1952 and fought in the Korean War.

Robert H. Hale, who served in the Army from 1951 to 1953 and was stationed in Germany and Korea.

Charles E. Hall, who served in the Army from 1952 through 1957 and was stationed in Korea.

Andrea F. Hangbers, who served in the Army from 1979 through 1982 and was stationed at Fort Bragg, North Carolina.

Carl C. Hess, who served in the Air Force from 1958 to 1959 and was stationed in Korea.

James McGonigle, who served in the Marine Corps from 1967 through 1970 and was involved in the Vietnam War.

Wilson W. Smith, who served in the Army from 1944 through 1946 and was stationed in Europe.

David Thomas, who served in the Navy from 1943 to 1946 and was stationed in the Pacific.

Also receiving honorary diplomas will be James Johnson and John Wilson, but they will be unable to attend the special ceremony.

What these veterans have achieved in their lives is truly among the greatest feats in American history. Whether fighting against Nazi Germany, Imperialist Japan, or the communist forces in Korea and Vietnam, these brave men and women are to be commended for their strength, their commitment, and their patriotism. We owe them a debt of gratitude that can never be repaid. It is our responsibility to remember their courage, not just in ceremonies like the one being held on May 11, but everyday. They are Americans who have made it possible for us to enjoy the freedoms that we so often take for granted. For that, and for the special recognition by Lakota East High School, I congratulate and thank them.

HIGH-LEVEL NUCLEAR WASTE STORAGE AT YUCCA MOUNTAIN, NV

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Ms. BERKLEY. Mr. Speaker, I include my testimony concerning nuclear waste storage at your Mountain for the RECORD.

I would like to thank the Chairman for allowing me the opportunity to comment on the proposed FY02 Appropriations for Energy Department, Nuclear Waste Management and Disposal relating to the Department of Energy's (DOE) proposal to store high-level nuclear waste at Yucca Mountain in Nevada. This issue is critical to me because my district is located 90 miles southeast of Yucca Mountain, and it is my constituents who would be the most affected by the Yucca Mountain Plan.

More then a decade has gone by since the 1987 amendments to the Nuclear Waste Policy Act designated Yucca Mountain as the

only site to be studied, and the scientific evidence against the Mountain continues to grow. Yucca Mountain is located in an earthquake and volcanic eruption zone. As recently as last month there was so much moisture at the proposed site that electrical test equipment was shorted out. It is widely known that ground water will corrode the waste storage containers, and release the deadly toxins into the environment.

Scientific evidence against the proposed Yucca Mountain site is plentiful, but just like the 1987 ''Screw Nevada'' bill, each time legitimate arguments are raised, standards for Yucca Mountain are changed. Regarding the current situation with groundwater and personal radiation dose standards, the goalposts have again been moved. The Environmental Protection Agency (EPA) set a groundwater standard of no greater than 4 millirems, and a personal radiation dose standard of 15 millirems per year at 18 kilometers, for the first 10,000 years of waste disposal. Despite the fact that the personal dose radiation standards are significantly weaker than similar sites around the country, the Nuclear Regulatory Commission (NRC) has still asked the EPA to rewrite these standards to allow an even higher dose of radiation. The NRC knows full well that without reduced standards, Yucca Mountain can never be found suitable. So again, the rules must change.

On three separate occasions the State of Nevada has demonstrated, using DOE's own data, that the site should be disqualified under both the EPA standard and DOE's own internal site screening regulation. And each time, the DOE or Congress has changed regulations to ensure that Yucca Mountain would not be disqualified, regardless of the health and safety consequences to Nevadans.

In fact, the DOE has found the geology at Yucca Mountain so poorly serves the need of a repository, that over 95% of the waste isolation capability would have to be provided by metal waste containers, and other so-called engineered barriers around the waste. When this project started, the idea was to find a site capable of containing the radiation entirely through its natural geologic features. That standard has since been lowered from 100% to 5%.

Aside from the earthquakes and the potential for volcanic eruption, an aquifer flows beneath the mountain, with water moving so rapidly that even with all engineered barriers, radiation will unavoidably escape the repository and contaminate our water table. This fact is underscored by a U.S. Geological Survey report entitled ''Flooding in the Amargosa River Drainage Basin, February 23–24, 1998, Southern Nevada and Eastern California, including the Nevada Test Site.'' This document, which I would like to include with my statement, details two floods, one in 1995, and one in 1998, that, would have had severe repercussions on the proposed repository. Most notable is the conclusion that, ''Both the 1995 and 1998 floods indicate . . . that the Amargosa River, with contributing streamflow from one or more among Beatty, Fortymile, and Topopah Washes, has the potential to transport dissolved and particulate material well beyond the boundary on NTS and the Yucca Mountain area during periods of moderate to severe streamflow.'' Yet once again, in clear English, scientific evidence condemns the Yucca plan.

In addition to the mounting scientific evidence against Yucca Mountain, there are also ongoing General Accounting Office investigations into mismanagement by senior staff, and a review of the Inspector General's report on bias at the DOE.

The first issue was brought to my attention by an anonymous letter I received at my office from an individual who appears to be highly knowledgeable about the Yucca Mountain Nuclear Waste Site Characterization Project. The letter reflects a high level of expertise and first hand knowledge. It is alarming to say the least. Among the allegations are the lack of oversight in relation to the continually escalating lifetime costs for storing nuclear waste at the mountain, unnecessary travel abroad by senior level managers, lack of experience and technical background of those in charge of the project, and an adversarial relationship between managers of the project—and this very body—the Nuclear Waste Technical Review Board. The General Accounting Office is still in the process of investigating these very serious charges.

As for the second issue, as you are likely aware by now, the Inspector General has found that there were several statements in the draft Overview and a note which was attached to one version of the Overview, that ''could be viewed as suggesting a premature conclusion regarding the suitability of Yucca Mountain.'' Of particular concern to me is the section of the I.G.'s report that states, ''Based on Correspondence received by the Office of the Inspector General, it is fair to observe that, at least in some quarters, public confidence in the Department's (DOE) evaluation of Yucca Mountain has eroded.'' The IG also noted disincentives at DOE for Yucca Mountain employees to question assumptions, or to, in any way, ''rock the boat.''

The Inspector General's report serves to underscore what Nevadans have been saying since the origins of the ''Screw Nevada'' bill. Politics plays the leading role in determining the fate of the Yucca Mountain project.

It is pointless to discuss how we can restore the public confidence into this doomed project. The American public has seen behind the curtain, and we cannot erase from our memory that we have seen a tainted process, driven by politics, with questionable scientific merit. The further we investigate Yucca Mountain, the more money we spend, the more obvious it becomes that Yucca Mountain is not the answer.

Scientific evidence and ongoing investigations continue to shed doubt on the feasibility of a Yucca Mountain Repository. Now is not the time to increase this budget, while the GAO continues to investigate, and science continues to condemn this plan. I again request that federal agencies change their course, and stop trying to fit a square peg in a round hole. Instead of trying to change the rules to keep the proposed plan alive, they should immediately begin the decommissioning of the Yucca Mountain Project.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber when roll call votes number 87, 90, 91, 100 and 101 were cast. I want the record to show that had I been present in this chamber at the time these votes were cast, I would have voted ''no'' on roll call vote number 87, ''yes'' on roll call vote 90, ''yes'' on roll call vote 91, ''no'' on roll call vote 100 and ''yes'' on roll call vote 101.

HONORING THE CITY OF MONTROSE, COLORADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate the City of Montrose, Colorado on receiving the 'Small Community of the Year' award from the Economic Developers' Council of Colorado. Montrose was given this honor for its economic activity through out the year.

Every year the EDC honors a small community that has distinguished itself in economic or community development. ''The Montrose Economic Development Council has shown itself to be one of the most effective, viable and responsible economic development programs in Colorado,'' said Don Dunshee, president of the state council, in a Daily Sentinel article. Clearly, the Montrose EDC has been the driving force behind Montrose's prosperity.

In 2000, MEDC facilitated four deals that by 2005 will have contributed more than $12 million in annual payroll to Montrose. It retained three local companies and recruited a New Jersey manufacturer, generating 117 additional jobs. Also in 2000 the MEDC launched its new five-year prosperity plan, which predicts a $188.4 billion return to the area's economy on an investment of $2 million. ''It's that can do attitude that we possess, I think, that this award reflects,'' said Steve Jenkins, executive director of the MEDC.

In 2001, the MEDC is implementing its ''Cornerstone Initiative'' to shepherd economic growth into the future. ''What we want to do is create the right type of jobs without the impact to the community. That ensures the community is prosperous in the long term,'' said Jenkins.

Mr. Speaker, for years the Montrose Economic Development Council has helped small, local businesses achieve their American Dream, and with that, the City of Montrose is experiencing a period of economic growth that benefits everyone. For that, they deserve our thanks and praise.

HONORING DAN PENRY ON HIS RETIREMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize an individual who throughout the course of his career—and indeed his life—has served the citizens of the United States with great distinction, Mr. Dan Penry. After over 25 years of service as a Federal Probation and Parole officer, Dan is set to begin a much-deserved retirement at the end of this May. As family, friends and colleagues gather to celebrate his accomplished tenure with the federal courts, I too would like to pay tribute to Dan and thank him for his service. Clearly, his hard work is deserving of thanks and praise of Congress.

Born in Detroit, Michigan to Marian and Fred Penry, Dan moved to Fairhope, Alabama at a young age, a place he would call home throughout his formative years. Growing up in Alabama with five brothers—Leonard, Fred, Pete, Jim and Tom—Dan was a wonderfully gifted young athlete, a talent shared by all of his brothers. He would go on to a noteworthy athletic career at Fairhope High School, lettering in four sports as a schoolboy—football, basketball, baseball and track. To this day, Dan and his brothers are remembered for their athletic prowess during their high school days.

After graduating from high school, Dan experienced first hand the defining experience of his generation—the Vietnam War. Drafted into the United States Army, he served America in Vietnam as a Military Police Officer stationed in, among other places, the City of Saigon. Dan broke away from the war effort in September of 1966 on a brief furlough to marry Linda Smart, his beautiful wife of the last 34 plus years. After marrying in Hawaii, Dan returned immediately to Vietnam, finishing out his tour just as he had started it—with honor and distinction.

After returning Stateside, Dan immediately enrolled in college, earning his undergraduate degree from Metro State College in Denver and Master's from the University of Northern Colorado in a matter of only a few years. Thereafter, he went to work for the Texas Commission of the Blind, eventually moving to the United States Courts as a federal parole officer where he's worked ever since.

Mr. Speaker, for the last 25 years Dan Penry has served his community, state and nation well as a United States Probation Officer. While asserting a genuine toughness with his parolees, Dan has also shown a compassionate side, earning the respect and, in many cases, the friendship of those who have committed themselves to true rehabilitation. Dan has been a tireless worker throughout his tenure, covering a field area that looks an awful lot my Congressional District—a District larger than the State of Florida. Through it all, Dan has been a model of integrity, hard work and professionalism. That service and leadership will be very difficult to replace.

As Dan's accomplished career with the federal government winds down, Mr. Speaker, I wanted to take this opportunity to thank him for his service to our country. I know that his wife Linda, his daughter Kristi, and his son Josh couldn't possibly be prouder of him. That, Mr. Speaker, is a sentiment shared by Dan's friends, colleagues and associates, as well as the United States Congress.

Dan, congratulations on a job well done and best wishes for continued success and happiness during your well deserved retirement!

IN RECOGNITION OF ALICE WATERS BERKELEY PUBLIC EDUCATION FOUNDATION'S 15TH ANNUAL SPRING LUNCHEON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Ms. LEE. Mr. Speaker, I rise today in Celebration of a Community Treasure, Miss Alice Waters, chef and owner of Chez Panisse restaurant in Berkeley, California. I would like to express my sincere appreciation for her leadership in educating the public about the necessity to incorporate healthy, sustainable foods into their daily lives, and her active contributions to the schools, children and community of Berkeley.

Alice Waters is an internationally recognized and respected chef, author, activist, and humanitarian. She has brought about a wealth of positive changes to her community since she opened Chez Panisse in Berkeley thirty years ago. The philosophy behind the restaurant's menu—only preparing foods that are "fresh, local, seasonal"—has had a major influence on chefs and restaurants throughout the world and has helped to "redefine the American diet." Alice Waters has worked closely with local farmers and food suppliers who share her belief that food tastes the best and is the best nutritionally when it is grown organically and harvested using environmentally responsible methods. In this respect, Miss Waters is a pioneer in the sustainable agriculture movement that has recently gained visibility now that we are in the age of genetically-engineered foods.

Ongoing advocacy for farmer's markets and sustainable agriculture has led Miss Waters and Chez Panisse to support and create programs that will educate others through hands-on growing and cooking experience. One such program was the Garden Project, which taught organic gardening skills to former San Francisco County Jail inmates. This program transformed and enriched their lives.

Most of all we want to recognize and thank Alice Waters for the time and effort she has given to Berkeley children. The idea of the Edible Schoolyard came to Miss Waters after she noticed the worsening conditions at neighboring Martin Luther King Junior High School. She presented her ideas for an edible garden at the school in 1995. The program has been integrated into the academic curriculum and the school lunch program. For years she worked with the school staff, community members, and outside supporters to make the garden happen. Today the garden is famous, as is the refurbished kitchen where students cook and eat its bounty together. Principal Smith credits the Edible Schoolyard with helping "change the culture of the school."

Less well known is the time Miss Waters put in as one of the most active members of the Measure A Site Planning committee at Martin Luther King Junior High School. For two years she worked with parents, neighbors, faculty, and architects on plans to rebuild the school with bond funds allocated by voters in 1992. Miss Waters' insistence that MLK, Jr. High School should strive to be rebuilt as a welcoming, appealing center of learning and community pride inspired us all.

In 1996 she created The Chez Panisse Foundation to help underwrite these exemplary cultural and educational programs.

I thank Alice for dedicating her time and insight for many years and for providing the means for financial support for many important programs. Alice has planted a seed in a garden that has grown into a lush landscape of sustenance from which we all learn and benefit.

TRIBUTE TO MR. JAMES QUINLAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in recognition of Mr. James Quinlan, a resident of my 20th Congressional District, from Johnson, New York who is being inducted into the National Teachers Hall of Fame for the year 2001.

For the past 24 years, Mr. Quinlan has taught industrial arts at the Vernon Township High School in Vernon, New Jersey.

As a teacher of vocational education, Mr. Quinlan brings a new level to his students beyond the typical stereotype associated with this field of education.

James Quinlan has stated, "yes, of course they're using their hands, but they're working with their minds."

Mr. Quinlan has received numerous awards and honors in recognition of his outstanding contribution to education, including: The 1999–2000 Vernon Township and the Sussex County Teacher of the Year, the 1999 Fulbright Memorial Fund Scholar from the Japan-U.S. Educational Commission, and the 1997 National Foundation for the Humanities Fellow.

In addition to his excellence in the classroom, Mr. Quinlan devotes time to his students outside of school. He is a facilitator for project Quest, an adventure-based counseling program for students in need of a personal growth experience. Furthermore, to help meet the challenges of teaching neurologically impaired students, Mr. Quinlan created the Roaring Lion Chair Company. This enterprise places emphasis on developing marketable work skills and attitudes for students with special needs.

Students and colleagues collectively recognize James Quinlan's ability to help students build their individual strengths and skills and understand the world of opportunities surrounding them. Mr. Quinlan respects his students and is willing to put forth the extra effort to help them discover more about themselves and their potential.

Accordingly, Mr. Speaker, I invite our colleagues to join in honoring the achievements of teacher James Quinlan and the other four notable inductees into the National Teachers Hall of Fame.

TRIBUTE TO THE VIETNAM VETERANS MEMORIAL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. BORSKI. Mr. Speaker, I rise today in honor of the Vietnam Veterans Memorial ''The Moving Wall'' that will be placed on exhibit for public viewing at Father Judge High School, in the Northeast section of the Third Congressional District in Philadelphia.

The Vietnam War, which began in early 1957 and ended with the surrender of the South Vietnamese government on April 30, 1975, took the lives of many United States servicemen. Six hundred and thirty of these men came from Philadelphia. Of this total, twenty-seven graduated from Father Judge High School, more than any other private or parochial school in the nation.

''The Moving Wall'' was created in October 1984, and first placed on display in Tyler, Texas. Since that time, ''The Moving Wall'' has traveled to over eight hundred cities honoring America's military men and women who lost their lives during this heartrending period in our country's history.

As of June of last year, there are 58,219 names inscribed on the memorial, and I rise today to recognize the twenty-seven men who courageously gave their lives serving their country and whose names are inscribed on ''The Moving Wall''.

Mr. Speaker, these men and the many other men and women involved in the Vietnam War should be commended for answering the call of duty and serving in the United States Armed Services. I am delighted that Father Judge High School was selected as the area host for ''The Moving Wall'', and the Father Judge Alumni Association should be commended for their dedication in honoring these men and their efforts in bringing such a distinct honor to the city of Philadelphia.

FREEDOM FOR POLITICAL PRISONERS IN INDIA

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Ms. MCKINNEY. Mr. Speaker, I was proud to be one of 19 signers of a letter sent last month to President Bush urging him to work to get political prisoners in India freed. We are Republicans and Democrats from across the political spectrum, but we understand that democracies don't hold political prisoners and countries that do are not friendly to democracy.

It is interesting that on the day after we sent our letter, a well-known Sikh human-rights organization called the Movement Against State Repression (MASR) issued a report exposing the continuing holding of political prisoners in India and the repressive laws under which they have been held, such as the very repressive ''Terrorist and Disruptive Activities Act'' (TADA), which expired in 1995. Despite this, many prisoners are still being held under TADA. According to the report, in many cases, the police would file TADA cases against the same individual in different states ''to make it impossible for them to muster evidence in their favor,'' It was also common practice for police to re-arrest TADA prisoners who had been released, often without filing new charges.

MASR reports that the Indian government itself admitted in 1993 to 52,258 persons, detained under TADA. Of those, according to the report, ''14,457 were in Punjab and 14,094 in Gujarat, a relatively peaceful state. Obviously there were a number of Sikh TADA prisoners held in Gujarat jails.'' Gujarat was only one state that the police would use to register secondary TADA cases against Sikhs. They would also register cases in Rajasthan, Madhya Pradesh, Uttar Pradesh, Haryana, and Delhi, among others.

''In November 1994,'' the report states, ''42 employees of the Pilibhit district jail and PAC were found guilty of clubbing to death 6 Sikh prisoners and seriously wounding 22 others. They were TADA prisoners. Uttah Pradesh later admitted the presence of around 5000 Sikh TADA prisoners,'' the Movement Against State Repression wrote, ''Another press report in 1993 mentioned beating of striking prisoners held in jail at Bharatpur, Rajasthan. Nearly 500 of these prisoners belonged to Punjab and were held under TADA,'' It was also in November 1994 that the Indian newspaper Hitavada reported that the Indian government paid the late Governor of Punjab, Surendra Nath, $1.5 billion to foment covert state-sponsored terrorist activity in Punjab and Kashmir.

According to the report, the Punjab Civil Magistracy wrote a memorandum to the Governor of Punjab in 1993 in which it said that ''if we add up the figures of the last few years the number of innocent persons killed would add up to lakhs [tens of thousands.]'' To this date, neither the central government nor the state government has revealed the list of people killed or those detained under TADA. In September 1995, the police kidnapped Jaswant Singh Khalra, a human-rights activist who exposed the government's policy of picking up innocent Sikhs, torturing them, murdering them, then cremating their bodies, declaring them ''unidentified.'' The Jaijee report says that ''thousands of Sikh young men have disappeared since 1984.'' According to General Narinder Singh, another human-rights leader, ''Punjab is a police state.''

The Movement Against State Repression is headed by Inderjit Singh Jaijee, a longtime human-rights activist who wrote the book The Politics of Genocide, which exposed the fact that the Indian government has killed over a quarter of a million Sikhs in the last 17 years. The government has also killed more than 200,000 Christians in Nagaland, over 70,000 Kashmiri Muslims, and many thousands of other minorities, including the Dalit ''untouchables,'' the dark-skinned aboriginal natives of the subcontinent. Is this the behavior of a democracy?

If India is a democracy, as it claims, why does it need a Movement Against State Repression anyway?

According to Amnesty International, tens of thousands of Sikhs are being held in illegal detention in India without charge or trial. Some of them have been held since 1984. Many Christians, Muslims, and other minorities are also being held.

This is not an acceptable situation, Mr. Speaker. I am a minister's daughter. I understand the importance of religion and the need for religious tolerance. It is time to take action to protect the religious liberty of all the people of South Asia.

There are so many more details of this repression in the report that I do not have time to tell my colleagues about all of them. I would like to submit materials relating to this situation into the RECORD.

LIKE AN UNDECLARED EMERGENCY

(By G.S. Grewal)

Militancy in Punjab was not controlled by the extra-judicial killings or by the enforcement of harsh laws like TADA. It was contained, firstly, because the people in Punjab did not support it and secondly, by establishing democratic rule under the determined mass-based leader Sardar Beant Singh who had built a successful bridge between the people and the rulers.

Under the Terrorist and Disruptive Activities (Prevention) Act (TADA), not a single known militant had been convicted in Punjab. During Operation Black Thunder, more than 250 militants hiding in the Golden Temple complex were arrested and the whole scene was viewed by millions of people all over the world on television. They were booked under TADA. Within a few months, they had to be released from jail because of insufficient evidence. The prosecution made the request and the court discharged them. Mr. K.P.S. Gill was confronted with this episode at a Rotary Club (Mid town) meeting and he replied that the investigating agency had become corrupt. When he was asked how and why none of the persons discharged was alive, he preferred to duck the question.

The validity of TADA was challenged in the Supreme Court with the plea of the government in defence of TADA being that under abnormal circumstances, abnormal laws were necessary. This plea was accepted by the Court. The State counsel further argued that an undeclared war was going on with the active provocation of our neighbour. The situation could not be classified as a mere law and order or disturbance of public order. Activities of terrorists were such which could not be controlled by ordinary laws. So TADA had been framed to meet that special situation.

In actual practice, the TADA became notorious more for its abuse than for its legal use. The head of the police department assumed more powers than the Chief Secretary of the state. It became impossible to tame the DGP of that time. Even the Chief Minister time found himself helpless before the DGP who was more feared than respected. This was the era when many innocent people were illegally killed. Some because of suspicion, others because of greed and revenge. The CBI had discovered the dead bodies of thousands of people who were supposed to have been killed in fake encounters by the police.

At the insistence of the Supreme Court, the matter is being debated before the National Human Rights Commission, for the last many years but no decision has yet been taken. The era of terrorism in Punjab had been an era of affluence both for the police and terrorists alike while the people lived in fear of both. Many cases of kidnapping and extortion took place where the police and militants were to be blambd equally.

Though the police was and is, by and large, a disciplined force, during militancy many of them lost their sense of commitment towards duty and were involved in making a quick buck.

Militancy not only affected the routine life of an average citizen, it also made the administration spineless. While some lawyers were killed, allegedly by the police because they defended militants, some district and session judges were attacked. Threats were issued to some High Court Judges and it was not too difficult to believe that the cause of justice had received a setback.

Since religious places remained the centre of militancy, the sanctity of those places was also damaged. It further facilitated the cause of those who wanted to exploit religion for political powers.

During the Emergency, the government gagged the press with some success. During militancy, the terrorists tried the same with partial success. Now, when there is neither militancy nor emergency the government wants to control the press by making a law which would compel the Press to disclose their sources, which they gather through their own resourcefulness. Nowhere in the free world are such conditions imposed on the Press.

When the Press is not free, even other institutions become weak. During the Emergency, fundamental rights were suspended and it created fear and havoc among those who wanted to be bold and fearless. Even the Judiciary ceased to protect people and started justifying the excesses of the Executive. In the case of ADM, Jabalpur, the Supreme Court held that even if a person was to be killed illegally by the state executive with malafide intentions, he had no right of life and could not seek protection from the courts. When the Emergency ended, many judges, who had constituted the bench, admitted that the judgement was wrong and the Janata Party Government had to pass the 44th Amendment to the Constitution to nullify the affect of the judgment.

If the proposed amendment in the new TADA was incorporated into the law of the land, it would operate as an undeclared emergency with its side-effects. In one sense, undeclared war is more dangerous than the declared one because it lasts much longer. Similarly, an undeclared emergency with lame freedom of the press would convert our enlightened, democratic free society to an ignorant and controlled system that the country could and should never accept.

JUNE 3, 1997.

To: The Prime Minister of India, Mr. I.K. GUJRAL

DEAR PRIME MINISTER: The Movement Against State Repression is heartened to read Mr. K.P.S. Gill's open letter to you, published in The Tribune of June 1, 1997, and supports his demand for equality before the law for all persons, for prosecution of all persons, including police, as per the due process of law, and for a review of judicial, and administrative functioning in Punjab over the past 15 years.

Mr. Gill admits that security forces committed excesses during these years and pleads—not for immunity—but that they may be judged leniently in view of the circumstances. MASR has always advocated that justice be tempered by mercy. In the case of officers of the state accused of serious crimes it must be remembered that not only is the crime per se at issue, but there is an issue of public responsibility. All officers of the state, whether administrative, police or military, take an oath at the time of joining service to uphold the Constitution. This is a most sacred duty, making it all the more important for them to not only observe the law in letter and spirit in all their actions . . . but to be seen to observe the law. When one sworn to uphold the law himself disregards it, the common citizen is all the more encouraged to hold the law in contempt.

The citizen does not exist for the state, rather the state exists for the citizen . . . to provide protection to life and property, to provide opportunities for potential of every citizen may be realised and brought to productive use. This is the raison d'etre of the state. When officials of the state act in a way that betrays disrespect for human life they act against the very purpose of the state.

Mr. Gill asks for a special fund to be raised to pay for best legal defense of policemen brought to trial for excesses. There is reason to believe that the Punjab Police already gives policemen money to hire the best lawyers from its own secret fund. Is Mr. Gill in fact asking that this practice be brought into the open? In any case, the Constitution already empowers the courts to appoint lawyers at state expense for those who cannot afford them. However, ''best lawyers'' raises the issue of equality. If the state provides lawyers of great ability to the defendent while the complainant, having no such assistance, can only afford a weak lawyer, then where is equality before the law?

It may be remembered that the next of kin of the alleged militants suffered not only loss of their relatives but confiscation and destruction of property, with a result that they can ill afford litigation costs and in many cases have to depend on lawyers on ''shared compensation'' basis. This category of persons need state aid.

Aside from a commission to be set up to examine records of judicial processes, Mr. Gill demands a commission to identify all officers in all branches of the judiciary and administration who were guilty of gross dereliction of duty during this period. Mr. Gill goes on to urge that ''these steps demand the active participation of the judiciary and the legislature''. MASR appreciates this suggestion but cautions that while such commissions must be respected by the government, at the same time they must be independent and insulated from official pressures; their findings must be placed before the public. A situation in which the judiciary and legislature sits in judgement on themselves must be avoided. The interests of truth and justice demand independent commissions.

MASR points out that the past 15 years saw not only the malfeasance of individuals, it was also a period when institutions were subverted, with some services subjected to the dictation of others. The civil services ceased to control the police, rather the police controlled the civil services, including the state magistracy. Officers of the state medical service were made to give reports dictated by police. Even the office of governor came under Police domination to the extent that two governors were made to leave the state abruptly for demanding accountability from the police.

MASR sympathises with conscientious and upright officers of the Punjab Police who may feel that they have been unjustly maligned on account of the misdeeds of some of their colleagues. We also sympathise with the families of those policemen who have been accused of wrongdoing and treat their sufferiing at par with that of the families of those killed or disappeared over the past 15 years.

It is certainly a terrible thing to be slandered. The entire Sikh community will vouch for this, as they have borne some of the most abhorrent epithets—''anti-national'', ''traitor'', ''terrorist'', ''religious fanatic''; the Sikh soldier has smarted under the label ''questionable reliability''. They have not only had to bear verbal insult, the Sikh community has been subjected to genocide on a terrible scale for the ''crime'' of demanding more powers for the state.

The Sikhs were made victims of politicians' power games. In ''Policing the Police'', (Indian Express, August, 1996) Shekhar Gupta asked ''. . . who provided K.P.S. Gill and a select band of the most trusted Intelligence Bureau aces suitcases full of unaudited cash to buy militant loyalties, to build a whole army of cats? . . . The Punjab crisis saw five prime ministers as many internal security ministers. Each one knew precisely what was going on. Some routinely boasted of how ruthlessly they were putting rebellion down. Why are they hiding now?''

In his letter, Gill says ''the real question is whether a strategy of state terrorism was adopted by the police; and the answer is unequivocally in the negative.'' Was the strategy adopted at a higher level and simply passed on to the police for implementation? In ''Dateline: Tarn Taran'' (Pioneer, June 1, 1997) Ajaz Ashraf and Bindu quote Satya Pal Dang as saying: ''The clearance for fake encounters could have only been given by political leaders.''

Regarding Mr. Gill's apprehensions of ''media trial'' of accused policemen and hounding of the police in the press, MASR sees little evidence to support these misgivings. The press, both local and national, has given ample space to police versions both during the worst days of turmoil and now. Nearly two full columns of precious space have been spared for Mr. Gill's letter—surely that does not bespeak a biased press. No human rights group has ever had it's letter published in full, even if it were a short one.

Mr. Gill accuses the human rights movement of twisting facts. If we have erred in respect of any case we are sorry. Part of the problem is that we must rely on Mr. Gill for much of our information. For instance in his letter he writes: ''Even in a case as fully documented as Operation Black Thunder, where the entire action was carried out in full view of the media, not a single conviction was pronounced.'' But earlier, addressing a Rotary Club (Midtown) meeting, Mr. Gill said: ''that some people sympathetic to the militants had infiltrated into the prosecution agency of the police and, therefore, enough evidence could not be collected'' and subsequently cases against all the persons accused in Operation Black Thunder had to be withdrawn. Mr. G.S. Grewal, Advocate General has accused Mr. Gill of twisting facts. Grewal says: ''Those persons who were arrested during Operation Black Thunder were in fact put on trial. After a few months all were released at the insistence of the prosecution because of lack of evidence. It is another matter that, perhaps, none of them may be alive today. It will be too much to presume that they have died a natural death.''

Mr. Gill also has no reason to disparage the human rights movement. Human rights are for all, including Mr. Gill and his policemen. Human rights stands for political and religious freedom, for the legal rights of common citizen of criminal offenses.

Mr. Prime Minister, a previous letter sent to you jointly by MASR, PHRO and PUCL Punjab Chapter, will be in your hands. This letter asked your support for our request to the Punjab Chief Minister Parkash Singh Badal for an independent census of human rights violations, including killings and disappearances during the 1984–1996 period. We had also enclosed the various assessments regarding disappearances and killings. We again ask for your help in implementing this census.

With regards,

Yours sincerely,

INDERJIT SINGH JAIJEE,
CONVENOR,
Movement Against State Repression.

[From the Burning Punjab News, May 9, 2001]

BIHAR—BLAST IN CHURCH, CHRIST STATUE DAMAGED

MUZAFFAPUR.—Cracker explosions by miscreants in a church here has caused partial damage to a statue of Christ sending shock waves among the Christian community in the Bihar town, official sources said. The unidentified miscreants burst three crackers one after another on Saturday evening in St. Francis Church which led to the ripping off of the head of a statue of child Christ seated on the lap of St. Joseph, the sources said. The miscreants also left behind pamphlets which said ''Seva Ki Aar Mein Dharmantaran Band Karo (stop religious conversions in the garb of service),'' ''Isaiyon Bharat Choro (Christians leave India)'' and ''Poore Bharat Ko Hindu Rang Mein Rangna Hai (Hindus should prevail in entire India).'' An FIR was lodged at the local police station by Father Julius Lazarus of the church. The top district and police officials remained tight-lipped over the incident, but said the investigation was on. A police contingent had also been posted at the church, they said. When contacted, State Director General of Police RR Prasad in Patna ruled out the possibility of the explosion being triggered by bombs and said the police were looking into the matter. Lazarus said the Christian community was terribly hurt by the incident and described it as ''extremely serious.'' He felt that some religious institution was behind the incident, but refused to name anybody.

WTO MEETING

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. BEREUTER. Mr. Speaker, this Member strongly urges his colleagues to read and carefully consider the excellent column of Paul Krugman, a New York Times columnist, which appears in numerous American newspapers.

He has it right in describing the motivation, misguided views, and counterproductive actions of key groups involved in organizing the demonstrations against their perception of globalism at numerous international meetings since the WTO meeting in Seattle.

[From the New York Times, Apr. 24, 2001]

FOES OF GLOBALISM DON'T USE THEIR HEADS

(By Paul Krugman)

There is an old European saying: Anyone who is not a socialist before he is 30 has no heart; anyone who is still a socialist after he is 30 has no head. Suitably updated, this applies perfectly to the movement against globalization—the movement that made its big splash in Seattle back in 1999 and did its best to disrupt the Summit of the Americas in Quebec City this past weekend.

The facts of globalization are not always pretty. If you buy a product made in a Third World country, it was produced by workers who are paid incredibly little by Western standards and probably work under awful conditions. Anyone who is not bothered by those facts, at least some of the time, has no heart.

But that doesn't mean the demonstrators are right. On the contrary: Anyone who thinks that the answer to world poverty is simple outrage against global trade has no head—or chooses not to use it. The anti-globalization movement already has a remarkable track record of hurting the very people and causes it claims to champion.

Even when political action doesn't backfire, when the movement gets what it wants, the effects are often startlingly malign. For example, could anything be worse than having children work in sweatshops? Alas, yes. In 1993, child workers in Bangladesh were found to be producing clothing for Wal-Mart, and Sen. Tom Harkin proposed legislation banning imports from countries employing underage workers. The direct result was that Bangladeshi textile factories stopped employing children. But did the children go back to school? Did they return to happy homes? No according to Oxfam, which found that the displaced child workers ended up in even worse jobs or on the streets—and that a significant number were forced into prostitution.

The point is that Third World countries aren't poor because their export workers earn low wages; it's the other way around. Because the countries are poor, even what look to us like bad jobs at bad wages are almost always much better than the alternatives: Millions of Mexicans are migrating to the north of the country to take the low-wage export jobs that outrage opponents of NAFTA. And those jobs wouldn't exist if the wages were much higher: The same factors that make poor countries poor—low productivity, bad infrastructure, general social disorganization—mean that such countries can compete on world markets only if they pay wages much lower than those paid in the West.

Of course, opponents of globalization have heard this argument, and they have answers. At a conference this month, I heard paeans to the superiority of traditional rural lifestyles over modern urban life—a claim that not only flies in the face of the clear fact that many peasants flee to urban jobs as soon as they can, but that (it seems to me) has a disagreeable element of cultural condescension, especially given the overwhelming preponderance of white faces in the crowds of demonstrators. (Would you want to live in a pre-industrial village?) I also heard claims that rural poverty in the Third World is mainly the fault of multinational corporations—which is just plain wrong but is a convenient belief if you want to think of globalization as an unmitigated evil.

The most sophisticated answer was that the movement doesn't want to stop exports—it just wants better working conditions and higher wages.

But it's not a serious position. Third World countries desperately need their export industries—they cannot retreat to an imaginary rural Arcadia. They can't have those export industries unless they are allowed to sell goods produced under conditions that Westerners find appalling and by workers who receive very low wages. And that's a fact the anti-globalization activists refuse to accept.

So who are the bad guys? The activists are getting the images they wanted from Quebec City: leaders sitting inside their fortified enclosure, with thousands of police protecting them from the outraged masses outside. But images can deceive. Many of the people inside that chain-link fence are sincerely trying to help the world's poor. And the people outside the fence, whatever their intentions, are doing their best to make the poor even poorer.

SELECTION OF JOHN P. WALTERS AS DRUG CZAR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. GILMAN. Mr. Speaker, I am pleased to rise today to applaud President Bush for his selection of John P. Walters as Director of the Office of National Drug Control Policy, and for his support for our war on illicit drugs in our country and around the world. I was pleased to join President Bush in the Rose Garden today, to announce the selection of John Walters and a reinvigoration of our war on drugs. John Walters' extensive experience under former Drug Czar Bill Bennett, provides the Bush Administration with the knowledge and character necessary to get the war on drugs back on track, with appropriate balance and support on both the supply side and the demand side.

John Walters started his public service at the Department of Education, working hard on drug abuse prevention, including service as the principal author and project manager for the ''Schools Without Drugs'' prevention and education program. He served as ONDCP Chief of Staff in the first Bush Administration, and later was confirmed by the Senate as Deputy Director. During his tenure at ONDCP, Walters was a major designer of the largest Federal funding increases for drug treatment and treatment research in U.S. history.

The selection of John Walters and the recognition of the importance of keeping the Office of Drug Czar at the Cabinet level, truly reflects the President's national commitment to effectively fighting the drug epidemic. The President's new drug policy sends a clear signal to America's youth that drug use is dangerous and wrong. The President wants to reach our youth as early as possible to help steer them away from the dangers of illegal drug use and addiction.

Mr. Speaker, drug abuse prevention begins with the family. To help families lead the way in combating drug addiction, the President is directing ONDCP to develop a parent drug corps, to reinforce the efforts of families. The

President's drug policy will also provide needed support to schools and communities in their efforts to prevent drug abuse.

President Bush has directed ONDCP to focus Federal anti-drug efforts on results. To assess the effectiveness of existing anti-drug efforts, Health and Human Services Secretary Thompson will lead a state-by-state review of treatment needs and capacity to make certain that we provide effective resources to meet the demand where it exists.

The President has also directed Attorney General Ashcroft to develop a plan to use our criminal justice system—from prisons to probation and parole—to protect citizens by helping addicts recover and stay away from drugs and violence when they return to the community. The President's budget reflects his commitment to preventing drug abuse and treating those already addicted. His budget provides $25 million over 5 years to create the parent drug corps to mobilize parents and families. The President's budget doubles funding for local anti-drug coalitions over 5 years, providing up to $350 million over 5 years, including an $11 million increase in fiscal year 2002, to support community-based drug prevention and education efforts.

The President is committed to closing the treatment gap with a 5-year commitment to increasing treatment resources by $1.6 billion, including targeted treatment programs for teens and adolescents, and increased funding for the National Institute of Drug Abuse by $126 million for fiscal year 2002, expanding research into prevention and treatment. The President substantially increases funding for the National Institute on Alcohol Abuse and Alcoholism, fully funds the National Youth Anti-Drug Media Campaign, and makes a strong commitment to drug courts and other criminal justice diversion programs to help more Americans break the vicious cycle of addiction and incarceration.

The threat from illegal drugs is our most insidious national security threat. Throughout my tenure in the Congress, I have been dedicated to fighting the plague of illicit drugs in our Nation and throughout our world. Accordingly, I am proud to stand together with President Bush and John Walters to reassert our national commitment to our war on drugs, for our young people, our communities, our law enforcement officers, and our international allies.

Mr. Speaker, I submit a copy of the President's remarks on the announcement of the Director of the Office of Drug Control Policy to be included at this print in the RECORD:

THE WHITE HOUSE

REMARKS BY THE PRESIDENT IN ANNOUNCEMENT OF THE DIRECTOR OF THE OFFICE OF DRUG CONTROL POLICY, MAY 10, 2001

THE PRESIDENT. Thank you all so very much for being here. It's an honor to see so many members of the United States Congress who are here. Thank you so very much for coming—and members from both political parties, members who are dedicated to joining with an administration which is dedicated to reducing drug abuse around America. Thank you for being here. (Applause.)

I'm pleased that members of my Cabinet have joined us—the Attorney General of the United States, John Ashcroft; the Secretary of Health and Human Services, Tommy Thompson. Thank you all for being here. (Applause.) Mr. Surgeon General, thank you for being here, as well, sir. We're honored to have you here. (Applause.)

Also with us is John J. DiIulio, who is the Director of the Office of Faith-based and Community Initiatives. John is on the leading edge of encouraging faith-based programs to become energized to help people who need help. And, John, thank you so much for being here, as well. (Applause.)

I'm honored to be joined on stage by five Americans—well, six Americans—five Americans who won't speak. (Laughter.) Which is saying something for the first American I'm going to introduce. William J. Bennett. (Laughter and applause.) He was our nation's first Drug Czar, former Secretary of Education, a fearless—fearless—fighter against drug abuse. As well, as Joe A. Califano, who has a Center on Addiction and Substance Abuse at Columbia University, former Secretary of Health and Education and Welfare under President Jimmy Carter, as well, like Mr. Bennett, a fearless advocate for those of us who are dedicated to reducing drug abuse. Thank you both for being here. (Applause.)

And we have three members from the community—antidrug community—who have joined us. Arthur R. Dean is the Chairman and CEO of the Community Antidrug Coalitions of America. Thank you so much for coming. I appreciate you being here. (Applause.) Jessica Hulsey is a member of the Drug-Free Community's Advisory Commission. Thank you, Jessica. (Applause.) And Henry Lozano, Californians for Drug-free Youth, a member of the DFCAC, a graduate from Teen Challenge. (Applause.)

I'm pleased to announce that as of today, the federal government is waging an all-out effort to reduce illegal drug use in America. (Applause.) And I'm proud to nominate John P. Walters as my Director of National Drug Control Policy, where he will serve as a valuable member of my Cabinet. (Applause.)

Mr. Walters has had a distinguished career in government. He served as the chief of staff to Bill Bennett, and later served as Deputy Director and Acting Director of the Office of National Control Policy. John will bring tremendous skill, knowledge and good judgment to this job. He's an articulate advocate, an able administrator, and a man of deep and reasoned convictions. He has repeatedly been called on to provide guidance to the United States Congress. John cares passionately about this issue and he is the right person to lead America's antidrug efforts.

Our effort rests on the firm belief that by focusing more of our nation's attention, energy and resources, real progress will be made. From the early 1980s until the early 1990s, drug use amongst high school seniors was reduced every year. We had made tremendous strides in cutting drug use. This cannot be said today. We must do, and we will do, a better job. (Applause.)

Fortunately, today we know more about what works in prevention and education, treatment and law enforcement. We will put this knowledge to use. But above all, our efforts rest on an unwavering commitment to stop drug use. Acceptance of drug use is simply not an option for this administration.

Illegal drugs impose a staggering cost of more than $100 billion every year, principally from lost productivity. Yet this dollar figure does not capture the human tragedy of drug use—lost lives, educational and job opportunities unmet, families torn apart, health care costs, school dropout rates, and more. Drug use harms people of every economic class. But drug use is doing the most damage to the poor.

John Jacob, former President of the National Urban League, has said that drugs are destroying more children and more families than poverty ever did. John Walters and I believe the only humane and compassionate response to drug use is a moral refusal to accept it.

We emphatically disagree with those who favor drug legalization. (Applause.) Drug legalization would be a social catastrophe. Drug use and addiction would soar. Hospitals would be filled with many more drug emergency cases. Child abuse would increase. The cost of treatment and social welfare would rise. There would be more drug-related accidents at work and on the road. And legalizing drugs would completely undermine the message that drug use is wrong.

A successful antidrug effort depends on a thoughtful and integrated approach. Mr. Walters understands this as well as anybody in America. During his career, he's worked to improve the effectiveness of drug education and prevention programs. He played a key role in ensuring a record commitment of resouces to drug treatment and research in a previous administation. He helped ensure that the federal government did its part in source countries, on our borders and on our streets.

My administration will continue to work with nations to eradicate drugs at their source, and enforce our borders to stop the flow of drugs into America. This will make working in close cooperation with Mexico a priority. It will make having strong relations in our hemisphere a priority, a priority which I will keep. (Applause.)

However, the most effective way to reduce the supply of drugs in America is to reduce the demand for drugs in America. (Applause.) Therefore, this administration will focus unprecedented attention on the demand side of this problem. We recognize that the most important work to reduce drug use is done in America's living rooms and classrooms, in churches and synagogues and mosques, in the workplace, and in our neighborhoods. (Applause.)

Families, schools, communities, and faith-based organizations shape the character of young people. They teach children right from wrong, respect for law, respect for others, and respect for themselves. They're indispensable. And my administration stands ready to assist them in every possible way. Joe Califano is the President of the National Center on Addiction and Substance Abuse, and a man whose research has helped shape my thinking. Joe has said that teens of parents who eat, talk, pray and play together are not likely to be lured into the world of drugs. A child who reaches age 21 without using illegal drugs is virtually certain never to do so. And children cite parents as the number one reason they don't use drugs.

And so we'll energize the parents movement by creating a parent drug corps, which will provide needed support to educate and train parents in effective drug prevention. (Applause.) We must increase funding for drug-free communities programs, and for the drug-free workplace program. (Applause.) And within 30 days, Professor John DiIulio will compile a complete inventory of existing federal antidrug partnerships with local faith-based and community groups, and work with John Walters to strengthen those efforts.

Despite every effort, however, some individuals will become addicted to drugs. There are around 5 million hardcore users of illegal drugs in America today. And while they represent one-third of the drug users, they consume two-thirds of all drugs. It is estimated

that more than half of them are not receiving any treatment.

I am, therefore, asking Secretary Tommy Thompson to conduct a state-by-state inventory of treatment needs and capacity, and report back within 120 days on how to most effectively close the treatment gap in this country. (Applause.) In order to close that treatment gap, we will provide $1.6 billion over the next five years.

We want to advance our understanding of drug abuse and addiction, so we're planning to significantly increase funding for the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism. (Applause.) We also recognize the benefits of coerced abstinence, and so we will support drug courts and drug testing for prisoners, probationers and parolees. (Applause.)

We know that inmates receiving drug treatment are 73 percent less likely to be rearrested, and 44 percent less likely to use drugs than those who receive no treatment at all. I'm, therefore, asking the Attorney General, John Ashcroft, to come up with a comprehensive plan within 120 days to ensure our federal prisons are drug-free, to expand drug testing for probationers and parolees, and to strengthen our system of drug courts around the nation. (Applause.)

We must reduce drug use for one great moral reason—over time drugs rob men, women and children of their dignity and of their character. Illegal drugs are the enemies of innocence and ambition and hope. They undermine people's commitment to their family and to their fellow citizens. My administration will send a clear and consistent message that drug use is dangerous and drug use is wrong. (Applause.)

John Walters will lead that effort with firm resolve and a caring heart. He will do an exceptional job. I am proud to submit his name to the United States Senate, and I look forward to working with members of the House and the Senate from both political parties to reduce drug use in America. (Applause.)

I'm honored to welcome so many people who devote their lives to the well-being of others to the Rose Garden here in the White House. I want to God bless—thank you for your work, and ask God's blessings on your work and this great nation of ours.

It's my honor to welcome John Walters. (Applause.)

Mr. WALTERS. Thank you, Mr. President, for honoring me with this nomination. I look forward to the confirmation process in the Senate, and the opportunity to work with Congress again in reducing the problem of illegal drug use.

As the President has mentioned, our country has made great progress in the past in reducing drug use, and we will do it again. We will especially protect our children from drug use. We will help the addicted find effective treatment and remain in recovery. We will shield our communities from the terrible human toll taken by illegal drugs. We will stop illegal drug use and the drug trade from funding threats to democratic institutions throughout our hemisphere.

Most of all, Mr. President, as you have stated so clearly, and as symbolized by those of us here today who represent—with us here today who represent millions of Americans working effectively every day to reduce drug use, addiction and crime, our efforts rest on the knowledge that when we push back, the drug problem gets smaller. This fact is beyond question today, even if it is not always beyond denial.

Mr. President, thank you for nominating me to be Director of the Office of National Drug Control Policy, at this important time. If the Senate permits, it will be my privilege to support the outstanding individuals represented here, who work every day to combat the drug problem throughout our nation.

Thank you.

THE PRESIDENT. Thank you all for coming.

CENTRAL NEW JERSEY RECOGNIZES DR. ROBYN AGRI FOR HER SERVICE TO OUR COMMUNITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of Dr. Robyn Agri's installation as the 121st President of the Mercer County Medical Society. Although Dr. Agri is the 121st President, she is the first woman to hold this office since the establishment of the Society in 1848.

Dr. Agri's active interest in politics and community service began during her studies at the University of Pennsylvania. In the summer of 1979 Dr. Agri served as an intern in the U.S. House of Representatives.

After receiving her BA in Biochemistry from the University of Pennsylvania, Dr. Agri went on to attend the Upstate Medical Center in Syracuse, New York where she would receive her medical degree in 1985. Throughout her time at Upstate Medical Center, she continued to be active in politics by becoming an officer in the American Medical Student Association. Due to her steadfast efforts to establish a school wide counseling program for students and residents Robyn would receive the Ciba-Geigy award for community service.

Robyn would later return to Pennsylvania to complete her residency in Physical Medicine and Rehabilitation at the Hospital of the University of Pennsylvania. She would use this time to continue her study of movement through her research work in multiple sclerosis. In 1989, Dr. Agri would continue her work on MS when she joined the staffs of St. Lawrence Rehabilitation Center and Capital Health System.

Dr. Agri continues to maintain a private practice in Lawrenceville and remains active within the community through her work with various associations' and societies. I applaud the installation of Dr. Robyn Agri as President of the Mercer County Medical Society and ask my colleagues to join me in recognizing her steadfast commitment to our community.

MAY SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I have named Floral Park Memorial High School as School of the Month in the Fourth Congressional District for May 2001.

Gloria M. O'Connor is Principal of Floral Park, and Dr. George Goldstein is the Superintendent of Schools for the Sewanhaka Central High School District.

Floral Park has incredible student outreach programs. A student at Floral Park is destined to be a well-rounded, community-minded, educated young person by the time they graduate.

Floral Park has long been known by the parents, students and community as a jewel in the Sewanhaka Central High School District—as a school of exceptional excellence among public high schools.

Floral Park has an excellent reputation in Nassau County. They can be especially proud of their past, recent and future recognition which shines as an example of the quality education provided at the school.

Floral Park waves its school flag high as a Nationally Recognized School of Excellence, and is designated by Redbook magazine as one of America's Outstanding Schools. Also, Floral Park has received the New York State Blue Ribbon School of Excellence and the Department of Education National School of Excellence Award. Furthermore, Floral Park is one of the outstanding schools in a prestigious high school district which received the New York State Governor's Excelsior Award.

Floral Park is a junior/senior high school comprised of 1,472 students and is one of five high schools in the Sewanhaka Central High School District. In order to ensure all of our students meet new regents standards, Floral Park offers a broad range of extra help sessions in all academic areas before and after school, such as Operation Success, Homework Helper, Regents Prep and Review classes, Peer Tutoring and one on one tutoring with members of the faculty in each department.

Students excel at Floral Park. The Class of 2000 was comprised of 207 students where 75% attended four year colleges, 20% attended two year colleges and 5% enrolled in technical programs, employment or the military. In addition to the outstanding academics, the wealth and diversity of extracurricular activities and athletics are fostered.

The School of the Month program highlights schools with outstanding students, teachers and administrators. Each month, I will recognize a different school that demonstrates a unique contribution to Long Island education.

I will honor Schools of the Month with a speech on the floor of the U.S. House of Representatives, as well as bestowing a Congressional Proclamation of Distinction award.

TRIBUTE TO DR. THOMAS T. HAIDER, ''PRIDE IN THE PROFESSION'' AMA HONOREE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. CALVERT. Mr. Speaker, I am proud to pay tribute today to Dr. Thomas T. Haider, a constituent of mine from the 43rd congressional district, who was recently recognized with the American Medical Association's (AMA) top national honor, the inaugural 2001 Pride in the Profession Award. The award highlighted the work of six physicians nationwide who have not only healed patients, but enriched the communities and inspired the colleagues with whom they come into contact.

I once heard a quote that goes, ''It seems to me that a doctor's is the most perfect of all lives; it satisfies the craving to know, and also the craving to serve.'' I can think of no better words to describe the incredible devotion and duty that Dr. Haider has shown in his lifetime career as a physician.

Spurred to become a physician at the age of 12, Dr. Thomas Haider intended to use his medical skills to help people in his home country of Afghanistan. Ultimately, political turmoil has prevented that, but he has still managed to touch and improve the lives of thousands all over the world.

In 1994, Dr. Haider established the Children's Spine Foundation in the United States to provide free comprehensive spinal care for children without health insurance. And across the globe he sponsors a children's hospital in Afghanistan by supporting the salaries of 40 physicians and providing funds for all medication and food supplies.

Additionally, Dr. Haider's philanthropy includes: development of a new polyaxial pedicile screw for use in spine fusion surgeries, increasing their success rate; establishment of the first Spine Fellowship Program at the University of Colorado Medical Center; volunteer work to train doctors; creation of the American Board of Spine Surgery; and, endowment to the Biomedical Sciences Program at the University of California at Riverside, which bears his name.

Mr. Speaker, in my district of Riverside, California we are fortunate to have dynamic and dedicated individuals who give unselfishly of their time and talents to ensure the well-being of our city, state, nation and—in Dr. Haider's case—world. These individuals work tirelessly to enrich and brighten the lives of so many. Therefore, it is my distinct pleasure to take to the House of Representatives' chamber today to personally honor and commend Dr. Thomas T. Haider for all of his dedicated service to our community.

NATIONAL GUARD PARTICIPATION IN ATHLETIC AND SMALL ARMS COMPETITIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. BEREUTER. Mr. Speaker, the Member rises to give a brief explanation of H.R. 1705, which will authorize members of National Guard units to use appropriated funds to conduct and participate in athletic competitions and small arms competitions. This Member introduced H.R. 1705 on May 3, 2001.

The National Guard Competitive Events Program provides National Guard members with an opportunity to hone their training-related skills, such as running, swimming, and marksmanship, in a competitive atmosphere. As the National Guard actively recruits new members, this can be another feature in recruitment and retention programs for certain members of the National Guard. Through these competitions, National Guard members can qualify for higher level national and international competitions, including the Pan Am Games and the Olympics.

Also, National Guard members who compete in athletic and small arms competitions can now do so with members of the Active Duty military. Bringing Active and Reserve components together in this fashion builds better appreciation among the various components and overall force cohesiveness.

Additionally, some of the National Guard-sponsored competitions, including the Lincoln Marathon held in this Member's district, are open to participation by the entire civilian community for participation. The high visibility and the community interaction that such events provide is key for continued support for local National Guard units.

For the National Guard Competitive Events Program to continue to thrive, greater funding flexibility must be granted to the National Guard units sponsoring competitions and sending members to those competitions. Currently, only non-appropriated funds from post exchanges and other activities and from competition entry fees can be used to cover operating expenses for the events and all health, pay, and personal expenses for participating National Guard members. This funding system places National Guard members at a disadvantage.

Unlike Active Duty military personnel who have all health, pay, and personal expenses covered while competing, National Guard members are not on duty while competing and thus are not covered. For example, if National Guard members suffer injuries while competing at the marksmanship competition in North Little Rock, Arkansas, they must pay for the incurred health costs although they were competing with their Guard unit. And, unfortunately, placing National Guard members on orders is not a solution to the coverage issue for National Guard members placed on active duty cannot compete with their National Guard unit's team.

Mr. Speaker, the distinguished gentleman from Rhode Island, Mr. LANGEVIN, and this Member introduced H.R. 1705 to provide the necessary funding flexibility. By authorizing the use of appropriated funds in addition to the non-appropriated funds, National Guard units face fewer budget constraints when hosting competitions and when sending teams and individuals into competition. Health, pay, and personal expenses could be covered for participants who otherwise might not be able to afford costs stemming from physical injuries.

This bill levels the funding playing field so that National Guard units are not at a financial disadvantage when sponsoring competitions and participating in these valuable competitions. It should be emphasized that the legislation does not create participation incentives for National Guard members which are greater than those incentives for Active Duty military.

In closing, Mr. Speaker, this Member encourages his colleagues to review H.R. 1705 and to favorably consider co-sponsorship and legislative action on the measure.

A TRIBUTE TO THE 100TH ANNIVERSARY OF THE CENTRAL LABOR COUNCIL OF ALAMEDA COUNTY, AFL–CIO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. STARK. Mr. Speaker, I rise to recognize the Central Labor Council of Alameda County, AFL–CIO on the occasion of its 100th anniversary. The Central Labor Council of Alameda County has a long history of organizing, advocacy, activism and progressive leadership over the past century. I would like to highlight some of their many accomplishments and contributions.

The Central Labor Council was one of the first labor organizations in the country to take a high profile position in support of the Civil Rights Movement. Executive Secretary-Treasurer, Richard Groulx joined Martin Luther King, Jr. in the march in Selma, Alabama in 1964.

The Central Labor Council was in the forefront in the demand for divestiture in apartheid South Africa. Long before the issue captured national attention, the Central Labor Council of Alameda County joined with religious, community and student groups to demand divestiture by the University of California. Secretary-Treasurer Groulx spoke to a rally of over 20,000, vowing labor's support for the divestiture.

The Central Labor Council of Alameda County was one of the first labor bodies to recognize the United Farm Workers Organizing Committee and Cesar Chavez by lending money and physical support to the fledgling organization.

When the Port of Oakland was locked in a year-long bureaucratic quagmire in its attempts to dredge the shipping lanes to accommodate the new larger container ships, it was the Central Labor Council of Alameda County and its Secretary-Treasurer Owen Marron who brought the stalemate to an end. He brought business, labor, elected officials and the Port together in a coalition. As a result, the impasse was broken and dredging within an acceptable environmental plan is underway.

Thanks to the political clout of the Central Labor Council in partnership with a coalition of local unions, community and religious organizations, Living Wage ordinances have been passed by the cities of Oakland, Berkeley and Hayward as well as a major employer, the Port of Oakland.

A collaboration of the Central Labor Council, under the leadership of the present Secretary Judy Goff, and the Labor Immigrant Organizing Network, has lead to the passage of a resolution of immigrant's rights. The immigrant rights resolution was sent to the California Labor Federation and the AFL–CIO leading to a change in the AFL–CIO's position on immigrant worker's rights.

Congratulations Central Labor Council of Alameda County, AFL–CIO on your centennial birthday and best wishes in your continued successful efforts to organize for justice in our community.

HONORING DR. KENNETH L. MATTOX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. BENTSEN. Mr. Speaker, I rise to honor my constituent, Dr. Kenneth L. Mattox, on the occasion of his receiving the 2001 Distinguished Houston Surgeon Award by the Houston Surgical Society on May 15, 2001, in Houston, Texas. I believe this is an honor that is well deserved, and I want to congratulate Dr. Mattox for this accomplishment.

Dr. Mattox is an internationally recognized cardiovascular, thoracic, and trauma surgeon who has saved many lives in the Houston area. I believe he has contributed much to our community through his career of direct patient care, teaching and research.

Dr. Mattox was born in Ozark, Arkansas and attended high school in Clovis, New Mexico. He graduated with a B.S. degree from Wayland College in Plainview, Texas and a M.D. degree from Baylor College of Medicine in Houston, Texas. Dr. Mattox currently serves as Vice Chairman of the Department of Surgery and Professor of Surgery at Baylor College of Medicine. In addition, he has served as the Chief of Surgery and Chief of Staff of Ben Taub General Hospital since 1990. During his tenure at Ben Taub, he has made significant contributions in trauma resuscitation, trauma systems, thoracic trauma, complex abdominal trauma, and multi-system trauma. The ''Mattox Maneuver'' for abdominal aortic injury is used internationally. His recent research in preoperative fluid restriction for penetrating trauma is shaking the foundation of surgical doctrine in this area.

Dr. Mattox is a dedicated teacher and has contributed to the education of thousands of physicians. In total, Dr. Mattox has published more than 500 articles on research that he has conducted and has expanded the medical knowledge of our nation. In addition, Dr. Mattox is well known for serving his community in leadership positions both locally and internationally. In the past, he has served as president of nine organizations and received numerous awards for his dedicated service to the surrounding community.

Dr. Mattox has also served our country in numerous ways. He was a Flight Surgeon Captain in the United States Medical Corps from 1965 through 1967. In 1967, he received the Legion of Merit, United States Army Presidential Citation for his dedicated service to the nation. He also served as Aeromedical Consultant to the Department of the Army from 1967 through 1970. He currently supervises trauma training of Armed Forces personnel at Ben Taub Hospital in Houston as Clinical Professor of Surgery and Adjunct Professor of Military/Emergency Medicine of the Uniformed Services University for the Health Sciences.

Again, I want to congratulate Dr. Mattox for receiving this Award. I wish to extend my congratulations to him and his family upon this important acknowledgment of his service to the Houston area.

THE MELISSA FROELICH MEDICAID CONGENITAL HEART DEFECT WAIVER ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mrs. MORELLA. Mr. Speaker, I come before you to introduce the Melissa Froelich Medicaid Congenital Heart Defect Waiver Act. This legislation would permit a State waiver authority to provide medical assistance in cases of congenital heart defects.

My interest in sponsoring this legislation stems from contact with a special constituent, Melissa Froelich. Melissa is a five-year old who has undergone numerous painful procedures and operations because she was born with multiple congenital heart defects. The medical expenses for Melissa's family during the first 18 months of her life totaled more than one million dollars. More than $270 thousand of those dollars were not covered by the family's two health insurance policies. The family discovered that carrying two health insurance policies was of little help due to a Coordination of Benefits provision, which prevents a family from taking advantage of the benefits of both combined health plans, Even though the family has been paying for two separate health plans they can only receive the best benefit from each policy. This bill would help middle-class families with children like Melissa whose only current options are unacceptable.

More than 32,000 American babies are born each year with cardiovascular defects, which translates to 1 out of every 115 to 150 births. To put these numbers into perspective, 1 in every 800 to 1,000 babies is born with Downs Syndrome. Congenital heart defects make up 42 percent of all birth defects, making Congenital Heart Disease the most common of all birth defects. The American Heart Association estimates that there are approximately 1 million people living with heart defects in the United States today.

Prior to 1960, most children with heart defects died within the first year of life. In the subsequent decades of the 1960's, 70's and 80's, research produced by skilled surgeons and cardiologists led to a variety of different treatments and interventions which allow the vast majority of infants with heart defects to survive. However, these medical procedures place an enormous burden on the families of children born with congenital heart defects. In addition, many of these children who survive infancy still face a life of dependency on medications, medical procedures, and open-heart surgeries.

For this reason, I urge my colleagues to support this bill and help reduce these families' burden and allow them to focus their resources on providing the best possible care for their child.

COMMEMORATING ISRAEL'S MEMORIAL DAY AND 53RD INDEPENDENCE DAY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. HOLT. Mr. Speaker, these are troubling and arduous times for Israel. Over the past seven months, the continuous clashes in the West Bank and Gaza Strip have claimed the lives of more than 70 Israeli citizens. Car bombings, mob attacks and widespread terrorism in residential areas have caused an outbreak of panic and worry among the residents of Israel. Men and women fear that an ordinarily simple trip to their local shopping center will result in tragedy. Children no longer feel safe to ride their school buses, for they fear that they will be the next targets of this senseless bloodshed. Sadly, terrorism and fear are everywhere, and the violence continues to escalate.

Two weeks ago, Israelis commemorated the 53rd anniversary of their independence and mourned the lives lost as they marked their Memorial Day. Grieving countrymen gathered together to remember the thousands of men and women who sacrificed their lives in the fight for Israel's existence. Those commemorating these events were reminded that despite their independence, Israel must continue in their struggle for recognition and liberty.

Before and since being elected to Congress, I have supported a strong Israel. America has had for a long time, and should continue to have for a long time, a unique relationship with Israel—the only democratic nation in the region, our most important strategic ally in this volatile area, and a nation whose founding and existence clearly makes the world a better place. I believe that the United States must continue to voice its support for Israel and for the peace process that the Israelis have courageously undertaken. As I have stated many times before, the United States must be prepared to provide the diplomatic, military, and economic support that Israel needs.

The United States plays an essential role as a broker of peace in the region. However, we must not let that role keep us from speaking the truth. I am saddened to see that optimism for quick and lasting peace in the Middle East has been thwarted by the Palestinians' continued violence. I believe it is time for our government to acknowledge that the Palestinians are contradicting the promise Chairman Arafat made in January—a promise to continue working for peace. It is time for our government to exert pressure on the Palestinians to persuade them to put an end to the uprising and to prevent terrorist attacks on Israel. If the Palestinian leaders act as the Palestine Liberation Organization of old, seeking conflict rather than peace with Israel, then we must be clear in our disapproval and resolute in our efforts to once again promote peace negotiations.

Most importantly, the Palestinians must end the violence against the Israelis, and Israel must respond, as I am confident it would, with corresponding steps to reduce the level of violence on its side. That is the only way to get back to the peace table. Only peace discussions can achieve the lasting, just peace that

will best serve the interests of all Israelis, all Palestinians and indeed, all of us throughout the world.

Mr. Speaker, my personal sense of commitment to Israel has only been strengthened by recent developments. We must put an end to this terror and return to a period of goodwill. I believe the same is true for many of my colleagues. Let us reaffirm our solidarity with Israel as they commemorate their independence and struggle for freedom.

CELEBRATING NATIONAL NURSING HOME WEEK

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I express my support for the 34th Annual National Nursing Home Week. When the very first National Nursing Home Week began, the theme was to let millions of Americans know the ''fuller life'' elderly lead in America's nursing homes.

Mr. Speaker in Woodmere, New York, there is an outstanding nursing home that I commend for giving Long Island's elderly a fuller life. Woodmere Rehabilitation and Health Care Center offers incredible rehabilitation services and skilled nursing services to Long Islanders. This year, Woodmere Rehabilitation and Health Care Center celebrates it's 30th year and I am proud of their work they do.

I especially thank Director Anthony Matese, whom made changes and improved the Woodmere Rehabilitation and Health Care Center. The 2001 theme is the effect Nassau County nursing boxes have on the community and that nursing homes in the Nassau County area have had on the community, and how the administrators are striving to create a warm, homelike environment without an institutional atmosphere.

Mr. Speaker, I congratulate the Woodmere Rehabilitation and Health Care Center on their success and wish them and all our nursing homes the best during National Nursing Home Week.

TRIBUTE TO VIRGINIA A. PHILLIPS, 2001 ATHENA AWARD HONOREE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. CALVERT. Mr. Speaker, I take the floor today to honor Judge Virginia A. Phillips, the recipient of the 2001 ATHENA of the Inland Valleys Award, which recognizes Judge Phillips for her professional excellence, community service and mentoring of fellow women.

The ATHENA Foundation Award Program originated in 1980 by Martha Mayhood Mertz, who realized that in the 75 years of presenting community awards, her Lansing Regional Chamber of Commerce, of Michigan, had only once honored a woman. This realization led her to establish ATHENA so that focus would be given to the incredible number of professional women found throughout our communities nationwide.

In the 43rd congressional district Judge Virginia Phillips not only epitomizes all that the ATHENAs stand for but also all that we could possibly hope for in a role-model for the young women of today.

Judge Phillips received her B.A., Magna Cum Laude, from the University of California, Riverside in 1979, and later obtained her J.D. from the University of California, Berkeley Boalt Hall School of Law. Additionally, her professional and community activities include: Board of Directors member of the Federal Bar Association—Inland Empire Chapter; Chairperson of the City of Riverside Law Enforcement Policy Advisory Board; Board of Directors member with the Riverside Youth Center; member of the Riverside Human Relations Committee; and much, much more. Judge Phillips' lifelong commitment to the Inland Empire community is obvious and compelling.

Presently, Judge Phillips serves as the first female district court judge from the Inland Empire appointed to the Central District of California, which encompasses over 18 million people, with more than three million people in the Eastern Division—the counties of Riverside and San Bernardino, California. And Riverside County, while being one of the fastest growing areas in the nation, has over 1.5 million people alone. In this position, Judge Phillips fills a critical need given the sheer number of cases that come before the Central District each month.

Mr. Speaker, my district is fortunate to have a dynamic and dedicated community leader in Judge Phillips. She has given her time and talents providing motivation and inspiration to the young women with whom she comes into contact.

Judge Virginia Phillips' outstanding work makes me proud to call her a community member and fellow American. I know that all of Riverside, including myself, is grateful for her contribution to the betterment of our community and salute her on May 10th with the 2001 ATHENA Award.

I look forward to continuing to work with her and the many professional women of Riverside County for the good of our community. I would like to close with the ATHENA Foundation motto by Plato: ''What is honored in a country will be cultivated there.''

A TRIBUTE TO DR. MARIA OCHOA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. STARK. Mr. Speaker, I rise to pay tribute to Maria Ochoa, Ph.D. Dr. Ochoa has been director of the Sun Gallery in Hayward, California, for five successful years and is leaving to conduct art history research. Her exemplary leadership at Sun Gallery will be missed.

Sun Gallery is a community based gallery that obtains its funding through foundation grants and community support. Through Dr. Ochoa's numerous programs and outreach activities Sun Gallery has become a true community based art gallery in which individuals feel invested and point to Sun Gallery with pride of ownership.

Dr. Ochoa was hired in April 1996 to serve as the Director of Sun Gallery. During her tenure, the growth at Sun Gallery has been remarkable. She developed a comprehensive educational program for children, increased the Gallery's funding base, brought a wide range of internationally and nationally regarded artists to exhibit at the gallery, and most importantly, brought the community to Sun Gallery. She tripled the number of school children served annually by the gallery.

Sun Gallery's classroom field trip program is now regarded as one of the premiere art education programs in the region. Dr. Ochoa also developed, in tandem with local artists and teachers, a bronze-casting curriculum that is now offered in high schools in Hayward, California.

Dr. Ochoa has stated that she is quite honored to have been selected to bring Sun Gallery into the 21st Century and is deeply humbled to have been able to serve the community, while working in a visual arts setting.

We are honored that Dr. Ochoa chose to lead Sun Gallery with her energy, commitment and talent. She leaves a legacy and her indelible mark on Sun Gallery. I join her friends and admirers in thanking her for a job well done.

HONORING ST. LUKE'S EPISCOPAL HOSPITAL'S NATIONAL MAGNET AWARD

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. BENTSEN. Mr. Speaker, I rise to honor St. Luke's Episcopal Hospital for earning a Magnet Award, the highest honor a hospital can receive for patient care. St. Luke's Episcopal Hospital is the first hospital in Houston and one of only 31 hospitals nationwide to win this coveted distinction. This Magnet Award is presented by the American Nurses Credentialing Center (ANCC) for the patient care provided by the St. Luke's Episcopal Hospital's nursing staff. As the representative for St. Luke's Episcopal Hospital, I want to congratulate the entire nursing staff for the quality health care services that they provide not just to local residents, but also to patients from throughout the world.

On Monday, May 7, 2001, I participated in the Magnet Award Ceremony at St. Luke's Episcopal Hospital to honor these dedicated nurses who provide top quality care. I can personally attest to the care provided at St. Luke's Episcopal Hospital through my family's experience. Several years ago, my uncle former Senator Lloyd Bentsen was treated at St. Luke's Episcopal Hospital where he received the best available care to treat his illness. Also participating at this Awards Ceremony to honor the nursing staff of St. Luke's Episcopal Hospital were two prestigious patients, former Houston Mayor Bob Lanier and

Nolan Ryan. In addition, the Ceremony included former Houston City Councilman Judson Robinson's wife, Mrs. Margarette Robinson. Mrs. Robinson was the first African American nurse to work in the surgical facilities at St. Luke's Episcopal Hospital.

In a time when many hospitals are facing difficulties in recruiting and retaining their nursing staff, this Magnet Award demonstrates that St. Luke's Episcopal Hospital is providing a nurturing work environment where all employees work collaboratively toward the common goal of providing quality health care services to their patients. A recent Wall Street Journal article recommended to its readers that they should seek care at a magnet hospital in their area.

The Magnet Award program began in 1993 as a means to recognize centers of excellence in nursing care. This program reviews the management philosophy and practices of nursing staff; adherence to standards for improving the quality of patient care; leadership in supporting continued competence of nursing personnel; and attention to the cultural and ethnic diversity of patients and their significant others.

Clearly, St. Luke's Episcopal Hospital has worked hard to provide the resources and personnel needed to accomplish this goal. The nursing staff is the backbone of any hospital and the nurses at St. Luke's Episcopal Hospital have earned a distinction worthy of special praise.

CONGRATULATING ESTONIA, LATVIA, AND LITHUANIA ON THE TENTH ANNIVERSARY OF THEIR INDEPENDENCE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. SMITH of New Jersey. Mr. Speaker, ten years ago with the collapse of the Soviet Union, Estonia, Latvia, and Lithuania threw off the yoke of Soviet domination and regained their independence. Between World War I and World War II, they had been sovereign nations and respected members of the international community. In 1939, however, they were illegally partitioned between Hitler and Stalin as part of the infamous Molotov-Ribbentrop agreement. Based on this agreement, Hitler gave Stalin the green light to seize the Baltic states. I am proud to state that the illegal incorporation of Estonia, Latvia, and Lithuania into the Soviet Union was never recognized by the United States Government.

Stalin's NKVD killed or exiled thousands of Estonians, Latvians, and Lithuanians who resisted the takeover and subjugation. If not murdered outright, tens of thousands of Baltic citizens were rounded up and loaded into railroad cars to be shipped to distant regions of the Soviet Union. The current president of Estonia, for instance, grew up in Siberia. The President of Latvia, whom I recently had the pleasure of meeting, grew up in a refugee camp in Germany where her family had fled from the Soviet incursion. Almost 300,000 Lithuanians were deported to Siberia in the 1940s and 1950s. Those Estonians, Latvians, and Lithuanians who remained in their homelands saw their native languages and cultures denigrated in favor of Soviet ''culture'' and linguistic ''Russification.''

Among the political prisoners in the post-Stalin GULAG, the Balts were well represented. We still remember the names of Baltic political prisoners such as Mart Niklus, Gunars Astra, and Nijole Sadunaite, and many others willing to sacrifice their freedom and, in some cases, give their lives to resist Soviet oppression of their homelands.

But the Soviet system was doomed and the people of the Baltic nations knew it. ''Glasnost'' and ''perestroika'' gave them the opportunity to resolutely, but peacefully, work to regain their independence. In August 1989, on the 50th anniversary of the Molotov-Ribbentrop agreement, about one million Balts created a human chain the ''Baltic Way,'' stretching about 400 miles from Estonia, through Latvia, to Lithuania to protest Soviet rule over their nations. Two years later, after a bloody but ultimately fruitless attempt by Moscow to regain armed control over its unruly subjects, the people of Estonia, Latvia, and Lithuania had regained the independence they had dreamed of for so long.

And now, ten years after that momentous event, the Baltic nations are again sovereign nations, respected members of the international community. Their David-and-Goliath struggle is an inspiration to enslaved peoples everywhere.

Today, Mr. Speaker, I am joined by Mr. HOYER, Mr. PITTS, Mr. CARDIN, Mr. WAMP, and Mr. HASTINGS of Florida, in submitting a resolution which congratulates the people of Estonia, Latvia, and Lithuania on the tenth anniversary of the restoration of their full independence. This resolution also calls upon the United States Government to continue the close and mutually beneficial relations with these countries that have existed since the restoration of full independence.

I hope my colleagues will join us in supporting this resolution.

TRIBUTE TO STETSON UNIVERSITY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. MICA. Mr. Speaker, as the State of Florida recently celebrated its 156th anniversary, Stetson University and President H. Douglas Lee, along with the Dean Gary Vauss of the School of Law, recognized the occasion by hosting an event attended by Floridians in Washington, D.C.

Stetson University was founded in 1883 with a population of only 13 students. It established Florida's first professional schools in Business, Law and Music.

The University, with 2,491 students and a student-faculty ratio of 11 to 1, embraces six core values of education: (1) Ethical Decisions, (2) Religious and Spiritual Life, (3) Environmental Responsibility, (4) Diversity and Global Awareness, (5) Community Service and (6) Gender Equality. The School of Law, with 708 students and a student-faculty ratio of 18 to 1, has established centers of excellence in Advocacy, Elder Law, Dispute Resolution Health Law and Litigation Ethics. It also ranks in the top three of accredited Law Schools in the United States for Trial Advocacy.

I am pleased and honored to represent Stetson University, which lies within the Seventh Congressional District, in DeLand Florida. I am also delighted that the School of Law, which is located in the Tenth Congressional District, in St. Petersburg, Florida, is represented by my friend and colleague Representative C.W. Bill Young.

Finally Mr. Speaker, the attendees of the State of Florida anniversary event received a copy of the March 15, 1845, edition of the St. Augustine Newspaper which detailed the Congressional action that confirmed Florida as America's 27th State. Some of the advice given by the editor in the article, to give us your ''good, tried and honest men'' who will lay ''party feelings . . . aside'' to represent the new state, should be equally important today.

I submit for the RECORD the article from the March 15, 1845, edition of The News of St. Augustine, Florida.

THE STATE OF FLORIDA

The Bill for the admission of the State of Florida into the Union has passed Congress. The day of trial has come, and the people will soon feel the full benefits arising from the change and from the visits of the tax collector. The die is cast, and all, who have opposed State Government, must submit. They can support the burdens of a State as well as those, who have heretofore been most clamorous for it. In many instances, the personal interests of those, who have opposed our admission at this time, will probably be promoted by the change. They resisted it not from personal considerations, but because they entertained the sincere conviction, that the interests of Florida and its prosperity would be injuriously affected by it. Such is their belief still. But the measure has been brought about despite of their opposition. With others rests the responsibility, whatever the result.

Now it is the duty of all to adapt themselves to the new order of things, and to make the most of it. All should unite in organizing the new government in the best and most economical manner. The intelligence and the integrity of the whole Territory should be sought out and employed in putting the government in motion. Much, very much of the future prosperity and greatness of the country will depend on our action now. More than the mere party politicians is needed at this time. The occasion requires those, who have made our free institutions and the science of government their study. A direction and an impulse are now to be given to the machinery of our institutions. Much nearly everything depends on a right commencement. To do this, the mind of the country must be put in requisition. Good, tried and intelligent men must be sent to the Legislature. Party feeling should be laid aside. Partialities and prejudices should be sacrificed to the good of the country. The inquiry should be, who can lend the most efficient aid in imparting the right impulse to our State Government. By no other consideration should any be influenced. At the first session of the Legislature, Officers are to be selected, and their salaries determined;

Taxes levied, and their amount fixed and adjusted; the representation of the Counties is to be apportioned; and all the expenses of the new government is to be settled, and whether our burdens are to be light or heavy, whether we are to be free or oppressed, must be determined. The consequences of the action of the first Legislature will be long felt for good or ill. Under these circumstances, we call upon our friends in the country to reflect, and to act with that deliberation, in preparing for the State Government and in the selection of members of the next Legislature, which the importance of the occasion and the momentous interests at stake, demand of all. The power lies with the country, and we trust it may be exercised with discretion and fidelity. They are called upon to act not only for themselves, but for their children. As the stream is now caused to flow, so it will continue. Great effort will be required to divert from its wanted channel. Reflect seriously, deliberate cautiously, determine justly, and act patriotically.

RECOGNIZING CORPORAL RICHARD ZAHIGIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Corporal Richard Zahigian for his service and dedication to the United States Marine Corps. In addition, I would like to recognize his book, The Other Side of Conflict, which chronicles his stateside service to his country in the Vietnam Era, between the years of 1966–1968.

While his exemplary career spanned a number of years, his service in the Marine Corps was highlighted on December 22, 1967. On that date, Corporal Zahigian was the honored recipient of the ''Meritorious Mast'' for his performance and devotion to duty, in keeping with the highest tradition of the Naval Service, as the ''Lone Marine'' of McGuire Air Force Base, New Jersey.

The Other Side of Conflict is dedicated to the generations of young people who served in the Armed Forces, to Corporal Zahigian's fellow Vietnam Era veterans who trained alongside him, and especially to all those who did not return.

Mr. Speaker, I urge my colleagues to join me in recognizing Corporal Richard Zahigian for his selfless dedication to this country and the freedoms that we enjoy. Please join me in celebrating Richard's career and literary success.

A TRIBUTE TO AMERICAN NURSES DURING NATIONAL NURSES WEEK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. LIPINSKI. Mr. Speaker, I rise this evening to pay tribute to a remarkable group of dedicated health professionals—the nearly 3 million registered nurses in the United States.

These outstanding men and women of every race, creed and ethnic background will celebrate National Nurses Week May 6–12, 2001. This week is set aside as a special week to recognize those who have worked hard to save lives and maintain the health of millions of individuals. I believe that all Americans who have ever been cared for or comforted by a nurse should celebrate National Nurses Week.

According to the American Nurses Association, National Nurse Week was first observed October 11–16, 1954, on the 100th anniversary of the founding of modern nursing by Florence Nightingale during the Crimean War. National Nurses Day and Week was eventually moved to May to incorporate Florence Nightingale's birthday, which is May 12th.

This year, the American Nurses Association (ANA) and its 53 constituent associations will highlight the diverse ways in which registered nurses, the largest health care profession, are working to improve health care. Studies show that the higher the ratio of nurse-to-patients in a hospital, the lower the patient death rate. In short, registered nurses provide top-quality, cost effective health care services for their patients.

Mr. Speaker, I commend all of America's nurses during this week of May 6–12, 2001 and encourage my colleagues to do the same.

TRIBUTE TO MARK BROXMEYER

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. ISRAEL. Mr. Speaker, I rise today to honor Mr. Mark Broxmeyer; entrepreneur, community activist, and friend. On the occasion of today's dinner, benefiting the Greene Emergency Center of the North Shore University Hospital, it is appropriate to pay tribute to a man who has dedicated himself to improving our communities.

Twenty-eight years ago, Mr. Broxmeyer founded Fairfield Properties, which, through years of hard work and determination, has grown into a complex network of properties including over 8,000 units in Long Island and beyond. His professional success has earned him the respect of many in the fields of building and real estate, resulting in a cover story on his success in Builder and Remodeler News and a profile in the real estate section of the New York Times.

Mr. Broxmeyer has also been a devoted community activist. His enthusiasm for our communities on Long Island has resulted in his being named ''Man of the Year'' by the United Cerebral Palsy Association and an Advocacy Award from Big Brothers/Big Sisters. He was appointed by former President Bush to the Board of Directors of the Federal Home Loan Bank for the New York Region. He also serves on the Board of Directors of the United Nations Economic Development Corporation.

Mr. Broxmeyer has also served as the Vice President for the Board of Trustees of the Jewish Institute for National Security Affairs and he was the recipient of a Leadership Award from the Jewish Institute for National Security Affairs, given to him personally by our former colleague, Secretary Jack Kemp.

He has also been active in his Alma Mater, Hofstra University, from which he has received an Alumni achievement award and made a member of the Board of Trustees.

Most important of all, I have come to respect his commitment to his family. As an entrepreneur, demands on Mark's time must be tremendous, yet he still finds time for his children Michael, Evan, Marissa, Daniel, and Becky.

I have been fortunate to know Mark Broxmeyer, and I respect his success and his enthusiasm for his community and his loved ones.

NATIONAL NURSES WEEK

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in celebrating National Nurses Week. This week is an important reminder of nurses and their continued dedication and concern for their patients every day.

Well trained nurses are the cornerstone of our nation's health system. Currently, hospitals and other health care employers are faced with an emerging nurse shortage. After meeting with several nursing and health care organizations in my district, I believe increased funding of existing nurse education programs and new programs to recruit and retain nurses are desperately needed to provide advanced training and to build the faculty workforce. I am actively working with my colleagues to pursue these goals.

It is important to support the goals and ideas of National Nurses Week, because their impressive level of achievement and accomplishment are a milestone for the nursing profession as a whole. Mr. Speaker, I know my colleagues join me in support and appreciation of these extraordinary individuals.

TRIBUTE TO CHIEF OF POLICE DENNIS MINNICH

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to recognize Dennis Minnich, who was recently appointed the new Chief of Police of West Boylston, Massachusetts.

Chief Minnich brings a wealth of knowledge and experience to this important post. He began as a full time Patrolman with the West Boylston Police Department in 1992 and was promoted to Sergeant in 1977 and has also served as Interim Police Chief. Previously, for several years, he was a member of the Police Department of the neighboring town of Boylston. Chief Minnich has expressed a commitment to lead a visible, active police department and to remain fully accessible to the

public. He recently stated "I really care about the community—I plan on raising a family here and want it to be a safe town for my kids and all the children of the town to grow up in."

Mr. Speaker, it is my great pleasure to congratulate Chief Minnich on his appointment and for his distinguished law enforcement career. I offer my best wishes and support to him and the members of his department in their service to the citizens of West Boylston.

INTRODUCTION OF THE SMALL BUSINESS LIABILITY REFORM ACT OF 2001

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. HUTCHINSON. Mr. Speaker, I am pleased to be joined by my colleagues, the gentleman from Pennsylvania, Mr. HOLDEN; the gentleman from North Carolina, Mr. BURR; and the gentleman from Virginia, Mr. MORAN in introducing the Small Business Liability Reform Act of 2001.

Members will recall the House's consideration and passage of similar legislation during the last session of Congress. Following legislative hearings in the Fall of 1999, that bill (H.R. 2366, 106th Congress) was the subject of three days of markup in the Judiciary Committee, during which the Committee considered 21 amendments and adopted five. On February 16, 2000, the full House took up H.R. 2366 and adopted three of the four amendments considered before passing the bill on a bipartisan vote of 221–193.

Like its predecessor, Title I of the bill we are introducing today proposes three basic reforms to our civil justice system for defendants with fewer than 25 full time employees—the smallest of America's small businesses. Section 103 of the bill establishes fair standards of evidence and liability for the award of punitive damages, and establishes proportionality in the awarding of punitive damages against America's small businesses. Section 104 establishes a fair share rule for the payment of non-economic awards. This reform in effect abolishes so-called "joint and several liability" for damages for pain and suffering, ensuring that only those defendants who are truly guilty of inflicting such harm will be held financially responsible.

Title II of the bill contains two important reforms to the product liability system and is applicable to all who sell, rent or lease products. First, Sections 204(a) and (b) establish a fault-based standard of liability for non-manufacturer product sellers in product liability cases, while preserving a strict liability standard for breach of the seller's own express warranty and where an otherwise culpable manufacturer is beyond the court's reach. Section 204(c) appropriately protects those who merely rent and lease products from being held vicariously liable for the wrongful conduct of someone else (a customer for example) simply due to product ownership.

Mr. Speaker, the reforms proposed in the Small Business Liability Reform Act are both modest and fair and will improve the administration of civil justice in the United States by reducing needless litigation and the wasteful legal costs associated with it. Most important, the bill will advance the core purposes of our civil justice system: to prevent harm through the deterrence of careless or wrongful conduct; to assign responsibility for harm to the party in the best position to avoid it; and to require those whose careless or wrongful conduct cause harm to pay.

I urge my colleagues on both sides of the aisle to join in supporting this important legislation, the enactment of which is long overdue.

Mr. Speaker, I submit a section-by-section summary of the Small Business Liability Reform Act of 2001 for the RECORD.

The Small Business Liability Reform Act of 2001—Section-by-Section Summary

A bill to offer small businesses and product sellers protection from litigation excesses.

TITLE I: SMALL BUSINESS LAWSUIT ABUSE PROTECTION

SECTION 101: FINDINGS

This section sets out congressional findings concerning the litigation excesses facing small businesses, and the need for reforms to protect small businesses from abusive litigation.

SECTION 102: DEFINITIONS

This section defines various terms used in the bill. A small business is defined as any business or organization with fewer than 25 full-time employees. Punitive damages are defined to exclude civil penalties, civil fines, or treble damages assessed or enforced by a government agency under federal or state statute.

SECTION 103: LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES

This section provides that punitive damages may, to the extent permitted by applicable state law, be awarded against a small business only if the claimant establishes by clear and convincing evidence that the defendant acted with a conscious, flagrant indifference to the rights or safety of others, and that the conduct was the proximate cause of the harm that is the subject of the action.

This section also limits the amount of punitive damages that may be awarded against a small business. In any civil action against a small business, punitive damages may not exceed the lesser of three times the amount awarded to the claimant for economic and noneconomic losses, or $250,000. However, a court is permitted to exceed the punitive damages cap in the event it finds by clear and convincing evidence that the defendant acted with specific intent to cause the type of harm for which the action was brought.

SECTION 104: LIMITATION ON JOINT AND SEVERAL LIABILITY FOR NONECONOMIC LOSS FOR SMALL BUSINESSES

This section provides that in any civil action against a small business, each small business defendant will be liable for non-economic loss only in proportion to its responsibility for causing the harm.

SECTION 105: EXCEPTIONS TO LIMITATIONS ON LIABILITY

This section ensures that the benefits of this legislation are not available to any defendant whose misconduct (1) constitutes a crime of violence or an act of international terrorism; (2) results in certain natural resource damages; (3) involves a sexual offense or a violation of civil rights law; (4) occurs while the defendant is under the influence of an intoxicating alcohol or a drug; (5) is prosecuted under the Federal False Claims Act; or (6) is prosecuted under fraud or false statement laws.

SECTION 106: PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY

This section provides for uniform rules with regard to small business liability. The bill preempts state laws to the extent that any such laws are inconsistent with the provisions of Title I. However, the bill includes an opt-out provision for the states. A state may opt out of the provisions of this title for actions in state court against a small business in which all parties are citizens of the state. In order to opt out, the state must enact a statute citing the authority in this section and declaring its intention to opt out.

TITLE II: PRODUCT SELLER FAIR TREATMENT

SECTION 201: FINDINGS

This section sets out congressional findings concerning the effect on interstate commerce of damage awards in product liability cases; the present inequities resulting from inconsistent product liability laws within and among the states; and the need for national, uniform federal product liability laws.

SECTION 202: DEFINITIONS

This section defines various terms and phrases used in this title.

SECTION 203: APPLICABILITY; PREEMPTION

This section applies to any product liability action brought in federal or state court. Civil actions for commercial loss are excluded from the applicability of this title.

In addition, this section clarifies that the preemption of state law by this title is limited to only those issues specifically addressed by the legislation and not other unrelated liability laws.

SECTION 204: LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS AND LESSORS

This section provides that product sellers other than the manufacturer (such as wholesaler distributors and retailers) may be held liable only if they are directly at fault for the harm; if the harm was caused by the failure of the product to conform to the product seller's own, independent express warranty; or if the harm was the result of the product seller's intentional wrongdoing.

However, the provision ensures that product sellers will "stand in the shoes" of a culpable manufacturer when the manufacturer is judgment-proof In addition, the statute of limitations in such cases is tolled.

Finally, this section specifies that product renters and lessors will not be liable for the tortious acts of another solely by reason of product ownership.

SECTION 205: FEDERAL CAUSE OF ACTION PRECLUDED

This section clarifies that the bill does not create federal district court jurisdiction pursuant to Section 1331 or Section 1337 of Title 28, United States Code.

TITLE III: EFFECTIVE DATE

SECTION 301: EFFECTIVE DATE

This section provides that the bill's provisions will apply to any civil action commenced after the date of enactment of the legislation.

RECOGNIZING THE YMCA COMMUNITY SERVICES NEW MILLENNIUM PROGRAM GRADUATION

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize a group of citizens in Northern Virginia who will be celebrating their graduation from the YMCA Community Service New Millennium Program on Friday, May 11, 2001. Forty-eight people will be receiving their certificates for completing this challenging program.

The New Millennium Program is a joint, after-school effort run by Arlington Public Schools, Arlington Community Television and YMCA Community Services Department. It is also the only television program exclusively for youth in this area. It has been in existence for two years and has been extremely successful. The goal of the Program is to teach volunteer secondary school students the field of video production. After receiving instruction from the staff of Channel 33, the students pick a subject, and then write, film and edit their work.

The Metropolitan YMCA Community Services Office and its predecessor, The Refugee Services Office, based in Arlington, have been providing multi-cultural programs for our ever-more-diverse and dynamic population for over twenty years.

The YMCA Community Services Office has been instrumental in opening doors for people who have come here from all over the world. Among the many services provided are:

English as a Second Language classes for adults during the evening hours.

After-school tutorials for students so that they keep pace with their peers.

Multi-cultural and adaptation workshops for adults and teens and their families to ease "culture shock."

Millennium Youth Program designed to focus on technology, its impact on youth, and approaches for positive influence on the target audience.

Interpreting and translating services.

Job placement and housing referral service.

The above programs, staffed and executed almost entirely by volunteers, are an admirable example of how a few people can make a positive difference in the lives of many.

Mr. Speaker, in closing, I would like to extend my congratulations to the individuals who have completed this program. It is truly an honor to have individuals like this in our community.

I ask that all of my colleagues join me in commending this hardworking group.

TRIBUTE TO DR. JOHN LANDIS RUTH

HON. JOSEPH M. HOEFFEL

OF PENNSLYVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to honor Dr. John Landis Ruth. Dr. Ruth compiled an exhibit, part of the Smithsonian Traveling Exhibit, which illustrates the "Route 113 Corridor" in Montgomery County, Pennsylvania. Route 113 winds its way through central Montgomery County and is arguably one of the most historic roads in the county.

Dr. Ruth was bom on his family's eight-generation homestead in Lower Salford, Montgomery County. He is a graduate of Eastern College and Harvard University where he earned his Ph.D. in English and American Literature. He later returned to Eastern College as a teacher, and also taught at the University of Hamburg in Germany.

Dr. Ruth has authored numerous books and articles on the Mennonite people and their way of life and produced films about the Mennonites and the Amish. He served as the Associate Minister of the Salford Mennonite congregation for twenty years. Following his retirement from the ministry in 1993, Dr. Ruth has continued to serve on the Board of the Mennonite Historians of Eastern Pennsylvania. He currently is working on a multi-volume narrative interpretation of Mennonite life in the Lower Salford/Franconia area.

Dr. John Landis Ruth's photographic expertise and work have been invaluable in helping to preserve the history of our community. It is an honor and a privilege to recognize him as his works are showcased at the Smithsonian Traveling Exhibit and the outstanding contributions he has made.

HONORING JUDGE ELDON B. MAHON

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Ms. GRANGER. Mr. Speaker, I rise today to recognize a great citizen, Federal Judge Eldon B. Mahon from the Northern District of Texas. Judge Mahon has dedicated his life to public service and justice. For these reasons, I have introduced legislation that will designate the United States courthouse located at 501 West 10th Street in Fort Worth, Texas, as the "Eldon B. Mahon United States Courthouse."

Judge Mahon was born and raised in the west Texas town of Loraine. He went on to earn his Bachelor of Arts Degree in history and government from McMurry University in Abilene, Texas. Judge Mahon then attended the University of Texas Law School where he graduated in 1942. He has three children with his wife, Nova Lee: Jana Cobb of Lubbock, Texas; Martha Haag of The Woodlands, Texas; and Brad Mahon of Fort Worth, Texas.

Like so many from America's "greatest generation", he enlisted in the United States Army Air Corps to fight overseas during World War II. He left the military after 40 months of dedicated service, including one year in the South Pacific with the 5th Bomber Wing, as a captain.

Judge Mahon carried this same dedication and strength of character into his career as an attorney and judge. From 1945–46, he served as the briefing attorney for the Supreme Court of Texas. From 1948–60, Judge Mahon served as district attorney for the 32nd Judicial District of Texas, covering Nolan, Mitchell, Scurry, and Borden counties. After his years as district attorney, Judge Mahon became a district judge for the 32nd Judicial District, presiding over that court from 1961–63. He then moved to Fort Worth to take a position as vice president of Texas Electric Service Company. After one year in the corporate world, the law called him back; and he became a partner in the Abilene, Texas, law firm of Mahon, Pope & Gladdon.

Judge Mahon entered public service at the federal level when President Lyndon B. Johnson appointed him U.S. Attorney for the Northern District of Texas. Judge Mahon is a life long Democrat, but President Richard M. Nixon appointed him to the Federal Court for the Northern District of Texas in 1972. He reached senior status in 1989 and continues to be an active member of the federal bench today at the young age of 83.

During his years on the federal bench, Judge Mahon presided over the racial integration of the Fort Worth School District. Judge Mahon considers this as the greatest accomplishment of his court.

Judge Mahon has tirelessly served every community of which he has been a part. He is a lifelong member of the United Methodist Church, serving in most lay positions in Westcliff United Methodist Church in Fort Worth. He is a past president of the West Texas Girl Scout Council in Abilene and of the Colorado City, Texas, Lions Club. Judge Mahon is a past member of the Board of Trustees at McMurry University in Abilene and served on the Board of Trustees for Harris Methodist Health System in Fort Worth. Currently, he serves on the Board of Trustees at Texas Wesleyan University in Fort Worth. Judge Mahon has been a member of the Rotary Club of Fort Worth since 1988.

Judge Mahon has been recognized many times for his immeasurable contributions to the community. In 1989, the Eldon B. Mahon Scholarship Fund was established at his alma mater, McMurry University. Judge Mahon received an Honorary Doctor of Laws Degree in 1974, and the Distinguished Alumnus Award in 1987 from McMurry University as well. In 1990, Texas Wesleyan University awarded him an Honorary Doctor of Humanities Degree. July 10, 1997 was declared "Judge Eldon B. Mahon Day" throughout Tarrant County, Texas, to commemorate his 25th anniversary as a federal judge. The Tarrant County Bar Association recently established the "Eldon B. Mahon Lecture Series on Ethics and Professionalism" at Texas Wesleyan University School of Law. In 1998, Judge Mahon received the "Samuel Passara Outstanding Jurist Award" from the Texas Bar Foundation. Last year, he was selected as one of 100 lawyers from the state of Texas as a 20th Century "Living Legend" by Texas Lawyer Magazine.

Mr. Speaker, we should honor Judge Mahon by naming the United States Court in Fort Worth, Texas after him. Serving on the federal bench for over 28 years, he has made a profound impact on the legal community and on America.

COMMENDING M. B. ''SONNY'' DONALDSON ON HIS RETIREMENT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise to pay tribute to a dedicated educator, a role model for countless students and a good friend. In June, after 14 years as superintendent of schools and 34 years as an educator in the Aldine Independent School District, M.B. ''Sonny'' Donaldson will retire.

Sonny Donaldson has spent his career working tirelessly on behalf of all children. He has always promoted what was best for school children, never forgetting that their best interest was his driving force.

Superintendent Donaldson has held the position of Superintendent of Schools since 1986. Prior to his service as superintendent, he held the positions of teacher, coach, assistant principal, principal, athletic director, and assistant superintendent, all with Aldine ISD. He is an active member in numerous professional associations and organizations and a committed civic leader dedicated to public service.

Among his numerous honors and awards, Sonny was selected Superintendent of the Year in 1994 and 1996 for Region IV, which includes 57 school districts in the Houston area. He was also one of five finalists for Texas Superintendent of the Year in 1994 and 1996.

The Success of the Aldine ISD does not happen by accident. Sonny Donaldson has created and fostered an environment that demands quality and dedication from both teachers and students.

When Texas A&M University evaluated the test scores of minorities in districts with more than 15,000 students, Aldine ranked first in the state. In addition, researchers at the University of Texas said that Aldine is one of a handful of districts showing impressive successes with students from disadvantaged backgrounds.

Because of the emphasis placed on education by the administrators, the teachers, the students and the parents, Aldine ISD has received a ''recognized'' rating from the Texas Education Agency for the last four years. Of the district's 48 schools rated by the state, four are exemplary, 28 recognized and 16 acceptable.

American historian and writer Henry Adams once stated that ''a teacher affects eternity; he can never tell when his influence stops.'' For Sonny Donaldson, the lives he has touched over his many years in the education field will ensure that his influence carries on far into the future.

I ask my colleagues to join me in honoring the career of one of Texas' education heroes. Sonny, we wish you and your wife Suzanne well.

HONORING THE VILLAGE OF SAINT PARIZE LE CHÂTEL, FRANCE

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. DELAHUNT. Mr. Speaker, in cities and towns all across America, Memorial Day will be marked with parades down Main Street, patriotic speeches on the town square and little league games in the park. But for others—families and surviving comrades in arms—it is a day of pilgrimage to cemeteries and memorials, for a moment of remembrance.

For some, this pilgrimage takes them to places far away from that town square; to places made infamous through the fury of war, and where now, peace holds its gentle sway.

One such pilgrimage will take place in the French Village of Saint Parize le Châtel and its neighboring hamlet, Moiry. During World War I, this area was home to one of the largest US Army hospitals, the Camp Mars-sur Allier. Its 44,000 beds were filled with wounded Americans who went off to fight for peace and liberty in the homeland of Lafayette.

After the Armistice, the villagers of Saint Parize le Chaâtel and Moiry built a monument to this hospital on the site of a cemetery where over 2,000 victims of the war are buried. Inscribed on the memorial—AUX AMERICANS MORTS POUR LA FRANCE LE DROIT ET LA LIBERTE 1916–1918—to the Americans who died for France, Right and Liberty.

On this Memorial Day, a permanent exhibit commemorating the hospital, its staff and the soldiers and civilians who died and recovered there will open. At this ceremony, in an expression of the strong friendship between the United States and France, a new walkway to the memorial will be dedicated.

I know that all my colleagues join with me in an expression of gratitude to the people of Saint Parize le Châtel and Moiry for their desire to ensure an appropriate and lasting memorial to those Americans who gave so unselfishly of themselves in the name of peace and freedom.

A TRIBUTE TO RITA BEE HILL

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to Rita Bee Hill of Visalia, California, a loving mother and wife, a community leader, and a dear friend of mine who passed away in an automobile accident on May 4, 2001.

Rita was born in Hayward on Aug. 1, 1949. After graduating from California State Polytechnic University, San Luis Obispo in 1971, Rita moved to Visalia to work for the Tulare County Planning Department. She married Jim Hill in Visalia on Dec. 16, 1972. Throughout her 17-year career with the Planning Department, she served in many local and state leadership roles and was instrumental in the establishing and managing the Tulare County Economic Development Corporation.

In 1989, Rita joined my sister-in-law, Diana Dooley, as partners in a local public relations agency. The company, which later became Rita B. & Company, worked on behalf of local community projects and groups, exemplifying Rita's commitment to community.

As a friend recently observed, Rita Bee Hill was her father's daughter. Her father, Carlos Bee, was speaker pro tem of the California Assembly and was a champion for higher education. Like her father, Rita believed people could solve problems by working together. She inspired, cajoled and shamed people into doing the right things and she rolled up her sleeves and worked alongside everyone from whom she requested help.

Rita was active in a number of community organizations, serving as a member or leader of groups including the Visalia Chamber of Commerce, Visalia and County Center Rotary Clubs, Networking for Women, Visalia Planning Commission, City Manager's Advisory Group, California Women for Agriculture, Family Planning Program and the United Way of Tulare County. In 1998, Rita was recognized for her record of service by being bestowed with Visalia's Woman of the Year award in 1998.

In addition to all she did for our community, Rita was extremely dedicated to her family. She is survived by her husband, Jim, a math instructor at Redwood High School; her son, Tony; her granddaughter, Libby; and a large extended family throughout the country. Rita also leaves behind many friends who feel as she treated them as family.

On a personal note, my wife Linda and I had the opportunity to become close friends with Rita and Jim over the years. When I first ran for office at a time when few believed that I would succeed, Rita was one of my strongest and most dedicated supporters. She went on to be one of my most loyal supporters in all my subsequent re-election efforts, and even hosted my campaign office in her company's conference room for many years. This year, I designated her as my delegate to the California Democratic Party convention.

Rita's strong civic spirit, generous heart, and concern for others were obvious to all those she touched. Always living life to the fullest and always advocating the most noble of causes, Rita was a shining example of what it means to be a citizen and friend. Her passing will leave a tremendous void in the life of the Visalia community.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Rita Bee Hill and celebrating her legacy of service to her family, her community, and her country.

YMCA TEEN ACTION AGENDA ENHANCEMENT ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. UDALL of Colorado. Mr. Speaker, today, my colleagues, Reps. WAMP, PORTMAN, SERRANO, ETHERIDGE, ISAKSON and GREEN

(WI) join me, in introducing the YMCA Teen Action Agenda Enhancement Act of 2001.

For 150 years, the YMCA has provided our nation's youth with safe, healthy activities. The YMCA is volunteer founded and volunteer-led. The YMCA depends on more than 600,000 volunteers to meet the unique needs of their communities. YMCAs serve people of all faiths, races, abilities, ages and incomes. 1 in 10 teens—2.4 million teens across the nation—are involved in a program offered by a local YMCA. Recognizing the unique obstacles faced by the teenagers of today, the YMCA has launched the Teen Action Agenda, a nationwide campaign to double this number and serve 1 in 5 teens by 2005.

This legislation authorizes federal appropriations of $20 million for fiscal years 2002 through 2006 to carry out the Youth Teen Action Agenda. Similar legislation was enacted into law in the 105th Congress to aid the Boys and Girls Club of America and in the 106th Congress to aid Police Athletic Leagues, in their efforts to improve academic and social outcomes for youth. Under this legislation, subgrants will be made to YMCA teen programs that have a primary purpose of serving youth that are at-risk of delinquency or are in failing schools.

In my district, a number of YMCA clubs are serving our teenagers. In the town of Lafayette, CO alone, twenty-five programs at two YMCA Centers serve close to 1300 kids. The YMCA Arapahoe Center is a full youth and family center for teens and preteens ages 11–17, and the YMCA Lafayette Youth Center serves low income, at risk kids. These two clubs lead programs for Youth Employment services, after school drop-in, drop-in sports, field trips, Leaders club, Arts and Humanities classes and camps, high school and middle school sports, baby-sitting training, Youth and Government, Leadership development (Leaders-in-Training and Junior Leaders summer program), and Teen Adventures camps.

A recent nationwide study shows that participation in afterschool activities leads to better grades and better behavior in teens. Nearly eight in 10 teens (79%) that engage in afterschool activities are A or B students, but only half (52%) of teens who do not participate in afterschool activities earn these high marks. Teens that do not engage in afterschool activities are five times more likely (15%) to be D students compared to students who do participate in activities after school (3%).

This study has also documented the need for more afterschool programs. Over half (52%) of teens say they wish there were more afterschool activities in their neighborhood or community. Two in three (67%) teens say they would likely participate in afterschool programs that would help them get better grades, develop leadership skills and be more involved in their community while having fun with other teens if they knew that churches, recreation centers and the YMCA offered such programs. Six in 10 (62%) teens left unsupervised during the week say they would likely participate in afterschool programs.

The need for more after-school opportunities has been made clear to me in my visits to every high school in my district. Students have told me that if there were more after school activities, they would participate in them. This bill will help give kids safe, productive places to go when the school bell rings at the end of the day. We all know that the teenagers of today face challenges and pitfalls unimaginable a generation ago. I believe this bill helps a proven community based organization with a rich history of providing quality programs for America's youth to offer our teenagers with the opportunity to develop and thrive.

MODIFY THE DEPRECIATION OF PROPERTY USED IN THE GENERATION OF ELECTRICITY

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. HERGER. Mr. Speaker, today I am introducing legislation that will foster adequate electric generation and reliability. Excessive electricity price volatility, concerns about power shortages, and harmful consequences for the regional economy in the West are all related to inadequate generation and transmission capacity in and around my home state of California.

Moreover, the energy crisis in California and neighboring states has demonstrated the importance of developing generation facilities to ensure that electricity supplies are widely available at reasonable prices. But capacity shortages are not just an issue in California, and addressing this tax code problem is critical to helping avoid similar problems from developing in other regions of the country.

To encourage new investments in generation, my bill would reduce depreciable lives of generation systems from their current cost recovery period of 15 or 20 years to 7 years. The current electric industry depreciable lives are longer than those of any manufacturing segment.

America's booming technology-reliant economy of the 1990s spurred a demand for more electricity. However, that increase in demand was not met by building new generation. In the 1970s and 1980s, America had power surpluses. As a result, state regulators, trying to keep consumer rates down, often disallowed the costs of some excess capacity and did not allow utilities to recover in rates all of their costs for building power plants. In many cases, utilities were required by their regulatory commissions to buy power from other supplies rather than build their own plants. That, and the advent of competition, engendered a cautious attitude toward investment costs that might not be recoverable. The result was a construction lag, while demand for power increased by about 2 percent per year.

Nevertheless, between 1978 and 1992, America's utilities had reserve margins that averaged between 25 percent and 30 percent to meet emergency demand situations. Since 1992, the reserve margin has dropped significantly—to less than 15 percent nationwide.

Meanwhile, the Energy Information Administration (EIA), in its Annual Energy Outlook 2001, raised its own projections of electricity demand for the next 20 years because of projected increases in economic growth and the growth in electricity use for a variety of residential and commercial applications. To meet demand growth, EIA projects that 1,310 new plants—with a total of 393 gigawatts of capacity—will need to be built by 2020. The 393 gigawatts represents nearly a 47% increase over current installed capacity, or the ability to serve approximately 60 million additional customers.

The current tax law profoundly impacts a generator's bottom line, making it difficult to compete, and discourages the formation of much needed capital investment. The price spikes and major power outages in recent years, most notably in California, have brought this issue home to millions of people. By way of example, no significant new generation has been built in my state of California in more than a decade, despite higher than-expected growth in the demand for power.

Nationwide, the structure of the electric industry is rapidly changing from vertically-integrated, regulated monopolies to unbundled and fully competitive generation services—independent transmission companies and local distribution companies. Currently, 24 states and the District of Columbia, encompassing some 62% of the Nation's population, have either passed electric industry restructuring legislation or enacted regulatory orders to implement unbundling and competitive customer choice. In addition, the Federal Energy Regulatory Commission (FERC) is promoting wholesale competition and the formation of regional transmission organizations. Because of the introduction of competition, previously applicable rules regarding the cost recovery of capital simply do not apply any longer.

Mr. Speaker, I urge my colleagues to cosponsor this urgently needed legislation.

TRIBUTE TO THE MEMBERS OF CARPENTERS LOCAL 1005 OF MERRILLVILLE, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and admiration that I congratulate the members of Carpenters Local 1005 of Merrillville, Indiana who will be honored at their 29th Annual Pin Recognition Banquet. The union members of Northwest Indiana have consistently demonstrated the work ethic and quality craftsmanship on which the community prides itself. The banquet, to be held on Saturday, May 12, 2001 at the St. Elijah Serbian American Hall in Merrillville, will be held in honor of those members who have completed between 20 and 65 years of service with the union. Also to be awarded are the Joe Manley Humanitarian Award, the Ken Castaldi Apprentice of the Year Award, and the Contractor of the Year Award.

Carpenters Local 1005, which received its charter on March 7, 1972, and is one of the largest Carpenters locals in the state of Indiana, will honor its members for their years of dedicated service. Charles James, initiated in 1936, will be honored for his 65 years of service. Those members who will be honored for 60 years of service include: Rexford McDaniel

and Nicholas Mudry. Those who will be honored for 55 years of service include: Lester Cornett, Billy Frost, William Gabbard, Sam Loiacano, Harold Massa, Fred Roberts, Robert Rosenbaum, John Taylor, Leonard Taylor, Robert Tucker, James Williams, and Ivan Wynkoop. The members who will be honored for 50 years of service include: Melvin Anderson, Jack Bartruff, Walter Catlow, Carl Cauley, James Cooley, John Curtis, Otis Davis, John Gottby, Robert Green, Bartul Letica, Walter Mahns, John Mihalko, Sam Pysh, Jr., Glen Snow, Albert Touchette, and Tage Borg. Those members who have served for 45 years include: Kenneth Anderson, Felix Bannon, Eugene Claus, Clyde Fauser, George Hendershot, Kenneth Horan, William Kristoff, Clive Leach, George Nannenga, Raymond Niksch, George Patterson, Jr., Fred Reynolds, Harry Spurgeon, Charlie Stokes, Raymond Wardell, and Jessie Castle. Those members who will be honored for 40 years of service include: Howard Johnson, Jr. and Peter Znika. The members who will be honored for 35 years of service include: Eddie Andersen, Steve Hostinsky, Otto Massow, Oscar Mischan, Loren Pollard, James Thoreson, Grant Wedding, Warren Wilkerson, Dennis Williamson, and Kenneth Mahler. Those members who will be honored for 30 years of service include: Leroy Dewar, Gene Harlow, Winford Harris, Charles Prewitt, John Rassbach, Ronald Robinson, Charles Spiller, and Joe Sulhoff. The members who will be honored for 25 years of service include: Gordon Anderson, Theodore Blahunka, Joseph Crnkovich, Michael Darden, Ronald Dwight, Joseph Erb, William Herbst, Paul Hernandez, Sr., Kenneth Huhn, George Klippel, Nick Kotur, Wray Loney, Roy Scarborough, Rich Steinhilber, Robert Stivers, Bruce Thomas, Thomas Trulley, Michael Twilla, and Donald Welch. Those members who will be honored for 20 years of service include: Jeff Basco, Paul Cieszkiewicz, Harold Evers, Eugene Glowacki, Jefrrey Hall, Roy Jonkman, John Kucik, William Lueder, Daniel Lustgarten, William McCarty, Ricky Nance, Robert Paske, Warren Perry, Jessie Simmons, Drew Smith, and Michael Stanton.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and outstanding members of Carpenters Local 1005, in addition to the hardworking union men and women throughout the country. The countless hours of exceptional service the men and women of Carpenters Local 1005 have provided to their community deserve our admiration and respect. Their dedication and commitment are the epitome of the values we hold in Northwest Indiana, and I am proud to represent such fine men and women in Congress.

SMALL BUSINESS WEEK

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. KIRK. Mr. Speaker, I am pleased to join with the President and the gentleman from Illinois (Mr. MANZULLO) in celebrating small business week. Small businesses are the engine of our nation's economy providing 53 percent of the private work force and $63 billion worth of goods and services to the federal government. Additionally, small businesses are at the heart of our nation's communities providing charity to community service organizations and donations to direct service providers. I would like to acknowledge the hundreds of small businesses that reside in my district which are essential to our nation's social and economic vitality.

Mr. Speaker, I would also like to extend my congratulations to Allstate Corporation, which is located in my district, on receiving a 2001 Phoenix Award for their quick response in New Jersey, Pennsylvania, New York and Virginia in the aftermath of Hurricane Floyd. The Allstate Corporation along with the countless other business and individuals who have dedicated their time and resource to our nation's communities should be commended.

MAY 11, 2001: PROVIDER APPRECIATION DAY

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. FERGUSON. Mr. Speaker, I rise to honor childcare providers throughout the world on the eve of Provider Appreciation Day.

Provider Appreciation Day, celebrated annually on the Friday before Mother's Day, was spearheaded by a group of volunteers from New Jersey in 1996. They saw the need for a day to show our appreciation to childcare providers. And as a result of their dedication and perseverance, Provider Appreciation Day has not only spread nationwide, it is also celebrated in Canada, Europe, and Asia.

Early childhood is undoubtedly the most critical time of development for our children. Today, approximately 13 million children in the United States under the age of six, are in childcare at least part-time. An additional 24 million school age children are in some form of childcare after school. Provider Appreciation Day recognizes the hard work childcare workers perform and the sacrifices they make in their dedication to the development of our children.

I encourage all parents with children in childcare to join me in showing their providers how much they are appreciated. While the profession is one of the most under-recognized and underpaid professions in the country, providers bring compassion, patience, encouragement and love to our children each and every day.

I would like to take this opportunity to thank Suzanne Williamson, Chairwoman of Provider Appreciation Day, for her commitment to establishing a national day of recognition for childcare providers. Ms. Williamson is also the Director for Monday Morning Child Care, Inc., a network of childcare providers located in Union County, New Jersey. Her endless efforts have made Provider Appreciation Day possible.

NATIONAL FIBROMYALGIA AWARENESS DAY

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today in support of National Fibromyalgia Awareness Day on May 12, 2001.

Fibromyalgia remains a great mystery of the medical world. It affects 3 to 6 million Americans and causes debilitating symptoms that often times make it impossible for an afflicted individual to lead a normal life. Fibromyalgia patients describe their pain as being so severe that it can be impossible to lift a glass of water or even get out of bed some mornings.

While the disease tends to affect women between the age of 35 and 50, cases have been reported in children, men and the elderly.

Fibromyalgia is a chronic disorder characterized by widespread musculoskeletal pain, fatigue and multiple tender points. These tender points are located in the knee, shoulder, hip and back and can make walking a short distance a challenge. It is also common for Fibromyalgia patients to have a sleep disorder, causing the fatigue to worsen.

The most frustrating aspect of this disease is that is causes a chronic pain for which there is neither a cure nor a known cause. I hope that through awareness efforts like National Fibromyalgia Awareness Day, more attention will be focused on finding a cure and 3 to 6 million Americans can return to living normal, pain free lives.

I applaud the efforts of the National Fibromyalgia Awareness Campaign and ask my colleagues to join me in recognizing May 12, 2001 as National Fibromyalgia Awareness Day.

THE TRAGIC HELICOPTER CRASH KILLING A JOINT US/VIETNAMESE MIA SEARCH TEAM

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. EVANS. Mr. Speaker, while much of the world was focused just a few weeks ago on the crisis in the South China Sea, at the same time a tragedy occurred in that part of the world that should be remembered. On Saturday, April 7th, we lost seven American and nine Vietnamese personnel in a helicopter crash. The accident happened while this joint U.S.—Vietnamese team was on its way to an operation to help find the remains of missing US service members from the war.

In many of my visits to Vietnam, I had the privilege to meet the members of the Joint Task Force—Full Accounting, the US military unit tasked with helping to find our missing. I marveled at the stories of their dangerous missions to find the remains of our missing servicemen. They told me of operations done on treacherous mountaintops surrounded by landmines and unexploded ordnance. Intense jungle heat, hazardous weather conditions and

insects and animals often made their jobs incredibly tough. In more turbulent times, they even encountered fire from across the Cambodia border. From my exposure to them, it was clear to me that these were truly remarkable men and women. It is a tragedy that we lost these brave soldiers.

I think it would be even more tragic if the important work they did was not remembered. They were proud of their mission, which they saw as a sacred duty. It was also a mission that brought our two nations closer together. Many of the Vietnamese who perished in the crash had been deeply involved for much of their lives in helping us find more answers about our missing. The cooperation and friendships forged by this work has only helped to heal the scars of a war that ended some 25 years ago.

These men were American heroes and we should remember their sacrifices as well as the Vietnamese who gave their lives in trying to answer the questions about our missing. My thoughts are with all of their families.

REGARDING LUIS RENDON

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a unique patriot and beloved sports figure in Texas, and the nation, Luis M. Rendon.

He will be honored this Saturday, May 12, in Laredo by the International Latin Hall of Fame, a sports hall of fame focusing primarily on athletes of Hispanic origin, into which he was inducted several years ago. He underwent an operation for colon cancer recently, and the Hall of Fame is putting on a party for him to welcome him home.

Luis Rendon is an amazing man who has had a lifelong love affair with sports, particularly baseball. He was a professional baseball umpire for 40 years. The International Latin Hall of Fame began in Laredo over 30 years ago. Each year, only a very few athletes are inducted. Luis Rendon is the first and only umpire inducted into this sports hall of fame.

As a professional umpire, Luis traveled all over the country, and all over the world. He has officiated at games in England, France, Germany, Mexico, as well as the United States. His services are still in demand, and he volunteers to teach umpires of Little League baseball.

As a veteran myself, I am an enormous fan of Luis Rendon, who has served this nation in uniform in three of the major wars fought by the United States in the 20th Century. He was drafted to serve in World War II and dropped out of school to go fight in the war. He would later serve in Korea and Vietnam before retiring in 1967 after 20 years of service in the United States Army.

Knowing the importance of an education and of setting an example for his children and others, Luis eventually got his GED, later obtaining an associate degree at what is now Laredo Community College at age 50.

He has always been intellectually curious. He is extremely proud of being a Mason, and was recently given an award for teaching other Masons.

He is wholly dedicated to the game of baseball and is a walking encyclopedia of baseball rules and trivia. He is a stickler for those rules and has always been committed to those rules. His philosophy is: if a rule is in the book, it is part of the game; if not, then it is not part of the game. Balls that hit birds or get stuck in the roof of a dome get no special consideration since those situations are not noted in the rules he so reveres.

I ask my colleagues to join me today in commending Luis Rendon for the gift of his lifetime to the game of baseball and to the young people in Texas, and elsewhere, he has taught about life through baseball.

TRIBUTE TO RUBEN SIVERLING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize Mr. Ruben Siverling, the recipient of the Clay/Platte Development Corporation's Small Business Advocate of the Year.

Mr. Siverling is a full-time business consultant serving on the staff at the Rockhurst University Small Business Development Center. During his years as a consultant to the Small Business Community in the Kansas City region, he has helped start or expand over 1,700 small businesses.

Mr. Siverling was instrumental in opening a satellite Small Business Development Center in the Missouri 6th District. Being a resident of the district, he saw firsthand the growth in the Northland region of Kansas City and understood the importance of a guiding presence to help the area's burgeoning entrepreneurs. His dedication to this cause is proven in the early mornings, long days and late evenings that he endures to help each and one of his clients achieve success. Success to him does not only involve just having a client receive a loan, but all facets of learning the start-up process. Whether it is revising a loan package that was not approved on the first submittal, or following through with revision and follow-up meetings, he ensures that the small business client is getting a first-class education that will help their business flourish.

I commend the Clay/Platte Development Corporation on choosing Mr. Reuben Siverling as their Small Business Advocate of the Year, and once again congratulate and thank Mr. Siverling for his years of hard work and dedication to the Small Business Community.