HOUSE OF REPRESENTATIVES—*Thursday, May 24, 2001*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You glory in Your people even more than the artisan or craftsman delights in the work of their hands. More than a parent takes joy in the graduation of a son or daughter, do You glory in us as Your children.

May we in turn prove worthy of Your love and attention by listening and caring for one another and the generation to come. May this House and this Nation prove truly responsive to present needs and responsible for future results. Guide us by the spirit of freedom so that we may prove to be Your model for other nations.

We call out to the world to rejoice with us and to learn from us.

O praise the Lord, all you nations; acclaim Him, all you peoples. Strong is His love for us; He is faithful forever. 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.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

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

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Dakota (Mr. POMEROY) come forward and lead the House in the Pledge of Allegiance.

Mr. POMEROY 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.

CONGRATULATIONS TO ELLEN KEMPLER ON HER SELECTION FOR INDUCTION INTO NATIONAL TEACHERS HALL OF FAME

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to congratulate Ms. Ellen Kempler, a teacher at MAST Academy in my congressional district, who was one of five exceptional educators recently inducted into the 2001 National Teachers Hall of Fame.

As a former teacher, I know that no reward is greater than impacting the lives of students.

It is evident that Ms. Kempler has been an inspiration to her students. As one student stated, she has the gift of finding talent and academic strength in every student and inspires them to express it in a positive way.

Ms. Kempler, presently a 9th grade English and a 12th grade ethics and leadership teacher, is committed to excellence in education. She states, ''Life is a huge relay race. I am alive and carrying the baton now. The future depends on me as surely as my generation depended on our teachers and their teachers and their teachers.''

Ms. Kempler is an exemplary educator and a role model whom her students should hope to emulate. I ask that my congressional colleagues join me in commending Ms. Ellen Kempler for her success and for having been selected for induction into the National Teachers Hall of Fame.

A COMMITMENT TO ONE PERSON, ONE VOTE

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

Mr. CUMMINGS. Mr. Speaker, some people believe election reform is a dead issue, but I stand here today to state that it is alive and I have taken the first step. I have taken the first step in recognizing that during the 2000 presidential election, the principle of one person, one vote was abandoned, resulting in the disenfranchisement of thousands of citizens. I have taken a first step in recognizing that our current doctrines and laws, namely our Constitution and the Voting Rights Act, provide guarantees against many of the discriminatory violations that occurred during the election. I have taken the first step, Mr. Speaker, by introducing a resolution, H. Res. 139, which confirms this body's commitment to these doctrines and calls for their vigorous enforcement.

What better way to restore the American people's faith in government and the principle of one person, one vote than to confirm our commitment to our current laws as a foundation to election reform. This is the first step.

I urge my colleagues to take the first step with me. Cosponsor H. Res. 139 and confirm their commitment to the principle of one person, one vote.

MEMORIAL DAY MEMORIAL

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

Mr. GIBBONS. Mr. Speaker, this week we will be returning back to our home districts for the Memorial Day District Work Period. Today I wanted to take this opportunity to thank those men and women for whom we celebrate Memorial Day every year. Most other national holidays would have no meaning if it were not for the sacrifices we honor on Memorial Day. This day of recognition represents why so many sons and daughters of our land and other lands have dreamed of being Americans. No other nation has sacrificed so much to secure not only its freedom but that of other nations.

We honor those who made the ultimate sacrifice for freedom, not only out of respect and gratitude but because heroes will always be needed and treasured. Younger generations need to know the price our heroes have paid, and the souls of those who have paid that price need to know it was not made in vain.

Mr. Speaker, I proudly salute our heroes.

OUR TRADE PROGRAM BEARS THE LABEL, MADE IN CHINA

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

Mr. TRAFICANT. Mr. Speaker, China is now taking $100 billion in trade surplus from America. Even our trade program bears the label, made in China. What is even worse, China considers America the enemy and China actually held Americans hostage. Now if that is not enough to scare Freddy Krueger, recent reports say China illegally bought U.S. microchips to build new

missiles and to aim them at the United States of America.

Mr. Speaker, beam me up. The American taxpayers are funding World War III, so help me God.

I yield back the fact that the nature of a dragon is not to negotiate with its prey. The nature of a dragon is to kill its prey.

FEDERAL EMPLOYEES WHO USE WORK COMPUTERS TO VISIT SEX SITES, GAMBLE, TRADE STOCKS AND VISIT CHAT ROOMS ARE UNDERWORKED, OVERPAID AND SHOULD BE FIRED

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

Mr. DUNCAN. Mr. Speaker, a few days ago a front page story in the Washington Times reported that IRS employees used about half their on-line time at work to visit sex sites, gamble, trade stocks and visit chat rooms. I know that people say it is dangerous to criticize the IRS, but this is ridiculous.

This article by the Scripps Howard News Service did not come from some enemy of the IRS. This report came from the office of the IRS's own inspector general. No wonder we read that almost half the advice the IRS itself gives out is wrong.

There is no good reason why our Federal Tax Code should be nearly as complicated, convoluted and confusing as it is. For years, liberal elitists have cried, take the politics out of everything, and the people have lost control over their own government.

Federal bureaucrats know they can get away with almost anything, but Federal employees who use work computers to visit sex sites, gamble, trade stocks and visit chat rooms are underworked, overpaid and should be fired.

CALIFORNIA ENERGY CRISIS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise this morning in outrage, outrage that the White House is working on a tax cut for the wealthiest people in this Nation, while my constituents in Marin and Sonoma Counties in California are still dealing with rolling blackouts and skyrocketing energy bills; while the greedy power companies are raking in record profits.

The White House can and must take action and they must protect California consumers from runaway prices, but despite repeated and urgent requests from the Democratic California delegation, President Bush refuses to order FERC to impose wholesale cost-based rates in California and the western region.

With two oilmen in the White House, it is no surprise that this administration has not turned their back in the direction of the consumer, has instead turned their back on the consumer by siding with the oil special interests.

This is not acceptable. It sets a precedent nationwide and not only threatens California's economy but also threatens our Nation's economy.

MEMORIAL DAY TRIBUTE TO MEN AND WOMEN IN U.S. ARMED FORCES

(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, I rise today in observance of the upcoming Memorial Day holiday to pay tribute to the men and women of the U.S. armed services. For the past 226 years, our military forces have repeatedly answered the Nation's call to protect the freedom we all cherish today.

During our Nation's formative years, brave Americans fought to win freedom for all. World Wars I and II, Korea, Vietnam and the Persian Gulf saw new generations of dedicated men and women fight to preserve the hard-earned freedom for our Nation and our allies abroad. Today Americans around the world enjoy the security that comes from knowing their freedom is protected by those currently serving in the U.S. Armed Forces.

Mr. Speaker, it is with great pride that I stand and recognize the honor, courage and commitment that has defined the men and women of our Nation's Armed Forces and to thank those who sacrificed their lives to ensure that future generations may enjoy the blessings of freedom.

WE NOW KNOW WHO IS IN CONTROL HERE IN WASHINGTON

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

Mr. INSLEE. Mr. Speaker, we now know who is in control here in Washington, D.C. In the House, the Republicans are in control. In the Senate, the Democrats are in control. In the White House, the oil and gas industry is in control.

The fact that this line came from a famous talk show host does not mean it is any less true because while wholesale electrical rates from the energy industry have gone up 500 to 1,000 percent on the west coast, while my constituents' energy costs have doubled, this White House has done nothing, absolutely nothing, to help the energy crisis in the short-term in the Western United States.

This White House should listen to the people they ought to be working for, the people whose hard-earned money is going to these energy costs. I will say, every single dollar any American may get from this tax cut in the next 2 years, I will say exactly where it is going, it is going to the energy costs and enormous spikes in these costs that this White House is doing nothing about.

We call on this President to adopt a cost-based system. We call on this President to not sit on his hands. We call on him to do something with FERC.

H.R. 1954, THE ILSA EXTENSION ACT OF 2001

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

Mr. GILMAN. Mr. Speaker, yesterday along with 200 of my congressional colleagues, I introduced H.R. 1954, the ILSA Extension Act of 2001, which extends the provisions of the Iran-Libya Sanctions Act for an additional 5 years.

This measure is aimed at dissuading foreign companies from investing in Iran and Libya and does not affect any of our American companies. In Iran, we are confronted with a regime which continues to threaten the national security of the United States and the destruction of Israel. The Libyan government has failed to take responsibility for its actions in a terrorist attack in bringing down Pan Am Flight 103, killing Americans, British and others. ILSA has been effective in slowing down any investment in Iran and in Libya. The ILSA Extension Act will enable our Nation to continue our efforts to pressure Iran and Libya to conform to acceptable standards of behavior within the international community. I invite our colleagues to join us in this important issue.

REAL TAX RELIEF IS NEEDED

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

Mr. POMEROY. Mr. Speaker, House and Senate conferees are grinding away on a massive budget reconciliation act, rushing to try and complete business before we leave for the Memorial Day recess.

I believe there are three questions we can appropriately raise about the tax relief proposed in this act. Is it fair? Is it timely? Does it allow for other priorities?

First, is it fair? In the Senate version, the top 1 percent of wage earners in this country get 35 percent of the relief. The top 10 percent, most affluent 10 percent, get half, 54 percent, of the relief. The lowest paid 40 percent of us in this country get 7 percent under this

tax bill. The bottom 20 percent get a single percent of the relief.

□ 1015

Is it timely? It is not phased in for years. The phase-in on the marriage penalty relief does not even begin until 4 years from now. That is not marriage penalty relief, that is a distant anniversary present, much less than is represented in the tax bill.

Finally, is there room for other priorities? There is not a dollar of additional defense spending as soon to be recommended by the Secretary of Defense contained in this budget. It raises the prospect that we will be raiding the trust funds, and the tax bill should be defeated.

ENERGY CRISIS IN CALIFORNIA

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

Mr. CUNNINGHAM. Mr. Speaker, my colleagues on the other side spoke about the California energy problem. There is a desperate problem in California and all over the West Coast.

However, I want to tell my colleagues, special interests have kept us from building power plants in the State of California for over 20 years. While our population growth has increased, our ability to produce our own power has reduced. They have stopped nuclear power, they have stopped new generating power, and now we are facing the biggest crisis in decades. At a time when most of our power generators in California were forced to be outside the State because of these special interest groups, Governor Gray Davis, exercised no responsibility for the newly deregulated energy market place, and that put us in the situation we are in right now, especially for San Diego, because San Diego Gas & Electric is a private industry and cannot buy inexpensive public power.

There were two natural gas power generators, two different types, built to be environmentally safe. The President offered to help Gray Davis obtain these generators. Gov. Davis said, we do not need them. Another company upgraded its energy plant and went to get the operating license from Gray Davis, our governor said, if you unionize this plant, I will give you your license.

The biggest problem we face in California is the governor of California, he has failed us in his handling of this energy crisis.

CALIFORNIA NEEDS IMMEDIATE RELIEF FROM ENERGY COSTS

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, as a representative from the great State of California, I have to tell my colleagues that my constituents are angry. We have had to sit through blackouts; we have had to see the increase in our gasoline prices, and a loaf of bread, by the way, has gone up as well. People are suffering. They are crying out for this government, for FERC to do something, the Federal Energy Regulatory Commission. We are waiting for their action. We are not seeing anything.

Last year, California had to pay $30 per megawatt hour. This time, it is almost $2,000 an hour. People in my district whose average income is about $31,000 cannot afford to live through this summer. We need immediate action; we need relief. We do not want to see drilling. We want to see clean water, we want to see our energy restored. We do not have a problem with the supply, as was stated earlier by my colleague. What we see here in California is the very fact that energy producers from out of State, from Texas, who are now making these policy decisions on energy, are the ones that are robbing our consumers in California.

I ask for my colleagues to vote down this proposal on energy and also this infamous tax cut that will not benefit the residents in my district.

SAY NO TO BIG OIL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, America's families are struggling with high energy costs, but the Bush administration is more interested in catering to the needs of big oil and energy companies, rather than helping the working- and middle-class families that need their relief now.

We need long-term solutions that encourage exploration, increase refining capacity, and help Americans conserve energy. But, in the short term, we need to aggressively protect consumers, investigate price fixing, and consider releasing oil from the Strategic Petroleum Reserve to moderate the effects of price spikes. The administration has rejected these options out of hand.

What is their solution? What does the President say? Drill in the Arctic National Reserve and relax clean water and air standards.

Last week, the President suggested that his tax cut will solve the energy crisis, a bizarre and a disconnected idea. That hard-earned refund, my friends, should not go into the pockets of the energy executives who are already making outrageous profits at the expense of hard-pressed American families.

I call on the President to say ''no'' to his big oil and big energy friends. Say ''yes'' to America's families that need help with rising gas and energy prices.

POLITICS AND THE ENERGY CRISIS

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

Mr. BALDACCI. Mr. Speaker, a short while ago Senator JIM JEFFORDS announced he was changing his registration to be an Independent and not be a Republican anymore and, in that statement, he also talked about the differences of opinion he has with the administration in regards to energy and the environment.

I first want to say how pleased I am with Senator JEFFORDS' decision and how well regarded he is as someone who is very thoughtful and fair and very much a public servant, and with the public interests in mind. We in New England appreciate that.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all Members that debate in the House may not include personal references to Senators. The gentleman may proceed.

Mr. BALDACCI. Mr. Speaker, we recognize that the interest of the public have not been represented.

If we look at this proposal that has been put forward by the administration where it talks about just the supply, it talks about drilling in the Arctic National Wildlife Refuge. Had this Congress and the leadership in this House not earmarked out raising the fuel efficiency standards, we would not need to be doing that drilling, because we would be getting twice as much oil out of the fuel efficiency and out of the savings we would have gotten from conservation. This administration has eliminated the scientific research and development so that we could be able to better generate more energy efficiency, both in our automobiles and vehicles and in our manufacturing and small businesses.

We must reject this. It represents the special interests and not the public interest, and many public servants throughout this country are signing on.

TAX CUT EATS UP ENERGY COSTS

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

Mr. BACA. Mr. Speaker, President Bush and Vice President CHENEY have turned their backs on the people of California. What we need them to do is to step up to the plate and swing the bat.

Millions are suffering because of their indifference, their protection of oil big businesses versus the people of California. We need to protect our consumers. Instead of making out-of-State generators play fair, they are letting them lead America.

We are hemorrhaging. Our seniors should not have to choose between electricity and food. Our schools and factories should not have to suffer or close their doors.

This is about children in San Bernardino crosswalks. This is about protecting jobs, having the lights turned on. This is about working families. This is about individuals who are suffering because President Bush has failed to take on the responsibilities.

It was said earlier that it was Governor Gray Davis. No, deregulation was started by Pete Wilson who actually had the State of California deregulate. We are suffering because the Republican Party thought there would be enough energy. We do not have the energy. We need the President to step up to the plate. A tax cut will not make up for the skyrocketing bills. Let us put on a price cap.

FUTURE HOLDS EXPLODING EXPENDITURES AND DEFICITS

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

Mr. HOYER. Mr. Speaker, in 1981, we ushered in a decade of profligate spending and exploding deficits. In 1990, we passed a budget bill that was tough and it helped bring down those deficits and bring us a surplus. In 1993, we took another action which was tough and helped bring down those deficits and create the surpluses. In 1997, in a bipartisan way, we passed a bill that was tough and helped bring down deficits and create surpluses. We now wait on a conference report that will again, as we did 20 years ago, usher in a decade of exploding expenditures and exploding deficits. That is irresponsible.

We passed a personal bankruptcy bill that said we expected each citizen of America to be personally responsible. Mr. Speaker, it is equally important that we be collectively responsible and reject this bad policy for America.

PRESIDENT BUSH SHOULD STOP SUPPORTING BIG OIL AND SUPPORT THE AMERICAN PEOPLE

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

Mr. DEFAZIO. Mr. Speaker, the chairman of the Federal Energy Regulatory Commission, hand-picked by President George Bush, Mr. Hebert, has chosen to turn a blind eye toward the price gouging and market manipulation which is enriching a few huge energy companies, several of which happen to be based in Houston, Texas, at the expense of tens of millions of people in the Western United States.

It is not only Californians who are suffering. We are paying a higher average price in the wholesale market in Oregon and Washington than they are in California, and it is not necessary. It is manipulated.

Let us look at one company, Reliant Power. Profits up by 1,800 percent in one year. Is that not grand, from $27 million to $482 million. But on Sunday, the San Francisco Chronicle revealed that they are blatantly manipulating the market. They have phone lines between their traders and their trade rooms and their plant operators in California, and when the price of energy drops, they shut the plants off and turn the lights out.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DEFAZIO. And then when the price skyrockets, they turn them back on. They are destroying the plants, they are destroying the economy, and the Bush administration and their hand-picked chair of the Federal Energy Regulatory Commission are refusing to take the actions required under the law to stop unjust and unreasonable price gouging and market manipulation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DEFAZIO. It is past time for the Bush administration to stop supporting the energy companies and support the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would appreciate it if the Members would abide by the 1-minute time limit.

FERC MUST INSTITUTE PRICE CAPS

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, at a time when my home State of California and more and more States in this country are dealing with the most severe energy crisis in the past several decades, I believe it is really the height of irresponsibility to pass huge tax cuts for the very wealthy while, at the same time, not even providing any assistance in the budget for the Low-Income Home Energy Assistance Program. Also, cutting funding for renewable energy research and also neglecting to get a national energy policy in place to help consumers. This is the height of irresponsibility.

The LIHEAP program helps low-income Americans pay their utility bills. It is severely underfunded, so we must fight for an increase in LIHEAP funding this year for our senior citizens and our low-income residents.

Finally, this energy crisis has gotten so bad that many of our California State legislators and the city of Oakland have joined together to file a lawsuit to make sure that the Federal Energy Regulatory Commission establish just and reasonable prices. It is unconscionable that the price gouging continues to go on, and that our residents in California are going to face a very serious hot summer.

Mr. Speaker, we must move forward with price caps. We must insist that our Federal Government insist that the FERC do this, and we must do this right away.

BLIND CHOICES

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

Mr. OWENS. Mr. Speaker, the spirit of Tiananmen Square, blind and extreme, has invaded decisions about energy policies in California. The same spirit of the tanks in Tiananmen Square has invaded the latest decisions with respect to Vieques in Puerto Rico. Both the Navy and a Federal judge are blindly pursuing a policy which rules out the choices of the people, refuses to recognize the choices of the people, and have resorted to measures like putting people in jail for 90 days.

One New York leader, Al Sharpton, has now been sentenced to 90 days in jail in Puerto Rico, and several other political leaders have been sentenced to 40 days in jail.

□ 1030

This kind of extremism will only make martyrs of people and also will call for an invasion of Vieques. The Navy does not need Vieques that badly. We should listen to the will of the people, not have a blind eye similar to the tanks that rolled over the will of the people at Tiananmen Square.

Mr. Speaker, judges have done enough harm also in this generation and should stop seeking their 15 minutes of fame. This judge is wrong. These sentences are wrong. Vieques should be set free.

RISE IN ENERGY PRICES

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

Mr. WELLER. Mr. Speaker, I have been enjoying some of the rhetoric I have been hearing from some of my friends on the other side of the aisle today. Clearly, when it comes to a rise in energy prices, the policies of my friends on the left side of the aisle is very simple, and that is called pass the buck.

They talk about the California energy crisis. Who has been in charge in California? A Democratic governor, a Democratic State legislature. Who prevented the power plants from being

built over the last decade? A Democratic governor, a Democratic State legislature.

Of course, we at the national level in Chicago are seeing over $2 gasoline. Why? Because a Democratic administration in the White House failed for 8 years to do anything about energy.

We have a new President that has been in office now for 4½ months, 5 months. He inherited clearly serious energy problems. He has now come forward with an energy proposal which deserves bipartisan support.

The bottom line is we need to conserve. We need to find new domestic sources, and we must reduce our independence on imported oil.

ENERGY CRISIS REQUIRES ACTION

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

Mr. BERRY. Mr. Speaker, we definitely have an energy crisis in this country. There is no question about it, and it is time for us to find a solution.

It does us no good to try to blame each other. The President and the Republicans put forth their energy policy last week. It calls for more production. We agree with that. It is a partial solution.

We know we are going to have to have increased production. I was disappointed that it did not call for increased production from the OPEC countries on the short term.

We are the greatest economic power on the face of the Earth. And if we can be held hostage by OPEC in this time, then we are not the greatest economic power on the face of the Earth; and we should recognize that and deal with it appropriately.

We know that conservation is the cheapest and quickest way to help our situation. We know that alternative energy sources are important and should be researched and developed as is appropriate. We know that the Federal Energy Regulatory Commission should do the responsible thing.

FREEDOM IS NOT FREE

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

Mr. MCNULTY. Mr. Speaker, like many Americans, I like to go around bragging about how we live in the freest and most open democracy on the face of the Earth, but freedom is not free.

We paid a tremendous price for it. I try not to let a day go by without remembering with gratitude all of those who, like my brother Bill, made the supreme sacrifice, to remember all of those who, like some of the people I am looking at in this Chamber right now, were willing to put their lives on the line for all that we hold dear.

As we approach Memorial Day in the year 2001, I am going to try to continue to keep my priorities straight and to do every day what I am doing this morning. I thank God for my life. I thank veterans for my way of life.

TRANSPORTATION CONGESTION

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

Mr. KIRK. Mr. Speaker, I would like to thank the gentleman from Alaska (Mr. YOUNG) for his diligent work this week in addressing the increasing problem of transportation congestion in our Nation.

As a Member of Congress who represents a suburban district that has experienced a great deal of growth, I see the importance of a well-maintained and modern transportation system on a daily basis.

The residents of the 10th Congressional District of Illinois consistently ranked transportation needs as one of the primary challenges facing our way of life. Our region is gripped by highway gridlock and exacerbated by continued outward expansion of residential and commercial properties.

Mr. Speaker, our Nation's transportation infrastructure is critical to our social and economic vitality. We must continue to improve local commuter rail lines that will bring thousands of automobiles off congested roadways.

It will also help us meet the mandates of the Clean Air Act; and, additionally, we need to invest in high-speed rail that will give an alternative to congested airports.

Mr. Speaker, I look forward to working with the gentleman from Alaska on this matter and thank him for the commitment this week to fighting congestion.

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8, rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

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

The SPEAKER pro tempore. 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 336, nays 71, answered ''present'' 1, not voting 24, as follows:

[Roll No. 147]

YEAS—336

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Latham
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez

Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spence
Spratt
Stearns
Stump
Sununu
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn

NAYS—71

Aderholt
Baird
Baldacci
Bonior
Borski
Brady (PA)
Brown (OH)
Capuano
Condit
Costello
Crane
Crowley
DeFazio
Doggett
English
Filner
Gephardt
Green (TX)
Gutknecht
Hastings (FL)
Hefley
Hilleary
Hilliard
Hinchey
Hoekstra
Hulshof
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Lee
Levin
LoBiondo
McDermott
McGovern
McNulty
Meeks (NY)
Miller, George
Mink
Moore
Neal
Oberstar
Olver
Pallone
Peterson (MN)
Phelps
Pomeroy
Ramstad
Rangel
Riley
Sabo
Schaffer
Schakowsky
Scott
Slaughter
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Turner
Udall (NM)
Visclosky
Waters
Weller

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—24

Becerra
Burton
Cubin
Diaz-Balart
Gillmor
Hall (OH)
Hinojosa
Jackson-Lee (TX)
Larson (CT)
LaTourette
Manzullo
McCrery
Meek (FL)
Menendez
Moakley
Murtha
Nadler
Nethercutt
Rahall
Souder
Velázquez
Wexler
Young (AK)
Young (FL)

□ 1058

Mr. MEEKS of New York changed his vote from ''yea'' to ''nay.''

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

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1100

LEGISLATIVE PROGRAM

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

Mr. ARMEY. Mr. Speaker, this is to advise the Members of the schedule for the rest of the day and the remainder of the week.

Obviously, we are all very excited. We are very pleased about what we did in this Chamber last night with respect to the education of our children. We have an opportunity now, in the final moments of completing a conference report on a tax reduction that is anticipated by the whole Nation, for which we have a commitment by both bodies and the White House, to get that work done this weekend. The Members, of course, are anxious about their own plans with respect to their pending District Work Period time with their constituents and with their families. So let me tell you what I can tell you now.

We will soon be reconvening the conference between our body and the other body. It is, of course, all of our hopes that that can go smoothly and expeditiously, but one can never know. So as it is now, I will be returning to that conference, we will be keeping the Members as posted as we can, as timely as we have any information that might be helpful to you in making your plans. We will get that out to you through our whip notices or otherwise.

It would be my effort to come back to this floor at 5 o'clock with another update, so that at least if we do not have any definitive information before then, you can get some information at that time about what it is we hope to do. Members should be advised, I think as of now, definitely there will be no votes before 7 o'clock tonight. If things go well, it is possible we could return and complete the work on the tax bill this evening. If it is not done this evening, we will get that information to you as quickly as possible and then we would find ourselves looking for and hoping for a chance to complete the work tomorrow.

I would hope, as you all do, that we could do that tomorrow, but we have been through these things before and it is a very big bill. There are many Members in both bodies that have heartfelt interests in the bill. The conference could, in fact, take some time to work all those things out.

So what I would ask the Members to do is, one, be of good cheer. We are doing something important for the Nation. It is difficult, but we are called upon in this body at times to make difficult personal sacrifices.

We will go to the conference, commence with the conference, move as quickly as we can and keep you as well informed as possible. But I can say now you will not expect a vote in this Chamber before 7 o'clock. We will get you updated information by 5 o'clock and you ought to be prepared to remain.

Let me just make the point that it is very clearly the intention of this body and of the other body to not adjourn for the Memorial Day District Work Period until this work is done, the conference is completed in both bodies and sent to the President. So that could mean we would be here throughout the weekend. I do not believe it will come to that, but we obviously all need to be prepared for that possibility.

Mr. RANGEL. Mr. Speaker, will the distinguished majority leader yield?

Mr. ARMEY. I am happy to yield to the gentleman from New York.

Mr. RANGEL. When the majority leader refers to the conference, is he talking about the conference that the Speaker selected, you, me, and my chairman, to attend?

Mr. ARMEY. I believe, obviously, I am referring to the conference that was appointed in both bodies to consider the final disposition of the reduction in taxes.

Mr. RANGEL. Will the majority leader yield further?

Mr. ARMEY. I am happy to yield to the gentleman.

Mr. RANGEL. So when you are talking about the conference, that includes me?

Mr. ARMEY. I believe the gentleman from New York was appointed from the Chair just yesterday.

Mr. RANGEL. Will the majority leader yield further?

Mr. ARMEY. I am happy to yield to the gentleman from New York.

Mr. RANGEL. Then last night, the meeting that took place as relates to the Senate and House bill, we would not call that a conference, now, would we?

Mr. ARMEY. We would call that a meeting where we hoped to get things done. And, obviously, when it becomes time to complete the work, there will be, I am sure, some formal meeting of the conferees, their signatures will be attached, it will be announced to the body, and we will be happy to come back here and make our votes in favor of it and move on to go home and celebrate our good deeds with our constituents back home.

Mr. RANGEL. If the gentleman will yield further, I am just trying to clear up when we are having conferences with Republicans and when we are having conferences as designated by the Speaker, because since you do not intend to really tell us what is going on as a body until 5 o'clock, if the legislative conference is going to take place at 5 o'clock, then I would like to know while you have your conferences leading up to that.

Mr. ARMEY. I thank the gentleman for his comments.

Mr. RANGEL. Well, you did not answer, though.

RECESS

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1701

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. LAHOOD) at 5 o'clock and 1 minute p.m.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–80) on the resolution (H. Res. 149) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–81) on the resolution (H. Res. 150) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

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

Mr. ARMEY. Mr. Speaker, let me say, first of all, the discussions on the very important tax reduction bill that the Nation is so excited about are continuing.

Members should be advised, Mr. Speaker, that we would expect no votes on the floor of the House before 4 p.m. tomorrow. Members should be here ready to vote by 4 p.m. in the afternoon tomorrow.

Members should be prepared, when they present themselves here at 4 p.m., to remain here in town available for votes throughout the evening and throughout Saturday. Hopefully, it will not be necessary beyond that, but Members should return for those votes and be prepared to stay here in town to complete the work through the remainder of the day, the evening and through Saturday.

Mr. Speaker, I would encourage Members if they are planning on traveling at all, if they are planning on taking a short jaunt back home, and I hope they can, that they check with the Whip's office or with the cloakroom so that we are able to notify you.

In any event, we will be on the floor. We will be doing business at 4 p.m. tomorrow, and it is the intention of the House and the other body for us to then continue the work until it is completed in both bodies throughout whatever period of time after 4 p.m. tomorrow it takes to complete the work.

Mr. Speaker, I want to thank Members for their cooperation and, I might add, their good humor. These are difficult times. We all have important things we would like to do back home that we have been planning to do at home. We have, of course, time with our family that is so important to all of us.

The Members on this occasion are being called upon to do, as it were, extra, difficult work, extra, difficult hours, the reward being, of course, to all the tax-paying constituents in their district.

Mr. Speaker, I, for one, would like to just appreciate everybody for their good humor and their good work.

HOUR OF MEETING ON TOMORROW

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2001.

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

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 24, 2001 at 2:58 p.m.

That the Senate passed with amendments H.R. 801.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

VETERANS OPPORTUNITIES ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 801) to amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Survivor Benefits Improvements Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.
Sec. 3. Eligibility for benefits under CHAMPVA for veterans' survivors who are eligible for hospital insurance benefits under the medicare program.
Sec. 4. Family coverage under Servicemembers' Group Life Insurance.
Sec. 5. Retroactive applicability of increase in maximum SGLI benefit for members dying in performance of duty on or after October 1, 2000.
Sec. 6. Expansion of outreach efforts to eligible dependents.
Sec. 7. Technical amendments to the Montgomery GI Bill statute.
Sec. 8. Miscellaneous technical amendments.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. ELIGIBILITY FOR BENEFITS UNDER CHAMPVA FOR VETERANS' SURVIVORS WHO ARE ELIGIBLE FOR HOSPITAL INSURANCE BENEFITS UNDER THE MEDICARE PROGRAM.

Subsection (d) of section 1713 is amended to read as follows:

''(d)(1)(A) An individual otherwise eligible for medical care under this section who is also entitled to hospital insurance benefits under part A of the medicare program is eligible for medical care under this section only if the individual is also enrolled in the supplementary medical insurance program under part B of the medicare program.

''(B) The limitation in subparagraph (A) does not apply to an individual who—

''(i) has attained 65 years of age as of the date of the enactment of the Veterans' Survivor Benefits Improvements Act of 2001; and

''(ii) is not enrolled in the supplementary medical insurance program under part B of the medicare program as of that date.

''(2) Subject to paragraph (3), if an individual described in paragraph (1) receives medical care for which payment may be made under both this section and the medicare program, the amount payable for such medical care under this section shall be the amount by which (A) the costs for such medical care exceed (B) the sum of—

''(i) the amount payable for such medical care under the medicare program; and

''(ii) the total amount paid or payable for such medical care by third party payers other than the medicare program.

''(3) The amount payable under this subsection for medical care may not exceed the total amount that would be paid under subsection (b) if payment for such medical care were made solely under subsection (b).

''(4) In this paragraph:

''(A) The term 'medicare program' means the program of health insurance administered by

the Secretary of Health and Human Services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

''(B) The term 'third party' has the meaning given that term in section 1729(i)(3) of this title.''.

SEC. 4. FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) INSURABLE DEPENDENTS.—(1) Section 1965 is amended by adding at the end the following new paragraph:

''(10) The term 'insurable dependent', with respect to a member, means the following:

''(A) The member's spouse.

''(B) The member's child, as defined in the first sentence of section 101(4)(A) of this title.''.

(2) Section 101(4)(A) is amended in the matter preceding clause (i) by inserting ''(other than with respect to a child who is an insurable dependent under section 1965(10)(B) of such chapter)'' after ''except for purposes of chapter 19 of this title''.

(b) INSURANCE COVERAGE.—(1) Subsection (a) of section 1967 is amended to read as follows:

''(a)(1) Subject to an election under paragraph (2), any policy of insurance purchased by the Secretary under section 1966 of this title shall automatically insure the following persons against death:

''(A) In the case of any member of a uniformed service on active duty (other than active duty for training)—

''(i) the member; and

''(ii) each insurable dependent of the member.

''(B) Any member of a uniformed service on active duty for training or inactive duty training scheduled in advance by competent authority.

''(C) In the case of any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title—

''(i) the member; and

''(ii) each insurable dependent of the member.

''(2)(A) A member may elect in writing not to be insured under this subchapter.

''(B) A member may elect in writing not to insure the member's spouse under this subchapter.

''(3)(A) Subject to subparagraphs (B) and (C), the amount for which a person is insured under this subchapter is as follows:

''(i) In the case of a member, $250,000.

''(ii) In the case of a member's spouse, $100,000.

''(iii) In the case of a member's child, $10,000.

''(B) A member may elect in writing to be insured or to insure the member's spouse in an amount less than the amount provided for under subparagraph (A). The member may not elect to insure the member's child in an amount less than $10,000. The amount of insurance so elected shall, in the case of a member or spouse, be evenly divisible by $10,000.

''(C) In no case may the amount of insurance coverage under this subsection of a member's spouse exceed the amount of insurance coverage of the member.

''(4)(A) An insurable dependent of a member is not insured under this chapter unless the member is insured under this subchapter.

''(B) An insurable dependent who is a child may not be insured at any time by the insurance coverage under this chapter of more than one member. If an insurable dependent who is a child is otherwise eligible to be insured by the coverage of more than one member under this chapter, the child shall be insured by the coverage of the member whose eligibility for insurance under this subchapter occurred first, except that if that member does not have legal custody of the child, the child shall be insured by the coverage of the member who has legal custody of the child.

''(5) The insurance shall be effective with respect to a member and the insurable dependents of the member on the latest of the following dates:

''(A) The first day of active duty or active duty for training.

''(B) The beginning of a period of inactive duty training scheduled in advance by competent authority.

''(C) The first day a member of the Ready Reserve meets the qualifications set forth in section 1965(5)(B) of this title.

''(D) The date certified by the Secretary to the Secretary concerned as the date Servicemembers' Group Life Insurance under this subchapter for the class or group concerned takes effect.

''(E) In the case of an insurable dependent who is a spouse, the date of marriage of the spouse to the member.

''(F) In the case of an insurable dependent who is a child, the date of birth of such child or, if the child is not the natural child of the member, the date on which the child acquires status as an insurable dependent of the member.''.

(2) Subsection (c) of such section is amended by striking the first sentence and inserting the following: ''If a person eligible for insurance under this subchapter is not so insured, or is insured for less than the maximum amount provided for the person under subparagraph (A) of subsection (a)(3), by reason of an election made by a member under subparagraph (B) of that subsection, the person may thereafter be insured under this subchapter in the maximum amount or any lesser amount elected as provided in such subparagraph (B) upon written application by the member, proof of good health of each person (other than a child) to be so insured, and compliance with such other terms and conditions as may be prescribed by the Secretary.''.

(c) TERMINATION OF COVERAGE.—(1) Subsection (a) of section 1968 is amended—

(A) in the matter preceding paragraph (1), by inserting ''and any insurance thereunder on any insurable dependent of such a member,'' after ''any insurance thereunder on any member of the uniformed services,''; and

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

''(5) With respect to an insurable dependent of the member, insurance under this subchapter shall cease—

''(A) 120 days after the date of an election made in writing by the member to terminate the coverage; or

''(B) on the earliest of—

''(i) 120 days after the date of the member's death;

''(ii) 120 days after the date of termination of the insurance on the member's life under this subchapter; or

''(iii) 120 days after the termination of the dependent's status as an insurable dependent of the member.''.

(2) Such subsection is further amended—

(A) in the matter preceding paragraph (1), by striking '', and such insurance shall cease—'' and inserting ''and such insurance shall cease as follows:'';

(B) by striking ''with'' after the paragraph designation in each of paragraphs (1), (2), (3), and (4) and inserting ''With'';

(C) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''thirty-one days—'' and inserting ''31 days, insurance under this subchapter shall cease—'';

(ii) in subparagraph (A)—

(I) by striking ''one hundred and twenty days'' after ''(A)'' and inserting ''120 days''; and

(II) by striking ''prior to the expiration of one hundred and twenty days'' and inserting ''before the end of 120 days''; and

(iii) by striking the semicolon at the end of subparagraph (B) and inserting a period;

(D) in paragraph (2)—

(i) by striking ''thirty-one days'' and inserting ''31 days,'';

(ii) by striking ''one hundred and twenty days'' both places it appears and inserting ''120 days''; and

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

(E) in paragraph (3)—

(i) by inserting a comma after ''competent authority'';

(ii) by striking ''one hundred and twenty days'' both places it appears and inserting ''120 days''; and

(iii) by striking ''; and'' at the end and inserting a period; and

(F) in paragraph (4), by inserting ''insurance under this subchapter shall cease'' before ''120 days after '' the first place it appears.

(3) Subsection (b)(1)(A) of such section is amended by inserting ''(to insure against death of the member only)'' after ''converted to Veterans' Group Life Insurance''.

(d) PREMIUMS.—Section 1969 is amended by adding at the end the following new subsections:

''(g)(1)(A) During any period in which a spouse of a member is insured under this subchapter and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary as the premium allocable to the pay period for providing that insurance coverage. No premium may be charged for providing insurance coverage for a child.

''(B) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and the spouse of the member is insured under a policy of insurance purchased by the Secretary under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary (which shall be the same for all such members) as the share of the cost attributable to insuring the spouse of such member under this policy, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made.

''(2)(A) The Secretary shall determine the premium amounts to be charged for life insurance coverage for spouses of members under this subchapter.

''(B) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

''(C) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary in advance of that policy year.

''(h) Any overpayment of a premium for insurance coverage for an insurable dependent of a member that is terminated under section 1968(a)(5) of this title shall be refunded to the member.''.

(e) PAYMENTS OF INSURANCE PROCEEDS.—Section 1970 is amended by adding at the end the following new subsection:

''(i) Any amount of insurance in force on an insurable dependent of a member under this subchapter on the date of the dependent's death

shall be paid, upon the establishment of a valid claim therefor, to the member or, in the event of the member's death before payment to the member can be made, then to the person or persons entitled to receive payment of the proceeds of insurance on the member's life under this subchapter.''.

(f) CONVERSION OF SGLI TO PRIVATE LIFE INSURANCE.—Section 1968(b) is amended by adding at the end the following new paragraph:

''(3)(A) In the case of a policy purchased under this subchapter for an insurable dependent who is a spouse, upon election of the spouse, the policy may be converted to an individual policy of insurance under the same conditions as described in section 1977(e) of this title (with respect to conversion of a Veterans' Group Life Insurance policy to such an individual policy) upon written application for conversion made to the participating company selected by the spouse and payment of the required premiums. Conversion of such policy to Veterans' Group Life Insurance is prohibited.

''(B) In the case of a policy purchased under this subchapter for an insurable dependent who is a child, such policy may not be converted under this subsection.''.

(g) EFFECTIVE DATE AND INITIAL IMPLEMENTATION.—(1) The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

(2) Each Secretary concerned, acting in consultation with the Secretary of Veterans Affairs, shall take such action as is necessary to ensure that during the period between the date of the enactment of this Act and the effective date determined under paragraph (1) each eligible member—

(A) is furnished an explanation of the insurance benefits available for dependents under the amendments made by this section; and

(B) is afforded an opportunity before such effective date to make elections that are authorized under those amendments to be made with respect to dependents.

(3) For purposes of paragraph (2):

(A) The term ''Secretary concerned'' has the meaning given that term in section 101 of title 38, United States Code.

(B) The term ''eligible member'' means a member of the uniformed services described in subparagraph (A) or (C) of section 1967(a)(1) of title 38, United States Code, as amended by subsection (b)(1).

SEC. 5. RETROACTIVE APPLICABILITY OF INCREASE IN MAXIMUM SGLI BENEFIT FOR MEMBERS DYING IN PERFORMANCE OF DUTY ON OR AFTER OCTOBER 1, 2000.

(a) APPLICABILITY OF INCREASE IN BENEFIT.—Notwithstanding subsection (c) of section 312 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1854), the amendments made by subsection (a) of that section shall take effect on October 1, 2000, with respect to any member of the uniformed services who died in the performance of duty (as determined by the Secretary concerned) during the period beginning on October 1, 2000, and ending at the close of March 31, 2001, and who on the date of death was insured under the Servicemembers' Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code, for the maximum coverage available under that program.

(b) DEFINITIONS.—In this section:

(1) The term ''Secretary concerned'' has the meaning given that term in section 101(25) of title 38, United States Code.

(2) The term ''uniformed services'' has the meaning given that term in section 1965(6) of title 38, United States Code.

SEC. 6. EXPANSION OF OUTREACH EFFORTS TO ELIGIBLE DEPENDENTS.

(a) AVAILABILITY OF OUTREACH SERVICES FOR CHILDREN, SPOUSES, SURVIVING SPOUSES, AND DEPENDENT PARENTS.—Paragraph (2) of section 7721(b) is amended to read as follows:

''(2) the term 'eligible dependent' means a spouse, surviving spouse, child, or dependent parent of a person who served in the active military, naval, or air service.''.

(b) IMPROVED OUTREACH PROGRAM.—(1) Subchapter II of chapter 77 is amended by adding at the end the following new section:

''§ 7727. Outreach for eligible dependents

''(a) In carrying out this subchapter, the Secretary shall ensure that the needs of eligible dependents are fully addressed.

''(b) The Secretary shall ensure that the availability of outreach services and assistance for eligible dependents under this subchapter is made known through a variety of means, including the Internet, announcements in veterans publications, and announcements to the media.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 7726 the following new item:

''7727. Outreach for eligible dependents.''.

SEC. 7. TECHNICAL AMENDMENTS TO THE MONTGOMERY GI BILL STATUTE.

(a) CLARIFICATION OF ELIGIBILITY REQUIREMENT FOR BENEFITS.—

(1) IN GENERAL.—Clause (i) of section 3011(a)(1)(A), as amended by section 103(a)(1)(A) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1825), is amended by striking ''serves an obligated period of active duty of'' and inserting ''(I) in the case of an individual whose obligated period of active duty is three years or more, serves at least three years of continuous active duty in the Armed Forces, or (II) in the case of an individual whose obligated period of active duty is less than three years, serves''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419).

(b) ENTITLEMENT CHARGE FOR OFF-DUTY TRAINING AND EDUCATION.—

(1) IN GENERAL.—Section 3014(b)(2) is amended—

(A) in subparagraph (A), by striking ''(without regard to'' and all that follows through ''this subsection''; and

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

''(C) The number of months of entitlement charged under this chapter in the case of an individual who has been paid a basic educational assistance allowance under this subsection shall be equal to the number (including any fraction) determined by dividing the total amount of such educational assistance allowance paid the individual by the full-time monthly institutional rate of educational assistance which such individual would otherwise be paid under subsection (a)(1), (b)(1), (c)(1), (d)(1), or (e)(1) of section 3015 of this title, as the case may be.''.

(2) CONFORMING AMENDMENTS.—(A) Section 3015 is amended—

(i) in subsections (a)(1) and (b)(1), by inserting ''subsection (h)'' after ''from time to time under''; and

(ii) by striking the subsection that was inserted as subsection (g) by section 1602(b)(3)(C) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–359) and redesignated as subsection (h) by 105(b)(2) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1829).

(B) Section 3032(b) is amended—

(i) by striking ''the lesser of'' and inserting ''the least of the following:'';

(ii) by striking ''or'' after ''chapter,''; and

(iii) by inserting before the period at the end the following: '', or (3) the amount of the charges of the educational institution elected by the individual under section 3014(b)(1) of this title''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419).

(c) INCREMENTAL INCREASES FOR CONTRIBUTING ACTIVE DUTY MEMBERS.—

(1) ACTIVE DUTY PROGRAM.—Section 3011(e), as added by section 105(a)(1) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828), is amended—

(A) in paragraph (2), by inserting '', but not more frequently than monthly'' before the period;

(B) in paragraph (3), by striking ''$4'' and inserting ''$20''; and

(C) in paragraph (4)—

(i) by striking ''Secretary. The'' and inserting ''Secretary of the military department concerned. That''; and

(ii) by striking ''by the Secretary''.

(2) SELECTED RESERVE PROGRAM.—Section 3012(f), as added by section 105(a)(2) of such Act, is amended—

(A) in paragraph (2), by inserting '', but not more frequently than monthly'' before the period;

(B) in paragraph (3), by striking ''$4'' and inserting ''$20''; and

(C) in paragraph (4)—

(i) by striking ''Secretary. The'' and inserting ''Secretary of the military department concerned. That''; and

(ii) by striking ''by the Secretary''.

(3) INCREASED ASSISTANCE AMOUNT.—Section 3015(g), as added by section 105(b)(3) of such Act, is amended—

(A) in the matter preceding paragraph (1), by inserting ''effective as of the first day of the enrollment period following receipt of such contributions from such individual by the Secretary concerned,'' after ''by section 3011(e) or 3012(f) of this title,''; and

(B) in paragraph (1)—

(i) by striking ''$1'' and inserting ''$5'';

(ii) by striking ''$4'' and inserting ''$20''; and

(iii) by inserting ''of this title'' after ''section 3011(e) or 3012(f)''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 105 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828).

(d) DEATH BENEFITS.—

(1) IN GENERAL.—Paragraph (1) of section 3017(b) is amended to read as follows:

''(1) the total of—

''(A) the amount reduced from the individual's basic pay under section 3011(b), 3012(c), 3018(c), 3018A(b), 3018B(b), 3018C(b), or 3018C(e) of this title;

''(B) the amount reduced from the individual's retired pay under section 3018C(e) of this title;

''(C) the amount collected from the individual by the Secretary under section 3018B(b), 3018C(b), or 3018C(e) of this title; and

''(D) the amount of any contributions made by the individual under section 3011(c) or 3012(f) of this title, less''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as of May 1, 2001.

(e) CLARIFICATION OF CONTRIBUTIONS REQUIRED BY VEAP PARTICIPANTS WHO ENROLL IN BASIC EDUCATIONAL ASSISTANCE.—

(1) CLARIFICATION.—Section 3018C(b), as amended by section 104(b) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828), is amended by striking ''or (e)''.

(2) TREATMENT OF CERTAIN CONTRIBUTIONS.—Any amount collected under section 3018C(b) of title 38, United States Code (whether by reduction in basic pay under paragraph (1) of that section, collection under paragraph (2) of that section, or both), with respect to an individual who enrolled in basic educational assistance under section 3018C(e) of that title, during the period beginning on November 1, 2000, and ending on the date of the enactment of this Act, shall be treated as an amount collected with respect to the individual under section 3018C(e)(3)(A) of that title (whether as a reduction in basic pay under clause (i) of that section, a collection under clause (ii) of that section, or both) for basic educational assistance under section 3018C of that title.

(f) CLARIFICATION OF TIME PERIOD FOR ELECTION OF BEGINNING OF CHAPTER 35 ELIGIBILITY FOR DEPENDENTS.—

(1) IN GENERAL.—(A) Section 3512(a)(3)(B), as amended by section 112 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1831), is amended to read as follows:

''(B) the eligible person elects that beginning date by not later than the end of the 60-day period beginning on the date on which the Secretary provides written notice to that person of that person's opportunity to make such election, such notice including a statement of the deadline for the election imposed under this subparagraph; and''.

(B) Section 3512(a)(3)(C), as so amended, is amended by striking ''between the dates described in'' and inserting ''the date determined pursuant to''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000.

SEC. 8. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) Effective as of November 1, 2000, section 107 is amended—

(A) in the second sentence of subsection (a), by inserting ''or (d)'' after ''subsection (c)'';

(B) by redesignating the second subsection (c) (added by section 332(a)(2) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419)) as subsection (d); and

(C) in subsection (d), as so redesignated, by striking ''In'' in paragraph (1) and inserting ''With respect to benefits under chapter 23 of this title, in''.

(2) Section 1710B(c)(2)(B) is amended by striking ''on the date of the enactment of the Veterans Millennium Health Care and Benefits Act'' and inserting ''November 30, 1999''.

(3) Section 2301(f) is amended—

(A) in the matter in paragraph (1) preceding subparagraph (A), by striking ''(as'' and all that follows through ''in section'' and inserting ''(as described in section''; and

(B) in paragraph (2), by striking ''subparagraphs'' and inserting ''subparagraph''.

(4) Section 3452 is amended—

(A) in subsection (a)(1)—

(i) by striking ''or'' at the end of subparagraph (A); and

(ii) by striking ''clause (B) of this paragraph'' in subparagraph (C) and inserting ''subparagraph (B)'';

(B) in subsection (a)(2)—

(i) by striking ''paragraph (1)(A) or (B)'' and inserting ''subparagraph (A) or (B) of paragraph (1)''; and

(ii) by striking ''one hundred and eighty days'' and inserting ''180 days'';

(C) in subsection (a)(3), by striking ''section 511(d) of title 10'' and inserting ''section 12103(d) of title 10''; and

(D) in subsection (e), by striking ''chapter 4C of title 29,'' and inserting ''the Act of August 16, 1937, popularly known as the 'National Apprenticeship Act' (29 U.S.C. 50 et seq.),''.

(5) Section 3462(a) is amended by striking paragraph (3).

(6) Section 3512 is amended—

(A) in subsection (a)(5), by striking ''clause (4) of this subsection'' and inserting ''paragraph (4)''; and

(B) in subsection (b)(2), by striking ''willfull'' and inserting ''willful''.

(7) Section 3674 is amended—

(A) in subsection (a)(2)—

(i) in subparagraph (A)—

(I) by striking '', effective at the beginning of fiscal year 1988,''; and

(II) by striking ''section 3674A(a)(4)'' and inserting ''section 3674A(a)(3)'';

(ii) in subparagraph (B), by striking ''paragraph (3)(A)'' and inserting ''paragraph (3)''; and

(iii) in subparagraph (C), by striking ''section 3674A(a)(4)'' and inserting ''section 3674A(a)(3)''; and

(B) in subsection (c)—

(i) by striking ''on September 30, 1978, and''; and

(ii) by striking ''thereafter,''.

(8) Section 3674A(a)(2) is amended by striking ''clause (1)'' and inserting ''paragraph (1)''.

(9) Section 3734(a) is amended—

(A) by striking ''United States Code,'' in the matter preceding paragraph (1); and

(B) by striking ''appropriations in'' in paragraph (2) and inserting ''appropriations for''.

(10) Section 4104 is amended—

(A) in subsection (a)(1)—

(i) by striking ''Beginning with fiscal year 1988,'' and inserting ''For any fiscal year,'';

(ii) by striking ''clause'' in subparagraph (B) and inserting ''subparagraph''; and

(iii) by striking ''clauses'' in subparagraph (C) and inserting ''subparagraphs'';

(B) in subsection (a)(4), by striking ''on or after July 1, 1988''; and

(C) in subsection (b)—

(i) by striking ''shall—'' in the matter preceding paragraph (1) and inserting ''shall perform the following functions:''

(ii) by capitalizing the initial letter of the first word of each of paragraphs (1) through (12);

(iii) by striking the semicolon at the end of each of paragraphs (1) through (10) and inserting a period; and

(iv) by striking ''; and'' at the end of paragraph (11) and inserting a period.

(11) Section 4303(13) is amended by striking the second period at the end.

(12) Section 5103(b)(1) is amended by striking ''1 year'' and inserting ''one year''.

(13) Section 5701(g) is amended by striking ''clause'' in paragraphs (2)(B) and (3) and inserting ''subparagraph''.

(14)(A) Section 7367 is repealed.

(B) The table of sections at the beginning of chapter 73 is amended by striking the item relating to section 7367.

(15) Section 8125(d) is amended—

(A) in paragraph (1), by striking ''(beginning in 1992)'';

(B) in paragraph (2), by striking ''(beginning in 1993)''; and

(C) by striking paragraph (3).

(16) The following provisions are each amended by striking ''hereafter'' and inserting ''hereinafter'': sections 545(a)(1), 1710B(e)(1), 3485(a)(1), 3537(a), 3722(a), 3763(a), 5121(a), 7101(a), 7105(b)(1), 7671, 7672(e)(1)(B), 7681(a)(1), 7801, and 8520(a).

(b) PUBLIC LAW 106–419.—Effective as of November 1, 2000, and as if included therein as originally enacted, the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419) is amended as follows:

(1) Section 111(f)(3) (114 Stat. 1831) is amended by striking ''3654'' and inserting ''3564''.

(2) Section 323(a)(1) (114 Stat. 1855) is amended by inserting a comma in the second quoted matter therein after ''duty''.

(3) Section 401(e)(1) (114 Stat. 1860) is amended by striking ''this'' both places it appears in quoted matter and inserting ''This''.

(4) Section 402(b) (114 Stat. 1861) is amended by striking the close quotation marks and period at the end of the table in paragraph (2) of the matter inserted by the amendment made that section.

(c) PUBLIC LAW 102–590.—Section 3(a)(1) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking '', during,''.

Amend the title so as to read: ''An Act to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments, and for other purposes.''.

Mr. SMITH of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New Jersey?

Mr. EVANS. Mr. Speaker, reserving the right to object, I do not plan to object, but reserve my right to object.

Mr. Speaker, I rise in strong support of H.R. 1801, the Veterans' Survival Benefits Improvements Act of 2001, and I encourage all Members of the House to support this measure.

The measure now before the House is derived from legislation approved by this body earlier this year. This legislation contains several important provisions contained in the House-passed bill, an important healthcare provision proposed by the other body, and several technical amendments.

Mr. Speaker, I would prefer that all the provisions contained in H.R. 801 as approved by the House earlier this year were included in the measure before us now, but that is not the case. Mr. Speaker, I am committed, as I know the gentleman from New Jersey (Mr. SMITH) is, to pursuing the enactment of all the provisions contained in the bill as originally approved by the House.

The legislation includes a number of important provisions which deserve the support of this House. These include increasing from $200,000 to $250,000, effective October 1, 2000, the maximum Servicemembers' Group Life Insurance Benefit for survivors of servicemen who

died in the performance of duty and who were previously insured for the maximum benefits.

Mr. Speaker, I thank the gentleman from Texas (Mr. REYES) for his determined leadership on this important issue requiring the VA to ensure that eligible dependents are made aware of VA services through media and veterans' publications. This provision is derived from the legislation authored by the gentleman from Pennsylvania (Mr. DOYLE), a committed advocate for veterans and their dependents and survivors; and I want to salute the gentleman for his successful leadership for VA outreach to the dependents.

It also includes coverage under the Servicemembers' Group Life Insurance and provides for benefits under CHAMPVA for veterans' survivors and those eligible for hospital insurance benefits under Medicare.

Mr. Speaker, I thank everyone who has contributed to this measure. This is a good piece of legislation. Mr. Speaker, I encourage all of my Members to support it.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS), my good friend, for yielding to me.

Mr. Speaker, as chairman of the Committee on Veterans' Affairs, I am very proud to bring to the floor today H.R. 801, as amended, the Veterans' Survivor Benefits Improvements Act of 2001.

It is fitting that we consider this legislation shortly before the Memorial Day period, a day on which we remember all of those who died while serving in our Nation's Armed Forces.

This bill is a reminder of what we have owed to the survivors of our servicemen and women. And although much remains to be done by this Congress, it is the harbinger of what we can accomplish to keep our commitment to veterans and to their families.

Mr. Speaker, those who have been following this particular bill may be a little bit surprised that it does not contain all of the provisions that were in the bill when we originally passed it in the House late March. Mr. Speaker, I want to ensure my colleagues that those provisions that were stricken by the Senate amendment remain the subject of a very active conversation between our colleagues over on the Senate side. We expect that the Senate will hold hearings on most, if not all, of those provisions later this year and we will be reintroducing them as well.

Virtually all of those who have testified before our Subcommittee on Benefits earlier this year expressed support for the provision of H.R. 801; and I anticipate that when the Senate holds its hearings, they will have the input from the VSOs and will be supportive of those provisions.

Mr. Speaker, I also want to encourage the Senate to give favorable consideration to H.R. 811, the Veterans Hospital Emergency Repair Act; and I just remind my colleagues that we passed that last March as well.

Mr. Speaker, at this time I would like to provide a very brief explanation of the provisions being considered today. When Congress created the Civilian Health and Medical Program, Veterans Affairs program nearly 30 years ago, it intended CHAMPVA to provide services for certain severely disabled veterans' families that were similar to the benefits furnished to retired families under CHAMPUS.

Over the years, however, CHAMPUS changed from a simple fee-basis reimbursement program to a managed care activity now known as TRICARE. Last year, TRICARE became entwined with Medicare as a secondary payer for military retired families under the ''TRICARE for Life'' extension approved by the Floyd Spence National Defense Authorization Act for Fiscal Year 2001.

What we are doing today with H.R. 801 is an effort to make the two programs comparable once again by authorizing benefits similar to those under the TRICARE for Life.

H.R. 801 also directs VA to improve outreach services of spouses, surviving spouses, children and dependent parents of veterans and requires the VA to ensure that eligible dependents are made aware of veterans' services through the media and veterans' publications.

As amended, H.R. 801 retains the House provision to expand the Servicemembers' Group Life Insurance program to provide coverage for the spouse and children of a servicemember enrolled in the insurance program. This is a very family-friendly provision, and I am glad it survived over on the Senate side.

Finally, Mr. Speaker, within the last few years, we have lost a number of servicemembers to plane crashes, training accidents, and, of course, to acts of terrorism at sea. Last year, the Congress approved legislation to increase the maximum amount of the Servicemembers' Group Life Insurance from $200,000 to $250,000. Even though the bill was signed into law on November 1 of 2000, this particular provision did not go into effect until April of this year. The Senate amendment to H.R. 801 leaves unchanged the House proposal to provide an increase retroactive to October 1, 2000 for survivors of servicemembers who died during the performance of their duty and had previously elected maximum insurance amount.

Mr. Speaker, I want to thank the gentleman from Texas (Mr. REYES), the gentlewoman from Virginia (Mrs. JO ANN DAVIS), along with Senator JOHN WARNER, for working with the full committee and for working so very hard on this provision.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. EVANS) for the gentleman's steadfast leadership, not just for this provision, but for all of the contents of this bill and for working in a very bipartisan way on so many of these issues that we have and will continue to bring to the floor.

Mr. EVANS. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas (Mr. REYES).

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

Mr. Speaker, as an original cosponsor and strong supporter of H.R. 801, the Veterans' Survivor Benefits Improvements Act of 2001, I am pleased that we will have an opportunity to address some of its provisions before this Memorial Day. It is our deeds, as well as our words, that should be used to measure the respect that we pay our departed servicemembers.

Mr. Speaker, I want to acknowledge the cooperation of the gentleman from New Jersey (Chairman SMITH) and the gentleman from Illinois (Mr. EVANS), the ranking member, as well as the gentleman from Arizona (Mr. HAYWORTH), in working with the other body to move this legislation forward. I hope that we will have an opportunity to address the provisions of H.R. 801 not included in the Senate amendment in the very near future.

Mr. Speaker, I particularly want to highlight the insurance provisions of this bill. I am very pleased that the bill retains the provision inserted at my request to make the beginning of fiscal year 2001 the effective date for the increase in the maximum amount of Servicemembers' Group Life Insurance from $200,000 to $250,000 for those who have lost their lives during the performance of military duties.

□ 1715

As a Vietnam veteran, I know the dangers of combat. Since October 1, 2000, we have sadly lost a number of uniformed service members during the performance of military training exercises. As I emphasized during the subcommittee hearing on H.R. 801, I was particularly concerned that those who lost their lives in the terrorist attack on the U.S.S. *Cole* as well as those, such as Specialist Rafael Olvera Rodriguez, who was an El Paso native and died in the Black Hawk helicopter crash over Hawaii, would qualify for increased maximum benefits.

Since the Cole attack, others performing official duties have died in North Carolina, Georgia, and Kuwait. Two Coast Guardsmen died after an accident while on patrol; two pilots died when their Army plane crashed in Germany; and two Air Force planes disappeared from Scotland with the loss of life.

The effective date of October 1, 2000, is intended to provide the maximum

benefit of $250,000 for SGLI insured members, such as those who have lost their lives in the performance of their duty and who were insured for the maximum benefit at the time of their deaths. I know that the families of the SGLI members will certainly support this benefit.

I also support the provision allowing family members to be covered under the SGLI program. This is a needed improvement and will put our service members on par with other persons who have access to commercial insurance.

I strongly support the provisions for outreach to veterans' dependents suggested by the gentleman from Pennsylvania (Mr. DOYLE), a very strong advocate for our Nation's veterans. Those who are entitled to veterans' benefits must have appropriate information in order to access them.

Finally, the technical amendments in the bill clarify important provisions of law and will improve the administration of educational benefits.

I cannot think of a better way for us to send a clear message this Memorial Day than to support H.R. 801. I urge all Members to support this bill.

Mr. MORAN of Kansas. Mr. Speaker, I want to recognize Chairman SMITH, Ranking Member EVANS, Health Subcommittee Ranking Member FILNER, as well as Chairman SPECTER and Ranking Member ROCKEFELLER of the Senate Committee on Veterans' Affairs, for their leadership and support for this bill, H.R. 801, the "Veterans' Survivor Benefits Improvements Act of 2001."

Mr. Speaker, passage of this bill is a good reminder of why the Nation celebrates Memorial Day. There are many ways that people choose to honor our veterans. A number of veterans' organizations choose to honor the brave men and women who have given their lives for this country by observing a moment of silence. Others choose to visit one of the many memorials built in honor of veterans, and touch the engraved names of their departed loved ones, to feel their presence once again. Those of us here today on the floor of the House have the rare opportunity to honor not only our veterans, but also their dependents and survivors as well, with the passage of this legislation before us today.

Often on this floor Members recognize Americans who gave of themselves because of love of country. Today I speak not only in praise of our Nation's veterans but also in praise of their families and their survivors. Throughout our history as a nation, the fight to protect and preserve our freedoms has not only been met on the battlefield. It has also been a struggle in the homes of our veterans—by mothers, fathers, sons, and daughters, who carried on despite facing the illness, injury, or loss of a loved one.

The "Veterans' Survivor Benefits Improvements Act of 2001," legislation that we are approving today and sending to the President, is a written acknowledgement of our debt. It establishes, in the CHAMPVA program, health coverage equal to that of "TRICARE for Life" for military families. Under H.R. 801, any beneficiary covered by CHAMPVA, who becomes eligible for Medicare, will automatically be covered by CHAMPVA for "out-of-pocket" costs not paid by Medicare or other insurance. In effect, CHAMPVA will become a secondary-payer for these Medicare beneficiaries.

While we can never expect to balance the scales to pay back the enormous debt we owe to our Nation's veterans and their families, we can ensure our veterans and their families will have a better tomorrow. As we approach another Memorial Day, let us pass this legislation to show our commitment to all Americans who, in President Lincoln's phrase, have "borne the battle" for this country.

Again, I thank the Chairman for his leadership, and urge my colleagues to support this important legislation.

Mr. EVANS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 801.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2001.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 24, 2001 at 3:00 p.m. and said to contain a message from the President whereby he submits copies of a notice extending the Yugoslavia emergencies.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

CONTINUATION OF EMERGENCY WITH RESPECT TO FEDERAL REPUBLIC OF YUGOSLAVIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–76)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S&M)") in 1992 and with respect to Kosovo in 1998, are to continue beyond May 30, 2001, and June 9, 2001, respectively. The most recent notice continuing these emergencies was published in the *Federal Register* on May 26, 2000.

With respect to the 1992 national emergency, on December 27, 1995, President Clinton issued Presidential Determination 96–7, directing the Secretary of the Treasury, *inter alia,* to suspend the application of sanctions imposed on the FRY (S&M) and to continue to block property previously blocked until provision of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the "Resolution"), as an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the "Peace Agreement").

Sanctions against both the FRY (S&M) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that those blocked funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that the 1992 emergency, and the measures adopted pursuant thereto, must continue beyond May 30, 2001.

With respect to the 1998 national emergency regarding Kosovo, on January 17, 2001, President Clinton issued

Executive Order 13192 in view of the peaceful democratic transition begun in the FRY (S&M); the continuing need to promote full implementation of the United Nations Security Council Resolution 827 of May 25, 1993, and subsequent resolutions calling for all states to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY); the illegitimate control over FRY (S&M) political institutions and economic resources or enterprises exercised by former President Slobodan Milosevic, his close associates and other persons, and those individuals' capacity to repress democracy or perpetrate or promote further human rights abuses; and the continuing threat to regional stability and implementation of the Peace Agreement. The order lifts and modifies, with respect to future transactions, most of the economic sanctions imposed against the FRY (S&M) in 1998 and 1999 with regard to the situation in Kosovo. At the same time, the order imposes restrictions on transactions with certain persons described in section 1(a) of the order, namely Slobodan Milosevic, his close associates and supporters and persons under open indictment for war crimes by ICTY. The order also provides for the continued blocking of property or interests in property blocked prior to the order's effective date due to the need to address claims or encumbrances involving such property.

Because the crisis with respect to the situation in Kosovo and with respect to Slobodan Milosevic, his close associates and supporters and persons under open indictment for war crimes by ICTY has not been resolved, and because the status of all previously blocked property has yet to be resolved, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that the emergency declared with respect to Kosovo, and the measures adopted pursuant thereto, must continue beyond June 9, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 24, 2001*.

PERSONAL EXPLANATION

Mr. VISCLOSKY. Mr. Speaker, on May 23, 2001, I was unavoidably absent due to my attendance at a funeral in my district for Ms. Helen Savinski, a very dear and personal friend.

Had I been present, I would have voted ''yea'' on rollcall votes 138, 139, 140, 141, 142, 144, 145, 146 and 147, and voted ''nay'' on rollcall votes 135, 136, 137 and 143.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2001.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 24, 2001 at 3:00 p.m. and said to contain a message from the President whereby he submits a periodic six-month report on the Yugoslavia emergencies.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

PERIODIC REPORT ON NATIONAL EMERGENCIES WITH RESPECT TO FEDERAL REPUBLIC OF YUGOSLAVIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–77)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Yugoslavia (Serbia and Montenegro) emergency declared in Executive Order 12808 on May 30, 1992, and with respect to the Kosovo emergency declared in Executive Order 13088 on June 9, 1998.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 24, 2001*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WORKING FAMILIES FLEXIBILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, today I rise to introduce a bill entitled the Working Families Flexibility Act. This bill has several components. First of all, the Working Families Flexibility Act allows employees to choose, through a written agreement with their employer, entered into knowingly and voluntarily by the employee, to receive paid time off instead of cash wages for overtime. A compensatory time agreement may not be a condition of employment, and an employee could withdraw from a compensatory time agreement at any time.

As with cash overtime pay, compensatory time would accrue at a rate of 1½ times the employees regular rate of pay for each hour worked over 40 within a 7-day period. The legislation would not affect the 40-hour workweek or the calculation of overtime.

Employees could accrue up to 160 hours of compensatory time each year. An employer would be required to pay cash wages for any unused, accrued time at the end of the year or within 30 days after receiving a written request from an employee.

Employers must provide employees with at least 30 days' notice prior to cashing out any accrued compensatory time or discontinuing a compensatory time program. An employer may, however, only cash out accrued time in excess of 80 hours.

Employees may use accrued compensatory time within a reasonable time after making the request.

All of the enforcement remedies, including action by the Department of Labor and individual law suits, under current law will apply if an employer fails to pay wages to an employee for accrued compensatory time or refuses to allow an employee to use accrued compensatory time.

Employers who coerce employees into choosing compensatory time instead of overtime wages or using accrued compensatory time will be liable to the employee for double damages.

One would think that providing working men and women with more control over their work schedules is a no-brainer, but private sector employees and employers alike are bound by the Fair Labor Standards Act, or FLSA, which does not permit such flexibility.

I think it is fair to say that this law which was enacted during the Depression and established a workweek of 40 hours in overtime pay was designed to be effective in a different day and age and needs to be updated.

Over the past 60-plus years, the America workplace has undergone a dramatic change in composition, character, and demands. What was once a static, agriculture-and-manufacturing-based economy with a primarily male workforce has evolved into a fast-paced, working environment based on global services and high technology with nearly equal numbers of women as well as men in the workforce.

Workers today, more than ever, need and do face a difficult dilemma: how to balance the demands of a job while having adequate time for family, friends, and outside commitments. This situation has become even more

pronounced because many families now rely on two incomes to survive. While this conflict weighs most heavily on women, all workers, regardless of gender experience, conflict between work and the family and between watching their child's baseball game or going through a stack of papers on their desk.

The Working Families Flexibility Act will help to ease these pressures by providing the flexibility that working parents need to spend quality time with their families.

Before I go any further, I would like to stress that nothing in this legislation would require employees to take comp time instead of overtime pay, nor could employers force employees to take comp time. Rather, now they are given the choice of comp time or overtime. This bill does not relieve employers of any obligation to pay overtime. I want to stress that this bill does not affect the standard 40-hour workweek.

The legislation contains numerous safeguards to ensure that employees could not be coerced into choosing comp time over cash wages. The legislation requires an employer to annually pay cash wages for any unused comp time accrued by the employee. Employees may withdraw from a comp time agreement at any time and request a cash-out of any or all of his or her accrued unused comp time.

Mr. Speaker, comp time makes good policy; and it also has another benefit, making employees happy. There will always be working men and women who want and need the extra pay that comes from working overtime hours. But for many workers, having the additional time off is a far more attractive option, and that is an option they should have.

Comp time is also good for business because smart companies know how flexibility can help to recruit and retain top-notch employees. In sum, Mr. Speaker, the Working Families Flexibility Act is good for workers. It is good for women and is especially good for families.

Mr. Speaker, I rise today to introduce the Working Families Flexibility Act, which allows employers to offer American workers the option of voluntarily taking compensatory time off in lieu of taking overtime pay. I am pleased that 33 of my colleagues have joined me as original cosponsors of this pro-family, pro-worker, pro-women legislation.

One would think that providing working men and women with more control over their work schedules is a "no brainer", but private sector employees and employers alike are bound by the Fair Labor Standards Act of FLSA, which does not permit such flexibility. I think it's fair to say that this law, which was enacted during the depression and established a work week of 40 hours, and overtime pay, was designed to be effective in a different day and age and needs to be updated.

Over the past 60-plus years, the American workplace has undergone a dramatic change in composition, character, and demands. What once was a static, agriculture- and manufacturing-based economy with a primarily male workforce has evolved into a fast-paced, working environment based on global services and high technology with nearly equal numbers of women and men in the workforce.

Workers today, more than ever before, face a difficult dilemma: how to balance the demands of a job while having adequate time for family, friends and outside commitments. This situation has become even more pronounced because many American families now rely on two incomes to survive. And while this conflict weights most heavily on women, all workers—regardless of gender—experience conflict between work and the family, between watching their child's baseball game or going through that stack of papers on their desk.

The Working Families Flexibility Act will help to ease these pressures by providing the flexibility that working parents need to spend quality time with their families. This legislation, which mirrors a bill passed by the House during the 105th Congress, amends the FLSA to allow private sector employees to access something that their colleagues working in federal, state and local governments have had for many years—the option of choosing either cash wages or paid time off as compensation for working overtime hours.

Before I go any further, I want to stress that nothing in this legislation would require employees to take comp time instead of overtime pay. Nor could employers force employees to take comp time. Rather they now can be given the choice of comp time or overtime. This bill does not relieve employers of any obligation to pay overtime. I also want to stress that this bill does not affect the standard 40-hour workweek.

Now, here is what the bill does do: under this legislation, employers will be able to offer comp time as an option for employees. Employees would then have a choice, through an agreement with the employer, to opt for overtime pay in the form of paid time off. As is currently the case with overtime pay, comp time hours would accrue at a rate of one and one-half hours of comp time for each hour of overtime worked. Employees could accrue up to 160 hours of comp time within a 12-month period.

This legislation contains numerous safeguards to ensure that employees could not be coerced into choosing comp time over cash wages. The legislation requires an employer to annually pay cash wages for any unused comp time accrued by the employee. Employees may withdraw from a comp time agreement at any time and request a cashout of any or all of his or her accrued, unused comp time. The employer has 30 days in which to comply with the request. The legislation also requires an employer to provide the employee with at least 30 days notice prior to cashing out any accrued time in excess of 80 hours or prior to discontinuing a policy of offering comp time.

Employees are able to use their accrued comp time at anytime, so long as its use does not unduly disrupt the operations of the business—this is the same standard used in the public sector and under the Family and Medical Leave Act. Employers also would be prohibited from requiring employees to take accrued time solely at the convenience of the employer. Again, I want to reiterate that this legislation has no effect on the traditional 40-hour workweek or the way in which overtime is calculated.

Mr. Speaker, comp time makes for good policy and it also has another benefit—making employees happy. There always will be working men and women who want and need the extra pay that comes from working overtime hours. But for many workers, having the additional time off is a far more attractive option, and that's an option they should have.

Comp time also is good for business because smart companies know how flexibility can help efforts to recruit and retain top-notch employees. Concerns over the well-being of the family often force parents to leave jobs that do not fit their family needs or forego jobs that would put stress on home lives.

In sum, Mr. Speaker, The Working Families Flexibility Act is good for workers, it is good for women, and it is especially good for families. The bill updates an outdated law designed for the 1930s workplace and makes it relevant for today's workforce.

Today's working men and women want increased flexibility and choices regarding scheduling and compensation, yet federal law prevents them from having such options. I trust my colleagues agree that employees and employers should not be prevented from making mutually agreeable arrangements that meet both personal and business needs.

I think the time and circumstances are right for us to pass this much-needed legislation. I urge my colleagues to join this effort to pass a strong comp time bill that will be good for workers, businesses, the economy, and America's families.

Let me take a moment to recognize Congressman CASS BALLENGER for his dedicated and untiring work on the comp time issue and to the Chairman of the House Subcommittee on Workforce Protections, Representative CHARLIE NORWOOD, for his strong commitment to this issue. Finally, let me thank the Chairman of the full Committee on Education and the Workforce, JOHN BOEHNER, for his support of America's working men and women.

□ 1730

CALIFORNIA ENERGY CRISIS

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHERMAN. Mr. Speaker, I thank the Democratic leader for assigning me this hour of time. I hope very much that several of my colleagues from California and other western States will come and join me on this floor so that we can discuss together the energy crisis, the electric crisis, the natural gas crisis affecting California and the adjoining States.

In the event that some of my colleagues do not come down and join me, I do not know whether I will spend a

full hour speaking about our electric crisis, I will go off and do several other subjects involving foreign policy and my service on the Committee on International Relations; but it is my hope, my expectation that this full hour will be devoted to the electric and natural gas crisis in the West and that several of my colleagues from western States will join me as it proceeds.

I have come to this floor every evening this week to try to eliminate and dispel some of the misinformation about what is going on in California and the West and how we got into this situation. I want to take some time to describe the situation and to describe that some of the insults hurled at the State of California are manifestly not only malicious but false.

What is the situation in California? In 1999, in the year 2000, and again this year, California will use virtually the exact same amount of electricity. In fact, in the year 2000, during the key peak hours, we used less electricity than we did in the prior year. Yet while we are getting the same amount of electricity, we are paying exorbitant prices. In 1999, for this amount of electricity, California paid $7 billion; last year, for the same amount, $32.5 billion; and this year, as things are shaping up, it will be $70 billion, ten times as much money for the same number of electrons.

We have had blackouts in California that we are told are a result of insufficient electric generation capacity; and, in fact, this summer our capacity may run a little bit below demand. But this last winter we used roughly 33,000 megawatts of electricity, the prior summer, the summer of 1999, we used 45,000 megawatts. None of the plants that existed, when we produced 45,000 megawatts at reasonable prices, was closed down; and yet in the winter we face blackouts, shutdowns. Why?

The answer is that certain plants have been closed for maintenance. I finally found out what ''closed for maintenance'' means. It means the plant has been closed to maintain a sky-high price for every megawatt. The number of plants closed for maintenance month after month after month over the last 9 months has been double, triple, sometimes quadruple the number of plants shut down in that same month 12 months earlier, or the prior year. Somehow, plants are closed for maintenance.

Keep in mind that one would expect during an energy crisis that the whole world is aware of plants would be closed for maintenance less because they would bring in crews to bring those plants back online. Folks would work overtime to get the electricity that the State needs. I have seen how quickly things can be repaired or maintained after our 1994 earthquake in my region of California. Yet now, when we need to maintain the most, we need the maintenance to take place the quickest, plants are shut down three times as much and huge chunks of what would be the supply of electricity are unavailable. Closed for maintenance.

As a result, the price is enormous. And that enormous and outrageous price is not for all the electricity we buy. Sixty percent of the electricity, roughly, in California, is still subject to rate regulation and fair prices are being paid. So that enormous, huge, unjustified transfer, the $63 billion extra we will pay for what a couple of years ago we called $7 billion of electricity, that all goes to roughly 40 percent of the producers. Those are the producers who came into our State and bought our electric plants from our local utilities as part of the wildly touted deregulation plan over the last several years. So we are paying 10 times the price, and almost all of the extra profits are going to 40 percent of the producers.

This is a deregulation experiment that has not worked. We might ask, how did California get into this? There are a few things: first, we did not expect that these private companies would close certain plants for maintenance in order to charge 10 times the going price for the electricity they did produce in other plants. We did not expect the gougers to prevail. And, second, we expected that if this deregulation did not work, we would reverse it.

Every experiment carries with it the possibility of a mistake; and time and time again when we try something out, we may have to reverse the situation. What we found, instead, was a power in the White House capable of using Federal law to prohibit California from going back to the regulated market that had served us relatively well for over 80 years. So we have a situation not where California does not have the generation capacity it needs. Frankly, we ought to have more. We ought to have a margin for safety, a surplus of available electricity. But no one thought that just because supplies were a bit tight that we would be paying 10 times, 20 times the fair price for the kilowatts provided to us by these independent companies, many of which are based in Texas. And we certainly did not believe that if this system did not work that we would be prohibited by Federal law from going back.

Now, what is the effect that this has had on California? Business bankruptcy, layoffs, and blackouts. And I do want to point out that up until recently, and I think even this summer, the blackouts are relatively modest compared to the news reports. A blackout is reported often when only one out of 100 or maybe one out of 30 of our homes loses power for 1 or 2 or 3 hours. But we expect that this summer there will be 30 to 50 days when one out of 30 or one out of 100 of our homes loses power; one out of 30 or one out of 100 of our businesses loses power.

It is not just the physical effect of the blackouts; it is also the psychological and business effect. How is our State supposed to attract business? How are we supposed to inspire our current businesses to expand? How are we supposed to be the driving force in this national economy when people see and talk about or are preoccupied with the blackouts in electricity? And even if there was not a single minute of blackout for a single consumer, the prices are enormous and the price effect would, by itself, cause a steep economic problem for the State of California.

Now, when a State is suffering not one but three disasters, a disaster because of blackouts, a disaster because of a decline in investment in our State, and, most significantly, enormous bills, three disasters, one would think that a representative from that State would be here before the Federal Government pleading for Federal money, money from all of my colleagues' districts to help the people in my district. I am not here to do that. That is not what California needs most. And, in fact, with a little bit of change in law, we would not need it at all.

I am not asking for electricity from my colleagues' districts. Except for the western States, it is impossible to send electricity into California. Do not mail us your batteries. Even in the western States, we are not asking for any other State to experience blackouts or shortages in order to supply California. I am not even here to ask for sympathy. It would not hurt; but, yet again, that is not what California needs. What California needs is to have our hands untied. Do not take the right to regulate these prices away from us, bring that right to the Federal level and then refuse to allow the regulation.

Yet that is what Federal law does. Federal law says that these independent generators, because they do not have retail customers, are not subject to our regulation. But that is okay, because the Federal Energy Regulatory Commission is supposed to do the job. The law says that they are supposed to assure fair and reasonable rates. And they have determined that California is being gouged. Yet they have decided to do absolutely nothing about it but sit back and smile and watch as billions of dollars, perhaps this year as much as $63 billion, are transferred from California consumers into the treasuries of a dozen very wealthy corporations, most of them based in the home State of the person who happens to control this administration and the Federal Energy Regulatory Commission.

We have a dereliction of duty in this administration. What do we do about it? First, we expose it, and we urge that the President get on the phone

and demand that the Federal Energy Regulatory Commission finally do its job. Second, we turn to Congress, and we ask what about a piece of legislation requiring the Federal Government to do its job. Either of those would accomplish the task. A third possibility is that Federal law would simply be modified and say as long as we are going to sit here and say California has a problem, California ought to solve it. If the Federal Government is going to do nothing to help us, the least that could be done is to transfer the authority to regulate these generators back to California State government and then we will do the job.

Why are none of these things being done? Well, I have alluded to it. There is tremendous support in this administration for the rape of California. Some have said that is because California did not vote for this administration. I think, instead, it is because the beneficiaries of this rape have such close ties to the administration. Some have pointed out that not only is there a huge flow of money from California to these dozen or so corporations, but then there is a huge flow of money from those corporations to the party of the present administration and that these companies were instrumental in funding the Presidential campaign of this administration.

□ 1745

There is perhaps a third reason, or at least a pretext. What does this administration do for California with regard to regulating these energy rates? They lecture us. The lecture goes something like this:

You are suffering. There is nothing we are going to do to help you. We are going to continue to tie your hands, and you are going to like it because we are going to tell you the economic theory that tells you why you should be happy why there is no regulation. We will make the decision for you, but we will not suffer any of the consequences of this decision.

How does this lecture go? It goes something like this:

It is based on economics 101 at every college in this country. It says if you want more electricity, you have the price unregulated. You have the price go up. And if the price goes up, people will use less and the producers will produce more.

Let us examine that. It makes perfect sense unless there is monopoly power. But in our market there is that monopoly power, and that is why economics 101 is not enough and lectures and condescending comments to California are not enough.

First, as far as using electricity, California is second on the list, second only to Rhode Island in terms of conserving electricity, and those statistics were before we began our Statewide conservation plan. Californians today are conserving, and we are going to conserve more. We do not have to bankrupt our businesses to inspire conservation.

But what about the main part of the argument? The argument is if you allow the price to go up and up and up, producers will produce more. Now that is certainly true where there is no monopoly power. If the price of iceberg lettuce went to up $2, more farmers would find more land on which they could plant iceberg lettuce and there would be more production. But that is because there are tens of thousands of small producers or farms that could be producing iceberg lettuce, or any other farm commodity. That is what 101 economics is all about, those markets where you have thousands of small producers.

That is not our market for electricity. Keep in mind the electric grid for California extends only to the adjacent States, all of which are smaller in population and economy than we are, even when combined. So we cannot import electricity from the other States. The market is only the western States.

Second, electricity gets used up as you transmit it. You lose about 10 percent of the electricity for every 300–400 miles that you transmit it; so even if we did have electric grids connected, you would lose well over half the power in trying to move it that far. So the market is limited to those who can produce electricity in the western States.

There you have a few producers who have seen that they have market power. They have seen that even if all of the electricity is produced from the plants that are owned by our local utilities, and all of the electricity is produced from the Pacific Northwest hydroelectric plants, which cannot produce very much this year because of a drought, and all of the electricity is produced that can be produced from our municipal electric companies, there is still a need for virtually all of their plants to be on-line.

If they can shut down 10 or 20 percent of their plants, the price skyrockets. So let us bring it down to numbers. If we had regulation of these private producers, then let us say a plant that could produce electricity for $30 a megawatt could sell it for $50, the company that owned that plant would say, we make $20 for every megawatt, the more megawatts we make, the more profit we make. Lets maximize production. Regulated price would lead to maximized production.

But let us say it still costs $30 a megawatt to produce electricity, but the owners of these plants realize if they shut down a couple of turbines, and a couple of their buddies shut down a couple of their turbines, that the price will go not to $50 a megawatt but to $500 a megawatt.

Then they realize by producing a little bit less, they make a whole lot more. By creating a situation where we have to blackout 1 or 2 percent of the State, they are getting the maximum price for every megawatt they produce.

So that is why lectures based on the most simplistic models of a free market economy do nothing but a disservice. I do not know if this is a mere pretext at the White House and they know full well that their reasoning is suspect, or whether the White House is dominated by those who only took the basic course in economics and they feel passionately that somehow their imprisoning of California, them taking the decision-making power away from California, they may believe that it is somehow in our interest. Certainly facts have proven them wrong.

We have the same demand in California that we had a couple of years ago. Pretty much the same demand as a couple years before that. We know that price regulation works, gives us reasonable bills, gives us reliable power. The current situation is obviously a failure.

So only if you close your eyes to any advanced division courses in economics, and close your eyes to everything actually happening in the West, can you reach the conclusion that the absence of rate regulation on these private utilities is helping California. Yet that is what we are told.

In an effort to distract us from how abysmal Federal policy is in this circumstance, they have come up with another argument. That argument is that there is something evil about California and California deserves to be punished, it is all their fault. Every bit of suffering by every Californian is somehow the fault of some divinely ordained morality play, and has nothing to do with the economic regulation or lack therefore that comes from Washington.

This is, of course, a distraction. It makes no sense. Even if you think that California made tragic mistakes in its decision-making process, that is no reason not to regulate the price at which electricity is sold by these independent generators. Even if you say these wounds are self-inflicted, that is no reason to let the patient die when you know how to cure him. But the fact of the matter is that all of the attacks on California are not only insulting, they are also false.

The biggest attack against California is that our environmentalists prevented private industry from building plants in California when private industry knew that those plants were needed.

Mr. Speaker, there are five reasons why it is absolutely provable why California environmentalists and California decision-making is not in any way at fault, did not prevent the building of plants in California. I can prove that with five different independent reasons.

Mr. Speaker, I yield to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, while many are trying to make this out as a California problem, it is my belief as an American that this is a problem for America, and we must not only address the California situation, but we also should be addressing this as a long-term policy and energy policy really for the United States.

Mr. Speaker, I think there are a lot of great States. All 50 States are great. Hawaii is beautiful. I was just down in Florida, it has great beaches. Who would not be envious of the New York Stock Exchange or the Blue Ridge Mountains or Aspen in Colorado? There are a lot of great things around our Nation.

Sometimes I think that people think because California is a wonderful place and we have had a great and strong economy for the past 8 years, we should be punished because something is happening in our State. The reality is that California is the sixth largest economy if it were a stand-alone Nation in the world. In a sense, we are even a larger part of what happens in the United States.

One of the reasons that we have been very successful with respect to our economy is that we are a part of America. We have this ability to trade across all of the State lines. We have an ability for people to move between the 50 States. We share ideas. We get people who come to our universities from other States. We are connected as a country.

Mr. SHERMAN. Absolutely.

Mr. Speaker, there are 50 great States. Some listening to my earlier remarks maybe thought that I thought there were only 49 great States, and I was somehow criticizing Texas. Texas is also a great State. I talk to my colleagues from Texas, and they are almost as upset as you and I are, that a dozen companies or half a dozen companies, many based in their State, are jacking up the prices. That does not reflect on the ethics of the average Texan; and it is of no benefit to the people of Texas.

We have 50 great States with great people in every one of those States.

Ms. SANCHEZ. Mr. Speaker, where goes California, so goes the rest of the Nation. Other States should take notice of these problems because other States will face these problems also.

What has happened, our economy has expanded so greatly, we never imaged that this type of energy draw would be required in California. Many say Californians are environmentalists and did not build plants. We can take a look and know it was not because of environmental regulations we have in California that we were not getting some of these plants on-line, part of it is a wider problem that happens with a lot of infrastructure, and that is the not-in-my-backyard problem that happens with so many things, whether it is a jail or an airport or a utility plant.

I think the rest of the States need to understand we need to fix this in California and in the western States because when it is your turn, you want to learn from us about how not to head into this problem.

Mr. SHERMAN. Mr. Speaker, I would point out that I think we have saved quite a number of States from disaster. How many of our Members have said to me, my State was thinking of deregulation. Boy, we stopped that one in a hurry.

I would point out that yes, there are situations where people say build it somewhere else, not in my backyard; but if you look at generating facilities, that was not really the case in California. There are other important facilities where you and I are aware that it ought to be done somewhere, and we cannot quite agree where.

But in the case of generation facilities, it was not either local communities saying not in my backyard nor environmentalists saying do not do it anywhere in the State, it was the absence of any private company that really wanted to build a plant.

I cannot find a single Member from anywhere in California that said that a company wanted to build a plant in my community, and they were prevented for this or that reason. They made this try, they worked with local people, and then they had to go away. We can all mention other facilities or things that they thought of doing in our districts because people did not want it.

□ 1800

Electric facilities are not on that list.

Ms. SANCHEZ. These facilities, as the gentleman knows, of course we have a couple coming online, one even as soon as the end of this summer.

Another problem that we have had is the transmission or the grid process by which we are able to transmit this energy. In fact, if one does not see it, one probably does not think about it. Think about all the people who were just used to flipping on the switch at home and never thought that electricity really came from somewhere. It was never given a second thought. There are many cases like this.

I think of the water problems that our country will face in the near future or sewage problems, for example, that we see many of our cities now where their underground piping has worn out, and there is not the money to replace that unless we do it at a Federal level or with some grant process or with a real thought to what is happening underground.

So I think a lot of times we get calls about fix the transportation system, or I am stuck in traffic or my plane was left on the tarmac for too long; but these other issues of will the electricity come on, will the water flow, are things that if one does not see it, we are not asked to fix it. We are not necessarily working or putting the political clout or the monies behind that.

I think as a Nation we need to understand that these problems are all of our problems, and we need to come together with good policies to fix this.

Mr. SHERMAN. Mr. Speaker, I thank the gentlewoman from California (Ms. SANCHEZ) for her comments.

Mr. Speaker, I will share the five proofs that there were no bars toward building plants in California.

The first is it is simply not true. We are elected officials, some would say politicians. When a private company wants to build something big and they run into problems, that becomes an issue; and we all become aware of it. One of the first things they do is seek a meeting with whatever Members of Congress are in that area, with our friends in local government and State government; and sometimes we might support a project, sometimes we might think it is a bad project, but there is never a situation where there is a huge controversy over whether government will allow a big plant to be built and no politician knows about it.

One cannot have a governmental controversy without having elected officials know about it. We know that there was not a situation where people wanted to build power plants and were not allowed to.

The second proof is that for the 8 years of the prior Republican Governor, who, after all, served until just a couple of years ago, 8 years of a man who was often compared to then-Governor, now-President George Bush, not one plant was even applied for, not one, in a serious way. Not one application was approved by that Republican Governor for 8 years. That is not because Governor Pete Wilson was an environmental crackpot, because he was not. That was because nobody wanted to build plants in California.

How do I know nobody wanted to build plants in California? During the last several years, our local utilities had been selling off their existing plants, and they tried to get a good price for them. They really did not get a very good price for them. Why would anybody say I am desperate to build a new plant, but the California environmentalists will not let me if they will not pay a decent price for a plant that already exists?

We know that when something cannot be created because of environmental regulations, the old ones sell for more.

I am proud to represent Malibu. It is beautiful. A lot of people would like to live on the beach in Malibu. Now there you have environmentalists who will not let you build a beach house in Malibu and will not let you build a big

beach house in Malibu, and will not let you build a tall beach house in Malibu.

One can be sure that they cannot buy an existing tall, big beach house in Malibu at a bargain price. One cannot buy it at a bargain because they cannot make any more. There is a shortage of beach houses in Malibu compared to the people who want them. There was not a shortage of power plants compared to those who wanted to buy them or build them.

In addition, and I have talked to some of the top scientists about this, an electron does not know when it crosses a State boundary. So if one is going to build a power plant, they are not building it to serve California. They are building it to serve everything within about 400 or 500 miles of that power plant, maybe a bit further. They are connecting it to the western grid, which includes every State from New Mexico to the State of Washington. That is the grid electricity can be sent on, and one can build anywhere in those States in order to supply those States.

So for us to believe that there were these companies that desperately wanted to build power plants and the evil California environmentalists would not let them, one has to believe that the evil environmentalists of Nevada would not let them build. I mean, when was the last time we were told that Nevada State government was in the hands of environmental crackpots? That is not what we hear.

So, in fact, there was no major effort to build plants anywhere in the West, both where environmentalists are strong and where environmentalists are not particularly strong, and there was no tremendous desire to own a power plant that already existed because even today if it had not been for a drought, an unexpected drought in the Pacific Northwest, there would not be a shortage. In fact, up until today I am not sure that there was a single day that the existing power plants were not capable of generating all the electricity that was demanded.

The reason for the shortage is not that plants were not built. The reason plants were not built was because there was not considered to be the likelihood of a shortage. Instead, the reason there is a shortage is that by creating an artificial shortage, they are able to drive the prices higher.

So I do not know if my colleague from Orange County has additional comments.

Ms. SANCHEZ. One of the other myths that we have heard is somehow that Californians are just these consumption hogs with respect to electricity. I think we were looking at some statistics the other day that showed that of the 50 States, we are behind Rhode Island, number two in the least amount consumed per person in any State as far as the electricity that we use.

So when people say we all are just consuming too much and leave all the lights on and we are just not paying attention to what is going on, we are actually one of the best States with respect to consumption of electricity per person in the entire United States. So I would like to dispel that myth where people are saying we just use too much energy, or we use more than the energy we should use.

Also going back to the fact that this is a concern for America, there are plenty of times, and we have seen these numbers over and over, where we send a lot of tax dollars to Washington and we are what one calls a donor State. We never get as much money as we send to Washington back into California. It is usually put in the pot out here; and when relief is going on for floods in areas or droughts in areas or tornadoes in areas, our money usually goes to help other States who are in need.

I would just say again that from a California perspective we are a team player. We want to be a part of the overall economy in the United States; and what has, I think, really angered some Members who are from California and the Pacific Northwest, and also many Californians, is that we have had an administration here in Washington who has basically said you all fix it; it is nobody else's problem. I think that is a very short view of what is really happening out in California.

Mr. SHERMAN. I do want to point out that those who say it is your problem, you go fix it, are the same ones who have tied our hands behind our backs, because it is Federal law that says we are not allowed to impose rate regulation on these independent utilities. So they sit there. We can almost hear the muffled laughter as they say it is your problem, go fix it, and, oh, let me strengthen those ropes just to make sure they are tight. Let me gag you as well so you cannot complain about those ropes.

I would give you an analogy here. Imagine that your home is burning down. Now, you might have one neighbor on one side of you that does not help you. Okay. But then you have the most malevolent neighbor who goes in, grabs your hose, impounds it, and then gives you a lecture about how it is your fault your house is burning, you should have read the 12 points about fire safety while your house is becoming a cinder.

California is burning. The hose is the right to regulate the wholesale price of electricity. That hose is being impounded by Washington, D.C.; and those who impound it are lecturing us. They are saying you do not need a hose to put out a fire. You need a lecture about how this fire is your fault.

Needless to say, this summer Californians will be getting those electric bills. Now, with other products, when I want to know where something was made, I pick it up and look for the tag on the back. Well, Californians are going to grab their electric bill, they are going to look for the tag on the back, and it is going to say, made in the corporate suites of Houston, under license from Washington, D.C. That is not the way this should happen.

That is why the bill that I am down here to speak for, a bill that many of us, I believe the gentlewoman has, have cosponsored was put forward by our colleague, the gentleman from California (Mr. HUNTER), one of the most conservative Members of the House, cosponsored by the gentleman from California (Mr. CUNNINGHAM). I cannot even characterize how conservative the gentleman from California (Mr. CUNNINGHAM) is. When was the last time you cosponsored a bill from the gentleman from California (Mr. CUNNINGHAM)?

Ms. SANCHEZ. I am from conservative Orange County.

Mr. SHERMAN. Excuse me. Excuse me.

My colleague, the gentleman from California (Mr. GALLEGLY), with whom I represent Ventura County, why are conservative Republicans sponsoring this bill? Because it is the right thing to do.

In the Senate, the bill is Feinstein-Smith. So there is bipartisan legislation, bicameral legislation blocked by the White House, while the problem continues.

Ms. SANCHEZ. One of the things that we have really asked for is sort of a time-out, a time to set some prices where we can take a look at were supplies really artificially taken off the markets in order to increase the price that we have had to pay in California. What is the real demand that we are facing now and the demand that we will face in the near future, and what suppliers do we really have, and will that be enough and what will be a time line? Really a time-out to make a plan of what happened, what is currently happening and what we must do for the future.

One of the things that we have asked for is maybe about a year's worth of some caps so that we can take the time to really understand the problem, rather than to try to legislate off the cuff, without enough information, which might make us have the situation worsen for California and for others. We are not asking for price caps for the next 10 years. We are just asking for some time in which we can understand the situation and with some bright minds sit down and think of the solution for this problem.

Mr. SHERMAN. I might add, in describing the bill that we both support, it is indeed temporary; just a couple of years. It is being called price caps. It is actually something that is less opposed than price caps by those that oppose it.

It is cost-plus-profit regulation. So it is not like we turn to every producer and say you cannot sell for more than $50 a megawatt. If you have a wind farm that was expensive to build and it cost you $80 a megawatt, 8 cents a kilowatt, we will let you sell for $90 or $100. So it is cost plus profit and that cost includes depreciation of your equipment. So it is a fair price for each producer, plus a generous profit.

Also the bill does call for investigation. We do need to investigate what has happened and how we have been gouged.

I would point out that the California Public Utilities Commission has done an investigation already. Not that we do not need to investigate more. They concluded that, yes, supply was withheld in order to move up the price.

There is another element to this bill and another element of the crisis that I do want to mention, and that is the natural gas crisis.

Now, throughout North America the price of natural gas has more than doubled, and that doubling is tough on many people around the country; and yet it is hard to say that that results from monopoly power.

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There are thousands of producers of natural gas, and natural gas is a wonderful fuel. Its prior price had it cheaper than oil; now it is equal with oil in terms of the Btus it produces, and it burns clean. But in addition to this doubling of the North American price, the cost of moving natural gas from Texas and New Mexico and Colorado, where it is found, to California, went up by a factor of 12. So we pay more to move natural gas 800 or 900 miles than is the value of the natural gas. The shipping costs exceed the product cost. 12 cents.

Why did that happen? Again, the Federal Energy Regulatory Commission came up with a bright idea. They punched a giant loophole in their regulation of the four big pipeline companies. Talk about market power. There are only four of these companies that have major pipelines bringing natural gas to all of California. Big loophole. They jacked up their price. Amazing. The FERC.

It is no surprise that many Californians say, we have been FERC'd. This bill, and it makes an awful lot of sense, will provide for a resumption of what we have had in this country for decades, and it has worked well for decades, and that is cost-plus-profit regulation of these pipelines, because we can have tens of thousands of producers of Iceberg lettuce. We can have thousands of producers of natural gas in various wells around the country, but it is simply natural that we are only going to have three or four major pipelines going from one particular location to another, or three or four pipeline companies. So that is why we need regulation. That is why for decades and decades we have had it. When we lost that regulation, we end up paying a huge amount.

Now, not only does that hurt us in our natural gas bills. I cook with natural gas, heat with natural gas, the bill goes out of sight. But also, it is built into the price of electricity, because that is the fuel that we burn in those fossil fuel plants that generate electricity in our State. So it creates a higher price for electricity and it also creates an incentive, as if an extra incentive was needed, for some of those companies to withhold production. When they withhold production, they burn less natural gas, and they jack the price up. If they operate at full tilt, they have to pay for that natural gas at those monopoly transportation prices.

So we do need to regulate natural gas transportation charges. We do need to investigate what has happened in the markets. We do need temporary cost-plus-profit regulation of those who generate electricity in the west.

Ms. SANCHEZ. Mr. Speaker, again, I would caution the rest of the country that if this can happen to California, which is one of the largest economies around, imagine that it could happen to someone else's State also. We really need to step back. This, I think, is an emergency in California, in particular, in the next 4 or 5 months during the hot summer of California. But this is a bill about stepping back and taking a look and learning from this so that we can, in an overall plan for the United States, make an energy policy that works for each State and for all business people and homeowners across the Nation.

Mr. SHERMAN. Mr. Speaker, I want to shift just a little bit, because we are so preoccupied, quite naturally, with the short term in our own State, and talk a little bit about conservation and how important it is.

Now, the problem we have is that the President's budget and, frankly, this Congress, over its last 6 years of Republican control, has underfunded research, renewables and conservation; that, in fact, we have seen a tremendous savings of energy in this country due to our limited success in those areas. Even with that limited success, we have saved, I think the figure is a couple hundred billion dollars worth of energy, because we use renewables, because we have done the research, because we have conservation and greater efficiency.

So what did the Congress do during the 6 fiscal years it was in control while President Clinton was in the White House? Every single year, the amount spent on conservation efficiencies, renewables and research was cut. The total cuts probably meant that during the 6 years, we did 4 years' worth of the research, at least the amount provided for in President Clinton's budget. But then, starting with that lower amount that is in fiscal year 2001, the President submits a budget that shows a one-third reduction from that lower amount in the amount spent on research, renewables, conservation and efficiency.

Not good. So then, realizing that the country realizes that we have an energy crisis, that we need money spent on renewables and research and conservation, the President issues his energy plan. His energy plan was a beautiful, slick book put out by his press office, a wonderful press document, and in that plan he has $2 billion for clean coal, he has tax credits for conservation, he has money for research. It is all there in the pamphlet.

Ms. SANCHEZ. But it is not in the budget.

Mr. SHERMAN. But the pamphlet is not the law. The budget he submitted slashes the money. Then that budget is the basis of the tax cut that they are going to have us pass tomorrow, the next day, whenever they get it written. So that is going to cut the revenue available. And they are going to leave out of that tax cut several other important tax cuts that are necessary to make that tax cut work, so they are going to come back with a second tax cut bill, and then they are going so say, well, fine, we will agree to spend the money on clean coal as long as you take the money out of the Social Security Trust Fund.

Mr. Speaker, that is a nonstarter. There is no money in the budget for these conservation, research and renewable programs. The budget will be locked in with the tax bill, and there will be no money appropriated. That is perhaps why the White House needs to see blackouts, because in the light of day, there is an obvious contrast between telling people you are in favor of conservation and renewables and research and efficiency, and then, in the dark of night, passing the budget and tax bills that make it absolutely impossible to effectuate what you claim you want to do.

Ms. SANCHEZ. Mr. Speaker, is the gentleman telling me that this tax cut that we are going to see voted on by the end of this week would really take away our ability to fund or put into the budget, really fund programs in the coming year, as we do our work, the programs that his slick booklet talked about? These booklets of energy, of fuel cell, these research and development programs for cleaner technologies? We know that his original budget coming here to us cut significantly, had a very paltry sum, and that when his administration, President Bush's administration said, cutting back on consumption is not really the way to do this, and people were upset that he did not look at conservation

and new technologies; that he turned around and talked about these, but the reality is, his budget and the numbers that are reflected by that budget and what we have here is documents and working documents tells a different story.

Mr. SHERMAN. Mr. Speaker, that is exactly what I am saying. We do not know what is in that tax bill. As I understand it, there is no Democrat in the room where the tax bill is being written, although they call it a conference committee. But we do know that when they emerge, one-third to one-half the benefits will go to income tax reductions to the wealthiest 1 percent of Americans. That is not in return for that group or any other group investing in clean coal or conservation; that is just a tax cut.

So while the President's plan calls for tax credits for conservation, for renewables, there is nothing in the tax bill that provides the tax credits that the President does the press conference about. That is why perhaps the real view of this administration, one that they have back-peddled from when it hit a fire storm, but their view was reflected in the comments well-known by the Vice President when he said, conservation may be a personal virtue, but it is not the sufficient basis for a comprehensive energy policy.

I think we need to respond. And that is, excessive energy company profits and environmental despoliation and destruction is not a sufficient basis for a comprehensive energy policy. What we need short-term for California are those rate regulations, and what we need in addition to some of the infrastructure improvements that the President talks about is a real dedication to conservation, to research, renewables, and ''real'' means you put it in the budget and you appropriate money for it. Not a real good pamphlet, but a real good law.

Ms. SANCHEZ. Mr. Speaker, being from California or going to New York or these research institutions where they are doing the research, these people are so optimistic, the researchers. They are looking at fuel cells and alternative fuels and different ways, rather than to use fossil fuel for the future. I mean, when we think of our country and this whole new technology and new economy that we are going through. I think if, in 1960, President Kennedy could say, we need to get a man to the moon and we could develop that technology that did that by July of 1969.

I am very familiar with that, of course, because it came out of the area that we represent, that certainly, with all of the new technology, with the research, if we just put money into that and let these people go at it, that in 5 or 6 years, we would completely change the type of energy that we use to run our cars and run our businesses and our homes.

Mr. SHERMAN. Mr. Speaker, if I can just add some of the statistics to back this up. Earlier we were talking about getting plants permitted. During the 8 years in which we had a Republican governor, we had zero plants permitted. Just in the last 2 years under a Democratic governor, 14 plants permitted, seven are under construction, four of them are going to be on line this summer, another four or five will be on line before we hit the problems of next summer. We will have 8,500 megawatts on line. That is moving forward.

But getting back to renewables and research, as I said, the budget put forward by the President cuts renewables and research and energy efficiency by about a third. We were talking about how successful energy conservation has been. Americans have saved 4 times more energy through efficiency, conservation and renewables over the last 20 years than has been produced from new sources, new finds, of fuel in the United States.

And Americans have saved $180 billion, I might have thought it was $200 billion earlier, $180 billion over the last 20 years. That is just because we are using less energy than we would have, because we have got this technology and that is saving $200 for every dollar that the United States has invested in developing these renewables, developing conservation systems. If we go up to a wildlife refuge and we drill for oil, we get the oil, we destroy the environment, and then the oil is gone. If we invest in the technology that allows us to use less oil, we use that technology this year and next year, the technology is never gone, the technology, if anything, is improved year after year. That is why if we are looking for a long-term solution, we cannot get it unless we have a real dedication, not just a press office dedication, to renewables, to conservation, and to research.

Ms. SANCHEZ. Mr. Speaker, I want to thank my colleague from California for taking this hour to discuss and to dispel some of the myths that people around the country have heard about Californians and about what we are facing there. I hope that many of them will take the time to read the real information and to understand that where California goes, so does the rest of the Nation. I want to thank my colleague for the time given.

□ 1830

Mr. SHERMAN. Mr. Speaker, I want to thank my colleague from Orange County for participating in this special order. I think we have covered the subject well.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. OSBORNE) laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, May 24, 2001.

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

DEAR MR. SPEAKER: Pursuant to section 1092(b) of the Floyd D. Spence National Defense Authorization Act, I hereby appoint the following individual for appointment to the Commission on the Future of the United States Aerospace Industry: R. Thomas Buffenbarger of Brookeville, Maryland.

Yours Very Truly,
RICHARD A. GEPHARDT.

IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise this evening to talk about an issue that I care very much about and one I hope that will garner the attention of this House during the 107th Congress. It is an issue that is seldom discussed, unfortunately, although I consider it to be one of the most significant problems, one of the most significant issues facing the United States from a domestic policy standpoint, and that issue is massive immigration into this country. I hope that we can demonstrate tonight to everyone, to my colleagues and to those listening, the numerical realities of mass immigration and some of the burdens that come with it.

Mr. Speaker, since 1970 more than 40 million foreign citizens and their descendants have been added to the local communities of the United States of America. Just last month, The New York Times reported that the Nation's population grew by more in the 1990s than in any other decade in the United States history. For the first time since the 19th century, the population of all 50 States increased, with 80 percent of America's counties experiencing growth. Demographic change on such a massive scale inevitably has created winners and losers here in America. It is time that we ask ourselves, what level of immigration is best for America and what level of immigration into America is best for the rest of the world?

Now, as we have witnessed, Mr. Speaker, the previous speaker spent some time discussing the problems of energy in California specifically, or I should say the lack thereof. Of course this is a monumental problem facing the Nation. Something almost unbelievable is happening to us, a Nation, the richest Nation on the face of the Earth is now experiencing, in one of the richest States of that Nation, rolling blackouts, energy shortages. How can this be? The previous speaker had

some idea as to why it occurred. But, of course, it is only a symptom, Mr. Speaker. All of the problems experienced by California and that will most certainly be experienced by other places around this Nation, the problem with not enough resources, not enough energy to supply the needs of the population, goes back to a much deeper root. It is not just the inability of the bureaucracy to move quickly for the approval of power plants or the number of companies that are transporting the product from place to place.

It is, in fact, numbers. It is people. California has experienced, as well as the rest of the Nation, an incredible increase in population over the last couple of decades. That population increase naturally forces all kinds of other things to occur: Great demands on our natural resources.

We wonder when we look around, all of us, is it not interesting that every single day as we come to work and we recognize how difficult it is, how many more cars there are on the road and how much longer it takes to get to work and we say to ourselves, gee, where are all these people coming from? Believe me, in Colorado, my home State, we are experiencing a dramatic, almost incredible growth rate. And where are these people coming from? Is it the natural growth rate of the population, the indigenous population of this country? No, sir it is not. It is, in fact, immigration, massive immigration, the size of which, the numbers we have never experienced before in this Nation's history.

Now, we have for a long time found it difficult to wrestle with this question of immigration. People are concerned about coming forward and actually debating this point. The reason, of course, is that there is always a taint associated with it. When you start talking about the problems of massive immigration, opponents of those of us who want to limit immigration always want to use race cards in the discussion. They always want to talk about this as being a racial issue. But I assure my colleagues, from my point of view, it has nothing to do whatsoever with race. It is simply a matter of numbers.

It is difficult to talk about it when we see nostalgic images of Ellis Island and we know that our own families, all of us here, have come to the United States, probably most of us, I should say, through that particular port of entry. We all recognize that that is our heritage. We all know someone, an immigrant who is here, who is struggling and striving to achieve the American dream, and we think about them nostalgically and we think about them as admirable people, and they are.

Mr. Speaker, I have absolutely nothing against those folks who come here, and I would be doing exactly the same thing if I were living in their condition, in their situation. I would be looking for the way to get into the country. But, in fact, we have a responsibility in the United States, and the Federal Government has a unique responsibility here. It is something the States cannot deal with on their own. We constantly fight this battle about what is the appropriate Federal role and the appropriate State role, but in this case with the issue of immigration, there is no question, it is a Federal role.

Only the Federal Government has the role and responsibility to establish immigration policy. And so it is only appropriate that we should be discussing this tonight, and I hope many more evenings and many more days on the floor of this House in the 107th Congress, because, Mr. Speaker, it is about time somebody brought this up. It is an issue that underlies so many of the things that we discuss here that are really in a way the veneer.

We just passed an education bill out of this House increasing the Department of Education's budget by some $20 billion to $22 billion. There was a lot of discussion about the need to build more schools. We are quite concerned about our Nation's schools, and we are forced to come here to the floor of the House of the United States Congress to deal with education which of course is not even in the Constitution as a role and function of this body. But we do it because the pressure is building out there across the land for something and somebody to do something because education is a problem.

Let me again suggest that one significant aspect of this education problem in America is massive immigration. In California alone, to meet the demands imposed upon that State by the massive number of people that are coming in there, immigrants, and, by the way, we are only so far talking about legal immigration. We are not even discussing for the moment the numbers of people who come here every single year illegally and actually stay here, become part of the population, do not return to their country of origin. I am just talking about legal immigration and the pressure that legal immigration puts on this country.

Specifically, the State of California would have to build a school a day for the next several years in order to meet the demands being placed upon it because of the population growth in that particular State. It is not unique. We are seeing this happen all over. These are tough questions but they can no longer be avoided, Mr. Speaker. As we enter the fourth decade of the highest immigration we have ever experienced in this country and we struggle with its impact, we must discuss it.

Some people express shock that Americans could consider cutting immigration and thereby violating what they claim to be the country's tradition of openness. But they truly misunderstand U.S. history. It is actually the high levels of immigration during the last three decades that have violated our immigration tradition. From the founding of the Nation in 1776 until 1976, immigration has varied widely but the average was around 236,000 people per year. Now, this was a phenomenal flow into any single country. It was unmatched by any country on the face of the Earth. It should be noted that during these times, the United States had vast expanses of virtually open land and was certainly much better able to handle 236,000 newcomers annually.

Then suddenly in the 1970s and 1980s at the very time the majority of Americans were coming to the conclusion that the United States population had grown large enough, due to changes in our immigration laws, immigration soared above traditional American levels, rising to an average of more than 500,000 a year. We averaged around 1 million a year during the 1990s. The cumulative effect of years of high immigration has taken a while for Americans to comprehend. But many have awakened to a rather startling realization that the unrelenting surge of immigration above traditional levels is changing their communities, changing communities throughout the United States into something oftentimes the residents do not like, do not recognize even as their own.

I am joined on the floor by my dear colleague and friend the gentleman from Virginia (Mr. GOODE), who has I know some great concerns about the issue because he is a member of our caucus, a caucus we started last year called the Immigration Reform Caucus. I would like to now turn to the gentleman from Virginia (Mr. Goode) for his comments on this issue and thank him very much for joining us this evening.

Mr. GOODE. Mr. Speaker, I want to thank the gentleman from Colorado for addressing immigration and for pointing out the figures that are impacting the Fifth District of Virginia and most every House district in this country.

One piece of legislation that I would like to see addressed by this Congress would establish English as the official language of the United States. I am not advocating that all in this country should speak English only. In fact, I would encourage all students to learn other languages. I have encouraged my daughter in her efforts to learn French and Spanish and to be fluent in both of those languages. We should try to learn other languages and other cultures, and I believe that our President is a stronger President because of his fluency in Spanish. But we need to have English as the language of this country. Having one common language is a unifying force for a nation. We will be stronger as a nation with one language which all persons in this great country

share and which all could use in communicating with persons all across the United States.

We can avoid the Canadian situation. In Canada, they have held several referenda to break apart that country. The French-speaking Quebec province has sought several times to split from Canada. In the last referendum, there was a very close vote and the separatists almost prevailed. If we drift into a situation in this Nation where all persons in a region speak and use only a non-English language, then the separatist spirit may arise in the United States. I do not want to see a situation in this country develop like that in Canada.

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By adopting English, we can avoid certain other problems. We can avoid the need to have multilingual highway signs. Can one imagine the cost on each State if we had to adopt multilingual signs. If all of our governments had to adopt forms and papers in the various languages, it would be a huge cost on the Federal Government and the individual State governments. We can prevent a separatist spirit from arising here by choosing English as our official language now.

Mr. Speaker, I want to thank the gentleman from Colorado (Mr. TANCREDO) for his focus on this important issue.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman from Virginia (Mr. GOODE) for joining us this evening and for his comments. The gentleman from Virginia (Mr. GOODE) brings out a number of issues specifically related to the problems that we confront in the nature of when we have pressures brought in our schools to teach children in languages other than English, in our businesses to have forms in the language other than English, in our politics to go to the polls. At a time, there were probably half of the counties in Colorado that actually, by law, had to have ballots written in two different languages. There are still counties who do that. There are still places throughout the country that require that.

Now, let us think about what that really means. If, in fact, one cannot understand English, and at the point in time that one comes to vote, one has to be given a ballot in a different language, does that not mean that one is also most likely unable to understand the debate that occurred prior to the decision one makes to vote?

All of the discussion of the issues were inevitably in English. All of the candidates speaking, let us say 90 percent of the time anyway, were speaking and telling us their particular positions, their attitudes, their ideas in English. But if one cannot understand that, and one goes to the polls to vote, on what basis does one make these decisions if one cannot understand English and have to be given a different ballot?

But that is just one point that we have addressed this evening that I have mentioned before as being many faceted, many, many different problems that we confront as a Nation as a result of massive immigration.

Many Americans have awakened to a startlingly realization, Mr. Speaker; that is, that the unrelenting surge of immigration above the traditional levels, as I said earlier, is changing our communities and, as the gentleman from Virginia (Mr. GOODE) mentioned, in ways that we find distracting.

The unprecedented flow of immigration has dramatically reshaped the social and ecological landscape all over America. None of this, none of this has been inevitable. Legal immigration into this country has quadrupled over the traditional American level for one reason and one reason only. Congress and the various Presidents for the last several years have made it happen.

I do not know if anyone ever intended for such an onslaught to take place when the immigration laws were changed in 1965, but for nearly three decades during various efforts to control illegal immigration, Congress has stood by as the much larger legal immigration numbers have soared and citizen opposition has risen correspondingly.

It is common when discussing negative trends from high mass immigration to focus on individual immigrant skills, education morals, their country of origin, culture and race. If one side points out that some immigrants are prone to crime and destructive behavior, the others note that most immigrants arrive with high motives, good character, and laudable behavior.

Some observers fear that the volume of nonEuropean immigration threatens to swamp America's cultural heritage. Others welcome an evermore multicultural society. Nonetheless, the chief difficulties that America faces because of current immigration are not triggered by who the immigrants are but how many they are. That is the point we have to focus on. It is the numbers.

The task before the Nation is setting a fair level of immigration, and it is not about race. It is not about some vision of a homogenous America. It is about protecting and enhancing the United States' unique experiment in democracy for all Americans, including recent immigrants regardless of their particular ethnicity.

It is time for us to confront the true costs and benefits of immigration numbers. They have skyrocketed beyond our society's ability to handle them successfully. These huge nontraditional numbers have led to many unwanted consequences.

Every single committee I sit on, the three committees I sit on, deal with some aspects of this. I am on the Committee on Resources, and almost every single hearing, we are confronted by the problems that the citizens of this country face when trying to actually even access on a recreational basis the beautiful places in this Nation that are available to them.

The other day, we were talking about Yellowstone National Park, and there is a great concern because of the numbers of people presently trying to visit that park every single year. We are talking about making reservations, having people make reservations to visit any of the national parks, sometimes years in advance because we cannot accommodate the numbers.

We are talking about what happens to the deserts of this country by the many people who are trying to exercise, again, their rights to recreate. We understand that. It is a constant balance, a constant tug of war between the desire to get out there and experience this great and wonderful land on the one hand and the recognition that the numbers of people that we have trying to do that will eventually lead to the complete elimination of those valuable resources. It certainly will lead to their almost immediate degradation.

Why? It is because of the numbers. Everything we face, it seems like every time we turn around in this Congress, we are faced with numbers. We keep looking at the symptoms. We try to figure out a way to allow people to get into the national parks and, like I say, making reservations for them years and years in advance and saying one can only use snowmobiles on certain trails, one can only walk on certain trails, one cannot drive one's car off the road here. We keep trying to figure out ways to contain the numbers of people.

What happens, of course, is that the quality of life declines for all of us, not just those who want to seek the pleasures of a pristine America, but those who live in cities where all of the services in that city, the demands for services grow astronomically, almost exponentially. The demands for schooling, the demands for sewage treatment facilities, the demands for streets and highways all grow beyond our ability to actually deal with them successfully because of the numbers.

The huge number of people that are coming into this country as immigrants have created for us a significant problem. There is another aspect of this. Mass immigration has depressed the wages of many an average American worker. Despite two decades of economic boom, the wages of our most vulnerable working Americans have remained relatively flat or even declined. This sorry recent record contrasts markedly with the rapidly rising wages of all Americans during the two decades after World War II.

Before 1965, the Congress wisely pursue a supplied-side labor policy of managed immigration that limited the number of immigrants to the traditional and historic level of around 200,000 a year.

During that age of managed immigration, tens of millions of Americans rose from poverty into the middle class. A supply-side labor policy demonstrably works. Mass immigration does not. To protect America's middle class and help more people at the bottom move up to the middle class, it is time to end America's experiment with mass immigration.

Immigration, massive immigration and the numbers that we are watching here has endangered American education. Children native-born and foreign-born are not achieving the educational standards that are certainly possible and necessary for them to eventually go on and get a slice of the American dream.

So these children are not only threatened by the depressed wages of many of their parents, but they are menaced by the decline of America's public schools. It is a decline not made because of immigration, but it is exacerbated by mass immigration.

The poverty level for America's children is growing, a phenomenon none of like to imagine. How can this be happening in the United States, in the richest country in the world?

Let us look specifically, if we look closer at the problem, as is so often the case with this issue, we see that it is in fact growing but growing among only a particular group of people. These are the children of immigrants, both legal and illegal.

Now, these problems that confront this country again, we will try to deal with here. We will pass massive budget increases. We have been doing it every single year for Health and Human Services. We will actually in 5 years, of course, double the appropriations for the National Institutes of Health, and I have voted for that.

I understand the concerns that we have and that we have to address it. But the reality is, where is this coming from? Why are we facing these problems in a way that has never before confronted the United States? I tell my colleagues, Mr. Speaker, I believe with all my heart it is the numbers.

I mentioned earlier that the massive overcrowding that is plaguing America's public schools can be blamed specifically, it goes directly back to immigration. Mass immigration also harms recent immigrants. It is the recent immigrants themselves who are most at risk on America's default on its commitment to a middle-class society. It is the children of recent immigrants, many of whom cannot speak English, whose future has been put at risk by the damage mass immigration has done to America's schools.

We hear more and more about a disturbing trend involving immigrants who cannot speak English holding society liable for their inability. The other day, I was reading an article in the Denver Post relating to a story that the ambulance drivers were being forced to hire a Spanish speaker to ride along to communicate with non-English speakers being treated by them, primarily, of course, illegal immigrants.

These teams felt obligated to retain these foreign speakers for one reason, to protect themselves from the rash of lawsuits being filed by non-English speakers against emergency medical teams who could not understand them when the ambulance arrived.

The gentleman from Virginia (Mr. GOODE) alluded to another aspect of this where products being made, manufacturers of various products are being threatened with suits because their products were misused by the people who could not read the instructions in English that accompanied them.

According to the New York Times, the product liability consultants have begun to advise companies to provide warnings in foreign languages or that at least include Spanish on warning labels because ''it may be thought to be necessary by some judges and juries in certain jurisdictions''.

Mr. Speaker, with over 140 languages being spoken in America, the issue of warning labels leads down a very slippery path. How many are necessary? If one opens a box and cannot read the instructions or the warning label, how many languages should that be printed in, in order for one not to have the possibility of being sued?

How many street signs do we need to change into how many languages so that the people driving down the street will not sue the city if someone runs into them because they are going down the wrong way on a one-way street? But they say, hey, that sign was in English. I could not read it.

As bizarre as this sounds, as incredible as this sounds, this is happening. Police now are having to hire, not just medical teams, but police are having to hire these people to go with them also on their rounds.

Well, okay, maybe one can handle this. Maybe the cost of this can be borne by one's local community if one is just one language other than English that one has to be concerned about. But what happens when there is, in my own school district, when there are literally hundreds of languages that are being spoken?

How many people need to go with the cop to the door to answer the domestic dispute call? It could be in a variety of languages. Will they be held liable, will the police be held liable if they cannot understand the language of the person at the door?

There are other recent newspaper articles demonstrating the problems with and attendant to a massive immigration. Monday in the Denver Post was a printed story about just how overtaxed Amercians enforcement mechanisms have become. In Durango, Colorado recently a group of illegal immigrants were detained in a motel because the Immigration and Naturalization service had no other place to hold them.

□ 1900

The illegal immigrants, of course, escaped out the window of their motel room, perhaps never to be seen again. But of course the numbers, again, these are the numbers we are talking about, massive, 1 million a year, legally. Then we add to that about another 300,000 or 400,000 who come here under a different category all together but still legally. Refugee status that is called. Some people estimate even double that number all together, 2- or 3 million that we gain every single year, net gain, of illegal immigrants.

And what does that do to all of the mechanisms that I have described here? Enforcement mechanisms that are at our Nation's border have become a farce. Another news outlet recently reported the Mexican government has begun providing ''survival kits'' to 200,000 people planning to head north illegally. The kits contain medicine, condoms, cans of tuna, granola, and information about crossing the desert. This is at a time when the Mexican government is telling the United States Government that they want to act to discourage illegal immigration.

But, Mr. Speaker, I put it to you that there is no desire whatsoever on the part of the government of Mexico or several other countries to discourage immigration because we are their safety valve. That border, an open border, is their safety valve. And, Mr. Speaker, it would be one thing if we only had to be concerned about the quality of life in Mexico, but it is also our responsibility to be concerned about the quality of life in the United States.

Now let us take a closer look at the demographic effects of these decades of mass immigration. From 1924 to 1965, approximately 178,000 immigrants annually are brought into the United States. At no other time in history was the country so positive about immigration or did immigrants assimilate so quickly or were they so welcomed.

In 1965, Congress changed the law. Democrats promised that our immigration numbers would not rise by more than 40,000 a year, but that quickly rose by hundreds of thousands a year, and Democrats have fought all efforts to correct the mistake. So during the 1990s, we averaged not 178,000 a year, but 1 million legal immigrants each year. That is why there is so much concern about immigration out there. It is not that everyone has turned mean-spirited and not that we have suddenly changed our minds about immigrants

or the foreign born. It is just that the numbers have gotten so high at the very time most Americans had decided they wanted to stabilize the population like the rest of the world.

Now, there is actually quite a bit of ambiguity on the part of Americans on the topic of the population. Polls show that most Americans, when asked, like the immigrants they know. In general, they say they are hard-working and add some things to America individually. I would certainly say that if asked. But a majority also say there are simply too many.

I am now going to show something that I believe is most important in the context of understanding the immigrant issue that is before us. In fact, I do not believe any immigration decision should be made in this country without referring to this or how they relate to the charts I am going to show you. The chart in the well there is U.S. population growth since 1970 in millions.

In 1970, we had 203 million people in the country. A small number down there in the circle, left-hand side of the chart: 203 million. The green part of that chart represents the growth in U.S. population that lived here in 1970. You can see now that there was a baby boom. It is called on the chart the baby boom echo. So there was an increase in the number of people who lived here. Now, we are not talking about immigration, just indigenous population at that time, from 203 to 243 million people recently.

Around 1970, American people, through personal choices, decided to start having small families. As a result, we ended up with a fertility rate that was just below replacement level. We still had growth, because even though the baby boomers had small families, there were so many baby boomers that we kept on growing in population, but by less and less. Demographers have taken a look to see what the growth will be in the rest of the century from 1970-based American population.

As you can see from the green, the baby boom echo will add for a while and then actually, about 2030, it stops. That baby boom growth stops, and then it begins to recede back to the 1970 levels.

Now, does the green assume a zero immigration level? The answer is no. This is actually replacement level immigration. Because it assumes the same number of immigrants coming into the country as Americans are leaving it, at about, by the way, 200,000 a year. But look at the red on the left-hand side. It represents every immigrant above the replacement level who came here since 1970, plus their descendants, minus the death from both groups. Now, that means that there has been more population growth from immigration as there has been from natural growth from 1970 stock population.

So where it says 281 million, that is where we are now. And what it shows is the growth in the immigrant, the legal immigrant remember, legal immigrant population into the United States which matched the growth of this country naturally. That means that in this period of time since 1970 to today we have had to double all of the additional infrastructure expenditures we have had for the country. We have had to build twice as many schools, twice as many sewage treatment plants, twice as many roads and streets. All of this additional needs of this country have doubled because the Federal Government has quadrupled immigration.

Now, let us look at where we are headed according to the U.S. Census Bureau numbers. The Census Bureau tells us that this will be the future if immigration continues at today's rates. This is what we will bequeath to our children and our grandchildren this century. This is not conjecture, this is not speculation, it is not subjective, this is not what might happen, this is what will happen if Congress keeps immigration four times higher than traditional levels.

If Americans are feeling overwhelmed by congestion, the traffic, the overcrowded schools and the sprawl at this level, down there at the 2000 level, when you go to school, when you go to work every single day and everything around you, you see all the land being consumed, of what was yesterday a beautiful farm is today beginning to sprout houses, and what was a pasture not too long ago is now an industrial park, and you keep saying where is this coming from? I do not understand it. It is surprising because I just did not think the natural population of this growth of this country was creating this, well, you are right, it is not the natural population growth of the country that is creating it. It is the massive numbers of immigration of immigrants into this country, both legal and illegal, that is causing the problem.

Remember, this chart, the red you see on that chart, does not reflect illegal immigrants. It is just what would happen if we keep our immigration policy today at the same legal number. So if you think we are crowded today, if you think that it is harder and harder to find a place to go and recreate, harder and harder to get out to the mountains and get away from it all, to find a place where there is nobody around, and how many times have we wished we could be in that situation, just be alone for a while, when it is harder and harder to be alone for a while today, what do you think it is going to be like in 2050 or at the end of the century at these levels?

We have some of our coastal areas even today showing signs of societal breakdown, at this present level of immigration. As I started out with my whole discussion this evening, I was reflecting upon the previous speaker's concerns about California. Well, California is just a microcosm of where this Nation will be in the not-too-distant future. And not just in terms of its energy problems, but in terms of the population growth and all of the other problems that are attendant to massive population growth.

There are people who suggest that it is our responsibility to bring these people in because, of course, they are poor, they are impoverished, and we need to help them out. Please understand this. Even if we continued to take a million a year legally, we cannot even put a dent, not even the slightest dent into the world population of poor. Every single week, every single year, millions upon millions are added to the number of poor people in the world. And that is a terrible shame. Every year, 80 million. We take one. We are adding 80 million a year impoverished all over the world to the already 3 billion people who fit that category.

What can America do about that? How many can we take to make a difference? I suggest that if we truly wanted to be concerned about and show concern about the people in other countries, do not allow those governments off the hook, do not allow Mexico, for instance, to use the United States as their escape valve. Force them to deal with their problems internally. Force them to improve the quality of life for their own residents. That is the only way that we even can remotely hope to improve the quality of life for people around the world. We cannot do it by taking them in here. We will bring both ships down.

A lot of people wonder if immigration will be brought down to something in the more traditional level. Well, I do not have a crystal ball, but I can say that I believe the pressure for us to do something will grow, and I believe that this Congress will act. I do not know if it will be today. I hope it is today. But my gut tells me that it will not be. That it will be some time before we will ever have the courage to actually address this problem of immigration.

Let us be realistic about it, there are people in this body who look at this problem and look at this issue from political vantage points and suggest that massive numbers of people coming into the country will benefit one particular party over another. And it is, I suggest, their own very shortsighted, very political point of view that has prevented us in this body from doing anything about limiting going immigration now for some time. There is a political advantage to be gained by one party over another by having high levels of immigration. But look at what it is going to do to the rest of the Nation and to the immigrants themselves. It is not the best thing.

Massive immigration is not the best thing for immigrants, it is not the best thing for America. Do we act now, while we have the strength to help the rest of the world, or do we wait until years from now when we are in such a situation of disintegration and turmoil that we can only look inward? Do we cut the numbers now, while most Americans still have favorable feelings about the foreign-born Americans living with us? Those are the options we face as Americans. It is why it is urgent and important that every American make sure that their own Member of Congress is working towards something like this rather than what the majority is now doing, giving us something like that on the chart.

There are really two immigrant debates taking place in America today: the numbers debate and the characteristics debate. There are those who argue that we should either increase or decrease the total level of immigration and others who argue we should increase immigration based on the characteristics of the immigrants themselves. I believe that the second debate cannot take place independently of the first. After all, every immigrant that we admit to the United States has specific skills or good characteristics, and that contributes to a huge overall number of immigrants that I spoke of earlier.

I want my colleagues to understand I am not anti-immigrant. I am anti-mass immigration. I firmly believe that we must take overall numbers into account in any immigration debate and look at the impact of those numbers and how they affect our communities.

□ 1915

Mr. Speaker, I hope that we have begun the process even tonight of establishing a dialogue and a debate on this issue. It has for too long been held in secret even around the halls of Congress. For too long there has been a fear to address the issue of immigration for fear that people will attack those of us who are attempting to deal with it and use all kinds of spurious arguments against it.

I encourage us all to think about the need to once again gain control of our own borders, reduce the number to a level that is the more traditional level of 175,000 to 200,000 a year legally coming into this country and then try our best to deal with the illegals who are coming at a rate of 1 or 2 million into the country, a net gain to the country. We have to address it. The States cannot do it.

Mr. Speaker, it is our responsibility and ours alone. It is time to take that responsibility. Stand up, take the heat. There will be plenty of it. Mr. Speaker, I can guarantee that tomorrow, and probably tonight, the phones are ringing off the hook. The racial epithets; we have been through this before.

I am willing to take the heat and be called the names because I believe that this problem is a significant, perhaps the most significant, serious domestic problem we face as a Nation. Whether it is resource allocation, schools, buildings, hospitals, or just the quality of life, it is the numbers, Mr. Speaker. It is the numbers.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family medical reasons.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) after 12:00 p.m. today on account of personal business in the district.

Mr. GILLMOR (at the request of Mr. ARMEY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. ENGEL, for 5 minutes, today.
Mr. UNDERWOOD, for 5 minutes, today.
Mr. SHOWS, for 5 minutes, today.
Mr. HONDA, for 5 minutes, today.
Mr. SKELTON, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. REYNOLDS) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.
Mr. PAUL, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which were thereupon signed by the Speaker:

H.R. 801. Veterans' Survivor Benefits Improvements Act of 2001.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, May 25, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2102. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Changes in Reporting Levels for Large Trader Reports (RIN: 3038–ZA10) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2103. A letter from the Acting Deputy Under Secretary, Department of Agriculture, transmitting the Department's final rule—Rural Business Enterprise Grants and Television Demonstration Grants (RIN: 0570–AA32) received May 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2104. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mandatory Inspection of Ratites and Squabs [Docket No. 01–045IF] (RIN: 0583–AC84) received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2105. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Thiamethoxam; Pesticide Tolerance [OPP–301132; FRL–6784–7] (RIN: 2070–AB78) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2106. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP–301124; FRL–6782–1] (RIN: 2070–AB78) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2107. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Aspergillus flavus AF36; Extension of Temporary Exemption From the Requirement of a Tolerance [OPP–301124; FRL–6781–7] (RIN: 2070–AB78) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2108. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Eligibility and Scope of Financing (RIN: 3052–AB90) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2109. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, pursuant to 31 U.S.C. 1517(a)(2); to the Committee on Appropriations.

2110. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1341(a); to the Committee on Appropriations.

2111. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1341(a); to the Committee on Appropriations.

2112. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting notification that the Commander of Elmendorf Air Force Base (AFB), Alaska, has conducted a cost comparison to reduce the cost of the Base Supply function, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2113. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting notification that the Commander of Patrick Air Force Base, Florida, has conducted a cost comparison to reduce the cost of the Supply and Transportation functions, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2114. A letter from the Assistant Secretary, Force Management Policy, Department of Defense, transmitting the annual report on the number of waivers granted to aviators who fail to meet operational flying duty requirements; to the Committee on Armed Services.

2115. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2116. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Government Securities Act Regulations: Definition of Government Securities (RIN: 1505–AA82) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2117. A letter from the Secretary, Department of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund (ESF) for fiscal year 2000, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Financial Services.

2118. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2119. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2120. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-D–7509] received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2121. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation'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 May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2122. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology-Urology Devices; Classification of Tissue Culture Media for Human Ex Vivo Tissue and Cell Culture Processing Applications [Docket No. 01P–0087] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2123. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Colorado's Petition To Relax the Federal Gasoline Reid Vapor Pressure Volatility Standard For 2001 [FRL–6984–7] received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2124. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Promulgation of Attainment Date Extension for the Fairbanks North Star Borough Carbon Monoxide Nonattainment Area, Alaska [Docket No. AK–01–003b; FRL–6986–4] received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2125. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN126–1a; FRL–6986–2] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2126. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California and Arizona State Implementation Plans, Antelope Valley Air Pollution Control District and Maricopa County Environmental Services Department [CA 224–0279a; FRL–6982–6] received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2127. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of Funds for Source Water Protection [FRL–6984–2] received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2128. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring: Delay of Effective Date [WH-FRL–6983–8] (RIN: 2040–AB75) received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2129. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of West Virginia; Control of Emmissions from Existing Municipal Soild Waste Landfills [WV–042–6011a; FRL–6983–6] received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2130. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawal of Direct Final Rule; Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations and National Secondary Drinking Water Regulations; Methods Update [FRL–6974–7] (RIN: 2040–AD59) received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2131. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan Louisiana; Nonattainment Major Stationary Source Revision [LA40–1–7338a; FRL–6988–4] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2132. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Attainment of the 1–Hour Ozone Standard for the Phoenix Metropolitan Area, Arizona and Determination Regarding Applicability of Certain Clean Air Act Requirements [AZ–098–0025; FRL–6989–1] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2133. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Clarifying Revisions to 9 VAC 5 Chapter 40 Fuel Burning Equipment [VA107–5049; FRL–6987–9] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2134. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN132–1a; FRL–6985–3] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2135. A letter from the Associate Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—In the Matter of 2000 Biennial Regulatory Review—Review of Policy and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers; Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, First Report and Order, CC Docket No. 00–257 and Fourth Report and Order, CC Docket No. 94–129, FCC 01–156—received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2136. A letter from the Director, Lieutenant General, USAF, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 01–11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2137. A letter from the Director, Lieutentant General, USAF, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to France for defense articles and services (Transmittal No. 01–10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2138. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Sweden [Transmittal No. DTC 033–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2139. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy and France [Transmittal No. DTC 032–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2140. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of

a proposed Technical Assistance Agreement with Mexico and Canada [Transmittal No. DTC 061–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2141. A letter from the Chairman, Commission on International Religious Freedom, transmitting an Addendum to the May 1, 2001 Annual Report, covering Egypt and Saudi Arabia; to the Committee on International Relations.

2142. A letter from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Additional Designations of Specially Designated Narcotics Traffickers and Removal of Specially Designated National of Cuba—received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2143. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the United States Macau Policy Act; to the Committee on International Relations.

2144. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination that eight countries are not cooperating fully with U.S. antiterrorism efforts: Afghanistan, Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria; to the Committee on International Relations.

2145. A letter from the Secretary, Department of Health and Human Services, transmitting the Semiannual Report to Congress for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2146. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2147. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2148. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2149. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2150. A letter from the Chair, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a report on Resolution and Order Concerning the Fiscal Year 2001 Supplemental Budget Request Act of 2001; to the Committee on Government Reform.

2151. A letter from the Executive Resources and Special Programs Division, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2152. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97–25; Introduction—received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2153. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

2154. A letter from the Assistant Secretary, Lands and Minerals Management, Department of the Interior, transmitting the Department's final rule—Application Procedures [WO–850–1820–XZ–24–1A] (RIN: 1004–AD34) received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2155. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Abandoned Mine Land (AML) Fee Collection and Coal Production Reporting On the OSM–1 Form (RIN: 1029–AB95) received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2156. A letter from the Acting Assistant Secretary for Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting the Department's final rule—Small Refiner Administrative Fee (RIN: 1010–AC70) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2157. 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 Designation of Critical Habitat for the Riverside Fairy Shrimp (RIN: 1018–AG34) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2158. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States, Atlantic Sea Scallop Fishery; Framework Adjustment 14 [Docket No. 010410087–1087–01; I.D. 031401B] (RIN: 0648–AO07) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2159. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery [Docket No. 010413094–1094–01; I.D. 032101A] (RIN: 0648–AP10) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2160. A letter from the Acting Deputy Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Improved Individual Fishing Quota Program [Docket No. 001108316–1083–02; I.D. 060600B] (RIN: 0648–AK50) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2161. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States, Atlantic Herring Fisheries; 2000 Specifications; Adjustment; Closure [Docket No. 000105004–0260–02; I.D. 120400A] (RIN: 0648–AI78) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2162. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by the Offshore Component in the Western Regulatory Area in the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 051401A] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2163. A letter from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Naval Activities [Docket No. 000218048–1095–03; I.D. 013100A] (RIN: 0648–AN59) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2164. A letter from the Acting Chief, Marine Mammal Conservation Division, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 001128334–0334–01; I.D. 101800A] (RIN: 0648–AN88) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2165. A letter from the Acting Chief, Marine Mammal Conservation Division, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations; Remove and Reserve Gear Marking Requirements for Northeast U.S. Fisheries [Docket No. 991222346–0312–03; I.D. 111300E] (RIN: 0648–AN40) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2166. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for North Carolina [Docket No. 010208032–1109–02; I.D. 050801D] received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2167. A letter from the Acting Chief, Marine Mammal Conservation Division, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 010510119–1119–01; I.D. 050901B] (RIN: 0648–AP27) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2168. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 043001B] received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2169. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule—Financial Assistance for Research and Development Projects in Chesapeake Bay to Strenghten, Develop and/or Improve the Stock Conditions of the Chesapeake Bay Fisheries [Docket No. 010412091–1091–01; I.D. 040501D] (RIN: 0648–ZB05) received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2170. A letter from the Director for Financial Management and Deputy Chief Financial Officer, Department of Commerce, transmitting the Department's final rule—Civil Monetary Penalties; Adjustment for Inflation [Docket No. 001024293–0293–01] (RIN: 0690–AA31) received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2171. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule— Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States [INS No. 2122–01] (RIN: 1115–AG17) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2172. A letter from the General Counsel, U.S. Marshals Service, Department of Justice, transmitting the Department's final rule—Revision to United States Marshals Service Fees for Services [USMS No. 100F; AG Order No. 2316–2000] (RIN: 1105–AA64) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2173. A letter from the Acting Secretary of the Army, Department of Defense, transmitting the Final Feasibility Report and Environmental Impact Statement Navigation Study for Jacksonville Harbor, Duval County, Florida, pursuant to Section 101 (a)(17) of the Water Resources Development Act (WRDA) of 1999; to the Committee on Transportation and Infrastructure.

2174. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Chillicothe, MO [Airspace Docket No. 01–ACE–4] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2175. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Cabool, MO [Airspace Docket No. 01–ACE–3] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2176. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Monroe City, MO [Airspace Docket No. 01–ACE–1] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2177. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Olathe, KS [Airspace Docket No. 01–ACE–5] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2178. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of a Class E Enroute Domestic Airspace Area, El Centro, CA [Airspace Docket No. 01–AWP–1] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2179. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace, Sugar Land, TX [Airspace Docket No. 2001–ASW–03] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2180. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Farmington, NM [Airspace Docket No. 2001–ASW–08] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2181. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bethel, AK [Airspace Docket No. 00–AAL–20] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2182. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30248; Amdt. No. 2051] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2183. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30247; Amdt. No. 2050] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2184. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30243; Amdt. No. 2046] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2185. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30245; Amdt. No. 2048] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2186. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30246; Amdt. No. 2049] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2187. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310–324, A310–325, and A300 B4–622R Series Airplanes Equipped with Pratt & Whitney PW4000 Series Engines [Docket No. 2001–NM–68–AD; Amendment 39–12210; AD 2001–09–05] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2188. A letter from the Program Analyst, FAA, Department of Transportation, transmitting]he Department's final rule—Airworthiness Directives; Airbus Model A300–243, –341, –342, and –343 Series Airplanes Equipped with Rolls Royce Trent 700 Series Engines [Docket No. 2000–NM–389–AD; Amendment 39–12221; AD 2001–09–14] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2189. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca S.A. Arrius Models 2B, 2B1, and 2F Turboshaft Engines [Docket No. 2000–NE–12–AD; Amendment 39–12191; AD 2001–08–14] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2190. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerostar Aircraft Corporation Models PA–60–600 (Aerostar 600), PA–60–601 (AeroStar 601), PA–60–601P (Aerostar 601P), PA–60–602P (Aerostar 602P), and PA–60–700P (Aerostar 700P) Airplanes [Docket No. 2000–CE–31–AD; Amendment 39–12187; AD 2001–08–10] (RIN:2120–AA64) received May 21,2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2191. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–200 and –300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental Type Certificate (STC) SA2969SO [Docket No. 2000–NM–295–AD; Amendment 39–12184; AD 2001–08–07] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2192. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes [Docket No. 2001–NM–94–AD; Amendment 39–12201; AD 2001–08–24] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2193. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–7–100, –101, –102, and –103 Series Airplanes [Docket No. 2000–NM–181–AD; Amendment 39–12182; AD 2001–08–05] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2194. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and EMB–145 Series Airplanes [Docket No. 2001–NM–123–AD; Amendment 39–12226; AD 2001–10–01] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2195. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 412 Helicopters and Agusta S.p.A. Model AB412 Helicopters [Docket No. 99–SW–27–AD; Amendment 39–12217; AD 2001–09–11] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2196. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 206H and T206H Airplanes

[Docket No. 2000–CE–75–AD; Amendment 39–12211; AD 2001–09–06] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2197. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Shaw Cove, CT [CGD01–01–046] (RIN: 2115–AE47) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2198. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Charleston Harbor, S.C. [CGD07–01–023] (RIN: 2115–AE46) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2199. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Taunton River, MA [CGD01–01–037] (RIN: 2115–AE47) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2200. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: San Diego Crew Classic [CGD11–01–004] (RIN: 2115–AE46) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2201. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulation: Harvard-Yale Regatta, Thames River, New London, CT [CGD01–01–034] (RIN: 2115–AE46) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2202. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Lake Pontchartrain, LA [CGD08–01–008] (RIN: 2115–AE47) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2203. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Tampa Bay, Florida [COTP Tampa 00–054] (RIN: 2115–AA97) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2204. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Kennebec River, ME [CGD01–01–023] (RIN: 2115–AE47) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2205. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Point Source Category; OMB Approval Under the Paperwork Reduction Act: Technical Amendment; Correction [FRL–6987–5] (RIN: 2040–AD14) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2206. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Chesapeake Bay Program FY 2002 Request for Proposals—received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2207. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance; Public Assistance Program and Community Disaster Loan Program (RIN: 3067–AD20) received May 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2208. A letter from the Acting Administrator, Small Business Administration, transmitting the Annual Report on Minority Small Business and Capital Ownership Development for Fiscal Year 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2209. A letter from the Chief, Regulations Office, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Rev. Proc. 2001–33] received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2210. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions [TD 8903] (RIN: 1545–AY03) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2211. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Federal Employment Tax Deposits—De Minimis Rule [TD 8946] (RIN: 1545–AY47) received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2212. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund; determination of correct tax liability [Rev. Proc. 2001–37] received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2213. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Coverage of Employees of State and Local Governments; Office of Management and Budget Control Number (RIN: 0960–AE69) received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2214. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting a copy of the Board's Consumer Price Index Report; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

2215. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft of proposed legislation entitled, ''Federal Courts Improvement Act of 2001''; jointly to the Committees on the Judiciary, Education and the Workforce, and Government Reform.

REPORTS ON COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 691. A bill to extend the authorization of funding for child passenger protection education grants through fiscal year 2003 (Rept. 107–78). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1699. A bill to authorize appropriations for the Coast Guard for fiscal year 2002 (Rept. 107–79). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 149. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107–80). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 150. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107–81). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1140. A bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; with an amendment (Rept. 107–82 Pt. 1). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1542. A bill to deregulate the Internet and high speed data services, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than June 18, 2001, for consideration of such provisions of the bill and amendment recommended by the Committee on Energy and Commerce as propose to narrow the purview of the Attorney General under section 271 of the Communications Act of 1934 (Rept. 107–83, Pt. 1.).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1140. Referral to the Committee on Ways and Means extended for a period ending not later than July 12, 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 Mr. HYDE:

H.R. 1980. A bill to amend the Internal Revenue Code of 1986 to reduce the highway gasoline excise tax rate by 6.8 cents per gallon,

the rate that originally was enacted to reduce the deficit but which remains in effect as a source of funding for the Highway Trust Fund; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mr. REYES):

H.R. 1981. A bill to make emergency supplemental appropriations for fiscal year 2001 for the Department of Veterans Affairs; to the Committee on Appropriations.

By Mrs. BIGGERT (for herself, Mr. BALLENGER, Mr. NORWOOD, Ms. DUNN, Mr. BOEHNER, Mr. STENHOLM, Ms. GRANGER, Mrs. ROUKEMA, Ms. PRYCE of Ohio, Mrs. MYRICK, Mr. GREENWOOD, Mrs. NORTHUP, Mrs. BONO, Mr. SAM JOHNSON of Texas, Mr. HOEKSTRA, Mr. MCKEON, Mrs. JO ANN DAVIS of Virginia, Mr. GRAHAM, Mr. HILLEARY, Mr. TANCREDO, Mr. DEMINT, Mr. ISAKSON, Mr. GOODLATTE, Mr. CULBERSON, Mr. KELLER, Mr. EHRLICH, Mr. TAYLOR of North Carolina, Mr. SMITH of Michigan, Mr. MILLER of Florida, Mr. RILEY, Mr. CUNNINGHAM, Mr. PITTS, Mr. KOLBE, and Mr. REYNOLDS):

H.R. 1982. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Education and the Workforce.

By Mr. BALLENGER (for himself, Mr. STUMP, Ms. WATERS, Mr. RADANOVICH, Mr. SCHROCK, Mr. CALVERT, Mr. DUNCAN, Mr. CONDIT, Mr. RAHALL, Mr. PAUL, Mr. MICA, Mr. SESSIONS, Mr. TRAFICANT, Mr. SUNUNU, Mrs. MYRICK, Mr. SCHAFFER, Mr. PICKERING, and Mr. EHRLICH):

H.R. 1983. A bill to amend title 10, United States Code, to revise the rules relating to the court-ordered apportionment of the retired pay of members of the Armed Forces to former spouses, and for other purposes; to the Committee on Armed Services, 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. BARR of Georgia (for himself, Mr. HALL of Texas, Mr. JENKINS, Mr. SHOWS, and Mr. COBLE):

H.R. 1984. A bill to reaffirm English as the official language of the United States, to establish an uniform English language rule for naturalization,and to avoid misconstructions of the English language texts of the Laws of the United States, pursuant to Congress' powers to provide for the General Welfare of the United States and to establish an uniform Rule of Naturalization under Article I, Section 8, of the Constitution; 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. CALVERT (for himself, Mr. CONDIT, Mr. RADANOVICH, Mrs. NAPOLITANO, Mr. OSE, Mr. DOOLEY of California, Mr. THOMAS, Mr. SCHIFF, Mr. DREIER, Ms. MILLENDER-MCDONALD, Mr. DOOLITTLE, Ms. SANCHEZ, Mr. GALLEGLY, Mrs. DAVIS of California, Mr. MCKEON, Mr. FILNER, Mr. HORN, Mr. ROYCE, Mr. LEWIS of California, Mr. BACA, Mr. GARY G. MILLER of California, Mrs. BONO, Mr. ISSA, Mr. HUNTER, Mr. COX, Mr. ROHRABACHER, and Mr. POMBO):

H.R. 1985. A bill to authorize funding through the Secretary of the Interior for the implementation of a comprehensive program in California to achieve increased water yield and environmental benefits, as well as improved water system reliability, water quality, water use efficiency, watershed management, water transfers, and levee protection; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS (for himself, Mr. LEWIS of Georgia, Mr. MCCRERY, Mr. SHAW, Mr. JOHN, Mr. SPRATT, Mr. LUCAS of Kentucky, Mrs. THURMAN, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. COOKSEY, Ms. MCKINNEY, Mr. TANNER, Mr. WHITFIELD, Mr. ISAKSON, Mr. ADERHOLT, Mr. BRYANT, Mr. KINGSTON, Mr. CHAMBLISS, Mr. LINDER, and Mr. DEAL of Georgia):

H.R. 1986. A bill to amend the Internal Revenue Code of 1986 to allow the proceeds from bonds to be used for prepayments for natural gas; to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. NEAL of Massachusetts, Mr. SAM JOHNSON of Texas, Mr. ENGLISH, Mrs. JOHNSON of Connecticut, Mr. CHAMBLISS, Mr. BARR of Georgia, Mr. JEFFERSON, Ms. DUNN, and Mr. HOBSON):

H.R. 1987. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. CARDIN, Mr. HOUGHTON, and Mr. LEVIN):

H.R. 1988. A bill to amend United States trade laws to address more effectively import crises; to the Committee on Ways and Means.

By Mr. GILCHREST:

H.R. 1989. A bill to reauthorize various fishery conservation management programs; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mr. GILMAN, Mr. SANDERS, Mr. KILDEE, Mrs. MORELLA, Mr. SCOTT, Mrs. DAVIS of California, Mr. STARK, Ms. NORTON, Mr. FRANK, Mrs. MINK of Hawaii, Mr. BONIOR, Ms. BROWN of Florida, Ms. DELAURO, Mr. CUMMINGS, Mr. LATOURETTE, Mr. KUCINICH, Mr. KENNEDY of Rhode Island, Mr. BISHOP, Mr. HINOJOSA, Mr. JACKSON of Illinois, Mr. RODRIGUEZ, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. GUTIERREZ, and Mr. OWENS):

H.R. 1990. A bill to leave no child behind; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Agriculture, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY:

H.R. 1991. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area; to the Committee on Veterans' Affairs, 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. ISAKSON (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. CASTLE, and Mr. GOODLATTE):

H.R. 1992. A bill to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications; to the Committee on Education and the Workforce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. THOMAS, Mrs. THURMAN, Mr. CRANE, Mr. SHAW, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. SAM JOHNSON of Texas, Ms. DUNN, Mr. ENGLISH, Mr. HAYWORTH, and Mr. FOLEY):

H.R. 1993. A bill to amend title XVIII of the Social Security Act to delay from July 1 to the third Monday in September the deadline for Medicare+Choice organizations to report plan information, including information on the adjusted community rates; 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 Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mrs. MEEK of Florida, Mr. OWENS, Mr. SCOTT, Mrs. CLAYTON, Mr. CLAY, Mr. JACKSON of Illinois, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mrs. JONES of Ohio, Mr. HILLIARD, Mr. LEWIS of Georgia, Mr. WATT of North Carolina, and Ms. LEE):

H.R. 1994. A bill to waive the time limitation specified by law for the award of certain military decorations in order to allow the posthumous award of the congressional medal of honor to Doris Miller for actions while a member of the Navy during World War II; to the Committee on Armed Services.

By Mr. JONES of North Carolina (for himself and Mr. SIMMONS):

H.R. 1995. A bill to advance the current timetable for the elimination of out-of-pocket housing costs for members of the uniformed services entitled to the basic allowance for housing for military housing areas inside the United States; to the Committee on Armed Services.

By Mr. LEWIS of Georgia (for himself, Mr. HOUGHTON, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mr. COYNE, Mr. CUMMINGS, Mr. DINGELL, Mr. FROST, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. KILPATRICK, Ms. LEE, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MCNULTY, Mrs. MINK of Hawaii, Mr. RAHALL, Ms. RIVERS, Ms. SCHAKOWSKY, Mr. SCOTT, Mr. THOMPSON of Mississippi, Mr. TIERNEY, and Mr. WYNN):

H.R. 1996. A bill to prohibit racial or other discriminatory profiling relating to detentions and searches of travelers by the United States Customs Service, and for other purposes; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself and Mr. REYNOLDS):

H.R. 1997. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. MANZULLO:

H.R. 1998. A bill to provide standards for the enactment of Federal crimes, to sunset

those Federal crimes that do not meet those standards, and for other purposes; to the Committee on the Judiciary, 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. NUSSLE:

H.R. 1999. A bill to amend the Clean Air Act to prohibit the use of methyl tertiary butyl ether as a fuel additive, to require Federal vehicles to use ethanol fuel, and for other purposes; 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. NUSSLE:

H.R. 2000. A bill to encourage the use of agricultural products in producing renewable energy; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, 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. BARCIA (for himself, Mr. HUNTER, Mr. CAMP, Mrs. THURMAN, Mr. RYAN of Wisconsin, Mr. TANNER, Mr. SHAW, Mr. COLLINS, Mr. RAMSTAD, Mr. FOLEY, Mr. MCINNIS, Mr. WATKINS, Ms. DUNN, Mr. ISAKSON, Mr. DICKS, Mr. CANNON, Mr. JOHN, Mr. CUNNINGHAM, Mr. MORAN of Kansas, Mr. SMITH of Texas, Mr. BOSWELL, Mr. ROGERS of Michigan, Mr. REHBERG, and Mr. PETERSON of Minnesota):

H.R. 2001. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows; to the Committee on Ways and Means.

By Mr. POMBO (for himself and Mr. PETERSON of Minnesota):

H.R. 2002. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, 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 Mrs. ROUKEMA (for herself, Mr. SMITH of New Jersey, Mr. FERGUSON, Mr. SAXTON, Mr. LOBIONDO, Mr. FRELINGHUYSEN, and Mr. PASCRELL):

H.R. 2003. A bill to amend title XVIII of the Social Security Act to provide that geographic reclassifications of hospitals from one urban area to another urban area do not result in lower wage indexes in the urban area in which the hospital was originally classified; to the Committee on Ways and Means.

By Mr. SMITH of Michigan:

H.R. 2004. A bill to provide for the establishment of a Department of Agriculture research program to enhance and develop the nitrogen-fixing ability of legumes and other commercial crops; to the Committee on Agriculture.

By Mr. STARK (for himself and Mr. MOAKLEY):

H.R. 2005. A bill to amend the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, and the Public Health Service Act to extend the basic period for health care continuation coverage from 18 months to 5 years, to permit a further extension of continuation coverage for individuals age 55 or older, and to provide for a 50 percent refundable tax credit towards premiums for COBRA continuation coverage; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and 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. THOMAS (for himself, Mr. SMITH of New Jersey, Mr. STUMP, Mr. BILIRAKIS, Mr. BUYER, Mr. PICKERING, Mr. PITTS, Mr. LATOURETTE, Mr. FOLEY, Mrs. THURMAN, Ms. HART, Mrs. JO ANN DAVIS of Virginia, and Mr. MCKEON):

H.R. 2006. A bill to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and House Administration, 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. TRAFICANT:

H.R. 2007. A bill to assist poor communities with public elementary and secondary school construction; to the Committee on Education and the Workforce.

By Mr. WATT of North Carolina (for himself, Mrs. CHRISTENSEN, Mr. JONES of North Carolina, Mr. MCGOVERN, Ms. SOLIS, and Mr. UDALL of Colorado):

H.R. 2008. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the International Civil Rights Center and Museum, located in Greensboro, North Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. WEINER (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. BALDACCI, Ms. BALDWIN, Mr. BARRETT, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BLAGOJEVICH, Mr. BONIOR, Mr. BORSKI, Mr. BRADY of Pennsylvania, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CLEMENT, Mr. CONYERS, Mr. COSTELLO, Mr. COYNE, Mr. CRAMER, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Ms. DEGETTE, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOOLEY of California, Mr. DOYLE, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. FROST, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN of Texas, Mr. HALL of Ohio, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHN, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mr. KELLER, Mr. KENNEDY of Rhode Island, Mr. KLECZKA, Mr. KUCINICH, Mr. LAFALCE, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEACH, Ms. LEE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MATHESON, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MOORE, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. QUINN, Mr. RAHALL, Mr. REYES, Ms. RIVERS, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. SANCHEZ, Mr. SANDERS, Mr. SANDLIN, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHROCK, Mr. SCOTT, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mr. SPRATT, Mr. STUPAK, Mrs. TAUSCHER, Mr. TIERNEY, Mr. THOMPSON of Mississippi, Mrs. THURMAN, Mr. THOMPSON of California, Mr. TOWNS, Mr. TURNER, Mr. UDALL of New Mexico, Mr. VISCLOSKY, Mr. WEXLER, and Mr. WYNN):

H.R. 2009. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

By Mr. RUSH (for himself, Mr. HILLIARD, Mr. SANDERS, Ms. CARSON of Indiana, Ms. MCKINNEY, Mr. GONZALEZ, Mr. RANGEL, Ms. KILPATRICK, Mr. ROSS, Mr. FILNER, Mrs. CLAYTON, Mr. CUMMINGS, Ms. NORTON, Mr. CLYBURN, Ms. SCHAKOWSKY, Mr. CLAY, Mr. HOLT, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BONIOR, Mr. TOWNS, Mrs. JONES of Ohio, Ms. BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. WYNN, Mr. FATTAH, Mr. HINCHEY, Mr. BLAGOJEVICH, Mr. JOHNSON of Illinois, Mr. ENGEL, Mr. DAVIS of Illinois, Mr. FROST, Mr. FORD, Mr. JEFFERSON, Mr. OWENS, Mr. PALLONE, Mr. SHIMKUS, Ms. LEE, Mr. UDALL of Colorado, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. COSTELLO, Mr. LIPINSKI, Mr. JACKSON of Illinois, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. KUCINICH, Mr. BARRETT, Mr. SERRANO, Ms. SOLIS, Ms. DELAURO, Mrs. MINK of Hawaii, Mr. STARK, Mr. LAMPSON, Mr. GUTIERREZ, Mrs. MORELLA, Mr. MCNULTY, Mr. HONDA, Mr. ANDREWS, Mrs. CHRISTENSEN, Mr. BORSKI, Mr. LEWIS of Georgia, Mr. NADLER, Mr. WATT of North Carolina, and Ms. WATERS):

H. Con. Res. 143. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Paul Leroy Robeson; to the Committee on Government Reform.

By Mr. KILDEE (for himself and Mr. UPTON):

H. Con. Res. 144. Concurrent resolution expressing the sense of Congress regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to

its domestic market; to the Committee on International Relations, 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. NEY:

H. Res. 148. A resolution electing Members to serve on the Joint Committee on Printing and the Joint Committee of Congress on the Library; to the Committee on House Administration.

By Mr. WELLER (for himself and Mr. MATSUI):

H. Res. 151. A resolution expressing the sense of the House of Representatives on the importance of promoting fair, efficient, and simple cross-border tax collection regimes that maintain market neutrality and promote free trade on all sales distribution channels within a globally networked economy; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Mr. BORSKI, Mr. BROWN of Ohio, Mr. GEPHARDT, Mr. TOWNS, Mr. HOLDEN, Mr. DINGELL, Mr. FILNER, Mr. RODRIGUEZ, Mr. LIPINSKI, Mr. PASCRELL, Mr. BACA, Mr. HONDA, Mr. BALDACCI, Mr. QUINN, Ms. BERKLEY, Mr. CLEMENT, Mr. RAHALL, Mr. CRAMER, Mr. DEFAZIO, Mr. CUMMINGS, Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NADLER, Mr. SANDLIN, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. MATHESON, Mr. LARSEN of Washington, Mr. BERRY, Mrs. DAVIS of California, and Mr. MASCARA):

H. Res. 152. A resolution urging the President to continue to delay granting Mexico-domiciled motor carriers authority to operate in the United States beyond the commercial zone until the President certifies that such carriers are able and willing to comply with United States motor carrier safety, driver safety, vehicle safety, and environmental laws and regulations; that the United States is able to adequately enforce such laws and regulations at the United States-Mexico border and in each State; and that granting such operating authority will not endanger the health, safety, and welfare of United States citizens; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

86. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 97 memorializing the United States Congress to obtain funding for forty percent of the cost of special education and related services for children with disabilities; to the Committee on Education and the Workforce.

87. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 47 memorializing the United States Congress to appropriate funds for forty per cent of special education and related services for children with disabilities; to the Committee on Education and the Workforce.

88. Also, a memorial of the Legislative of the State of Missouri, relative to House Concurrent Resolution No. 12 memorializing the United States Congress to consider establishing a strong remedial federal energy policy that delegates emergency powers to individual state; to the Committee on Energy and Commerce.

89. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 149 memorializing the United States Congress to request the United Nations to consider the establishment of a center for the health, welfare, and rights of children and youth in Hawaii; to the Committee on International Relations.

90. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution 18 memorializing the United States Congress and the President to formally recognize the bicentennial anniversary of the Lewis and Clark Expedition and actively plan for and support appropriate celebrations of events commemorating the Expedition, an adventure that is unprecedented in America's history; to the Committee on Government Reform.

91. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 84 memorializing the United States Congress to recognize federally the Hawaiian people as an indigenous group, with all the rights to which that status is entitled; to the Committee on Resources.

92. Also, a memorial of the House of Representatives of the State of Ohio, relative to House Concurrent Resolution No. 35 memorializing the Ohio Congressional Delegation to support and work to pass a tax relief plan and, in doing so, give due consideration of the plan offered by President Bush; to the Committee on Ways and Means.

93. Also, a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to a Resolution memorializing the United States Congress to conduct a comprehensive study concerning the ways and means by which the Government of Puerto Rico may help in the development, promotion and implementation of the expansion of the Free Trade Zone of the Americas; to the Committee on Ways and Means.

94. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 98 memorializing the United States Congress and the United Nations to review the actions taken in 1959 relevant to Hawaii's Statehood; jointly to the Committees on International Relations and Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL:

H.R. 2010. A bill for the relief of Kadiatou Diallo, Laouratou Diallo, Ibrahima Diallo, Abdoul Diallo, and Mamadou Bobo Diallo; to the Committee on the Judiciary.

By Ms. WOOLSEY:

H.R. 2011. A bill for the relief of Zhenfu Ge; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Ms. VELÁZQUEZ.

H.R. 36: Mr. SCHROCK, Mrs. TAUSCHER, and Mrs. CAPITO.

H.R. 123: Mr. BOEHLERT, Mr. CANTOR, Mr. DOOLITTLE, and Mr. JOHNSON of Illinois.

H.R. 154: Mr. BALDACCI.

H.R. 162: Mr. OLVER, Mr. MORAN of Virginia, Mr. CONYERS, Mr. FORD, and Mr. ROSS.

H.R. 173: Ms. VELÁZQUEZ.

H.R. 174: Ms. VELÁZQUEZ.

H.R. 185: Mr. MCGOVERN.

H.R. 218: Mr. MCHUGH, Mr. LARGENT, Mr. COLLINS, Mr. THOMPSON of Mississippi, Ms. HART, and Mr. JOHN.

H.R. 236: Mr. STUMP and Mr. SENSENBRENNER.

H.R. 239: Mr. ISAKSON.

H.R. 244: Mr. BAIRD.

H.R. 257: Mr. PAUL and Mr. FLAKE.

H.R. 281: Mr. PHELPS.

H.R. 288: Mr. RUSH.

H.R. 303: Ms. PELOSI.

H.R. 322: Mr. GIBBONS.

H.R. 326: Mr. LATOURETTE.

H.R. 353: Mr. WAMP, Mr. GOODE, and Mr. CANTOR.

H.R. 448: Mr. CALVERT.

H.R. 475: Mr. ROGERS of Kentucky.

H.R. 510: Mr. MOAKLEY.

H.R. 526: Mr. THOMPSON of Mississippi and Mr. WEXLER.

H.R. 572: Mr. LIPINSKI.

H.R. 599: Mr. ROSS.

H.R. 602: Mrs. JO ANN DAVIS of Virginia and Mr. REGULA.

H.R. 611: Mr. BROWN of Ohio and Mr. TANNER.

H.R. 612: Mr. GRUCCI, Ms. WOOLSEY, Mr. HORN, Mr. DIAZ-BALART, and Mr. DOOLITTLE.

H.R. 630: Mr. PLATTS.

H.R. 662: Mr. BARTON of Texas and Mr. ISAKSON.

H.R. 721: Mr. CLAY, Mr. BISHOP, Mr. LUCAS of Kentucky, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mrs. CAPPS, Ms. KAPTUR, Mr. CAPUANO, Mrs. DAVIS of California, Mr. PASTOR, Mr. MALONEY of Connecticut, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. UDALL of New Mexico, Mr. MARKEY, Mr. BERMAN, Mr. PHELPS, Mr. OLVER, Mr. CARSON of Oklahoma, and Mr. HINOJOSA.

H.R. 760: Ms. LEE.

H.R. 808: Mr. POMEROY, Mr. NEAL of Massachusetts, Mr. EDWARDS, Mr. ACKERMAN, Mr. FERGUSON, Mr. BORSKI, Mr. LARSON of Connecticut, Mr. ORTIZ, Mr. BALDACCI, Mr. MARKEY, Mr. GILMAN, and Mr. HUNTER.

H.R. 848: Ms. RIVERS, Mr. LANTOS, Mr. MCHUGH, Mr. KING, Ms. ESHOO, and Ms. SANCHEZ.

H.R. 868: Ms. MCCOLLUM, Mr. RADANOVICH, Mr. MALONEY of Connecticut, Mr. KIRK, Mr. GONZALEZ, Mr. BEREUTER, and Mr. BURTON of Indiana.

H.R. 870: Mr. PLATTS.

H.R. 908: Mr. KUCINICH and Ms. SANCHEZ.

H.R. 937: Mr. PLATTS.

H.R. 943: Mr. SAWYER, Mr. THOMPSON of California, Mr. FROST, Mr. DEFAZIO, and Ms. ROYBAL-ALLARD.

H.R. 948: Mr. OBERSTAR, Mr. SABO, Mr. BLAGOJEVICH, Mr. POMEROY, and Mrs. LOWEY.

H.R. 951: Mr. BONIOR, Mr. SPRATT, Mr. PLATTS, Mr. LANTOS, Mr. DOYLE, Mr. WATTS of Oklahoma, Mr. THOMPSON of Mississippi, Mr. ROGERS of Kentucky, Mr. COYNE, and Mr. WICKER.

H.R. 981: Mr. HYDE, Mr. KOLBE, and Mr. LAHOOD.

H.R. 1021: Mr. DEAL of Georgia and Mr. BARTLETT of Maryland.

H.R. 1024: Mrs. CAPITO, Mr. BRADY of Texas, Mr. YOUNG of Alaska, Mr. TANNER, and Mr. BLUNT.

H.R. 1030: Mr. COLLINS, Mr. DEAL of Georgia, Mr. MASCARA, Mr. BLUNT, Mr. LUCAS of Kentucky, Mr. MICA, Mr. BARTLETT of Maryland, Mr. SUNUNU, Mr. CRANE, Mr. DUNCAN,

Mr. BALDACCI, Mr. DEFAZIO, Ms. MCKINNEY, Mr. SMITH of Washington, Mr. DREIER, Mr. PUTNAM, Mr. RUSH, Mr. CHABOT, Mr. KILDEE, and Mr. KIND.

H.R. 1073: Ms. BROWN of Florida, Mr. INSLEE, Mr. PASTOR, and Mr. PETERSON of Minnesota.

H.R. 1089: Mr. WELLER.

H.R. 1092: Mr. JONES of North Carolina, Mr. PRICE of North Carolina, Mr. PLATTS, Ms. RIVERS, and Mr. BLAGOJEVICH.

H.R. 1097: Mr. SANDERS.

H.R. 1110: Mr. PRICE of North Carolina, Mr. FRELINGHUYSEN, and Mr. BROWN of South Carolina.

H.R. 1134: Mr. HALL of Ohio and Mr. LATOURETTE.

H.R. 1140: Mrs. LOWEY and Mr. OBEY.

H.R. 1170: Mr. CARDIN.

H.R. 1172: Mr. LANGEVIN, Mr. HUTCHINSON, Ms. DEGETTE, Mr. PETERSON of Pennsylvania, Mr. WHITFIELD, Mr. SMITH of New Jersey, Mr. WAMP, Mr. TURNER, Mr. MOORE, Mr. KING, Ms. MCCARTHY of Missouri, Mr. HAYES, Mr. HORN, Mr. JENKINS, Mr. DIAZ-BALART, Mr. NETHERCUTT, Mr. SPRATT, Mr. SUNUNU, Mr. SESSIONS, and Mr. GILLMOR.

H.R. 1195: Mr. MCGOVERN, Mr. FILNER, and Mr. ROTHMAN.

H.R. 1212: Mr. BROWN of South Carolina and Mr. WATT of North Carolina.

H.R. 1234: Mrs. CHRISTENSEN.

H.R. 1254: Mr. PLATTS and Mrs. ROUKEMA.

H.R. 1266: Mr. FARR of California, Mr. ROGERS of Michigan, and Mr. PLATTS.

H.R. 1271: Ms. DUNN.

H.R. 1280: Ms. WOOLSEY and Mr. BOUCHER.

H.R. 1291: Mr. GRUCCI and Mr. PLATTS.

H.R. 1298: Mr. PRICE of North Carolina.

H.R. 1305: Mr. DOYLE and Mrs. THURMAN.

H.R. 1308: Mr. SOUDER.

H.R. 1317: Mrs. THURMAN.

H.R. 1331: Mr. GREENWOOD.

H.R. 1338: Mr. WYNN and Mr. TURNER.

H.R. 1340: Mr. KIND and Ms. KILPATRICK.

H.R. 1344: Ms. LEE.

H.R. 1402: Mr. WALDEN of Oregon.

H.R. 1403: Mr. WALDEN of Oregon.

H.R. 1404: Mr. WALDEN of Oregon.

H.R. 1405: Mr. CARDIN.

H.R. 1435: Ms. SCHAKOWSKY.

H.R. 1436: Mr. MOORE, Ms. MCKINNEY, Mr. ANDREWS, Mr. MCDERMOTT, Mr. BERMAN, Mr. GONZALEZ, Ms. LEE, Mr. HASTINGS of Florida, Mr. NEAL of Massachusetts, Mr. SCHIFF, Ms. RIVERS, Mr. HORN, Ms. LOFGREN, Mr. GORDON, Mr. BARCIA, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Mr. TIERNEY, Ms. KAPTUR, Mr. GILLMOR, Mr. PLATTS, and Mr. ALLEN.

H.R. 1452: Ms. LOFGREN.

H.R. 1465: Mr. CARSON of Oklahoma, Ms. SLAUGHTER, and Mr. TIERNEY.

H.R. 1514: Mr. WELLER and Mr. LANGEVIN.

H.R. 1544: Mr. ENGLISH.

H.R. 1594: Mr. SANDERS, Ms. SCHAKOWSKY, Mrs. LOWEY, Mr. BLUMENAUER, and Mr. TIERNEY.

H.R. 1596: Mr. CALVERT, Mr. KENNEDY of Rhode Island, Mr. FOSSELLA, Mr. BILIRAKIS, Mr. BENTSEN, and Mr. REYES.

H.R. 1598: Mr. BENTSEN.

H.R. 1600: Mr. EHRLICH, Mr. SIMMONS, Mr. DAVIS of Florida, and Mr. JACKSON of Illinois.

H.R. 1609: Mr. PETERSON of Minnesota.

H.R. 1636: Mr. SCHAFFER and Mr. NUSSLE.

H.R. 1638: Mr. ISRAEL and Mr. KING.

H.R. 1642: Mr. LANTOS, Mr. BLUMENAUER, and Mr. SERRANO.

H.R. 1644: Mr. KINGSTON, Mr. DIAZ-BALART, Mr. WATTS of Oklahoma, and Mr. HANSEN.

H.R. 1645: Ms. WOOLSEY and Mr. GONZALEZ.

H.R. 1663: Mr. OWENS.

H.R. 1674: Mr. VITTER, Mr. BAIRD, Mr. NADLER, Mr. BROWN of Ohio, and Ms. LOFGREN.

H.R. 1681: Mr. TANCREDO, Mr. PITTS, Mr. CHABOT, Mr. SOUDER, Mr. PENCE, Mr. PAUL, and Mr. HILLEARY.

H.R. 1690: Mr. GUTIERREZ.

H.R. 1699: Mr. MCHUGH, Mr. FOLEY, Mr. TAYLOR of Mississippi, and Mr. SOUDER.

H.R. 1700: Mr. SOUDER.

H.R. 1713: Mr. LAMPSON.

H.R. 1718: Mr. KUCINICH, Mr. EDWARDS, Mr. OLVER, Mr. SIMMONS, Mr. WAMP, Mr. UPTON, Mr. DELAY, and Mr. COSTELLO.

H.R. 1731: Mr. RILEY, Mr. DEMINT, Mr. PAUL, Mr. FROST, Mr. BARR of Georgia, Mr. CALVERT, Mrs. EMERSON, Mr. CRENSHAW, Ms. HART, Mr. HORN, Mr. FLAKE, and Mr. SOUDER.

H.R. 1734: Ms. HART, Ms. MCKINNEY, Mr. WALSH, and Mr. OWENS.

H.R. 1754: Mr. LAFALCE, Mr. PAUL, Mr. GOODE, Mr. BALDACCI, Mr. SAWYER, Mr. FRANK, Mr. RAHALL, Mr. MCGOVERN, Mr. SESSIONS, and Mrs. THURMAN.

H.R. 1760: Mr. PALLONE.

H.R. 1779: Mr. BLUMENAUER, Mrs. MINK of Hawaii, Mr. RAHALL, Mr. CAPUANO, Mr. KENNEDY of Rhode Island, Mr. WAXMAN, Ms. RIVERS, Ms. DELAURO, Ms. LEE, Mr. WELDON of Pennsylvania, Ms. ROS-LEHTINEN, Ms. ESHOO, and Ms. CARSON of Indiana.

H.R. 1781: Mr. SIMPSON, Ms. BALDWIN, and Mr. SHIMKUS.

H.R. 1786: Mr. SENSENBRENNER and Mr. HOLDEN.

H.R. 1804: Mr. FROST and Mr. SANDLIN.

H.R. 1808: Mr. FOSSELLA, Mr. CROWLEY, Ms. MCKINNEY, Mr. EVANS, Mr. ENGLISH, Mr. FROST, Mr. FILNER, Mr. MCHUGH, Ms. PELOSI, and Mr. FRANK.

H.R. 1810: Mr. LUTHER.

H.R. 1814: Mr. UDALL of New Mexico and Mr. SIMMONS.

H.R. 1815: Mr. HORN.

H.R. 1829: Ms. NORTON, Mr. MALONEY of Connecticut, and Mr. GUTIERREZ.

H.R. 1835: Mr. LUCAS of Kentucky and Mrs. THURMAN.

H.R. 1842: Mr. LAFALCE and Mr. CONYERS.

H.R. 1896: Mr. SCHIFF and Ms. PELOSI,

H.R. 1910: Mr. FOLEY, Ms. ROS-LEHTINEN, Mr. SESSIONS, and Mrs. THURMAN.

H.R. 1922: Mrs. MALONEY of New York and Mrs. LOWEY.

H.R. 1936: Mr. PETERSON of Pennsylvania.

H.R. 1938: Mr. SCHAFFER.

H.R. 1948: Mr. BLAGOJEVICH and Mr. BOSWELL.

H.R. 1971: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, Ms. KILPATRICK, Mrs. CLAYTON, Mr. FORD, Ms. PELOSI, Mrs. NAPOLITANO, Mr. BACA, Mr. ROTHMAN, Mr. KANJORSKI, Mr. MEEKS of New York, Mr. DEUTSCH, Mr. RUSH, Mr. MATSUI, Mrs. MALONEY of New York, Mr. JACKSON of Illinois, Mr. BLAGOJEVICH, Mr. HOYER, Mr. LIPINSKI, Mr. PHELPS, Ms. ROYBAL-ALLARD, Mr. TURNER, Mr. BERRY, Mr. SPRATT, Ms. MCCARTHY of Missouri, Mr. BOUCHER, Mr. CROWLEY, Mr. LAMPSON, Mr. RODRIGUEZ, Ms. KAPTUR, Mr. KUCINICH, Ms. HOOLEY of Oregon, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. SANCHEZ, Mr. HOLT, Mrs. MINK of Hawaii, Mr. MCDERMOTT, Ms. BERKLEY, Mr. ABERCROMBIE, Mr. DELAHUNT, Mr. CONDIT, Mr. FARR of California, Mr. BLUMENAUER, Mr. OWENS, Mr. UDALL of Colorado, Mr. MCNULTY, and Mr. NADLER.

H.J. Res. 6: Mr. GILMAN and Mr. MCNULTY.

H.J. Res. 23: Mr. LAHOOD.

H.J. Res. 36: Mr. MALONEY of Connecticut, Mr. WYNN, Mr. COLLINS, Mr. FERGUSON, Mr. LATOURETTE, Mr. BURR of North Carolina, Mr. LAHOOD, Mr. BOSWELL, Mr. CHAMBLISS, Mr. PORTMAN, Mr. KNOLLENBERG, Ms. KAPTUR, and Mr. KELLER.

H. Con. Res. 22: Mr. ISAKSON, Mr. SKEEN, and Mr. RYUN of Kansas.

H. Con. Res. 42: Mr. ROTHMAN.

H. Con. Res. 46: Mr. FILNER, Mr. CRANE, Mr. EVANS, Mr. RYUN of Kansas, Mr. SCHROCK, Mr. MALONEY of Connecticut, Mr. COSTELLO, Mr. DOOLITTLE, and Mr. KANJORSKI.

H. Con. Res. 60: Mr. BONIOR, Mr. GUTIERREZ, and Mr. GOODE.

H. Con. Res. 89: Mr. BENTSEN.

H. Con. Res. 102: Mr. MOAKLEY, Mr. ALLEN, Mr. BROWN of Ohio, Mr. CONYERS, and Mr. BLAGOJEVICH.

H. Con. Res. 116: Mr. BLUNT, Mr. BEREUTER, Mr. FLAKE, and Mr. KING.

H. Con. Res. 136: Mrs. MEEK of Florida, Mr. BONIOR, Mr. LARSEN of Washington, Mr. MARKEY, Ms. SANCHEZ, and Mr. CONDIT.

H. Con. Res. 137: Ms. KAPTUR, Mr. FRANK, Ms. MCKINNEY, and Mr. KIRK.

H. Res. 120: Ms. MCCOLLUM.

H. Res. 132: Mr. BLAGOJEVICH, Mr. KIRK, Mrs. LOWEY, and Ms. SANCHEZ.

H. Res. 139: Ms. SANCHEZ.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

16. The SPEAKER presented a petition of the Council of the City of Mansfield, Ohio, relative to Resolution No. 01–091 petitioning the United States Congress to take all actions necessary to stop the dumping of foreign steel in the United States, including the amendment of the existing foreign trade laws or the enactment of new foreign trade law to address the crisis in the steel industry; to the Committee on Ways and Means.

17. Also, a petition of the City Council of Strongsville, Ohio, relative to Resolution No. 80 petitioning the United States Congress to repond to the crisis facing the domestic steel industry; jointly to the Committees on Ways and Means and Financial Services.

SENATE—*Thursday, May 24, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable MICHAEL D. CRAPO, a Senator from the State of Idaho.

PRAYER

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

Gracious Father, Lord of the ups and downs of life, Lord of the seeming triumphs and supposed disappointments, Lord who does not change in the midst of change, we come to You for Your strength and Your power. Make us hopeful people who expect great strength from You and continue to attempt great strategies for You. Today especially, we ask You to fill this Chamber with Your presence and each Senator—Democrat, Republican, Independent—with Your special resiliency. Replenish our wells with Your peace that passes understanding. We claim Your promise through Isaiah—*Fear not, for I am with you. Be not dismayed, I am your God. I will strengthen you; yes, I will help you; and I will uphold you with My righteous right hand.* Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL D. 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 24, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL D. 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, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will be in a period for morning business until 11:30 a.m., with Senators THOMAS and DURBIN in control. Following morning business, the Senate may begin consideration of any legislative or executive items available for action. The conference report to accompany the tax reconciliation bill is expected to be available no later than Friday. Therefore, we expect votes throughout the remainder of the week.

I thank my colleagues for their attention.

CONFERENCE REPORT PROGRESS

Mr. REID. Will the Senator from Wyoming yield?

Mr. THOMAS. Absolutely.

Mr. REID. I see the chairman of the Finance Committee. I ask him if we made progress on the conference.

Mr. THOMAS. The chairman is going to take a few minutes.

Mr. REID. The reason I say that, it is Thursday morning early, but we have already been getting calls on this side about people wanting to make parades on Saturday and things of that nature. I hope the Senator will be good enough this morning and during the day to keep us posted on how the conference is proceeding so we are better equipped to answer the phone calls we get.

Mr. THOMAS. I yield to the chairman of the Finance Committee.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I thank the distinguished Democratic leader for asking the question. I hope I can answer it. Remember, I have tried to conduct the work of the Finance Committee in a very transparent way and with open communication with everybody. So there will not be anything about this conference committee, except the specific negotiations, that will be kept from anybody.

Last night there were some—well, yesterday over the course of the afternoon and evening there were three informal meetings, and they are going to continue this morning, probably in just a few minutes. There have not been any decisions made yet, but the normal give and take that has to be done before settling down to serious negotiation is done and out of the way.

What I can best inform you about is that at the trail end of our visiting yesterday the Speaker of the House came to our meeting and he informed all conferees that he had instructed the House of Representatives that they would stay in session into the weekend until this conference report was adopted. That does not mean we have to be in on the weekend.

There has to be a realization that there has to be a slot of give and take. There is good spirit about the conference at this point, and we will just have to work our way through it. That is all I can tell the Senator. I will be glad to keep him informed anytime he wants to ask, and even if he does not ask, I know I have a responsibility to keep him informed, and I will try to do that.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 5 minutes.

Under the previous order, the time until 10:45 a.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, is the Senator from Wyoming finished?

Mr. THOMAS. I yield to the Senator.

NOMINATION OF DAVID CHU

Mr. GRASSLEY. Mr. President, I want to speak about something I have often spoken about in this Chamber. My colleagues have not heard me speak about this for a couple months. I try to follow on a very regular basis what is going on in the Defense Department because I want to make sure our defense dollars are spent wisely.

I come to this Chamber today to explain my opposition to a Department of Defense nomination. This is the nomination of Dr. David Chu to be Under Secretary of Defense for Personnel and Readiness.

On Friday, May 18, I placed a hold on Dr. Chu's nomination. It happens that Dr. Chu is a very talented person. Those people who know him may wonder why I have some question about him filling this position because he is so highly educated, holding a Ph.D. from Yale University. He has a very impressive resume, and he has an extensive management and analytical background. He is currently vice president at the prestigious Rand Corporation.

In most ways, he is qualified for the position for which he has been nominated. I emphasize, he is qualified in

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

most ways, but in a most important one—the matter of integrity—I am not 100-percent certain.

I have some unresolved questions about Dr. Chu's approach to telling it like it is—one might say his honesty. I am hoping these can be cleared up through negotiations.

My questions about Dr. Chu's integrity go back 20 years, I am sorry to say, to 1982, an incident I had that involved the Director of the Office of Program Analysis and Evaluation. This is commonly called PA&E—program, analysis, and evaluation.

PA&E was a very important office in the Pentagon in those days, and it was staffed with a very impressive cast of characters. It was set up in the 1960s to act as a devil's advocate for the Secretary of Defense.

PA&E was supposed to help the civilian Secretary of Defense separate the wheat from the chaff. PA&E was supposed to ferret out questionable programs and help the Secretary eliminate those that were not necessary.

From time to time, PA&E has to tangle with the brass at the Pentagon, and it took a very special person to do that. I think Secretary Rumsfeld is coming to grips with that very same problem right now.

Over the years, PA&E developed a ruputation for being very hardnosed, but also being very smart. In the old days, PA&E put the fear of God in the hearts and minds of admirals and generals worried about their pet projects.

Over the years, PA&E earned a solid reputation and well-deserved respect. That is how it came to be known as the home for the famous Pentagon ''whiz kids.'' One of the modern-day whiz kids is one I came to know quite well—Franklin C. Spinney, Chuck Spinney for short.

Chuck Spinney worked for Dr. Chu in PA&E's tactical air division, where he still works this very day. Chuck Spinney's immediate boss was Tom Christie. Tom Christie is another distinguished PA&E alumnus. President Bush has just nominated him to be the next Director of Operational Test and Evaluation.

Tom Christie deserves a lot of credit for protecting Chuck Spinney. He provided a sanctuary where Chuck Spinney could speak freely. He provided an environment where Chuck Spinney could do the kind of work that PA&E had always done. Unfortunately, this kind of work became increasingly unpopular during the Reagan defense build-up.

That's when I met Chuck Spinney—in the early stage of the Reagan defense build-up. I came to know him as the author of a very controversial report entitled ''The Plans/Reality Mismatch.''

The Plans/Reality Mismatch was an explosive piece of work. It was so explosive because it undermined the credibility of the Reagan defense build-up.

Chuck Spinney's Plans/Reality Mismatch set the stage for an unprecedented hearing held in February 1983. This was a joint hearing between the Armed Services and Budget Committees that was held largely at my request.

And Chuck Spinney, his Plans/Reality Mismatch, and stack of famous spaghetti charts were the centerpiece of the hearing. This was a hearing characterized by high drama. It was held in the Senate Caucus Room under the glare of television lights and intense media coverage.

Chuck Spinney gained instant notoriety as the ''maverick Pentagon analyst.'' He appeared on the cover of the March 7, 1983 issue of Time magazine.

My questions about Dr. Chu's integrity grew out of Chuck Spinney's Plans/Reality Mismatch.

Leading up to the hearing, Dr. Chu withheld information about the Spinney report. He didn't tell us the whole story. He tried to keep it from me, Senator Gorton, and Senator Kassebaum.

Mr. President, that's the bottom line: Dr. Chu was not forthright and honest with me.

I laid out the entire matter in much greater detail in a letter I wrote to the chairman of the Budget Committee, my friend from New Mexico, Senator PETE DOMENICI.

My letter to Senator DOMENICI is dated January 19, 1995.

I wrote the letter because Dr. Chu was being considered as a possible Director of the Congressional Budget Office. I opposed his appointment to that position.

My letter about Dr. Chu has remained a closely guarded secret for the past six years. Until recently, only Senator DOMENICI had seen the letter—and no one else.

When I heard that Dr. Chu was being considered for a top-level post in the Pentagon, I shared the letter with the Director of White House Personnel. That was on March 8.

Clearly, the existence of this letter has caused some heartburn in both the White House and Pentagon. It has generated a number of phone calls to my office.

I continue to have strong reservations about Dr. Chu's nomination.

When I was contacted by the White House about Dr. Chu, I made my position crystal clear:

If Secretary Rumsfeld wants to make Dr. Chu the Under Secretary of Personnel and Readiness, then Secretary Rumsfeld will need a strong, independent Inspector General (IG).

That's my position on the Chu nomination.

One of the IG's toughest jobs is the investigation of allegations of misconduct by senior Pentagon officials. He will need a hard-nosed individual with plenty of hands-on experience to succeed at that job.

I don't see the Pentagon moving in that direction—yet.

Mr. President, I may have much more to say about Dr. Chu at a later date.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

SENATE BUSINESS

Mr. THOMAS. Mr. President, I take a few minutes this morning to talk about a topic to which we will soon be moving. We have properly spent a good deal of time on the budget. We spent a good deal of time on taxes, although that is not finished yet. I congratulate the chairman on his excellent work on the tax bill. It sounds as if we will be able to present that to the President and successfully give tax relief to the American people.

We also have been heavily involved in education. We have not finished that area yet. We will soon be returning to it.

Those have been the most current topics and perhaps, indeed, among Members the most important topics.

There is another topic that is very important to everyone and one to which we are moving, and that is energy and energy policy. After having an energy policy, we will begin to implement that policy so we can make sure we can provide the necessary energy in a way that is careful and watchful about the environment. I think we can do this.

One of the important things that has happened is there is now an energy policy from the White House that will be open, of course, to great debate and great discussion in the Congress and in the whole country.

The fact is we have not had a policy on energy for a very long time. That is one of the reasons we find ourselves in the position we are in now. We have not looked ahead and we have not responded to the market messages that were sent in California. When we have consumption rising and production going down, there is a problem.

In the case of energy, as is the case of most other industries, it takes a good deal of time to implement some change. I am very pleased we are moving in that direction and we will continue to move. I applaud the President and Vice President CHENEY for the emphasis put by the White House on the energy issue and, specifically, the White House task force that completed its work in a rather short time. Of course, we have that energy package now. I think it will be the basis of our activities over the next several months, a very extensive booklet of issues pertaining to energy and the maintenance of our energy availability.

I applaud particularly the Vice President for working in this working group and including more than energy. The involvement of the Department of the Interior and the involvement of the Environmental Protection Agency are equally important, as in the involvement of the Energy Department itself. The things they do, the land they manage, the rules they promulgate certainly are as important as anything else that affects energy.

One of the real problems we have had is we have become more and more dependent on imported oil and foreign countries to produce what we need. Obviously, there will be an effort to increase domestic production. That is certainly the proper goal.

There has been some criticism that this study was not a public affair. However, the Vice President did talk to 265 different groups. This was not a public decisionmaking; this was the White House putting it out. How the Congress and the public will be involved. That is the proper way for the President to handle policy.

Chairman MURKOWSKI, from the Energy and Natural Resources Committee, or which I am member, has a broad bill that deals with many issues. There is a hearing going on as we speak, and the Secretary of Energy is talking to the committee about this report and his ideas for implementation.

The recommendations are extremely interesting and extremely important. Task force recommendations encourage fuel diversity—something we clearly need—and to utilize all of our domestic resources rather than relying on a particular resource. We need to talk about coal, which is now producing 52 percent of the electricity used in this country. Our reserves of coal are greater than probably any other fossil fuel. There is great opportunity for their use in the future.

There is also in this proposition, I think properly, a good deal of effort and money oriented towards continued developing technology and research in clean coal. I think that is something we ought to do.

There is also recognition and support for renewables, whether it is wind energy or solar energy or, in fact, hydro. We do that now. We have been working at that for some time. Frankly, renewables now produce only about 1 percent of our energy requirements but, nevertheless, there are opportunities for them to be a much larger part as we do research.

I come from the State of Wyoming. We have the highest coal production of any State and I think the largest resources of coal. We also have a considerable amount of wind and have some wind farms producing energy. Probably there will be a great deal more.

I remember, a number of years ago, a meeting in Casper, WY, on energy. This was 10 or 15 years ago. A speaker—I think from Europe—pointed out we have never run out of a fuel; we changed because we found one that was more efficient or more effective. We didn't run out of wood. We started using coal. We didn't run out of coal; we moved on to other things. I am confident we will move on, whether it is to hydrogen or solar or whatever, but I think we will be looking in that direction.

As we look at our automobiles and our travel plans for this holiday weekend, oil and gas has to be one of the things most important to us. Those volumes need to be improved. Our biggest problem at the moment is not crude oil amounts; it is really refining. We are up to 98 percent of capacity. So we need to do some things in that area.

I mentioned hydro. Along with that clean energy source, of course, is nuclear. Interestingly enough, most people do not recognize about 20 percent of our electric generation right now is nuclear. It is the most clean source, certainly of electric generation. It has difficulties. One of them is the waste, what to do with nuclear waste. We have been trying to deal with that for some time. We have the question of permanent storage out at Yucca Mountain, NV. We have spent billions getting into that place and have more to spend. We now find resistance from the State. They didn't resist spending the billions of dollars there, I might add. In any event, we have to do something there, perhaps take advice from France and Scandinavia, where they recycle this and have less waste than we do.

With Hydro, again, there are some paradoxes. Some of the environmental groups are critical if there is not enough emphasis on hydro but, interestingly enough, those are the same people who, a couple of years ago, were talking about tearing down the dams, the ones that generate the hydro. So there is always conflict in these things.

We have to take into account, on the economic end, environmental factors. We need to find a way to produce more clean energy and more secure energy in our future. So our strategy ought to be, and generally is here in this policy book, to repair and expand the Nation's antiquated infrastructure.

That is difficult. There is always a great deal of concern about electric transmission lines, of course. I suppose nobody really wants one in their backyard. On the other hand, if you are going to have electricity in California, you have to have a transmission line to get it there. We need to find a way to do that more expediently. We need to find a way to do that, frankly, with more respect for people's private property. The same with gas pipelines, we have to have an infrastructure to do that.

We are still often dealing with outdated equipment, particularly in the area of gasoline refineries. There have not been any new refineries built for a very long time, so the ones we have, of course, are old. There have been some rules from EPA that have made it difficult to upgrade refineries. They have the new source rule, which says if you make it more efficient, or update the old refinery, you have to meet the environmental standards of a new plant. That has discouraged upgrading the plants we have now.

Another thing we ought to be doing—and, again, it is in this report—is conservation. That is a choice you and I have to make. There is no question but what we can conserve. Look around your house. There are lots of times when we can be using less electricity than we are. The same is true, of course, with gasoline. We have to find more efficient use of this resource, and we can do that. I don't know if it always has to be a legislative question. I think we have some personal responsibility in that area of conservation.

Boost supply, of course, alternative sources, encourage new technology—those are things we can do and must do.

In the West, one of our greatest challenges is access to public lands and care for those public lands. In my State of Wyoming, about 50 percent of the State belongs to the Federal Government. In some States, it is even higher than that. I think Nevada is almost 86-percent federally owned lands. So there are rules and regulations about access to those lands. Indeed, there should be. But the fact is, they are a resource that belongs to the American people and there ought to be an opportunity for access to these lands for all kinds of uses, whether it is hiking, hunting, grazing, mineral exploration. I think we can do that in a way that is consistent with preserving these resources. Indeed, we should.

We have been developing energy for a very long time in Wyoming. For the most part, it has turned out quite well. We reclaim coal mines and the land recovers. When they are through, the land probably is more productive than it was before they started. You can see the deer and antelope come around to those places because there is more grass than there was before. We can do that.

We have to recognize there are different kinds of public lands. There is a great deal of difference between a national park, which is limited in its uses, and should be—we are not going to produce energy in Yellowstone National Park unless it is out of hot water or something; we are not going to do that and should not.

Wilderness—wilderness is set aside for singular uses. But most of the public land in Bureau of Land Management land that was never set aside for anything. It was there. It was there after they closed down the Homestead Act and these lands were unclaimed so they

became Bureau of Land Management lands. They are available, in my view, and in most cases they are for multiple uses. We need to ensure that is happening.

However, since 1983, access to mineral reserves in the West has declined by about 65 percent. Less than 17 percent of the total mineral estate is leased as compared to 72 percent in 1983. I do not suggest we return to that, but we do have to take a look at accessibility. We have to take a look at good environmentally sound ways of exploring and extracting minerals. We can do that. The Bush-Cheney plan addresses this problem. Not only how to do it, but it talks about renewables. It talks bout the environment and issues we need to talk about.

We have a great deal to do, but we have some great opportunities to do it. Here are a few of the things that are in the Bush-Cheney national energy policy. We help consumers in the short run. We increase LIHEAP funding to $1.7 billion. LIHEAP is for low-income people whose home energy bills went up. We double the weatherization funding, work with Governors to encourage regional energy planning, and work with FEMA so the emergency agency can respond to energy emergencies.

There is a good deal of emphasis on conservation, increasing efficiency. Indeed, it is made a national priority in this book.

We need to expand DOE's appliance standards programs to make standards higher. We need to take a look at the mileage standards on vehicles, and this plan provides incentives for fuel-efficient technologies. These things are all in this plan, and I think are a very important part of it.

We need to increase the supply of conventional fuels. We can do that. I know there is great controversy about ANWR. Whether or not we end up in ANWR is not the issue; the issue is whether there is access to those lands that should be available for exploration and production. There are a great many of those lands. We have already extensive gas production. We need to increase the infrastructure there and have a natural gas pipeline; provide royalty relief for deep water and enhance that recovery, as well as low production wells. We can do that which would increase considerably production of energy here.

There are a lot of things to do. We need to extend renewables and alternative fuels. This is a good one. As I mentioned, it currently only produces less than 2 percent—a little over 1 percent—of the total, but it has the potential to do a great deal more. And it is very clean energy. That is what a lot of people would like to do.

It streamlines the hydroelectric licensing process. It expands tax credits, again, for the production of electricity from renewable sources.

We hear from environmentalists that all that is talked about is more production of oil. That is not true. This book contains all these areas, with a considerable amount of emphasis on conservation, and with a considerable amount of emphasis on renewables. So we can do that.

Obviously, one of the difficult things to do is strengthening and increasing the infrastructure so we can move energy. There is a good deal of talk in my State, again, about mine mouth generation. It is very efficient. But then you have to move it. You have to move it on a transmission line or a gas pipeline. We can do that. I think we have done some research to reduce the line loss that is in that kind of transportation. But that is probably our most available source of electric generation. It needs to be moved to where the market will be. We can do that.

There needs to be a considerable amount of work done on refining. One happy thought is that there is a surplus of gas that is beginning to build up. I think we see a leveling off of the price. I met with some refiners the other day, and they say there is likely to be a turnaround here, probably after this weekend. It will not be a great rush, but we will see it at least not move up as it has in the past.

Finally, I am a strong proponent of the environment. I grew up in a place right outside Yellowstone Park, where the environment is very close. In our plan, as we look forward to where we want this country to be in the next 20 years, in the next 50 years, we need a strong economy. And if we want a strong economy, we need jobs.

We also need energy so we can provide for this economy and do the things we need to do, which includes the military and military defense. At the same time, we want to have an environment with a certain amount of open space protecting this environment so that we end up preserving the mountains in Teton Park, so that we end up preserving the open spaces in Nevada, so that we end up preserving the trees and the mountains and the hills in Vermont because those are very close to all of us and very important.

So I think we have a great opportunity now. We have to move quickly because it is something that affects everyone. And it is starting to affect us now, of course.

There is always this question of needing to do something today. We need to put in price caps. We need to do this. It is very difficult. Obviously, price caps have not been an asset in terms of causing things to happen over the long term, to cause investments to take place so that we do solve the problems.

We took oil out of SPR, out of storage last time, and it had no overall impact. So we are going to have to sit down, probably look for conservation in the short term, and take a look at what we can do with infrastructure, with sources to develop our fuels for the future.

I think we have a great opportunity to do that. We have guidelines for doing it in President Bush's and Vice President CHENEY's national energy policy.

VETERANS OPPORTUNITIES ACT OF 2001

Mr. THOMAS. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 801 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 801) to amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 790

Mr. THOMAS. Mr. President, Senators SPECTER and ROCKEFELLER have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. THOMAS), for Mr. SPECTER, for himself and Mr. ROCKEFELLER, proposes an amendment numbered 790.

(The text of the amendment is printed in the RECORD under ''Amendments Submitted and proposed.'')

Mr. SPECTER. Mr. President, I have sought recognition to comment on the ''Veterans' Survivor Benefits Improvement Act of 2001,'' a measure which I ask be approved by the Senate as a substitute amendment to H.R. 801. H.R. 801 is a bill which was passed by the House of Representatives on March 27, 2001, and subsequently referred to the Senate Committee on Veterans' Affairs. In my capacity as Chairman of the Veterans' Affairs Committee, I am pleased to offer this amendment with my colleague, the Ranking Member of the Committee, Senator ROCKEFELLER.

In keeping with the spirit of the upcoming Memorial Day holiday—a day intended to memorialize the service of those who lost their lives while in service to the Nation—the Veterans' Survivor Benefits Improvements Act of 2001 would retroactively increase insurance benefits provided to, and guarantee additional health coverage for,

the survivors of service members killed in the line of duty. The Act would also expand health care coverage to the spouses of veterans who have permanent and total disabilities due to military service, as well as the spouses of veterans who have died as a result of wounds incurred in service. Further, the Act extend life insurance benefits to service members' spouses and children, and would authorize, and direct, the Department of Veterans Affairs to conduct outreach efforts to contact these survivors, and other eligible dependents, to apprize them of the benefits to which they are entitled. Finally, the Act would make technical improvements to Montgomery GI Bill education benefits, and make other purely technical amendments to title 38, United States Code.

As part of the ''Floyd D. Spense National Defense Authorization Act for Fiscal Year 2001'' (Public Law 106–398), Medicare-eligible military retirees and their spouses became eligible for lifetime health care coverage under the Department of Defense (DOD) TRICARE program. Under the new law, TRICARE acts as a ''Medigap'' policy, paying for those health care services, such as prescription drugs, not covered under Medicare. Prior to enactment of Public Law 106–398, military retirees lost TRICARE eligibility upon becoming eligible for Medicare.

Mr. President, we can do no less for the survivors of service members who have died wearing our Nation's uniform than we have already done for spouses of military retirees. Therefore, Section 3 of the Act—building on legislation introduced by Senator ROCKEFELLER (S. 564) and consistent with the principles set out in the ''TRICARE-for-life'' program expansion for military retirees—would extend lifetime health coverage under the Civilian Health and Medical Program of the VA (CHAMPVA) program. That program—similar to TRICARE—provides medical services to the surviving spouses of service members who died while on active duty, to the surviving spouses of veterans who died after service from injuries sustained while on active duty, and to the spouses of veterans who have survived service but who had service-related injuries which are permanent and total in nature.

Under the Act—similar to provisions applicable under the TRICARE expansion enacted in Public Law 106–398—CHAMPVA benefits will be extended to spouses even after they gain Medicare eligibility, and CHAMPVA will pay for what Medicare does not. Full CHAMPVA benefits will be extended to eligible survivors who were eligible for Medicare on the date of enactment, and for those survivors who became Medicare-eligible after enactment, full CHAMPVA benefits will be extended upon enrollment in Medicare Part B.

As part of the ''Veterans Benefits and Health Care Improvement Act of 2000'' (Public Law 106–419), signed into law on November 1, 2000, Congress authorized an increase, from $200,000 to $250,000, in the maximum amount of Servicemembers Group Life Insurance (SGLI) coverage available to participating service members. However, Congress did not make the increased maximum death benefit effective until April 1, 2001. Sadly, the Nation's Armed Forces have suffered a series of tragic losses over the past several months. From the terrorist attack on the U.S.S. *Cole* on October 12, 2000, to the accidental bombing of our own service members in Kuwait on March 12, 2001, many brave Americans have lost their lives in defense of freedom during the period between enactment and the effective date of these increased benefits. As a symbol of gratitude to the survivors of those killed in the performance of duty, section 5 of the Act would allow retroactive application of the increased SGLI amount for those service members who died in the performance of duty between October 1, 2000, and March 31, 2001, and who had the maximum amount of available SGLI coverage in effect at the time of death. This would amount to a $50,000 payment for eligible beneficiaries, a small token of thanks for a sacrifice so large. I thank my colleague from Virginia, Senator WARNER, who authorized the legislation (S. 546) from which this provision was derived.

Another provision in the Act would enhance SGLI benefits for the spouses and dependent children of active duty service members. The provision would permit service members to purchase a maximum of $100,000 in SGLI coverage for their spouses and would extend $10,000 of life insurance coverage automatically to their children. These added enhancements to the SGLI program are common features provided by many commercial policies; they should be made available to our fighting men and women. A similar provision was approved by the Senate during the 106th Congress, but was not acted upon by the House.

In order to ensure that veterans' family members are made aware of the various VA benefits to which they are entitled, section 6 of the Act authorizes and instructs VA to conduct enhanced outreach efforts to veterans' spouses, surviving spouses, children, and dependent parents. The Act also specifies that such efforts are to be undertaken with the use of the internet, media, and veterans' publications to reach as wide a beneficiary audience as possible. Awareness of available benefits is critical if VA is to meet its statutory responsibilities.

Lastly, the Act makes several technical improvements to the Montgomery GI Bill (MGIB) education program. The first improvement would clarify eligibility requirements for MGIB benefits. Current law, as amended under the ''Veterans Benefits and Health Care Improvement Act of 2000'' (Public Law 106–419), could be interpreted as requiring more active duty service than is actually necessary to qualify for MGIB benefits. The clarifying language removes any ambiguity as to the service obligation required for eligibility.

A second improvement would change the method by which a veteran's MGIB entitlement is charged in cases where an active duty service member uses a portion of his or her MGIB benefit entitlement during service to supplement costs not covered under Tuition Assistance Reimbursement programs run by the armed service branches. The new method would be simpler for VA to administer, easier for veterans to understand, and more beneficial for a veteran wishing to maximize his or her utilization of the MGIB benefit.

A third improvement would simplify administration of the new MGIB ''buy-up'' opportunity created by the ''Veterans Benefits and Health Care Improvement Act of 2000'' (Public Law 106–419). Under that law, a service member who contributes up to $600 while in service may receive an additional $150 per month in additional monthly MGIB benefits for a total of 36 months. The improvement would set minimum monthly in-service contribution amounts of $20 and would limit the frequency of contributions to once per month. DOD requested these modifications to ensure the smooth and efficient operation of the ''buy-up'' program.

A fourth improvement would clarify and extend current provisions of law providing for the reimbursement of contributions made to secure eligibility for MGIB benefits in cases where the service member has died before he or she could utilize those benefits. Current law neglects to specify explicitly that the reimbursement provision applies in certain circumstances. This provision remedies that oversight.

Finally, a fifth improvement would clarify that service members who wish to convert from Veterans Educational Assistance Program (VEAP) benefits to MGIB eligibility—an option made possible by a provision of the ''Veterans Benefits and Health Care Improvement Act of 2000'' (Public Law 106–419)—need only contribute $2,700 to exercise that option. Due to a drafting error, current law could be read as requiring that a servicemember interested in converting pay $3,900, an additional contribution amount that was not intended.

Mr. President, I urge my colleagues to support the adoption of the ''Veterans' Survivor Benefits Improvement Act of 2001.'' In doing so, we honor the memories of our fallen heroes by providing for those loved ones left behind. I yield the floor.

Mr. ROCKEFELLER. Mr. President, I am very pleased that the Senate is considering the Veterans' Survivor Benefits Improvements Act of 2001.

It is fitting that we will enact this bill in time to commemorate Memorial Day, the day we, as a nation, remember and pay tribute to the brave members of the American military who died to ensure our freedom. That is why the theme of the bill is especially appropriate. Although not broad in scope, H.R. 801 attempts to improve the ways in which we relate to the survivors of servicemembers and veterans, the families of those who have sacrificed so much for their country.

I am enormously pleased that the bill before us contains my legislation to extend health care protections to CHAMPVA beneficiaries over the age of 65.

Last year, Congress finally enacted legislation to restore the promise of providing lifetime health care to military retirees, by allowing military retirees to retain coverage through TRICARE, rather than having to shift to Medicare at age 65. TRICARE for Life, as it is known, was a great benefit for retirees, but CHAMPVA beneficiaries were not included in this new benefit.

The Civilian Health and Medical Program of the Department of Veterans Affairs, CHAMPVA, provides health care coverage to several categories of individuals: Dependents of veterans who have been rated by VA as having a total and permanent disability; survivors of veterans who died from VA-rated service-connected conditions; and survivors of servicemembers who died in the line of duty. As such, CHAMPVA provides a measure of security to a group of persons who have undeniably already sacrificed a great deal for our country. Under current law, CHAMPVA beneficiaries lose their eligibility for coverage when they turn 65 and have to shift to Medicare.

The TRICARE for Life law passed last year specifically allows military retirees and their dependents to remain in the TRICARE program after they turn age 65, as long as they are enrolled with Part B of Medicare. TRICARE will cover those expenses not covered under Medicare. it also provides for retail and mail-order pharmaceutical coverage for Medicare-eligible military retirees.

Title 38, United States Code, reflects the view that TRICARE and CHAMPVA should operate in similar ways. However, with the enactment of TRICARE for Life, that linkage was broken and a modification in law is needed to make CHAMPVA consistent with TRICARE.

The provisions in this bill simply clarify that the CHAMPVA and TRICARE programs should continue to operate in a similar manner, with similar eligibility. This would mean that Medicare-eligible CHAMPVA beneficiaries who enroll in Part B of Medicare would retain secondary CHAMPVA coverage and receive the same pharmacy benefit as CHAMPVA beneficiaries who are under age 65.

The failure of Congress to enact prescription drug coverage under Medicare only magnifies the need to enact this CHAMPVA reform. Incredible advances in drug therapy, combined with staggering inflation in prescription drug costs, have made the need for affordable prescription drug coverage absolutely critical. CHAMPVA beneficiaries who have sacrificed so much already should not be forced to forego other necessities of life to purchase needed prescription drugs.

I recently heard from a couple from Alderson, WV, who represent a classic example of why this legislation is so necessary. The husband is a veteran of the Korean war. They wrote to me when they learned that the wife lost all of her CHAMPVA benefits when she turned 65. As a result, she was forced to pay more than $300 per month for her diabetes and heart medications, in addition to all the other new costs for care not covered by Medicare. With Social Security and disability compensation as their only income, this couple is struggling to absorb this enormous new expense in their modest budget. My bill would relive them of that burden.

I thank the Gold Star Wives Association and the Consortium for Citizens with Disabilities for their dedication in bringing this issue to my attention. We must never forget that the costs of military service are borne not by the servicemember alone, but by their families as well.

Section 4 of H.R. 801 addresses a shortcoming in the current insurance coverage provided to servicemembers, the Servicemembers' Group Life Insurance, SGLI. Currently, dependents, spouses and children, are not eligible for insurance coverage under the servicemember's policy and must secure outside commercial coverage. This bill would extend coverage to dependents, giving great peace of mind to servicemembers with many other worries as they train and prepare for deployment, and especially when they are sent into harm's way.

Servicemembers can elect to participate in a VA-administered group life insurance program, SGLI. Government insurance for servicemembers was created in 1917 to provide insurance to soldiers going off to war, because they were unable to purchase commercial life insurance that would cover death resulting from an act of war. That need still exists today.

Coverage is available in $10,000 increments up to a maximum of $250,000 unless the servicemember declines coverage or elects coverage at a reduced amount. Veterans can opt to continue VA insurance, VGLI, after leaving the service, although generally the rates are not as competitive as commercial policies. As of last September, the SGLI premium was $.08 per month per $1,000 of coverage, and there was 2,307,000 SGLI policies in force. However, there is no VA or DoD sponsored insurance for the families of these servicemembers, who are often overseas, which makes securing U.S. commercial insurance difficult.

Last year, the Senate passed S. 1810, which would have provided an opportunity to provide similar coverage to spouses and children to SGLI-insured servicemembers. The House did not accept this provision in conference, and it was dropped from the final omnibus veterans bill.

This year, the House passed a provision that essentially mirrors last year's Senate provision to allow coverage for dependents. Dependents' coverage would be automatic unless it is declined. The amount of coverage for a spouse would be equal to the coverage of the insured servicemember, up to a maximum of $100,000. The lives of a covered servicemember's dependent children would be insured for $10,000. Premiums are to be set by VA to cover the costs of providing the insurance coverage.

Section 5 of H.R. 801 also addresses an apparently small discrepancy that may make a great different in the lives of some servicemembers' survivors. In Public Law 106–419, Congress increased the maximum coverage for servicemembers' group life insurance from $200,000 to $250,000, but delayed the effective date to the ''first day of the first month that begins more than 120 days after the date of the enactment of [this] Act.'' The bill was signed by the President on November 1, 2000.

However, between passage of the law in Congress and the prospective implementation of the increase, the nation has been shocked by several high profile incidents resulting in loss of servicemembers' lives, such as the tragic bombing of the U.S.S. *Cole*.

This provision would make the increase retroactive back to October 1, 2000, to cover those servicemembers who died in the line of duty in the last several months. There are no costs associated with this provision, nor will there be any increase in premiums to the insured. It is simply the right thing to do for our men and women in uniform.

Finally, section 6 of H.R. 801 would require VA to expand outreach efforts to veterans' dependents and survivors, by requiring the Secretary of Veterans Affairs to ensure that the availability of services and assistance for eligible dependents is made known through a variety of means, including the Internet, announcements in veterans' publications, and announcements to the media.

The most recent survey conducted by VA indicated that less than half of the veterans contacted were aware of certain benefits they were entitled to receive. For survivors of veterans, there is even a lower level of awareness. Currently, VA is mandated to perform outreach to servicemembers and veterans, but not to eligible dependents, a spouse, surviving spouse, child, or dependent parent of a person who served on active duty.

It is critical that we reach out to these survivors and dependents. They should know that VA has many services to assist them in the difficult time following a servicemember's death and in transitioning through that period with insurance, compensation, education, and health care.

In closing, I urge all my colleagues to support H.R. 801 as a tribute to our deceased servicemembers, not just on the day we have selected to honor them, but on every day throughout the year.

Mr. THOMAS. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment (No. 790) was agreed to.

Mr. THOMAS. I ask unanimous consent the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

The bill (H.R. 801), as amended, was read the third time and passed.

Mr. THOMAS. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CHANGING SENATE LEADERSHIP

Mr. DURBIN. Mr. President, this is a historic day in the Senate. The announcement this morning by Senator JIM JEFFORDS of Vermont that he is going to become an Independent and organize the Senate with the Democratic caucus means a change in leadership in this important institution of government. It is not the first time that a Member of the Senate has changed political parties. I reflected as I came to the floor that there were four Members on the Republican side who were formerly Democrats at some point in their career. Senator THURMOND was a Democrat from South Carolina and made a decision to become a Republican, I believe, in the 1970s. Senator PHIL GRAMM was a Democratic Congressman from Texas who changed his party allegiance and ran for reelection before he was elected to the Senate as a Republican. Senator BEN NIGHTHORSE CAMPBELL switched parties from Democrat to Republican and now sits on the Republican side. In addition, Senator RICHARD SHELBY of Alabama made the same transition from Democrat to Republican.

Of course, it is different in this circumstance in a 50/50 Senate. Any change of party has historic consequences. The decision of Senator JEFFORDS to organize with the Democratic caucus means there will be a rather substantial change in terms of the leadership of the Senate.

For the last several months, since the election of President Bush, many have given speeches and made statements about the need for bipartisanship. Now we will be put to the test if we have a Democrat-organized Senate, a Republican House, and, of course, a Republican in the White House. Literally, the agenda for the country and the fate of our country will be in the hands of bipartisanship. I think we can rise to that challenge. I hope we will.

I have the greatest confidence in the man who will be the Democrat majority leader, TOM DASCHLE of South Dakota. I have worked with him for almost 20 years in public life, in both the House and the Senate. He is not only very talented; he is an honest person, as hard working as any Member of this Chamber, and his word is good. President Bush, as well as Speaker HASTERT, I am sure, will find him to be an excellent person with whom to work.

I also hope we can develop a common agenda, a bipartisan agenda for the Senate. We have dealt with important budget and tax matters. There are other issues that need to be resolved, not just the 13 spending bills that fund our Federal Government but important issues which, frankly, have not received the attention they deserve. One of those is the Patients' Bill of Rights, to make certain the families across America can have peace of mind that they can go to the best doctors and the best hospitals and rely on medical decisions being made by medical professionals rather than by insurance company clerks. Too often, good medical decisions are being overridden by those who work for insurance companies who have a profit motive in mind rather than the best interests in a person's health. I think a Patients' Bill of Rights should be high on our agenda.

Second, of course, we will move into the area of education. This is an area we were debating before the tax bill arrived, and that most Americans agree is absolutely critical to the future of our country. We have to make a commitment in our agenda to public education and the education of all children across America. The schools of today face extraordinary challenges which my generation could not have even imagined. Children are coming to school now with greater problems than they have had in the past, and we are expecting more out of the school in terms of training and education than we ever did in the past. We have to make the investment in quality teachers and accountability, in safe classrooms, in modern classrooms, and technology so our kids have a fighting chance to lead America into the 21st century. That should be high on our list of priorities.

In addition to that, the President has asked us to look at questions related to energy. That is an important issue in my home State of Illinois where people have gone from recordbreaking heating bills because of the cost of natural gas to the recordbreaking cost for gasoline at the pump. It is important to not only find new sources of energy that are environmentally sound and make certain they are delivered to the people who need them but to also talk about conservation, a responsibility that is not only one we have as individuals but as the Government. We have to do our part as consumers to buy more fuel-efficient vehicles. Government has to do its part to encourage Detroit to catch up with Japan which already has these duel-use, duel-energy vehicles on the street that are in great demand. Unfortunately, Detroit has not come up with an alternative to compete. They should.

In addition, we have to look at the marketplace for energy in America. Some people think it is simply a supply-and-demand market. It is hard to imagine there is real competition of supply and demand when you drive around Chicago or Springfield, IL, and see all of the prices at the gasoline stations going up in lockstep and coming down, trickling down, in lockstep to believe there is real competition. It is hard to find anybody who is selling at a low price in order to entice consumers.

Sadly, despite the high energy prices and the fact some say it is a market situation, these energy companies are having the highest profits in many years. It is one of the industries that can guess wrong for consumer demand and make higher profits. That is something that has occurred.

We also need to address the question of the minimum wage for workers across America. There was a tax bill passed yesterday that leaves behind over 70 million Americans who do not get a reduction in their tax rate, those at the 15-percent rate, the lowest rate, and those are the same people in many cases who are working for a minimum wage. We have not touched the minimum wage in years in this country.

We have in my State over 400,000 people who go to work every single day at the minimum wage. If we are serious

about giving mothers and fathers more time at home with their kids so they can have some leisure time and an opportunity to work with their kids on education, taking a look at the minimum wage is an important element so they don't have to work two or three jobs to try to make ends meet.

There is an important agenda ahead of us. I have touched on only a few items I hope we will consider. Now that we have this change in leadership in the Senate, it is important we address it on a bipartisan basis. It is a unique day in the history of the Senate. It is a unique challenge to all to rise above partisanship and put our country first.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. WARNER. Mr. President, on behalf of the majority leader, TRENT LOTT, I ask unanimous consent that the Senate stand in recess until the hour of 1 o'clock.

There being no objection, at 12 noon, the Senate recessed until 1:02 p.m., and reassembled when called to order by the Presiding Officer (Mr. BUNNING).

The PRESIDING OFFICER. In my capacity as a Senator from Kentucky, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed in executive session.

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

NOMINATION OF THEODORE BEVRY OLSON, TO BE SOLICITOR GENERAL OF THE UNITED STATES—MOTION TO DISCHARGE

Mr. LOTT. Mr. President, pursuant to the provisions of S. Res. 8, I now move to discharge the Judiciary Committee of the nomination of Ted Olson, to be Solicitor General of the United States.

The PRESIDING OFFICER. Under the provisions of S. Res. 8, the motion is limited to 4 hours of debate, to be equally divided between the two leaders.

Mr. LOTT. Mr. President, I note that the chairman of the Judiciary Committee, Senator HATCH, is here and ready to proceed. Therefore, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as you know, we have been trying to make sure that the Justice Department has its full complement of leaders because if there is a more important Department in this Government, I don't know which one it is. There may be some that would rate equally but that Department does more to help the people of this country than any other Department.

One of the most important jobs in that Department is the Solicitor General's job. The Solicitor General is the attorney for the people. He is the attorney for the President. He is the attorney for the Department. He is the attorney who is to argue the constitutional issues. He is the attorney who really makes a difference in this country and who makes the primary arguments before the Supreme Court of the United States of America.

In addition, he has a huge office with a lot of people working to make sure this country legally is on its toes.

In the case of Ted Olson, I am very pleased that we are able to have this motion up at this time. I am pleased that we have colleagues with good faith on the other side who are willing to see that this is brought to a vote today because we should not hold up the nomination for the Solicitor General of the United States of America.

We have had all kinds of Solicitors General. We have had some who have been very partisan but have been great Solicitors General, and we have had some who have hardly been partisan at all and have been weak Solicitors General. We have had some not very partisan at all who have been great Solicitors General. You would have to make an analysis yourself to determine how your own personal philosophy fits.

But in terms of some great ones, there was Archibald Cox, who was never known for conservative politics. He was not very partisan by most Republicans' standards, but he turned out to be an excellent Solicitor General of the United States. We could go on and on.

But let me just say this, that it is interesting to me that Ted Olson has the support of some of the leading attorneys and law professors in this country who have the reputation of being active Democrats.

Let me just mention a few. And I really respect these gentlemen for being willing to come to bat for Ted Olson. Laurence Tribe, the attorney for former Vice President Gore, in Bush v. Gore, on March 5, 2001, said:

> It surely cannot be that anyone who took that prevailing view—

He is referring to Bush v. Gore—

> and fought for it must on that account be opposed for the position of Solicitor General. Because Ted Olson briefed and argued his side of the case with intelligence, with insight, and with integrity, his advocacy on the occasion of the Florida election litigation, as profoundly as I disagree with him on the merits, counts for me as a plus in this context, not as a minus. If we set Bush v. Gore aside, what remains in Ted's case is an undeniably distinguished career as an obviously exceptional lawyer with an enormous breadth of directly relevant experience.

I have known Laurence Tribe for a long time. I have a great deal of respect for him. I do not always agree with him, but one time he asked me to review one of his books. Looking back on that review, I was a little tough on Larry Tribe to a degree. But I spent time reading his latest hornbook just this last week, read it through from beginning to end—I think it was something like 1,200 pages—it was very difficult reading, and I have to say I came away after reading that hornbook with a tremendous respect for the legal genius of Larry Tribe.

Although I disagree with a number of his interpretations of constitutional law, there is no doubt about the genius and effectiveness of this man, and I think it is a tribute to him that he was willing to stand up for Ted Olson and write it in a letter.

Walter Dellinger is the former Clinton Solicitor General. He is one of the great lawyers of this country. He is a liberal and some thought he was extremely partisan, although I questioned that personally, just like I question those who say Ted Olson is partisan. No question that Walter Dellinger is a very strong and positive Democrat, a very aggressive Democrat. But he also is a man of great intelligence and integrity.

On February 5, 2001, Mr. Dellinger said that when Olson served in the Justice Department as the head of the Office of Legal Counsel, he ''was viewed as someone who brought considerable integrity to the decisionmaking.''

Virtually everybody who worked with Ted Olson at the Office of Legal Counsel—in fact, all that I know of—said he was a man of integrity who called them the way he saw them, who abided by the law and did not allow partisan politics to enter into any thinking. There are two offices where partisan politics could work to the detriment of our country.

One is the Office of Legal Counsel, which he handled with distinction, with ability, with fairness, in a nonpartisan way. The other is the Office of the Solicitor General, which I assert to this body he will handle in the same nonpartisan way. He will certainly try to do what is constitutionally sound and right. And he will represent the Congress of the United States in these

battles. He may not always agree with the Congress of the United States when we are wrong, but you can at least count on him doing what is right and trying to make the best analysis and do what he should.

Now, Beth Nolan is a former Clinton White House counsel and Reagan Department of Justice, Office of Legal Counsel attorney. Beth is a considerable Democrat, and she is someone I respect. We have had our differences, but I have to say that she deserves respect. In a September 25, 1987, letter signed by other Department of Justice lawyers she had this to say:

> We all hold Mr. Olson in a very high professional and personal regard because we believe he made his decisions with integrity after long and hard reflection. We cannot recall a single instance in which Mr. Olson compromised his integrity to serve the expedience of the Reagan administration.

That is high praise coming from Beth Nolan, a strong Democrat who has served both in the White House Counsel's office and at Justice in the office of Legal Counsel.

One of the most esteemed first amendment lawyers in the country, a strong Democrat, one of the men I most respect with regard to first amendment interpretations and first amendment constitutional challenges, is Floyd Abrams—again, I submit, a liberal Democrat.

On March 4, 2001, he had this to say about Ted Olson:

> I have known Ted since we worked together on a Supreme Court case, Metro Media v. San Diego, 20 years ago. I have always been impressed with his talent, his personal decency, and his honor. He would serve with distinction as a Solicitor General.

This is one of the greatest lawyers in the country, a man of distinction himself who has great judgment, who is a leading trial lawyer in this country.

And that is what Floyd Abrams had to say about Ted Olson.

These are all Democrats. How about Harold Koh, former Clinton administration Assistant Secretary of State. On February 28, 2001, he had this to say:

> Ted Olson is a lawyer of extremely high professional integrity. In all of my dealings with him I have seen him display high moral character and a very deep commitment to unholding the rule of law.

That is high praise from a former Clinton administration high-level employee. All of these are Democrats, leading Democrats, some partisan Democrats, but who have found Ted Olson to be a man of honor and integrity.

One of the greatest lawyers in the country is Robert Bennett, attorney for former President Clinton. Robert Bennett is known by virtually everybody in this body for having been an independent counsel himself, and having done his jobs with distinction. Nobody doubts he is one of the greatest lawyers in this country. Nobody doubts that the two Bennett brothers are personalities about as compelling as you can find.

Well, Robert Bennett happens to be a Democrat, and a leading Democrat, one of the great attorneys in this country. And here is what the attorney for former President Clinton had to say on May 15, 2001:

> While I do not have any personal knowledge as to what role if any Mr. Olson played in the Arkansas Project or the full extent of his relationship with the American Spectator, what I do know is that Ted Olson is a truth teller and you can rely on his representations regarding these matters. He is a man of great personal integrity and credibility and should be confirmed.

I am submitting to this body that people of good will, that people who want good government, people who want the best of the best in these positions at the Justice Department, ought to vote for Ted Olson regardless of their political affiliation, regardless of the fact that Ted Olson handled Bush v. Gore and won both cases before the Supreme Court—something that some of my colleagues bitterly resent. They should vote for him regardless of the fact that, yes, he has been a strong Republican—some think too partisan of a Republican. But he has a reputation of being a person who calls them as he sees them, an honest man of integrity. This is backed up by these wonderful Democratic leaders at the legal bar, Laurence Tribe, Walter Dellinger, Beth Nolan, Floyd Abrams, Harold Koh, Robert Bennett, just to mention six terrifically strong Democrats. If anybody wants to know, they ought to listen to people in the other party who have every reason to be partisan on nominations in some ways, but who are not allowing partisanship to enter into hurting the career or hurting the opportunity of Ted Olson to serve as Solicitor General.

I personally know Ted Olson. I have known him for many years. I have seen him courageously take on client after client across the ideological spectrum and do a great job in each case for his clients. This is an exceptional lawyer. He is one of the exceptional people in our country. He has the capacity and the ability to be a great, and I repeat great, Solicitor General of the United States. He is respected by the Supreme Court before whom he has appeared at least 15 times.

And for those who might not remember, he was the attorney for George W. Bush in Bush v. Gore, and made two arguments before the Supreme Court, both of which he handled with dexterity, with skill, with decency, and with intelligence.

I have to say he deserves this job, he deserves not having people play politics with this position. In my opinion, he will make a great Solicitor General of the United States. Let me just dispel some of the allegations surrounding this nomination and explain why I believe further delay is unwarranted.

First, there have been allegations that Mr. Olson has misled the committee concerning his involvement in something called the Arkansas Project and his representation of David Hale. Let me say that I listened to my colleagues on the committee when the Washington Post article first appeared, and delayed a vote, against my better judgment actually, until we weighed the allegations because it was fair to do so.

My colleagues wanted that, they deserved that, and we delayed it so we could weigh those allegations. Then I took several days and extensively reviewed the testimony during the hearings, his answers to written questions, and his subsequent letter. I am convinced that those responses showed no inconsistencies or evidence that Mr. Olson misled or was less than truthful to the committee anyway. Rather, they show him to be forthright and honorable.

Although I have not seen any discrepancies or inconsistencies in Mr. Olson's testimony and answers, I have tried to respect the concerns of other members of this committee and joined the distinguished ranking Democratic member in looking further into this matter and asking further clarifying questions from the Office of the Independent Counsel. We look into some insinuations against Mr. Olson concerning his involvement with the Arkansas Project and his legal representation of David Hale.

In order to verify Mr. Olson's statements, the committee has had access to a great volume of materials, including all relevant portions of the Shaheen Report that could be provided by law, letters from key individuals involved with the Arkansas Project, and just yesterday, at Senator LEAHY's request, a copy of David Hale's testimony at another trial, and more information from the Office of Independent Counsel. These together simply confirm Mr. Olson's statements and show that there is no need for additional investigations.

Now, I would like to relate some of my findings in investigating the record and alleged inconsistencies. With regard to the Arkansas Project, Mr. Olson repeatedly stated that he learned about the project while he was a member of the board of directors and that he did not know about it prior to his service on that board. He also consistently stated that he learned of the project in 1997. In an early response he stated that he became aware of it in ''1998, I believe.'' He later clarified that it was in 1997 and has consistently maintained that he learned of the project in 1997. Each of the quotations used by Senator LEAHY in his so-called ''summary of discrepancies'' confirms this fact and does not provide, despite the title of the document, any real discrepancies in Mr. Olson's testimony.

Key individuals intimately involved with the Arkansas Project have written letters to the committee confirming Mr. Olson's account of events. These individuals include James Ring Adams, Steven Boynton, Douglas Cox, Terry Eastland, David Henderson, Michael Horowitz, Wladyslaw Pleszczynski, and R. Emmett Tyrell.

From their different positions, each person corroborates the fact that Mr. Olson was not involved with the origination or management of the Arkansas Project. R. Emmett Tyrell, the editor-in-chief of the magazine, stated unequivocally that Mr. Olson's statements with regard to his involvement with the project are ''accurate and thus truthful.''

Terry Eastland, former publisher of the American Spectator, conducted a review of the project and stated he ''found no evidence that Mr. Olson was involved in the project's creation or its conduct.'' Other letters make similar statements about Mr. Olson's lack of involvement before 1997. All of them are consistent with his testimony, and they are not rebutted by any other credible evidence.

Mr. President, let me summarize for my colleagues. We have Mr. Olson's sworn testimony along with the statements of key players in the project and numerous letters by Democrats and Republicans who praise Mr. Olson's integrity and honesty, against the lukewarm allegations of one former staffer who has recently backed away from his remarks. Even if Mr. Brock's factual allegations were true, they do not contradict Mr. Olson's testimony.

Now the second possible allegation against Mr. Olson is that, contrary to his testimony, he might have received payment for his representation of David Hale. Mr. Olson has repeatedly answered questions about this representation. He testified that he received no money for this representation, although he had expected to be paid.

Then in a letter of May 9, 2001, in response to further questions, he again stated that he received no payments for his representation of David Hale. He wrote, ''Neither I nor my firm has been compensated by any other person or entity for those services—although I am not aware of any legal prohibition against another person or entity making such a payment.'' He have this report and I urge my colleagues to read it. I have extra copies of this and other recent material with me, if any colleague cares to further review it.

Now, I have seen no, let me repeat, no evidence suggesting this testimony is not accurate. Mr. Olson responded to questions about these issues at his hearing and in three sets of written questions—each time his answers have been clear and consistent.

But you don't just have to take Mr. Olson's word for it. His answers are clearly supported by the conclusions reached by Mr. Shaheen and reviewed independently by two respected retired federal judges. Under a process jointly approved by the Independent Counsel and Attorney General Janet Reno, Mr. Shaheen was appointed to review the allegations concerning alleged payments to David Hale.

In order to get all the facts, Mr. Shaheen was given authority to utilize a grand jury to compel production of evidence and testimony. In addition, another important element of this independent review process was that the results of the investigation were to receive a final review—not by the Independent Counsel or Attorney General Reno—but by two former federal judges Arlin Adams and Charles Renfrew. At the conclusion of their review, they issued a statement on July 27, 1999, in which they concurred with the conclusions of the Shaheen Report that ''many of the allegations, suggestions and insinuations regarding the tendering and receipt of things of value were shown to be unsubstantiated or, in some cases, untrue.''

And if the Shaheen Report was not sufficient, Senator LEAHY requested a transcript of David Hale's testimony at the trial of Jim Guy Tucker and Jim and Susan McDougal, apparently because of accounts of that testimony in Joe Conason and Gene Lyons' book, ''The Hunting of the President.'' The Office of the Independent Counsel has graciously made David Hale's trial transcript available to the committee in response to Senator LEAHY's May 14, 2001 letter. A review of the transcript clearly shows further that Mr. Olson's testimony was accurate.

In the transcript, David Hale testified that Ted Olson was retained to represent him before a congressional committee. When asked, ''Who pays Mr. Olson to represent you?'' Mr. Hale replied, ''I do.'' Mr. Hale did not say that he or anyone on his behalf actually paid Mr. Olson.

The transcript of the trial is fully consistent with Mr. Olson's testimony regarding the Hale representation—namely that he never received payment for the representation, that Mr. Hale intended to pay for these services, and that no one else was responsible for the payments. Mr. Hale also testified that he first contacted Mr. Olson in 1993 in connection with a possible congressional subpoena, and that Olson did represent him in 1995–1996. Mr. Olson wrote in his letter (May 9, 2001) that he was ''ultimately engaged by Mr. Hale and undertook that representation sometime in late 1995 or early 1996.''

Thus, with regard to David Hale, there is no evidence from any source that Mr. Olson received payment for this representation. Mr. Olson's testimony, David Hale's testimony, the Independent Counsel report, and review of the matter by two former federal judges all confirm that Mr. Olson received no payment for his brief representation of David Hale. I should also note that we send further questions on this matter to the Office of the Independent Counsel, whose responses have been completely consistent with Mr. Olson's testimony.

Again, let me say that I appreciated and respected the need for members of this committee to satisfy themselves about the integrity of executive branch nominees. That is why I had delayed an initial committee vote. The committee had ample opportunity to verify the statements of Mr. Olson—no discrepancies have appeared, nor is there any credible evidence to refute any part of his testimony.

We have the statements of individuals involved with the Arkansas project. Staff members of the committee have been able to view the Shaheen report and the trial testimony of David Hale. I know that internal information has been requested from the American Spectator magazine, but I am concerned that such demands may tread on precious first amendment prerogatives of the press that we should all be careful to protect, even though it frustrates all of us from time to time. And I know that Democratic staff have interviewed Mr. Brock.

I believe that the extensive and decisive record before us shows that Mr. Olson has been truthful and forthright on all counts.

The facts and conclusions I have just discussed—that there are no discrepancies between Ted Olson's statements and Senator LEAHY's allegations—beg the question: What is all this fuss really about?

Perhaps it is because some may believe that Mr. Olson is too partisan to serve as the Solicitor General. Nothing could be further from the truth. Ted Olson's career has been as broad as it has been deep. Mr. Olson has advocated for a wide variety of organizations and has associated with people of many different political ideologies.

While it is true that Mr. Olson has performed legal work for the conservative American Spectator, to focus myopically on that is to ignore Mr. Olson's distinguished work for many other media organizations including the New York Times, the Washington Post, Times-Mirror, the Los Angeles Times, Dow Jones, LA magazine, NBC, ABC, CNN, Fox, Time-Warner, Newsday, Metromedia, the Wall Street Journal, and Newsweek. What does this list show about Ted Olson? Is this the kind of clientele that would seek after a single-issue zealot? No way. This list demonstrates clearly that smart people with a variety of views on public matters turn to—and trust—Ted Olson.

Similarly, it is possible to pay too much attention to one person's apparent dissonant opinion when there is a chorus of other harmonized voices.

Now, I have to concede that Ted Olson's supporters include a lot of well-known partisans.

For example, President Clinton's lawyer, Bob Bennett, said that ''Ted Olson is a truth-teller'' and he is ''confident that [Ted Olson] will obey and enforce the law with skill, integrity and impartiality.'' A similar sentiment was expressed by President Clinton's White House Counsel, Beth Nolan. And Vice President Al Gore's lawyer, Laurence Tribe, has publically announced his support for Ted Olson's confirmation as Solicitor General. Floyd Abrams, who has known Ted Olson for 20 years, and who is no right-wing conspirator, said he has ''always been impressed with [Ted Olson's] talent, his personal decency and his honor.'' President Clinton's Assistant Secretary of State for Democracy, Human Rights and Labor, Harold Koh, called Ted Olson ''a lawyer of extremely high professional integrity.'' And William Webster said Ted Olson is ''honest and trustworthy and he has my full trust.''

These names demonstrate that Ted Olson's experience, character and associations have a tremendous breadth and depth. It is time for this body to do the right thing and favorably vote to confirm Mr. Olson as the Solicitor General.

Mr. President, I would also like to make a few more brief comments on Mr. Olson's nomination to set the record straight.

First, there has been repeated insinuation and accusation that Mr. Olson has misled the committee concerning his involvement with the so-called Arkansas Project and his representation of David Hale.

I, responding to concerns by some Democrats, listened and delayed the vote May 10 until the committee reviewed the record and weighed the allegations.

Since the Washington Post story broke, I and my staff have extensively reviewed Mr. Olson's testimony during his hearing, his answers to written questions, and his subsequent letters. I am convinced that these responses show no inconsistencies or evidence that Mr. Olson misled or was less than truthful to the committee in any way. Rather they show him to be forthright and honest.

In order to verify Mr. Olson's statements, the committee has had access to a great volume of materials, including all relevant portions of the Shaheen Report that could be provided by law, letters from key individuals involved with the Arkansas Project, and at Senator LEAHY's request, a copy of David Hale's testimony at another trial.

We have had access to more material from the Office of the Independent Counsel, a number of questions that Senator LEAHY and I jointly asked that office and have received the responses. All of this material, and the overwhelming evidence already on the record, continue to support Mr. Olson's veracity and complete candor before the committee. There are none, nor has there been, any specific evidence supporting allegations against Mr. Olson.

Key individuals intimately involved with the Arkansas Project have written letters to the committee confirming Mr. Olson's account of events. A host of respected and distinguished lawyers, judges, private and public figures who have worked with Ted Olson have written in and/or called the committee with their support for Mr. Olson's nomination and have vouched for his integrity and candor. These include the two respected attorney's who argued against Mr. Olson in each of the two Supreme Court arguments in Bush v. Gore.

From their different positions, each person corroborates the fact that Mr. Olson as not involved with the origination or management of the Arkansas Project. R. Emmett Tyrell, the editor-in-chief of the magazine, stated unequivocally that Mr. Olson's statements with regard to his involvement with the project are ''accurate and thus truthful.'' Terry Eastland, former publisher of the American Spectator, conducted a review of the project and stated he ''found no evidence that Mr. Olson was involved in the project's creation or its conduct.''

The only evidence that appears to have any possible conflict with Mr. Olson's sworn testimony and the written communications of the key players in the Arkansas Project comes from David Brock, a former writer for the American Spectator, who in last Wednesday's New York Times, appeared to tone down his original account, saying, ''It was my understanding that all of the pieces dating back to 1994 that dealt with investigating scandals pertaining to the Clintons, particularly those that related to his time in Arkansas, were all under the Arkansas Project.'' He did not say that he was sure, or that Mr. Olson knew about the project. Indeed, on a television program last Thursday evening, Mr. Brock said he had no specific recollection about speaking specifically about the Arkansas Project in the presence of Mr. Olson.

Moreover, Mr. Brock apparently suggested to one paper that James Ring Adams would have a similar view. But Mr. Adams, one of the lead writers for the project, wrote the committee that ''Mr. Olson had absolutely no role in guiding my development of stories for the magazine or in managing my work.''

So, we have Mr. Olson's sworn testimony along with the statements of key players in the project and numerous letters by Democrats and Republicans who praise Mr. Olson's integrity and honesty, against the luke-warm allegations of one former staffer who has recently backed away from his remarks. Even if Mr. Brock's factual allegations were true, they do not contradict Mr. Olson's testimony.

The other allegation against Mr. Olson is that, contrary to his testimony, he might have received payment for his representation of David Hale. He testified that he received no money for this representation, although he had expected to be paid.

There is no evidence suggesting this testimony is not accurate. Mr. Olson responded to questions about these issues at his hearing and in three sets of written questions—each time his answers have been clear and consistent.

His answers are clearly supported by the conclusions reached by Mr. Shaheen and reviewed independently by two respected retired federal judges. Under a process jointly approved by the Independent Counsel and Attorney General Janet Reno, Mr. Shaheen was appointed to review the allegations concerning alleged payments to David Hale. At the conclusion of their review, they issued a statement noting ''many of the allegations, suggestions and insinuations regarding the tendering and receipt of things of value were shown to be unsubstantiated or, in some cases, untrue.'' I released the redacted portion of this Shaheen report which relates to Mr. Olson to the public. Read the report and its conclusions—and the Independent Counsel's responses to the numerous questions we have sent him regarding the report—it speaks for itself. This is not even a case revolving on the definition of what ''is'' is. There simply is no ''there'' there.

As I have noted before, we are at a period where we need to rebut the public's beliefs that we only engage in politics and don't care about the merits of nominee qualifications. We need to gain the public's trust in our government back. I am deeply concerned that what has been happening here might appear to be an effort to paint Mr. Olson's occasional political involvement as the entirety of his career and character, and as reported in the press, possibly as retribution for the man who argued and won the Supreme Court case in Bush v. Gore.

Now, I don't think that that is true. I know my colleagues and respect their views. But, I hope that we can begin debating the merits of this nomination and take all of the support and testimony on this man's obvious and overwhelming qualifications and his high integrity into account as we determine our votes for his confirmation.

Mr. President, I urge my colleagues to judge the record. Judge the man for his qualifications and integrity. And I urge my colleagues to listen to Lawrence Tribe, to David Boies, to read the Shaheen report and responses from the Office of the Independent Counsel, to listen to Robert Bennett—President

Clinton's lawyer, to everyone who has worked with and known Ted Olson. I urge you to vote to confirm our next Solicitor General.

Mr. President, let me say a few words about Mr. Olson's qualifications.

Ted Olson is one of the most qualified people ever nominated to be Solicitor General. He has had an impressive 35-year career as a lawyer—including four years as the Assistant Attorney General in charge of the Justice Department's Office of Legal Policy under Ronald Reagan.

The job of the Solicitor General is to make litigation policy decisions. The Solicitor General represents the United States in all cases before the United States Supreme Court, and it is up to the Solicitor General to approve all appeals taken by the United States from adverse decisions in the lower federal courts. It is important to have a skillful and competent advocate in that position.

Ted Olson has argued 15 cases in the U.S. Supreme Court. For most lawyers, a single Supreme Court argument would be considered the zenith of their career.

Ted Olson has a reputation for considering all viewpoints before making decisions. Walter Dellinger, who served as acting Solicitor General under President Clinton, told the Washington Post that, ''If Ted runs the SG's office the way he ran OLC, he will give deference to views other than his own in making his final decision.''

Ted Olson's Supreme Court arguments concerned issues of great importance to our country, including limits on excessive jury verdicts, the effect of statutes of limitations, caps on punitive damages, the meaning of the Federal False Claims Act, racial and gender classifications, and whether telecommunications companies must provide surveillance capabilities to law enforcement agencies.

In addition to his role representing clients, Ted Olson has also worked to reform our civil justice system by writing and speaking on various topics, and he helped advise the government of Ukraine on drafting a new Constitution in the mid-1990's.

Ted Olson also has superb academic qualifications. He graduated from the Boalt Hall School of Law at the University of California at Berkeley, where he earned a spot in the prestigious Order of the Coif and was a member of the law review.

I have no doubt that Ted Olson will prove to be one of the best Solicitor Generals our country has ever had. Given the extraordinary quality of the people who have held that post, this is no small compliment.

With that, I yield the floor and suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

The Senator from Vermont.

Mr. LEAHY. I thank the Chair. Mr. President, I thank the Senator from Utah, the chairman of the Judiciary Committee.

If I can have the chairman's attention just for a moment, I assume we are not looking for specific times and speakers on this matter but will go back and forth in the usual fashion as people arrive. Is that agreeable?

Mr. HATCH. That is agreeable. It is my understanding we have 4 hours equally divided. Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has used 29 minutes.

Mr. LEAHY. Mr. President, for anybody who wants to speak, following the normal unofficial procedure, as people are available, we can go back and forth, side to side.

I note that I have no objection to proceeding to the motion to discharge the nomination of Ted Olson to be Solicitor General. I mention this because I want Senators to understand. We had a divided vote in the committee, and with a divided vote in the committee, because of the procedures of the Senate, I am sure we could have either bottled it up for some time in committee or for some time here. I do not want to do that. I think there should be a vote one way or the other. We have had too many examples in the past few years of nominations being bottled up that way.

On this one, I have concerns about Mr. Olson, but I am agreeable to having a vote up or down on his nomination. In fact, I say to my friend, the distinguished chairman of the Senate Judiciary Committee, that we also have before us the nominations of Mr. Dinh to be head of the Office of Policy Development of the Justice Department and Mr. Chertoff to be head of the Justice Department's Criminal Division. I am perfectly agreeable to roll-call votes on them, too, and will, to notify Senators, vote for them as I did in committee. Of course, that is something that has to be scheduled.

Mr. HATCH. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. HATCH. I, for one, am grateful because they are good people. I missed what the Senator said. He wants to have a vote?

Mr. LEAHY. I want to have a vote on all three of these. I realize that is entirely up to the body. I am perfectly willing to have votes on all three of them. I point out, with respect to Mr. Dinh and Mr. Chertoff, I voted for them in committee, even though, as everybody knows, they are very conservative Republicans and were heavily involved in a congressional investigation of the former President and of matters in Arkansas.

Mr. HATCH. If the Senator will yield, I do not mean to keep interrupting, I want to express my gratitude that he is willing to go ahead with this and the Senate can vote on these nominees because I want to get that Justice Department—and I know the distinguished Senator from Vermont does also—up and running in the fullest sense we can. That is my only interest in this, other than I do like all three of these nominees. I thank my colleague. Forgive me for interrupting.

Mr. LEAHY. I appreciate the compliment.

Mr. Dinh and Mr. Chertoff were heavily involved in what I thought was a misguided investigation, not by them but by Members of Congress who conducted it against former President Clinton and others in Arkansas. However, I believe they followed the directions of Members of Congress, many of whom are no longer here, for a number of reasons. I will vote for them and urge their confirmation when the time comes.

I mention this because there seems to be some in the public, some among what I call the more conservative editorialists, who think there is going to be some kind of payback on the Democrats' part for the number of nominees who were held up during the Clinton administration by the Republican majority. I think it makes far more sense to look at nominations one by one on the merits.

There is no question if the roles were reversed, if somebody of Mr. Dinh's and Mr. Chertoff's background had been appointed by the last administration following their investigations of Republican Presidents and my understanding and what I have seen in the last few years, they would have been held up. I do not believe in doing that.

I told Attorney General Ashcroft—in fact, I told him earlier today— we intend to move these forward. We are moving forward most of the nominations in the Department of Justice a lot faster than they were 4 years ago in the Clinton administration by the same Senate but under different control.

I hope this may be an indication that things will move forward on their merits and not on partisanship. I urge all Senators who wish to debate to come to the floor without delay and participate.

After the motion to discharge and proceed to the nomination, I expect the Senate will proceed to vote promptly on the Olson nomination. I know Senator LOTT and Senator DASCHLE have been working toward that goal. I agree with them on it.

I will, however, express, as every Senator has a right to express his or her feelings towards or against each of these three nomination nominees, why I will vote against Ted Olson.

The Solicitor General fills a unique position in our Government. The Solicitor General is not merely another legal advocate whose mission is to advance the narrow interests of a client or merely another advocate of the President's policies. The President has people appointed on his staff or in his Cabinet to advance his policies. That is absolutely right. That is the way it should be. Whoever is President should have somebody who can advance his positions no matter whether they are partisan or not, and there are positions provided—in fact, hundreds of millions of dollars' worth of positions are provided to the President to do that.

The Solicitor General is different. The Solicitor General is not there to advance the partisan position of anybody, including somebody who is President. The Solicitor General is there to advance the interests of the United States of America, of all of us—Republican, Democrat, or Independent.

The Solicitor General must use his or her legal skills and judgments to higher purposes on behalf of the laws and the rights of all the people of the United States.

The Solicitor General does not advance a Republican or Democratic or Independent position. The Solicitor General advances the positions of the United States of America. In fact, at his hearing, Mr. Olson acknowledged—and I will use his words:

> The Solicitor General holds a unique position in our government in that he has important responsibilities to all three branches of our government. . . . And he is considered an officer of the Supreme Court in that he regularly and with scrupulous honesty must present to the Court arguments that are carefully considered and mindful of the Court's role, duty, and limited resources. As the most consistent advocate before the Supreme Court, the Solicitor General and the lawyers in that office have a special obligation to inform the Court honestly and openly. The Solicitor General must be an advocate, but he must take special care that the positions he advances before the Court are fairly presented. As Professor Drew Days said to this committee during his confirmation hearing 8 years ago, the Solicitor General has a duty towards the Supreme Court of ''Absolute candor and fair dealing.''

Those words of Ted Olson's are words that I totally agree with. He has stated the position of the Solicitor General. He has stated it accurately. We must look at his record to see, having talked the talk, whether he walked the walk.

The Senate must carefully review nominations to the position of Solicitor General to ensure the highest levels of independence and integrity, as well as legal skills. Indeed, the Solicitor General is the only government official who must be, according to the statute, ''learned in the law.'' We appoint a lot of people, we confirm a lot of people, but nothing in the law says they have to be ''learned in the law,'' but for the Solicitor General it says that. The Solicitor General must argue with intellectual honesty before the Supreme Court and represent the interests of the Government and the American people for the long term, and not just with an eye to short-term political gain.

The Senate must determine whether a nominee to the position of Solicitor General understands and is suited to this extraordinary role.

It is with the importance of this position in mind that I approached the nomination of Ted Olson to serve as Solicitor General of the United States. From my initial meeting with him in advance of the April 5, 2001, hearing and thereafter, I have been assessing this nomination against the responsibilities of that important office.

At the outset, I raised with Mr. Olson my concern that his sharp partisanship over the last several years might not be something that he could leave behind. After review of his testimony both orally and in answers to written questions, I have become doubly concerned that Mr. Olson has not shown a willingness or ability to be sufficiently candid and forthcoming with the Senate so that I would have confidence in his abilities to carry out the responsibilities of the Solicitor General and be the voice of the United States before the United States Supreme Court. In addition, I am concerned about other matters in his background.

I will lay out in a much more lengthy statement for the RECORD, my concerns, but let me talk more briefly now about my concerns about Mr. Olson's candor before the committee about his involvement with the American Spectator and the Arkansas Project. His initial responses to my questions at his hearing prompted concern that the committee might not have heard a candid and complete accounting from Mr. Olson.

Rather than respond directly and say all that he did do in connection with those matters, Mr. Olson chose to respond by misdirection and say what he did not do. Frankly, in this case, and under the questions he was asked, there is a world of difference between what he did not do and what he did do. He initially described his role as extremely limited as a member of the board of directors of the American Spectator Educational Foundation and implied that he was involved only after the fact, when that board conducted a financial audit and terminated the Arkansas Project activities in 1998.

Mr. Olson has modified his answers over time, his recollection has changed, and he has conceded additional knowledge and involvement. His initial minimizing of his role appears not to be consistent with the whole story. Because his responses over time left significant questions and because of press accounts that contradicted the minimized role to which he initially admitted, I wanted to work with Senator HATCH before the Judiciary Committee voted on this nomination to have the committee perform the bipartisan factual inquiry needed to set forth the facts and resolve all questions and concerns about Mr. Olson's answers.

I wanted to have us do the bipartisan fact finding that we always do when such issues come up.

Indeed, Senator HATCH postponed one committee vote on Mr. Olson's nomination on May 10 and admitted that ''some legitimate questions'' have arisen and that ''legitimate issues'' were involved. He said that after an article in the Washington Post indicated that Mr. Olson's role at American Spectator and the activities of the Arkansas Project were more than just as a member of the board of directors in 1998 to which a financial audit was provided.

My friend from Utah did not agree to that limited inquiry before the committee voted on Mr. Olson's nomination, but with the constructive assistance of the leaders and their staff, we were able to make progress over the last week.

Let me describe just a few of the discrepancies in Mr. Olson's evolving statements to this committee. These are discrepancies that give me pause.

First, Mr. Olson has minimized his knowledge of the Arkansas Project and its activities through—well, word games and definitional ploys. At the hearing, I asked him the direct question: ''Were you involved in the so-called Arkansas Project at any time?'' Mr. Olson responded by saying what he did not do, and with reference to his membership on the board of directors:

> As a member of the board of directors of the American Spectator, I became aware of that. It has been alleged that I was somehow involved in that so-called project. I was not involved in the project in its origin or its management. . . . I was on the board of the American Spectator later on when the allegations about the project were simply that it did exist.

A carefully crafted answer, like somebody spoiling or somebody maneuvering a kayak through the rocks in a whitewater rapids.

Over the past several weeks and several rounds of questions, Mr. Olson has expanded his initial response to admit that he and his firm provided legal services in connection with the matter, that he had discussions in social settings with those working on Arkansas Project matters, and that he himself authored articles for the magazine paid for out of Scaife's special Arkansas Project fund.

Mr. Olson and his supporters then began to engage in a word game over what the meaning of ''Arkansas Project'' is. His law partner Douglas Cox told the Post that Olson testified that he, ''did not know there was this special fund set up by Scaife to finance this Arkansas fact work.''

That might have explained Mr. Olson's testimony if he had said that at

the time he was writing the articles and giving legal advice and talking about these matters with the staff, he had been unaware that those conversations were in connection with what came to be known as the Arkansas Project. In other words, writing and giving legal advice and talking about it, he didn't know what it was for. I think he is far too good a lawyer for that. But that is not what Mr. Olson testified. In fact, he admitted that he became aware of the Arkansas Project at least by 1998, and then changed that testimony to sometime in 1997.

He said he was a member of the board that received an audit of the Scaife funds. So by 2001, his knowledge of the Arkansas Project and the funding by Scaife was undeniable.

Second, evidence uncovered during the committee's limited bipartisan inquiry following the committee vote, raises serious question about whether Mr. Olson accurately denied any role in the ''origin'' of the Arkansas Project by failing to respond correctly to direct questions about a meeting in his law office held in late December, 1993 when this project was getting organized. Not in 2001 but 1993.

Third, Mr. Olson has apparently downplayed his involvement in the development and direction of Arkansas Project stories, perhaps to avoid any inconsistency with his initial representation to the committee that he was not involved in the management of this project.

According to a published report in the Washington Post on May 20, 2001, the report to which Senator HATCH referred when he indicated that ''legitimate questions'' had been raised, David Brock told Post reporters that ''Olson attended a number of dinner meetings at the home of R. Emmett Tyrrell, Jr., president and chairman of the Spectator, which were explicitly brainstorming sessions about the Arkansas Project.

While Mr. Olson refused to respond to this allegation, his law partner, Douglas Cox, who worked on the Spectator account, conceded that Olson attended such dinners, but that ''did not mean that he was aware of the scope of the Arkansas Project and the Scaife funding.''

David Brock has also indicated that Mr. Olson was ''directly involved in the Arkansas Project, participating in discussions about possible stories and advising the magazine whether to publish one of its most controversial stories, about the death of Clinton White House deputy counsel Vincent Foster.'' According to the account in the Post, Mr. Olson told Mr. Brock that, ''while he didn't place any stock in the piece, it was worth publishing because the role of the Spectator was to write Clinton scandal stories in hopes of 'shaking scandals loose.' ''

That is an interesting position for a lawyer to take: Print a story you know not to be true, hoping that by printing untruths you will somehow bring forward truths. That is not what I was taught in law school, certainly not in our legal ethics courses.

In his response to Senator HATCH, Mr. Olson did not deny Mr. Brock's account head on.

Instead, he wrote that he told Mr. Brock that the article did not appear to be libelous or to raise any legal issues that would preclude its publication, and that he was not going to tell the editor-in-chief what should appear in the magazine.

The Washington Post also reported that others said that project story ideas, legal issues involving the stories, and other directly related matters were discussed with Mr. Olson by staff members and at dinner parties of Spectator staff and board members. The reaction from Mr. Olson's supporters was swift. On May 15, 2001, Chairman HATCH shared with the committee a letter he obtained from the two men quoted denying the specific words in the Post story but not denying that they talked to the Post reporters.

In a blatant effort to undermine Mr. Brock's powerful, first hand recollection of Mr. Olson's participation in and contributions to the activities of the Arkansas Project, Mr. Tyrrell also submitted a statement that Mr. Brock was not a part of the Arkansas Project.

Mr. Brock, in reply, submitted strong contradictory evidence to the Tyrrell statement and supplied the committee with multiple Arkansas Project expense reports, expense reports, I might note, which remain unrefuted and which Mr. Brock states, ''clearly show that I was reimbursed thousands of dollars by the Project for travel, office supplies, postage, and the like.''

Taken as a whole, Mr. Olson was clearly involved and participating both professionally and socially in the work of the American Spectator and its Arkansas Project. There is absolutely nothing illegal about this involvement and participation, which makes me wonder, why not be forthcoming and honest about it? But it shows a larger role in these activities than Mr. Olson initially portrayed.

Mr. Olson also minimized his role in the Arkansas Project and the American Spectator by failing to give complete information about the amount of remuneration he has received for his activities on their behalf when he was first asked. He told us on April 19 that he was paid from $500 to $1,000 for his articles that appeared in the American Spectator magazine. Yet, we find out in the Washington Post on May 10 that his firm was paid over $8,000 for work that was used in just one of those articles.

In addition, the Post reported that over $14,000 was paid to Mr. Olson's law firm and attributed to the Arkansas Project.

When he was asked during his hearing about an article he had coauthored that was published under the pseudonym—I want to make sure I get this right—''Solitary, Poor, Nasty, Brutish and Short'' in the magazine he did not indicate that ''the magazine hired [his] firm to prepare'' such materials and to perform legal research on the theoretical criminal exposure of the President and Mrs. Clinton based on press accounts of their conduct. I, for one, thought Mr. Olson had defended his writings as matters of personal first amendment political expression, an absolute right that he and all of us have. Certainly, I had no idea from his testimony at his confirmation hearing that this article was part of his and his firm's ongoing legal representation of American Spectator Educational Foundation, that it was a commissioned piece of legal writing, paid for by a grant from conservative billionaire Richard Mellon Scaife.

I am now left to wonder whether his article that was so critical of the Attorney General and the Justice Department was as he described them at his hearing the ''statements of a private citizen,'' or another richly paid for political tract.

Again, he, like all of us, can write any kind of a political tract he wants. He, like all of us, can make statements critical of anybody he wants. He can even make outlandish charges. But let's be honest about what we have done when testifying under oath before the Judiciary Committee.

His supporters repeat the mantra that even if he was paid with Arkansas Project funds, Mr. Olson would not have known that. What they leave out is a necessary qualifier ''at the time he received the payment.'' By the time he came to the committee and testified, in answer to direct questions, he had become privy to the internal audit of the Arkansas Project. In fact, he says he became privy to that 3 years ago in 1998. That audit and his knowledge as a board member of the extent of the Arkansas Project that it revealed rendered Mr. Olson's testimony in April, 2001, less than complete.

Having now conceded his involvement in these matters, something he did not do initially, the question arises: How extensive was that involvement as a lawyer? That is why I asked at least for production of his firm's billing records for legal services rendered to the American Spectator, but I was stonewalled on that request. Mr. Olson asserted attorney-client privilege; but he did not offer to cooperate by producing nonprivileged copies of those records.

Every lawyer in this place knows what is privileged and what is not, what falls under attorney-client privilege and what does not. And he did not even want to produce those things that clearly fall outside the attorney-client

privilege. In fact, such nonprivileged records have been produced in connection with other Government inquiries. Certainly in the last 6 years, documents have been produced by the bushel to the same Judiciary Committee during other investigations.

As part of the bipartisan inquiry undertaken after the committee vote on this nomination, we became aware of this fact. The independent counsel review and report we were able to read—that was only a small part of it—indicates that requests were made to Mr. Olson and his law firm for billing records for any client that had received Scaife foundation grants between 1992 and 1998 in order to ascertain whether there had ''been an indirect method to compensate (the law firm) for its unpaid representation of Hale.'' That would be David Hale.

Just as here, Mr. Olson's law firm initially invoked attorney-client privilege but realized that ultimately they had to give what were nonprivileged billing records for Mr. Olson. And they showed Mr. Olson's representation of both David Hale and the American Spectator. But the independent counsel was unable to forward those records in response to the bipartisan, joint request for them by Senator HATCH and myself.

So Senator HATCH and I then sent a joint request to Mr. Olson's firm requesting information about the total amount of fees paid by the American Spectator to the firm. Remember, the implication was there really was not anything there. Today, we were informed that the amount paid was not $500 to $1,000 per article the committee was first told by Mr. Olson. Instead, it was for legal services performed $94,405.

I am not a bookkeeper. I was a middling math student. But like most Vermonters, I can count. There is quite a bit of difference between $500 to $1,000 and $94,405.

Mr. Olson has tried to distance himself from the most controversial aspects of the Arkansas Project in its activities to publicize allegations of wrongdoing about the Clintons in Arkansas. Mr. Olson stated that he ''represented the American Spectator in the performance of legal services from time to time beginning in 1994 * * * those legal services were not for the purpose of conducting or assisting in the conduct of investigations of the Clintons.''

Yet, we find out he was paid over $8,000 to prepare a chart outlining the Clintons' criminal exposure as research for a February 1994 article Mr. Olson co-authored against the Clintons entitled, ''Criminal laws Implicated by the Clinton Scandals: A partial list.''

Finally, Mr. Olson has testified he simply does not recall who contacted him to represent David Hale.

This is a man who has as sharp a mind as just about anybody I have met around here, but he does not recall who contacted him to represent David Hale, a central part of this whole inquiry.

So when I asked Mr. Olson at his April 5 hearing how he came to represent Mr. Hale he started by saying, ''[t]wo of [Hale's] then lawyers contacted me and asked . . .'' A few seconds later Mr. Olson said:

> [o]ne of his lawyers contacted me—I can't recall the man's name—and asked whether I would be available to represent Mr. Hale in connection with that subpoena here in Washington, D.C. They felt that they needed Washington counsel with some experience dealing with a congressional investigation. I did agree to do that. Mr. Hale and I met together.

Even in his May 9 letter, Mr. Olson asserts that he, ''cannot recall when [he] was first contacted about the possibility of representing Mr. Hale.'' He indicates that he believes, ''that [he] was contacted by a person or persons whose identities [he] cannot presently recall sometime before then regarding whether I might be willing to represent Mr. Hale if he needed representation in Washington.''

The Washington Post reported that David Henderson said that he introduced Hale to Olson. Interestingly, David Henderson apparently signed a statement on May 14 indicating that in his view he broke no law while implementing the Arkansas Project. But what he does not say and what he does not deny is that he was the person who introduced David Hale to Mr. Olson.

The role that David Henderson played in introducing David Hale to Mr. Olson is apparently corroborated by several other witnesses who have spoken to the American Prospect in a story released today.

It now strikes me as strange that a man as capable as Mr. Olson with his vast abilities of recall could not remember the name of David Henderson, if Mr. Henderson was, in fact, involved in setting up that representation.

And it strikes me as doubly strange when the bipartisan inquiry conducted after the committee vote on this nomination uncovered evidence that Mr. Olson was able to recall who introduced him to David Hale just a couple of years ago when he was asked the same question.

The Hale independent counsel report indicates that in 1998 Mr. Olson could supply the name of the person who referred David Hale to him for legal representation.

It leads one to easily wonder whether Mr. Olson's failure to recall the name, David Henderson, in the year 2001 had something to do with him not wanting to indicate the connection to such a central figure in the Arkansas project.

Some would say, what importance is there to this? Does it really matter whether Mr. Olson accurately and fully described his role in the American Spectator and the Arkansas project? This nomination is for the office of Solicitor General. It is important for two reasons, both of which go to the fitness of the nominee to serve as Solicitor General.

The principal question raised by the nomination of Mr. Olson to this particular position—remember, this is a position that is supposed to be nonpolitical, nonpartisan, representing all Americans of whatever political allegiance they have, or whether they have none. The question is whether his partisanship over the last several years in connection with so many far-reaching anti-Clinton efforts to mark Mr. Olson as a thorough-going partisan who will not be able to check his partisan political instincts at the door to the Office of the Solicitor General.

Now, the reason I ask that is we have another nominee before us, Michael Chertoff, and we asked some of these same questions about Michael Chertoff. In that case, the questions were answered, the doubts dissipated. Instead of a 9–9 vote, Mr. Chertoff, had a rollcall vote in committee and it was unanimous; Republicans and Democrats across the political spectrum voted for him. There were Doubts, but the questions about Mr. Chertoff disappeared. But the doubts and questions about Mr. Olson have grown over time.

Had Mr. Olson been straightforward with the committee, had he conceded the extent of his involvement in anti-Clinton activities and given the kinds of assurances that Mr. Chertoff did about his upcoming responsibilities, I could very easily be supporting his confirmation.

Actually, when I first met with Mr. Olson, and even at his hearing before we had a chance to go through all of his answers and see the areas where they didn't show consistency, I had hoped and expected to be supporting him. In fact, I remember saying to someone in my office at that time that I assumed I would be supporting him. I expected to be able to give him the benefit of the doubt.

In light of the deference I normally accord a President's executive branch nominees, I fully expected to be voting for this nomination, just as I voted for so many by the five previous Presidents, both Republican and Democrat.

In the wake of the hearing, the series of supplemental responses we have received, and the unanswered questions now in the public record about Mr. Olson's involvement in partisan activities like the Arkansas project, I have many doubts.

We also have a question of candor and straightforwardness. I have not had the sense from his hearing onward that Mr. Olson has been truly forthcoming with either me or with the committee. My sense is that for some reason he chose from the outset to try to minimize his role in connection with the activities of the American Spectator, that he has sought to characterize it in the most favorable possible

light, that he has sought to conclude for us rather than provide us with the facts and let us conclude how to view his activities.

As I review the record and the initial nonresponsiveness, lack of recall, corrections when confronted with specifics, I am left to wonder what happened to ''absolute candor and fair dealing,'' the touchstone that Mr. Olson himself says is necessary for a Solicitor General. In concluding my May 4, 2001, letter to Mr. Olson, I noted:

> The credibility of the person appointed to be the Solicitor General is of paramount importance. When arguing in front of the Supreme Court on behalf of the United States Government, the Solicitor General is expected to come forward with both the strengths and weaknesses of the case, to inform the Court of things it might not otherwise know, and to be honest in all his or her dealings with the Court. I expect that same responsiveness and cooperation from nominees before this Committee.

My expectation had been to support him. Please understand, this is not the role of a lawyer advocate in our legal system. I have been an advocate of the court, both at the trial level and at the appellate level. I have been there both for the prosecution and for the defense. In private practice, I was there both for the plaintiffs and defendants. You fight like mad. You make as strong a case for your client as you can. That is fine.

The Solicitor General is different. The Solicitor General is sometimes referred to as the tenth justice. He is expected to tell the Court these are the strengths of my case, but let me tell you also where the weaknesses are of my case. If a matter is left out, or there might be a weakness in the case, he is duty-bound to bring it forward to the Court's knowledge because, if confirmed, Mr. Olson is not a lawyer advocate for just one client because that client is the United States of America—all 270 million of us. I want to be sure that our Nation's top lawyer will see the truth and speak the truth fully to the Supreme Court and represent all of our best interests in the matters over which the Solicitor General exercises public authority.

I have confidence that Mr. Olson is an extremely capable lawyer. Of course, I do. Do I have confidence that he can set aside partisanship to thoroughly and evenhandedly represent the United States of America before the Supreme Court? I do not have such confidence, and I cannot vote for him.

Mr. President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. There are 76 minutes remaining.

Mr. LEAHY. Mr. President, the Solicitor General fills a unique position in our Government. The Solicitor General is not merely another legal advocate whose mission is to advance the narrow interests of a client, or merely another advocate of his President's policies. The Solicitor General is much more than that. The Solicitor General must use his or her legal skills and judgment for higher purposes on behalf of the law and the rights of all the people of the United States.

At his hearing, Mr. Olson acknowledged that:

> The Solicitor General holds a unique position in our Government in that he has important responsibilities to all three branches of our Government. . . . And he is considered an officer of the Supreme Court in that he regularly and with scrupulous honesty must present to the Court arguments that are carefully considered and mindful of the Court's role, duty, and limited resources. As the most consistent advocate before the Supreme Court, the Solicitor General and the lawyers in that office have a special obligation to inform the Court honestly and openly. The Solicitor General must be an advocate, but he must take special care that the positions he advances before the Court are fairly presented. As Professor Drew Days said to this committee during his confirmation hearing 8 years ago, the Solicitor General has a duty towards the Supreme Court of ''absolute candor and fair dealing.''

Republicans and Democrats have carefully reviewed nominations to the position of Solicitor General to ensure the highest levels of independence and integrity, as well as legal skills. Indeed, the Solicitor General is the only government official who must be, according to the statute, ''learned in the law.'' The Solicitor General must argue with intellectual honesty before the Supreme Court and represent the interests of the Government and the American people for the long term, and not just with an eye to short-term political gain. I ask unanimous consent to have printed in the RECORD a recent article by Professor Lincoln Caplan on the role of the Solicitor General.

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

[From the New York Times, May 18, 2001]

THE PRESIDENT'S LAWYER, AND THE COURT'S

(By Lincoln Caplan)

NEW HAVEN.—The job of solicitor general is one of the most eminent in American law. Part advocate, the S. G. as he is called, represents the United States before the Supreme Court, where the federal government is involved in about two-thirds of all cases decided on the merits (as opposed to procedural grounds). Part judge, he chooses when the government should appeal a case it has lost in a lower court, file a friend-of-the-court brief, or defend an act of Congress. Most S.G.'s have influenced rulings in landmark cases; many have become judges; four have risen to the Supreme Court. Yet for most of this tiny office's history since it was created in 1870, the S.G. drew little public or even scholarly attention.

Today, however, the nomination of Theodore Olson to be S.G. is headline news, as is evident from the attention to the Senate Judiciary Committee's 9-9 vote on it yesterday, a split along party lines. In the past 40 years, the courts have become forums for resolving social questions, and the docket of the Supreme Court has become defined by the most divisive issues. During the past 15 years, especially, as the line between law and politics has been increasingly hard to draw, the choice of a solicitor general has become more important politically than that of any legal figure except for the attorney general or a Supreme Court justice.

The choice of Mr. Olson makes this point sensationally because his legal accomplishments are so marked by ideology. As a young Justice Department official under Ronald Reagan, he made his name as an adamant defender against Democrats in Congress who were trying to probe a Republican environmental scandal. He has litigated matters like a major anti-affirmative-action case in Texas, brought by conservative activists to overturn liberal precedents. He has served on the board of the conservative American Spectator magazine, for which he wrote biting, anonymous criticism of Bill and Hillary Clinton. He has helped lead the Federal Society, a conservative legal organization that is now a formidable force in the Bush Administration. Most significantly, he was the winning attorney in the Supreme Court case of Bush v. Gore. During Mr. Olson's Senate confirmation hearing, Richard Durbin, Democrat of Illinois, said to him, ''I can't find any parallel in history of anyone who was as actively involved in politics as you and went on to become solicitor general.''

For the S.G.'s office, the Olson nomination frames a debate that was sparked during the Reagan years and remains undecided.

The traditional view holds that the solicitor general has a unique role in American law and functions as ''the 10th justice.'' Justice Lewis Powell, for example, argued that the S.G. has a ''dual responsibility''—to represent the president's administration but also to help the Supreme Court develop the law in ways that serve the long-term interests of the United States. (To some experts, the S.G.'s duty to defend federal statutes amounts to a third responsibility, to Congress.) Rex Lee, the first solicitor general in the Reagan administration, was an unequivocal conservative. Yet he was forced to quit by colleagues who thought he was too restrained in his advocacy of the president's social agenda. Famously, he said that it would have been wrong for him to ''press the administration's policies at every turn and announce true conservative principles through the pages of my briefs.'' He was, he stated, ''the solicitor general, not the pamphleteer general.''

A more recent view is that the S. G. should act as a partisan advocate for policies of the president, not as the legal conscience of the government. Rather than defending a position of independence within the administration, Mr. Lee's successor, Charles Fried, told the Senate that ''it would be peevish and inappropriate for the solicitor general to be anything but cheerful'' while supporting the views and interests of the president who appointed him.

The latter outlook is much easier to defend. The separation of powers among the three branches of government makes it simplest to regard the solicitor general as a spokesman for the executive branch: the concept of a dual responsibility (or a triple one) confounds the notion of checks and balances.

Yet for decades the former outlook prevailed, and it is supported in the only official statement about the S. G.'s role, issued in 1977 by the Justice Department. The Supreme Court has bestowed on the solicitor general a special status—seeking the S. G.'s advice in many cases where the government isn't even a party. And the S. G. has reciprocated by fulfilling a special role in court.

If a private lawyer wins a case he thinks he should have lost, he accepts his victory in judicious silence. But when the solicitor general prevails on grounds that he considers unjust (for example, when evidence supporting a criminal verdict is slight), he may ''confess error'' and recommend that the Supreme Court overturn the decision. To Archibald Cox, one of the country's admired S. G.'s, surrendering victory in some cases helps justify the reliance that the Supreme Court places on the solicitor general: this practice demonstrates that the solicitor general's approach to arguing the government position is likely to be developed with the nation's long-term interests in mind.

Both views of the role require candor in the S. G. That's why last week the Senate Judiciary Committee postponed its vote on Mr. Olson after reports surfaced that he had given misleading testimony, during his confirmation hearing, about his role in a project run by The American Spectator to find damaging information about the activities of the Clintons in Arkansas. The question of misleading testimony is reminiscent of a rebuke to Mr. Olson by an independent counsel who investigated whether he had lied to Congress in testimony during his days as a Reagan defender. While ''literally true,'' the counsel stated, that testimony was ''potentially misleading.''

Whether he is approved as solicitor general by the full Senate or the Bush administration must choose someone else for the post, a deeper question endures: Is it now acceptable to define the job as that of an outright partisan? Or should the S. G. remain an advocate for the nation's long-term interests whose duty to the rule of law goes beyond allegiance to the political views of the administration?

Mr. LEAHY. The Senate must determine whether a nominee to the position of Solicitor General understands and is suited to this extraordinary role. From Benjamin Bristow in 1870, to William Howard Taft and Charles Evans Hughes, Jr., from Robert Jackson to Archibald Cox, Thurgood Marshall and Erwin Griswold, we have had extraordinary people serve this country as our Solicitors General. It is with the importance of this position in mind that I approached the nomination of Ted Olson to serve as Solicitor General of the United States. From my initial meeting with him in advance of the April 5, 2001, hearing and thereafter, I have been assessing this nomination against the responsibilities of that important office.

Initial Concerns. At the outset, I raised with Mr. Olson my concern that his sharp partisanship over the last several years might not be something that he could leave behind. After review of his testimony both orally and in answers to written questions, I have become doubly concerned that Mr. Olson has not shown a willingness or ability to be sufficiently candid and forthcoming with the Senate so that I would have confidence in his abilities to carry out the responsibilities of the Solicitor General and be the voice of the United States before the United States Supreme Court. In addition, I am concerned about other matters in his background.

I will detail below the source of my concerns about Mr. Olson's candor before the Committee about his involvement with the American Spectator and the ''Arkansas Project.'' His initial responses to my questions at his hearing prompted concern that the Committee might not have heard a candid and complete accounting from Mr. Olson. Rather than respond directly and say all that he did do in connection with those matters, Mr. Olson chose to respond by misdirection and say what he did not do. He initially described his role as extremely limited as a member of the Board of Directors of the American Spectator Educational Foundation and implied that he was involved only after the fact, when that Board conducted a financial audit and terminated the ''Arkansas Project'' activities in 1998.

Need for Committee Inquiry. Mr. Olson has modified his answers over time, his recollection has changed, and he has conceded additional knowledge and involvement. His initial minimizing of his role appears not to be consistent with the whole story. Because his responses over time left significant questions and because of press accounts that contradicted the minimized role to which he initially admitted, I wanted to work with Senator HATCH before the Judiciary Committee voted on this nomination to have the Committee perform the bipartisan factual inquiry needed to set forth the facts and resolve all questions and concerns about Mr. Olson's answers.

Indeed, Senator HATCH postponed one Committee vote on Mr. Olson's nomination on May 10 and admitted that ''some legitimate questions'' have arisen and that ''legitimate issues'' were involved. He said that after a May 10 article in the Washington Post indicated that Mr. Olson's role at American Spectator and the activities of the ''Arkansas Project'' were more than just as a member of the Board of Directors in 1998 to which a financial audit was provided.

When I did not hear from Senator HATCH about how he wished to proceed to resolve those legitimate questions, I sent him a letter on May 12 proposing a course of action to avoid any undue delay. After I sent my proposal, Senator HATCH and I talked about it. He said he would be getting back to me and I held out hope that we would be able to proceed in a fair and bipartisan way to get to the facts and let all Members of the Committee make their own assessment before they voted upon the nomination.

Instead, Senator HATCH was apparently just waiting for a letter from Mr. Olson, which arrived accompanied by short, solicited statements from a few selected supporters so that he could unilaterally declare the matter closed. None of these statements could serve as a substitute for the Committee doing its job, and, instead of playing catch-up to the press, exercising the due diligence that the American people expect from the Judiciary Committee in our review of a nominee for a position sometimes called the ''Tenth Supreme Court Justice.'' In essence, the question I wished to examine was whether Mr. Olson fully informed the Committee in response to direct questions about his role in the American Spectator and the ''Arkansas Project.'' This was never a question of whether there was illegal conduct.

Committee Vote. Rather than proceed in a bipartisan way to establish the factual record needed to evaluate Mr. Olson's characterization of his activities, Senator HATCH rejected even an inquiry of limited duration that would have involved jointly interviewing seven individuals, who had already been quoted or referred to by the press, with contemporaneous knowledge from the time in question, and gathering relevant background documents, which had also been referred to in the press. He pressed forward with a vote in Committee on this nomination that resulted in a 9–9 tie vote.

While usually a nomination on such a vote would not be reported to the Senate, circumstances have changed that prompt me to give my consent for Mr. Olson's nomination to be considered. With the constructive assistance of both Leaders and their staffs, we were able over the past week to conduct a limited, bipartisan inquiry on the matters of concern raised by Mr. Olson's responses to the Committee.

Limited Bipartisan Inquiry: Following the 9–9 vote on this nomination in the Judiciary Committee on May 17, 2001, Senator HATCH and I released a joint statement the next day indicating that we were discussing how to move forward on the nomination and to address specific concerns that Members might have prior to the confirmation vote. As part of this inquiry, Committee staff reviewed, on a bipartisan basis, a heavily-redacted version of the report of the Office of Special Review (OSR), prepared by Michael Shaheen and May 21, 2001 responses by Independent Counsel Robert W. Ray, including to questions posed jointly by Senators HATCH and me. One of these letters is in response to a query from Senator HATCH sent unilaterally and without notice to me. On May 22, Senator HATCH and I jointly released for review by all the members of the Senate the two May 21 letters received from Mr. Ray and the redacted OSR report—with additional redactions to remove the names of specific individuals other than the nominee.

In addition, Senator HATCH released a May 22 letter to colleagues that included 71-pages of American Spectator-related records, which were anonymously delivered to my Judiciary Committee and which shed light on how the

''Arkansas Project'' came about. I should note that within minutes of discovery of these documents, copies were made and delivered to Senator HATCH's Judiciary Committee office.

Finally, the Committee staff made efforts to conduct an interview of Ronald Burr, the former publisher of the American Spectator and a key witness to the events in question. In fact, Mr. Burr was the person at the magazine instrumental in obtaining the grant funds from conservative billionaire Richard Mellon Scaife. Among the anonymous-source documents released by Senator HATCH is a December 2, 1993 letter from Richard M. Scaife to R. Emmett Tyrrell, as President and Chairman of the American Spectator Educational Foundation, stating that ''[t]his grant is in response to Ron Burr's October 13, 1993 letter and various conversations with us.'' In addition, Mr. Burr was the person to whom Mr. Olson sent his February 18, 1994 letter confirming the terms of his representation of the American Spectator and his January 30, 1996 letter confirming his acceptance of a membership on the board of the American Spectator Educational Foundation. Unfortunately, Committee staff were unable to speak to Mr. Burr, despite his willingness to do so because the American Spectator refused to release him from the confidentiality provision in his severance agreement for purposes of Mr. Burr's cooperation with the Committee's inquiry.

CONTRADICTIONS AND DISCREPANCIES

Let me describe just a few of the discrepancies in Mr. Olson's evolving statements to this Committee. These are discrepancies that give me pause.

First, Mr. Olson has minimized his knowledge of the ''Arkansas Project'' and its activities through word games and definitional ploys. At the hearing, I asked him the direct question: ''Were you involved in the so-called Arkansas Project at any time?'' Mr. Olson responded by saying what he did not do, and with reference to his membership on the Board of Directors: ''As a member of the board of directors of the American Spectator, I became aware of that. It has been alleged that I was somehow involved in that so-called project. I was not involved in the project in its origin or its management. . . . I was on the board of the American Spectator later on when the allegations about the project were simply that it did exist.'' (Tr. at pp. 200–01).

Why is there reason to suspect that Mr. Olson's role was not limited to that of a Member of the Board to which a financial audit was provided in 1998? A good deal of the basis is provided by subsequent answers provided by Mr. Olson himself. In April, 2001, his testimony was initially that he was not involved, except as a Member of the Board. Over the past several weeks and several rounds of questions, Mr. Olson has expanded his initial response to admit that he and his firm provided legal services in connection with the matter, that he had discussions in ''social'' settings with those working on ''Arkansas Project'' matters, and that he himself authored articles for the magazine paid for out of Scaife's special ''Arkansas Project'' fund.

Compare, for example, Mr. Olson's initial response with his subsequent responses in which he modified his original answer. In his May 9, 2001 letter to me, he stated: ''First, I will address again your questions concerning my involvement in the 'Arkansas Project.' My only involvement in what has been characterized as the 'Arkansas Project' was in connection with my service to the Foundation *as a lawyer and* member of its Board of Directors.'' [Underlining added for emphasis.] Mr. Olson initially left out any reference to his role a lawyer.

Mr. Olson and his supporters then began to engage in a word game over what the meaning of ''Arkansas Project'' is. His law partner Douglas Cox told the Post that Olson testified that he, ''did not know there was this special fund set up by Scaife to finance this Arkansas fact work.'' That might have explained Mr. Olson's testimony if he had said that at the time he was writing the articles and giving legal advice and talking about these matters with the staff, he had been unaware that those conversations were in connection with what came to be known as the ''Arkansas Project.'' But that is not what Mr. Olson testified. In fact, he admitted that he became aware of the ''Arkansas Project'' at least by 1998, and then changed that testimony to sometime in 1997. He said he was a Member of the Board that received an audit of the Scaife funds. So by 2001, his knowledge of the ''Arkansas Project'' and the funding by Scaife was undeniable.

On this particular definitional point, Mr. Olson has minimized his role in and his knowledge of how the Scaife money was spent by the Foundation, even though he was on the board. It strains credulity that he did not know given the size of the Scaife grants—especially when another board member has described briefings to the board on the Arkansas Project and its financing as ''routine.'' [Peter Hannaford, Washington Post, May 15, 2001]. Moreover, board minutes for a meeting on May 19, 1997, which were included in the anonymous-source documents released by Senator HATCH on May 22, indicate that the board—at least at that meeting—discussed a number of financial matters, such as the foundation's equity holdings, operating reserves, employment contracts, and commitments from the Scaife Foundation. (Doc. pp. 44–46).

This is certainly not the first occasion that Mr. Olson has played this word game. Independent Counsel Robert W. Ray notes in response to a request from Senator HATCH, that in a memoranda of interview, Mr. Olson acknowledged that ''he may have been asked questions by [names redacted] about things that they were doing in Arkansas, but Olson did not know anything about the ''Arkansas Project'' and ''he was not involved in the direction of funding of that project.'' Mr. Olson was precise in his denial of knowledge and involvement to refer to the term ''Arkansas Project.'' One unnamed person interviewed by the OSR investigation stated, however, that ''the 'Arkansas Project' was not a term used by [name redacted] or anyone else at the American Spectator to his knowledge.'' (May 21 Ray Letter, n. 2).

But even accepting Mr. Olson's strict definition of the ''Arkansas Project,'' which apparently requires knowledge of the Scaife funding source, rather than the broader use of the term to describe the general activities of Clinton scandal mongering underway at the American Spectator from 1993 through 1998, his involvement was more than he described. On Friday, May 11, 2001, the New York Times reported that Mr. Olson said that when he joined the Board of Directors of the American Spectator the ''Arkansas Project'' was underway and that when he found out about it, he helped shut it down. In fact, Mr. Olson's testimony to the Committee was that he was on the Board, ''when the allegations about the project were simply that it did exist. The publisher at the time, under the supervision of the board of directors, hired a major independent accounting firm to conduct an audit to report to the publisher and therefore to the board of directors with respect to how that money was funded. . . . As a result of that investigation, the magazine, while it felt it had the right to conduct those kind of investigations, decided that it was not in the best interest of the magazine to do so. It ended the project. It established rules to restrict that kind of activity in the future. . . .''

In a subsequent written response, Mr. Olson wrote: ''Neither the report by Mr. [Terry] Eastland nor the Board found anything unlawful about the manner in which funds had been spent, which as I recall, had all been for the purpose of investigating and reporting information of legitimate public interest regarding a high level public official. However, because of the controversy surrounding the matter, and issues regarding whether the journalistic products that resulted had been worth the amount spent, the project was ended and the Board adopted new guidelines to govern investigative journalistic efforts in the future.''

The letter is interesting on these points, but only adds to the questions

rather than resolving what in fact happened. Mr. Eastland adds another perspective and indicates a much more active role for Mr. Olson than had previously been acknowledged in representations to the Committee. Mr. Eastland writes that in June, 1997, disagreements arose between the magazine's ''then publisher'' and Richard Larry, the executive director of the Scaife foundations.

Mr. Eastland continues: ''At that time, Mr. Tyrrell, who was also chairman of the board, asked Mr. Olson, a board member since 1996, for his assistance in resolving the dispute.'' This role has never previously been acknowledged by Mr. Olson or Mr. Tyrrell. Mr. Eastland then asserts that ''Mr. Olson agreed that a review of the project was necessary.'' He continues: ''Throughout my review, which included an accounting of the monies spent on the project as well as an examination of its management, methods, and results, I had Mr. Olson's strong support.'' So, according to Mr. Eastland, Mr. Olson had a much more extensive role in deciding how the American Spectator would ''resolve'' the dispute, contributed to the decision to conduct a review and played a strong supportive role in the review.

If Mr. Olson is now taking credit for finding out about the ''Arkansas Project'' and for shutting it down, as reported by the New York Times on May 11, 2001, that would be a modification of those responses and his initial response that he was not involved in the project, ''in its origin or its management,'' to his later formulation that he did, ''not recall giving any advice concerning the conduct of the 'Project' or its origins or management,'' to his later formulation that he was not involved in its, ''inception, organization or ongoing supervision,'' or alternatively, that his, ''only involvement in what has been characterized as the 'Arkansas Project' was in connection with my service to the Foundation as a lawyer and member of its Board of Directors.''

Of course, there is much left unsaid by Mr. Eastland on this and other topics. For example, he does not indicate how he came to be the publisher of the American Spectator and replaced Ronald Burr in November 1997 or whether Mr. Olson had a role in his recruitment or in that action of replacing the publisher. In this regard, Mr. Olson did not indicate to the Committee in his submitted responses to our questionnaire that he had been an officer at the American Spectator Educational Foundation. In written follow up questions, I drew his attention to passages in The Hunting of the President (Id.) in which the authors of that published work indicate that Mr. Olson was named an officer of the organization on October 1997. Mr. Olson's response is uncertain and equivocal indicating that he had a, ''vague recollection that [he] served as a temporary secretary for the purpose of that meeting, and perhaps a subsequent one, something that I did not recall at the time I answered the initial written questions.''

Second, evidence uncovered during the Committee's limited bipartisan inquiry following the Committee vote, raises serious question about whether Mr. Olson accurately denied any role in the ''origin'' of the ''Arkansas Project'' by failing to respond correctly to direct questions about a meeting in his law office held in late December, 1993 when this project was getting organized.

The anonymous-source documents released by Senator HATCH reveal that following requests by the American Spectator as early as October 13, 1993, Richard M. Scaife on December 2, 1993 ''approved a new grant to The American Spectator Educational Foundation, Inc.'' and forwarded the first installment of the grant. (Doc. p. 19). Thus, by late December 1993, the Scaife funding was in place at the American Spectator to support the activities that would come to be called the ''Arkansas Project.''

With the Scaife funding secured, the OSR Report confirms that Mr. Olson met in his office in late December 1993 with people associated with the American Spectator—Ronald Burr, maybe David Henderson, Stephen Boynton and David Hale. (OSR Report, pp. 78, 82, 90; May 21, Joint Q. 5). ''[A]t least seven individuals were identified as having possibly been in attendance.'' (Id.) Mr. Olson recalled this meeting in 1998 during the OSR investigation, stating that ''in approximately December 1993'' he hosted a meeting in his office, that the meeting was ''about the possibility that he provide counsel to the magazine,'' that David Hale attended this meeting, and that ''the participants may have discussed Hale's need for a 'Washington lawyer' to represent him if he was called to testify before any congressional committees.'' (OSR Report, pp. 28, 78).

While the description of what discussions may have taken place at this meeting is ''incomplete and inconsistent'' with ''inconsistencies not resolved by the Shaheen investigation'' (May 21 Ray Response to Joint Q. 5), the OSR report contains the following descriptions from other participants in the meeting: ''while Hale may have been a topic of conversation during this meeting, no one requested Olson to represent Hale'' (p. 82); ''[Redacted] recalled meeting with attorneys Theodore Olson and [redacted] to discuss the representation of David Hale, . . .'' (P. 90). Mr. Ray has identified these references likely to be to the same December 1993 meeting. (May 21 Ray Response to Joint Qs. 5, 7, 9).

In addition to these limited descriptions in the OSR Report, Independent Counsel Ray reviewed the underlying memoranda of interviews of three participants in the December 1993 meeting in Mr. Olson's office and summarized their statements in a May 21 letter responding to a question sent unilaterally by Senator HATCH. According to Mr. Ray, whose cooperation during this bipartisan inquiry has been exemplary and helpful, Mr. Olson admitted that at this meeting David Hale's need for counsel was discussed and that this meeting was ''the commencement of [my] relationship with the American Spectator magazine'' but he declined to describe the substance of that discussion, claiming the attorney/client privilege.'' (Id., p. 2). It is difficult to see, however, how the meeting could be covered by attorney/client privilege when David Hale, who had no formal affiliation with the Spectator, was present.

One unnamed participant confirms part of Mr. Olson's recollection, stating, ''the purpose of the meeting was to get Olson to represent Hale.'' Another unnamed participant appears to confirm the other part of Mr. Olson's recollection regarding the second purpose of the meeting about American Spectator activities, stating: ''The subject of this meeting was Bill and Hillary Clinton and the need for the Spectator to investigate and report on numerous alleged Clinton scandals.'' (Emphasis supplied).

Having seen the OSR Report and a statement submitted by Michael Horowitz, I am led to wonder whether the account of a late 1993 or early 1994 meeting in the Washington law office of Gibson, Dunn & Crutcher attended by David Henderson, Steve Boynton, John Mintz, Ronald Burr, Ted Olson and Michael Horowitz in The Hunting of the President (J. Conason & G. Lyons, 2000) is more accurate than we have been led to believe by Mr. Olson. At his hearing, I had asked Mr. Olson whether there had been any meetings of the ''Arkansas project'' in his office and he responded without reservation: ''No, there were none.''

I followed up with a written question asking in particular about the time frame of 1993 and 1994, and Mr. Olson answered that he was, ''not aware of any meeting organizing, planning or implementing the 'Arkansas Project' in my law firm in 1993 or 1994.'' I then followed up by drawing his attention to a passage out of The Hunting of the President (Id.) in which the authors of that book wrote that a meeting did take place at which the topic was using Scaife funds and the American Spectator to, ''mount a series of probes into the Clintons and their alleged crimes in Arkansas.'' in response to that written question, Mr. Olson was less assertive and categorical. He did not deny that a meeting took place but disputed the characterization of the topic of the meeting. Hedging his testimony, he

noted that he did, ''not recall the meeting described.''

With respect to Mr. Olson's initial categorical denial of meeting at Gibson Dunn's offices, in response to another written follow up question derived from a passage in The Hunting of the President (Id.), I asked whether there had, in fact been meetings not only in 1993 and 1994 but also in July 1997 at the offices of Mr. Olson's law firm to discuss allegations that money for the ''Arkansas Project'' had been misallocated. Confronted with the specific reference to the public record, Mr. Olson modified his earlier categorical denial by conceding: ''I do recall meetings, which I now realize must have been in the summer of 1997 in my office regarding allegations regarding what became known as the 'Arkansas Project' and questions concerning whether expenditures involved in that project had been properly documented.''

Third, Mr. Olson has apparently down-played his involvement in the development and direction of ''Arkansas Project'' stories, perhaps to avoid any inconsistency with his initial representation to the Committee that he was not involved in the management of this project.

Yet, according to a published report in the Washington Post on May 10, 2001, the report to which Senator HATCH referred when he indicated that ''legitimate questions'' had been raised, David Brock told Post reporters that ''Olson attended a number of dinner meetings at the home of R. Emmett Tyrrell, Jr., president and chairman of the Spectator, which were explicitly 'brainstorming' sessions about the Arkansas Project.'' While Mr. Olson refused to respond to this allegation, his law partner, Douglas Cox, who worked on the Spectator account, conceded that Olson attended such dinners, but that ''did not mean that he was aware of the scope of the 'Arkansas Project' and the Scaife funding.''

David Brock has also indicated that Mr. Olson was ''directly involved in the Arkansas Project, participating in discussions about possible stories and advising the magazine whether to publish one of its most controversial stories, about the death of Clinton White House deputy counsel Vincent Foster.'' Washington Post, May 11, 2001. According to the account in the Post, Mr. Olson told Mr. Brock that, ''while he didn't place any stock in the piece, it was worth publishing because the role of the Spectator was to write Clinton scandal stories in hopes of 'shaking scandals loose.'" In his response to Senator HATCH, Mr. Olson did not deny Mr. Brock's account head on. Instead, he wrote that he told Mr. Brock that the article did not appear to be libelous or to raise any legal issues that would preclude its publication, and that he was not going to tell the editor-in-chief what should appear in the magazine.

The Washington Post also reported that both R. Emmett Tyrrell and Wladyslaw Pleszczynski said that project story ideas, legal issues involving the stories, and other directly related matters were discussed with Mr. Olson by staff members and at dinner parties of Spectator staff and board members. The reaction from Mr. Olson's supporters was swift. On May 15, 2001, Senator HATCH shared with us a letter he obtained from Messrs. Tyrrell and Pleszczynski denying the specific words in the Post story but not denying that they talked to the Post reporters. Indeed, the Post story quotes Mr. Tyrrell, a quote he does not disavow, as saying he did not recall, but it was a possibility that he talked to Ted Olson about the stories about the Clintons. ''I would say it was a possibility, just as it was a possibility that Roosevelt would have discussed Pearl Harbor on December 8 with his secretary of state.'' Tyrrell and Pleszczynski also say that Mr. Olson's carefully worded disclaimer was technically accurate as far as it went.

In a blatant effort to undermine Mr. Brock's powerful, first-hand recollection of Mr. Olson's participation in and contributions to the activities of the ''Arkansas Project,'' Mr. Tyrrell also submitted a statement that Mr. Brock was not a part of the ''Arkansas Project.'' Mr. Brock, in reply, submitted strong contradictory evidence to the Tyrrell statement and supplied the committee with multiple Arkansas Project expense reports which remain unrefuted and which Mr. Brock states, ''clearly show that I was reimbursed thousands of dollars by the Project for travel, office supplies, postage, and the like.''

Over the course of the past few weeks, Mr. Olson has downplayed any significance of discussions in social settings about the stories that were the product of the ''Arkansas Project.'' In his May 9, 2001, letter, Mr. Olson acknowledged: ''Your previous questions asked about contacts that I may have had with people involved in the project. My answer was and is that I had dealings with the editors of the magazine and some of its reporters and staff, some social, some in connection with legal work. This was during a time when those persons were involved in one form or another with the investigative journalistic efforts which the magazine was contemporaneously pursuing. I was, of course, aware, along with the public generally, that the magazine was writing articles about the Clintons, but I did not know that there was a special source of funding for these efforts.''

In his May 14, 2001, letter to Senator HATCH, he writes: ''It was also true that in social settings, the magazine's editorial staff and writers spoke of the articles that they were involved in writing and publishing. I was among scores of people from time to time included in such social events, but nothing about these social discussions involved organizing, supervising or managing the project—they were simply discussions of subjects of contemporaneous interest to the magazine's editors and writers.''

Yet, taken as a whole, Mr. Olson was clearly involved and participated both professionally and socially in the work of the American Spectator and its ''Arkansas Project.'' There is absolutely nothing illegal about this involvement and participation, but it shows a larger role in these activities than Mr. Olson initially portrayed.

Fourth, Mr. Olson minimized his role in the ''Arkansas Project'' and the American Spectator by failing to give complete information about the amount of remuneration he has received for his activities on their behalf when he was first asked. He told us on April 19 that he was paid from $500 to $1,000 for his articles that appeared in the American Spectator magazine. Yet, we find out in the Washington Post on May 10 that his firm was paid over $8,000 for work that was used in just one of those articles. In addition, the Post reported that over $14,000 was paid to Mr. Olson's law firm and attributed by American Spectator to the ''Arkansas Project.''

When he was asked during his hearing about an article he had coauthored that was published under the pseudonym ''Solitary, Poor, Nasty, Brutish and Short'' in the American Spectator magazine he did not indicate that ''the magazine hired [his] firm to prepare'' such materials and to perform legal research on the theoretical criminal exposure of the President and Mrs. Clinton based on press accounts of their conduct. I, for one, thought Mr. Olson had defended his writings as matters of personal First Amendment political expression. I had no idea from his testimony at his confirmation hearing that this article was part of his and his firm's ongoing legal representation of American Spectator Educational Foundation, that it was a commissioned piece of legal writing, paid for by a grant from conservative billionaire Richard Mellon Scaife. I am now left to wonder whether his article that was so critical of the Attorney General and the Justice Department was as he described them at his hearing the ''statements of a private citizen,'' or another richly paid for political tract.

Mr. Tyrrell and Mr. Pleszcynski do not deny that Mr. Olson was paid for the chart speculating on the Clintons' potential criminal exposure. Instead, they merely repeat the mantra that even if he was paid with ''Arkansas Project'' funds, Mr. Olson would not have known that. What they leave out is a necessary qualifier, ''at the time he received the payment.'' They and Mr. Olson became privy to the internal

audit of the ''Arkansas Project'' by 1998. That audit and his knowledge as a Board Member of the extent of the ''Arkansas Project'' it revealed render Mr. Olson's testimony in April, 2001, less than complete.

I have inquired of Mr. Olson what his and his firm's legal representation of the American Spectator entailed. In response he has been extremely general, vague and unspecific and, at times, has cloaked his nonresponsiveness in allusions to the attorney-client privilege. In fact, his law partner, Douglas Cox, has acknowledged that he and Mr. Olson worked on legal matters for the American Spectator, including legal research that was incorporated into the article that was published in 1994 in the American Spectator, under a fictitious name, that argues that the President was facing up to 178 years in prison and Mrs. Clinton had a criminal exposure of 47 years in prison. He then proceeds to undercut any claim of attorney-client privilege for these activities by indicating that they did not rely on any communications with anyone at American Spectator.

Having now conceded his involvement in these matters, something he did not do initially, the question arises: how extensive was that involvement as a lawyer? That is why I asked at least for production of his firm's billing records for legal services rendered to the American Spectator, but was stonewalled on that request. Mr. Olson asserted attorney-client privilege; he did not offer to cooperate by producing non-privileged copies of those records. (April 25 Response, Q.4; May 9 Response, p. 3). Such records have been produced in connection with other government inquiries.

As part of the bipartisan inquiry undertaken after the Committee vote on this nomination, we became aware of this fact. The May 28, 1999 transmittal letter for the December 9, 1998 OSR Report indicates that request were made to Mr. Olson and his law firm, Bigson Dunn & Crutcher (GD&C) for billing records for any client that had received Scaife foundation grants between 1992–1998 in order to ascertain whether there had ''been an indirect method to compensate GD&C for its unpaid representation of Hale.'' Just as here, GD&C initially invoked attorney-client privilege but ultimately non-privileged billing records for Mr. Olson's and GD&C's representation of both David Hale and the American Spectator were produced. (May 21 Ray Response to Joint A. 1). However, the independent counsel was unable to forward those records in response to the bipartisan, joint request for them from Senator HATCH and myself.

Accordingly, Senator HATCH and I then sent a joint request to Mr. Olson's firm requesting information about the total amount of fees paid by the American Spectator to the firm. On May 24, Mr. Cox informed us by letter that the amount paid over the course of five and one-half years for legal services performed is $94,405. That is a far different number than the $500 to $1,000 per article the Committee was first told by Mr. Olson.

Fifth, Mr. Olson has tried to distance himself from the most controversial aspects of the ''Arkansas Project'' in its activities to publicize allegations of wrongdoing about the Clintons in Arkansas. Mr. Olson stated that he ''represented the American Spectator in the performance of legal services from time to time beginning in 1994 . . . those legal services were not for the purpose of conducting or assisting in the conduct of investigations of the Clintons.'' (April 25th Responses, Q. 4). Yet, we find out he was paid over $8,000 to prepare a chart outlining the Clintons' criminal exposure as research for a February 1994 article Mr. Olson coauthored against the Clintons entitled, 'Criminal laws Implicated by the Clinton Scandals: A partial list.'

Finally, Mr. Olson has testified he simply does not recall who contacted him to represent David Hale. When I asked Mr. Olson at his April 5 hearing how he came to represent Mr. Hale he started by saying, ''[t]wo of [Hale's] then lawyers contacted me and asked . . . .'' A few seconds later Mr. Olson said, ''[o]ne of his lawyers contacted me—I can't recall the man's name—and asked whether I would be available to represent Mr. Hale in connection with that subpoena here in Washington, D.C. They felt that they needed Washington counsel with some experience dealing with a congressional investigation. I did agree to do that. Mr. Hale and I met together.''

Even in his May 9 letter, Mr. Olson asserts that he, ''cannot recall when [he] was first contacted about the possibility of representing Mr. Hale.'' He indicates that he believes, ''that [he] was contacted by a person or persons whose identities [he] cannot presently recall sometime before then regarding whether I might be willing to represent Mr. Hale if he needed representation in Washington. As I recall, I indicated at the time that I might be able to do so, but only in connection with a potential congressional subpoena, not with respect to legal matters pending in Arkansas. . . . I believe that this meeting was inconclusive because Mr. Hale did not at that time need representation in Washington.''

The Washington Post reported that David Henderson said that he introduced Hale to Olson when Hale came to Washington to find a lawyer who could help him deal with a subpoena from the Senate Whitewater committee, and sat in on a meeting between the two men. Interestingly, David Henderson apparently signed a statement on May 14 indicating that in his view he broke no law while implementing the ''Arkansas Project.'' What he does not say and what he does not deny is that he was the person who introduced David Hale to Mr. Olson. The role that David Henderson played in introducing David Hale to Mr. Olson is apparently corroborated by several other witnesses who have spoken to the American Prospect in a story released on May 24.

It now strikes me as strange that a man as capable as Mr. Olson with his vast abilities of recall could not remember the name of David Henderson, if Mr. Henderson was, in fact, involved in setting up that representation. It strikes me as doubly strange when the bipartisan inquiry conducted after the Committee vote on this nomination uncovered evidence that Mr. Olson was able to recall who introduced him to David Hale just a couple of years ago when asked the same question.

The OSR Report indicates that in 1998 Mr. Olson recalled who referred David Hale to him for legal representation, stating: ''Hale became a client of Olson's firm around November 1995. Olson believes that Hale may have been referred to him by [redacted].'' (OSR Report, p. 79).

It leads one to wonder whether Mr. Olson's failure to recall the name David Henderson had something to do with his not wanting to indicate the connection to such a central figure in the ''Arkansas Project.'' Indeed, it has been reported that when Mr. Olson became a Member of the Board of Directors of the American Spectator his January 1996 letter accepting the position was addressed to the publisher Ronald Burr with copies sent to Messrs. Tyrrell and Henderson. Mr. Henderson says in his recent statement that he served for a while on the Spectator Board. But why was he, in particular, sent a copy? One explanation is that Mr. Olson has a selective memory and that he did not recall Mr. Henderson as the person who contacted him to represent David Hale because that would simply be another tie to the ''Arkansas Project.'' But we may never know for sure.

On this point regarding how Mr. Olson came to represent Mr. Hale, and Mr. Olson's testimony to the Committee about it, Michael J. Horowitz submitted a statement that says that he, Mr. Horowitz, ''attended one meeting in Mr. Olson's presence at which the matter discussed was legal representation for David Hale, who was facing Congressional testimony and was in need of distinguished Washington counsel. At that meeting—at which no mention I know of was made of the 'Arkansas Project' or any term like it—the subject under discussion was whether Mr. Olson's firm would serve as counsel to Mr. Hale.''

It is entirely unclear in what capacity Mr. Horowitz was attending such a meeting, but it may not have been quite as simple as one or two lawyers

then representing Mr. Hale approaching a high profile Washington lawyer and his instantaneous agreement to accept the representation for a client without a retainer and without much prospect of being paid after. According to Mr. Olson, he and Mr. Hale ''met together'' and Mr. Hale agreed to pay [Gibson, Dunn & Crutcher's] fees.'' In the end, Mr. Hale could not pay the $140,000 in legal fees he owned Mr. Olson.

Fitness to be Solicitor General. Some have said, why is this important? Does this matter whether he accurately and fully described his role in the American Spectator and the ''Arkansas Project''? It is important for two reasons, both of which go to the core of the fitness of the nominee to serve as Solicitor General. The principle question raised by the nomination of Mr. Olson to this particular position is whether his partisanship over the last several years in connection with so many far reaching anti-Clinton efforts mark Mr. Olson as a thoroughgoing partisan who will not be able to check his partisan political instincts at the door to the Office of the Solicitor General. Similar questions were raised by the nomination of Michael Chertoff. In that case the questions were answered and the doubts dissipated. In connection with the Olson nomination, those doubts have grown over time.

Had Mr. Olson conceded the extent of his involvement in anti-Clinton activities and given the kinds of assurances that Mr. Chertoff did about his upcoming responsibilities, I would be supporting his confirmation. Indeed, when I met with Mr. Olson and at his hearing, I hoped and expected that to be my position. I expected to be able to give him the benefit of the doubt and, in light of the deference I would normally accord a President's Executive Branch nominees, I fully expected to be voting for this nomination.

In the wake of the hearing, the series of supplemental responses we have received and the unanswered questions now in the public record about Mr. Olson's involvement in partisan activities like the ''Arkansas Project,'' I still have my doubts.

Second is the question of candor and straightforwardness. I have not had the sense from his hearing onward that Mr. Olson has been truly forthcoming with me or with the Committee. My sense is that for some reason he chose from the outset to try to minimize his role in connection with the activities of the American Spectator, that he has sought to characterize it in the most favorable possible light, that he has sought to conclude for us rather than provide us with the facts and let us conclude how to view his activities.

I will cite another example of nonresponsiveness from the record. I asked Mr. Olson in light of his testimony at the hearing that he was not involved in the origins or management of the 'Arkansas Project': ''Were you involved in advising anyone who was involved in the origins or management of the project? If so, what advice did you provide? Were you at meetings or social events with anyone involved in the project as an originator, manager, reporter, or source for the project? If so, what role did you play at these meetings or social events?''

Mr. Olson's response was, as follows:

''I did not realize that a Project of any sort was underway except to the extent that I have indicated. I was in contact at social events with reporters for the magazine and members of the editorial staff, individuals whom I regard as personal friends. I have been at countless social events at which one or more of such persons may have been present. I have not kept records of such meetings, or the nature of the conversations that may have occurred at such meetings that might have involved President Clinton or his contemporaneous or past conduct. I was not playing any particular role at those social events, except that I was probably a host of events at which persons who wrote for or performed editorial services for the American Spectator may have been present. To the extent that it is relevant to your inquiry, I was the best man at the wedding of the editor-in-chief of the American Spectator. I recall that he was also present at my wedding. He is a personal friend and we have had numerous social meetings. He has written at least two books about former President Clinton. I do not interpret your inquiry as asking for the substance of conversations at social events. And I do not recall giving any advice concerning the conduct of the 'Project' or its origins or management.

Literally true? Probably. Responsive? Hardly. At the time of his hearing and his answer, Mr. Olson was well aware of the activities of the ''Arkansas Project,'' which was operated by the organization for which he acted as lawyer, author and contributor, Board Member and officer. He had been presented with an audit and played a pivotal role in reviewing the examination of its management, methods and results, according to Mr. Eastland. His answer, however, steers clear of perjury without responding to the concerns being raised. It relies on a lack of recollection and is an attempt at distraction.

Conclusion. As I review this record and the initial nonresponsiveness, lack of recall, corrections when confronted with specifics, I am left to wonder what happened to ''absolute candor and fair dealing.'' In concluding my May 4, 2001, letter to Mr. Olson I noted: ''The credibility of the person appointed to be the Solicitor General is of paramount importance. When arguing in front of the Supreme Court on behalf of the United States Government, the Solicitor General is expected to come forward with both the strengths and weaknesses of the case, to inform the Court of things it might not otherwise know, and to be honest in all his or her dealings with the Court. I expect that same responsiveness and cooperation from nominees before this Committee.'' My expectations have been disappointed.

I understand the role of a lawyer-advocate in our legal system, and I did not intend to oppose this nomination merely because of Mr. Olson's clients and his clients' activities. If confirmed, however, Mr. Olson's next client will be the United States of America—and all of us. I want to be sure that our nation's top lawyer will see the truth and speak the truth fully to the Supreme Court and represent all of our best interests in the weighty matters over which the Solicitor General exercises public authority. Based upon what I have seen I do not have the requisite confidence in Mr. Olson to be able to support his nomination. I will vote no.

I reserve the remainder of my time.

Mr. HATCH. Mr. President, I agree with my colleague from Vermont that the Solicitor General must be a person of the highest integrity. This is very important if the Solicitor General is to represent the interests of all Americans and to be a valuable assistant to the Supreme Court. Mr. Olson himself acknowledged this high standard in his testimony to the committee.

I believe that Mr. Olson has exemplified this high level of candor and integrity in all of his dealings with the committee.

Some of my colleagues have alleged that Mr. Olson misdirected the committee in his answers. But this is simply untrue. Mr. Olson told us what he did with the American Spectator and the Arkansas Project. He wrote several articles for that magazine—copies of these articles were all provided to the committee with Mr. Olson's questionnaire. Mr. Olson also told us that he was on the board of the magazine and became aware of the Arkansas Project in 1997. He has not attempted to hide any of these activities from the committee. Rather he has cooperated fully, submitting numerous responses to questions from members of the Judiciary Committee.

Mr. Olson enjoys the support of many prominent liberal scholars and lawyers, as I have detailed already. Many of his colleagues at the Office of Legal Counsel have attested to his fairness and his consummate ability to serve as a government lawyer in a nonpartisan manner.

Indeed, many of the allegations against Mr. Olson have arisen from reports in The Washington Post. But the Post has advocated the confirmation of Mr. Olson.

Mr. Olson is one of the most qualified nominees ever for the position of Solicitor General. I hope that this body will confirm him today so that he can begin his important work litigating on behalf of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD the following letters we have received in support of Mr. Olson. These include letters from Robert Bennett, Larry

Simms, Michael Horowitz, James Ring Adams, Terry Eastland, Floyd Abrams, Laurence Tribe, William Webster, R. Emmett Tyrell, Wladyslaw Pleszczynski, Douglas Cox, David Henderson, and Stephen Boynton. These letters demonstrate the depth and breadth of the support for Mr. Olson's nomination.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP,
Washington, DC, May 15, 2001.

Hon. ORRIN G. HATCH,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I write this letter in support of the appointment of Ted Olson as Solicitor General of the United States.

Our country is blessed with many wonderful lawyers of all political persuasions. In making judgments about their selection for high office, we must look beyond their political labels and pick the best qualified. The Ted Olson that I know and respect would be a great Solicitor General. I am confident that he will obey and enforce the law with skill, integrity and impartiality. The American people would be most fortunate to have such a skillful and honest advocate representing the United States before the Supreme Court.

Several years ago when I was the State Chair of the American College of Trial Lawyers for the District of Columbia, it was my responsibility to help select for admission to the College the very best advocates—those who were the most skilled, dedicated and honest. At the top of my list was Ted Olson. Ted, because of his stellar qualifications and reputation for integrity, sailed through the selection process. Those who supported him were liberals, moderates and conservatives of all stripes.

While I do not have any personal knowledge as to what role, if any, Mr. Olson played in the ''Arkansas Project'' or the full extent of his relationship with the American Spectator, what I do know is that Ted Olson is a truth-teller and you can rely on his representations regarding these matters. Moreover, I agree with Senator Leahy that the credibility of the individual appointed to be Solicitor General is of paramount importance. In my view, based on the many years I have known him, Ted Olson is such an individual. He is a man of great personal integrity and credibility and should be confirmed.

Sincerely,

ROBERT S. BENNETT.

GIBSON, DUNN & CRUTCHER, LLP,
Washington, DC, May 15, 2001.

Re the nomination of Theodore B. Olson to be the Solicitor General of the United States

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. PATRICK J. LEAHY,
Ranking Minority Member, Senate Judiciary Committee, Washington, DC.

DEAR SENATORS HATCH AND LEAHY: This letter is being sent to the Committee in connection with the nomination of Theodore B. Olson to become the Solicitor General of the United States. It is written in the context of an apparent controversy regarding the truthfulness of particular testimony given by Mr. Olson at his confirmation hearing before the Committee. I have had no involvement whatsoever in Mr. Olson's preparation for that hearing, I have not reviewed a transcript of that hearing, and I have not discussed the substance of this controversy with Mr. Olson or anyone who may be assisting Mr. Olson in this matter. Indeed, my universe of asserted facts regrading this controversy is limited to my review of two or possibly three articles printed recently in The Washington Post that were brought to my attention by a former associate of Gibson, Dunn in a purely social communication. This letter has not been, nor will it be, reviewed or seen by anyone other than word processing personnel before it is delivered to the Committee, although I am providing a copy of it to Mr. Olson as a matter of courtesy.

I understand the central concern of the Committee to be the truthfulness and integrity that Mr. Olson would bring to the presentation of the position of the United States in cases brought before the Supreme Court or other cases within the ambit of the authority of the Solicitor General. I share the view that there should be no doubt about the ability and integrity of any nominee to this position to present the Government's position with honesty and integrity. When this sort of issue arises in this town, it is customary for the record to be filled, often to overflowing, with letters extolling the integrity of the nominee whose ability to serve with the requisite integrity has been challenged. I doubt that such testimonials are particularly helpful to the Committee, I would, instead, like to bring to the attention of the Committee three instances in which I worked with Mr. Olson on matters that demanded precisely the kind of intellectual integrity that should be displayed by any Solicitor General and in which Mr. Olson displayed that integrity under what can only be characterized as battlefield conditions. First, I should provide the Committee with some relevant information about myself.

I graduated from the Boston University School of Law in 1973, having spent four years as an officer in the U.S. Navy after my graduation from Dartmouth College in 1966. I grew up in Tennessee, campaigned for the late Senator Albert Gore, Sr. in his last campaign in 1970, and I am a Democrat. In 1973–74, I served as a law clerk to Circuit Judge James L. Oakes of the Second Circuit. In 1974–75, I served as law clerk to Associate Justice Byron R. White of the Supreme Court. In 1975–76, I served as Counsel to the Reporters Committee for Freedom of the Press and began teaching a First Amendment seminar as a adjunct professor of the Georgetown Law Center, a course I taught until 1985. In June 1976, I was hired by Antonin Scalia, then the Assistant Attorney General in charge of the Office of Legal Counsel of the Department of Justice (''OLC''), as an attorney-adviser. In 1979, I was appointed Deputy Assistant Attorney General in OLC by Attorney General Bell. I was the only remaining Deputy Assistant in OLC when the first Reagan Administration took office in January, 1981, and I continued to serve in that capacity until February 1985. Mr. Olson was the Assistant Attorney General in charge of OLC from his confirmation in 1981 through the fall of 1984. We worked closely together on many issues, and I came to know him well both at the professional and personal level. I joined Gibson, Dunn as an associate in February 1985, became a partner in 1988 and have practiced appellate law with the firm for sixteen years.

Mr. Olson's handling of three major issues during his tenure as the head of OLC stands out as exemplary of his intellectual integrity. First, and as this Committee is well aware, the courts had not at that time determined the constitutionality of the legislative veto device. In addition, the Republican plank endorsed by President Reagan openly supported the legislative veto device. When he became head of OLC, Mr. Olson studied the question of the constitutionality of the legislative veto device, discussed that question at great length with me and other OLC lawyers, and concluded that legislative veto devices were, root and branch, unconstitutional. He so advised Attorney General Smith, who in turn advised President Reagan and members of the President's staff—many of whom were strongly supportive of legislative veto devices. Mr. Olson convinced the Attorney General that the issue involved was a legal issue, not a political issue, and that the law, not the plank of the Republican Party, had to be followed by everyone involved, including the President himself. This story is chronicled in Chadha: The Story of an Epic Constitutional Struggle by Professor Barbara Hankinson Craig of Wesleyan University, and I strongly commend that book to the Committee as it considers Mr. Olson's nomination.

Second, and as this Committee is also aware, there was much discussion in the early years of the first Reagan Administration about the enactment of legislation to curb the jurisdiction of the Supreme Court of the United States. Much of that discussion was initiated by the new Republican majority on this Committee. Once again, Mr. Olson was put under substantial pressure to ''play ball'' with the Administration and clear the Administration to endorse such legislation. Once again, he studied the issue, discussed it extensively with me and other OLC lawyers, and concluded that such legislation would probably be held unconstitutional. That opinion was reduced to writing and served as the Administration's response. No such legislation, so far as I can recall, was ever seriously considered after the Administration's position was communicated to Congress.

Third, in late 1981, I was preparing to travel to The Hague on business when I was asked by Mr. Olson for my views on the substantive issues raised in what ultimately became the famous Bob Jones case. Although I did not have much time to study those substantive issues, I advised Mr. Olson orally that I feel that the Government's position taken in that case was correct and would be vindicated by the Supreme Court. I also advised Mr. Olson that I felt strongly that the Office of the Solicitor General had an obligation to defend the statute involved in that case in the Supreme Court. By the time I returned from The Hague, the Bob Jones fiasco was playing itself out, with a decision having been made—over Mr. Olson's strong objections—that the statute would not be defended by the Solicitor General. The Supreme Court ultimately appointed William Coleman to defend the statute in that court, and Mr. Olson's position was vindicated by, as I recall, an almost unanimous decision.

This letter is written off the top of my head, so the Committee will have to forgive me for any error in any of the facts stated above that I may have made, but there is no error in my conclusion that these three examples paint the portrait of a lawyer scrupulously devoted to the law and having the personal and intellectual integrity to place the law above the politics of Washington at considerable personal risk. It is that quality, after all, that it seems to me one should look

for in considering the nomination of any person to be the Solicitor General of the United States. Mr. Olson is a fierce advocate, but he is an honest advocate and a person whose integrity and devotion to the law and the rule of law have survived challenges to which very few public servants are ever subjected.

Very truly yours,

LARRY L. SIMMS.

STATEMENT OF MICHAEL J. HOROWITZ TO THE SENATE JUDICIARY COMMITTEE

I am a Senior Fellow and Director of the Project for Civil Justice at the Hudson Institute. I served as General Counsel of OMB under President Reagan. I have known Ted Olson for 20 years and have the highest regard for him and for his professionalism, intelligence and integrity.

In fact, I have always found Mr. Olson's word to be absolutely reliable. I have disagreed with Mr. Olson from time to time on issues of policy, but I have never met a person more meticulously scrupulous on matters of principle or honesty.

Never.

I have read Mr. Olson's testimony in response to Senator Leahy's question regarding the ''Arkansas Project,'' delivered during Mr. Olson's confirmation hearing. His testimony to Senator Leahy was, in all respects that I am aware, wholly accurate. Specifically, I know of no respect in which Mr. Olson was involved in the Project's ''origin or its management.''

I attended one meeting in Mr. Olson's presence at which the matter discussed was legal representation for David Hale, who was facing Congressional testimony and was in need of distinguished Washington counsel. At that meeting—at which no mention I know of was made of the ''Arkansas Project'' or any term like it—the subject under discussion was whether Mr. Olson's firm would serve as counsel to Mr. Hale. Put otherwise, I have never heard Mr. Olson discuss or imply that he was involved in managing or directing either anything called the Arkansas Project or any of the investigative journalistic inquiries of his client, the American Spectator Magazine.

In making the above statement, I note that I am aware of nothing to suggest that the American Spectator violated the law. Likewise, I believe it clear that the American Spectator's journalistic and investigative activities were and are fully protected by the First Amendment.

I was hired in late 1993 by the American Spectator to be the lead writer for what has come to be known as the ''Arkansas Project.'' I originally started as a free-lance writer, but was hired onto the staff of the magazine in 1994, where I remained until January 1, 1999. My numerous articles in the Spectator, based largely on my personal reporting in Arkansas, analyzed many different aspects of Whitewater and related controversies. Over the four years or so that I worked for the Spectator, I traveled to Arkansas on roughly a monthly basis.

I understand that David Brock, who for a period was another writer for the magazine, has alleged that Mr. Theodore Olson directed or supervised the ''Arkansas Project.'' As stated above, I was the lead writer on the Project, and Mr. Olson had absolutely no role in guiding my development of stories for the magazine or in managing my work. Indeed, I believe I only spoke to Mr. Olson once during the years in question, at the end of a widely attended dinner at a Washington, D.C. hotel, sometime in 1998, I believe. I sought him out to ask a general question about recent, publicly reported developments in the Webster Hubbell legal case. It was my impression at the time that he did not recognize me, and I had to explain who I was; we spoke only for about five minutes. Given that we had no other meetings, conversations or other communications about my work, it is false and wrong to assert that Mr. Olson had any role whatsoever in managing or directing what is referred to as the ''Arkansas Project.''

May 14, 2001.

JAMES RING ADAMS.

MCLEAN, VA, May 14, 2001.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I am writing to comment on matters of possible relevance to President Bush's nomination of Theodore B. Olson to be Solicitor General.

I became publisher of The American Spectator in November 1997. I was authorized by the board of directors to conduct a review of what has been called the ''Arkansas Project.'' I completed the review in 1998 and reported my findings to the board. I also assisted investigators working under the Whitewater independent counsel, who were charged with looking into certain issues involving the project.

As I discovered soon after I began my review, the project was conceived in the fall of 1993 by Editor-in-Chief R. Emmett Tyrrell, Jr., and Richard Larry, then the executive director of the Scaife foundations. The point of the project was to place in Arkansas individuals who would look into allegations involving then Governor Bill Clinton and relate their findings to the magazine's editors and writers for their review. The project contemplated the publication of investigative pieces. Two Scaife foundations were prepared to underwrite the project, which in grant correspondence was called ''the editorial improvement project.''

The project was commenced in November 1993. Individuals were duly retained to conduct the ''on-the-ground'' researches in Arkansas, and the first editorial result of the project was an article on an aspect of Whitewater, which was published in February 1994. The project continued through the early fall of 1997, and it produced a total (by my count) of eight articles. The Scaife foundations contributed a total of approximately $2.3 million, more than $1.8 million of which underwrote the work of the individuals in Arkansas.

In my review, I found no evidence that Mr. Olson was involved in the project's creation or its conduct. My own sense is that Mr. Olson did not become aware of the project until June 1997, when disagreements arose between the magazine's then publisher and Mr. Larry over project expenditures. At that time, Mr. Tyrrell, who was also chairman of the board, asked Mr. Olson, a board member since 1996, for his assistance in resolving the dispute. When I came aboard as publisher, Mr. Olson agreed that a review of the project was necessary. Throughout my review, which included an accounting of the monies spent on the project as well as an examination of its management, methods, and results, I had Mr. Olson's strong support.

Finally, I should add that, based upon my knowledge of the magazine's financial records in general and those of the Scaife-funded project in particular, Mr. Olson never received any payments from The American Spectator for his representation of David Hale.

I hope these observations are of assistance.

Sincerely yours,

TERRY EASTLAND.

GAHILL GORDON & REINDEL,
New York, NY, March 4, 2001.

Re Ted Olson

Hon. PATRICK J. LEAHY,
Russell Senate Office Building,
Wahsington, DC.

DEAR PAT: I'm not sure if Ted Olson needs a boost from the other side or not for Solicitor General, but I did want to offer one. Ted is just as conservative as his writings and clientele suggest. But on the assumption that Larry Tribe is not high on the appointment list for this Administration, I did want to say that I've known Ted since we worked together on a Supreme Court case—Metromedia v. San Diego—20 years ago and that I've always been impressed with his talent, his personal decency and his honor. He would serve with distinction as Solicitor General.

Sincerely,

FLOYD ABRAMS.

HARVARD UNIVERSITY LAW SCHOOL,
Cambridge, MA, March 5, 2001.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR PAT: As one who knows Ted Olson and disagrees with him on many important issues, I nonetheless write in support of his confirmation as Solicitor General.

An explanation may be called for. After all, Ted was the oral advocate who opposed me in the United States Supreme Court in the first of the two arguments between Vice President Gore and now President (then-Governor) Bush, and Ted's were the briefs that I sought to defeat in the briefs I wrote and filed for Vice President Gore in both of the two Bush v. Gore cases. Ted's views of equal protection, of Article II, and of 3 U.S.C. §5, were views I believed, and continue to believe, are wrong. Although his views of Article II and of 3 U.S.C. §5 ultimately convinced only three Justices, his overall approach to the case won the presidency for his client. It surely cannot be that anyone who took that prevailing view and fought for it must on that account be opposed for the position of Solicitor General. Because Ted Olson briefed and argued his side of the case with intelligence, with insight, and with integrity, his advocacy on the occasion of the Florida election litigation—profoundly as I disagree with him on the merits—counts for me as a ''plus'' in this context, not as a minus. That his views coincide with those of a current Court majority on a number of vital issues as to which my views differ deeply should not rule him out.

I am willing to believe that the five Justices who in essence decided the recent presidential election thought they were genuinely acting to preserve the rule of law and to protect the constitutional processes of democracy from being undermined by a post-election recount procedure that they viewed as chaotic, lawless and essentially rigged. I believe that view was profoundly misguided and that the Court's majority deserves severe criticism not only for its misconception of reality but also for its breathtaking failure to explain its legal conclusions in terms that could at least make sense to an informed but detached observer. But I do not lay that failing at Ted Olson's feet; he acted as a responsible (if also misguided) advocate. The blunder was the Court's own doing.

If we set Bush v. Gore aside, what remains in Ted's case is an undeniably distinguished

career of an obviously exceptional lawyer with an enormous breadth of directly relevant experience. Although part of that career has been devoted to causes with which I disagree, his briefs and arguments have treated the applicable law and the underlying facts honestly and forthrightly, not disingenuously or deceptively. Ted seems to me capable of drawing the clear distinction that any Solicitor General who has been on the ramparts on various contentious issues must draw between his or her own aspirations for the directions in which the law should be pushed, and his or her best understanding of where the law presently is and where the Supreme Court ought to be nudging it, applying criteria less personal and more inclusive than those driving any individual advocate. Put simply, I write this letter in Ted Olson's support in the expectation, and on the understanding, that his testimony during his confirmation hearing, and the other evidence that the Senate Judiciary Committee will gather, will show him to be both able and willing not simply to articulate the Administration's or his own legal philosophy but to represent well the United States of America as his ultimate client before the Supreme Court, keeping a firm grip on what is best for that client and for the Constitution, not simply for the President's philosophical agenda.

Of course, any Solicitor General must speak for the Administration he or she represents and must, within limits, espouse its views. And any advocate must, to some degree, draw on his or her own views in deciding what to argue and how. But the special responsibility of the Solicitor General, both to the Court and to the country, requires an advocate with the capacity and the character, on crucial occasions, to rise above his or her Administration's pet theories and to advise the Court in ways that may not always advance the political priorities of the government. Sometimes the Solicitor General must defend the actions of Congress even when those actions were opposed by the Executive Branch. Sometimes the Solicitor General must decline to defend the actions of Congress, even when supported by the Executive, when they plainly conflict with the Constitution. Myriad examples could be given, but the general point is simple: Some advocates are too bound up in their own views, and in their duty to their immediate clients narrowly conceived, to act as counsel in this broader and higher sense. Some are too blinded by their own perspectives to see beyond them. Having observed Ted Olson in a number of situations, and having watched his career from afar, I would not expect him to be in that troublesome category. I would expect him, rather, to have the open-mindedness and breadth of perspective to meet the higher standard I am articulating here. My letter of support, at any rate, is premised on that expectation, and on the belief that the confirmation hearings will bear out that optimistic prediction.

In the end, only Ted Olson's performance in the role of Solicitor General will prove whether I am right or wrong in this hopeful evaluation. My strong sense, however, based on what I now know, is that, as Solicitor General, Ted Olson will perform his role with honor, and with distinction.

Best wishes always,

LAURENCE H. TRIBE.

WASHINGTON, DC, *May 14, 2001*.

Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee, U.S. Senate, Washington, DC.

Hon. PATRICK J. LEAHY,
Ranking Minority Member, Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH AND RANKING MINORITY MEMBER LEAHY: I write in support of the nomination of Theodore B. Olson by President Bush to be Solicitor General of the United States. I do so having the utmost confidence in his ability, his loyalty to country, his fidelity to the Constitution and his personal integrity.

My professional and personal association with Ted Olson began 20 years ago when he joined the Reagan administration and served as Assistant Attorney General, Office of Legal Counsel under Attorney General William French Smith. I was, at that time, Director of the Federal Bureau of Investigation. Few positions in our government are more sensitive or important to our government and the administration of justice than is the O.L.C. Ted carried out his responsibilities with a calm and steady hand, reflecting legal acumen and common sense, both important attributes for the ''Attorney General's lawyer''. In staff meetings his input and advice seemed consistently sound.

In private practice I have had occasion to work with Ted on some matters of common interest and have found the same high level of competence and judgment. He is one of our nation's foremost appellate advocates and has earned widespread admiration for his analytical and advocacy skills. If he is confirmed, he will serve his country and the cause of equal justice under law with great dedication.

Ted has been a member of the Legal Advisory Committee of the National Legal Center for the Public Interest, which I chair. His periodic review of the work of the Supreme Court has been insightful and helpful.

On a more personal note, I have known Ted as a thoughtful and caring friend for many years. I believe him to be honest and trustworthy and he has my full trust. He is the kind of person I would want to turn to for help, professional or otherwise, in time of need.

Having survived five Senate confirmations of my own, I have a full awareness of the Senate's solemn responsibility to advise and consent in these matters. I do hope you will give some weight to the opinions of those who know and respect Ted Olson. The President's choice is a very good one. I would not have written this letter if I did not firmly believe this to be true.

Respectfully,

WILLIAM H. WEBSTER.

THE AMERICAN SPECTATOR,
ARLINGTON, VA, *May 14, 2001*.

Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: Contrary to the Washington Post's May 11 story by Thomas B. Edsall and Robert G. Kaiser, we never ''said that [Arkansas] project story ideas, legal issues involving the stories produced by the project and other directly related matters were discussed with Olson by staff members, and at dinner parties of Spectator staffers and board members.'' Apparently they got the idea from David Brock, Edsall's main source on the Olson matter, and an individual who has repeatedly acknowledged his deep bias against Olson and his former employer The American Spectator. In quoting him, the reporters might have mentioned his compromised credentials.

Although Mr. Brock has lately claimed to have been part of the so-called Arkansas Project, he was not. The record on that is indisputable. During his time at the magazine it was clear to everyone concerned—he was very public about this—that he was not part of the project. His well-known ''Troopergate'' story originated and was completed before any such project existed. If he spoke to Mr. Olson during those years it was as a reporter pursuing his own stories and not as a representative of a ''project'' he distanced himself from. Pleszczynski made that clear to Edsall. Brock's present claim that he was calling Olson as part of the ''project'' is a deceit.

What is more, if Mr. Olson's firm, Gibson, Dunn and Crutcher, was paid from project funds (like all recipients of checks from The American Spectator), the firm would not have known which internal account the magazine used for its payments. For all Gibson, Dunn and Crutcher knew, the magazine was paying it from funds derived from general income.

Mr. Olson's statements that he was ''not involved in the project in its origin or its management'' and that he was ''not involved in organizing, supervising or managing the conduct of [the magazine's investigative] efforts'' are accurate and thus truthful.

One final point, the precedent set by politicians seeking to probe the methods of payment and of reportage practiced by journalists has a chilling effect on the First Amendment. We would hope other journalists would recognize this danger to journalistic endeavors.

Sincerely,

R. EMMETT TYRRELL, Jr.,
Editor-in-Chief.

WLADYSLAW PLESZCZYNSKI,
Editor, The American Spectator Online.

I am a partner in the law firm of Gibson, Dunn & Crutcher LLP. I became affiliated with the firm, originally as an ''of counsel'' employee, in 1993. Starting in 1994, I worked with Theodore Olson on certain legal matters for the firm's client, the American Spectator. That legal work included legal research regarding criminal laws potentially implicated by allegations of certain conduct by public officials, including President and Mrs. Clinton, as reported in the major media. That research was incorporated into an article that the American Spectator published in 1994. The magazine published the article under the by-line of ''Solitary, Poor, Nasty, Brutish and Short,'' an obviously fictional law firm drawn from the famous quote from Hobbes, that the magazine had listed for many years on its masthead as its legal counsel. It was, however, widely known that Mr. Olson and I had prepared the material in the article.

In addition to periodic legal work for the client, Mr. Olson and I over the years co-wrote similar satiric pieces involving legal aspects of various matters involving the Clinton Administration. Some, but not all, of those pieces appeared under the ''Solitary, Poor'' by-line.

During my work with Mr. Olson for the American Spectator, I never heard the phrase ''Arkansas Project'' until it had become the subject of media reporting. I am not aware of any fact that would support or in any way credibly suggest that Mr. Olson was involved in the origin, management or supervision of the investigative journalism projects funded by one of the Scaife foundations that became know as the ''Arkansas

Project.'' In drafting our articles, I never spoke with anyone at the American Spectator to obtain any facts, relying instead on already-published media reports, and legal resources such as statutes, congressional reports, and the like.

I met David Brock years ago, and in the early 1990s on occasion I would see and speak to him at parties in the Washington, DC area. I have not spoken to Mr. Brock for years. Starting some time ago, Mr. Brock developed a marked, publicly-expressed animus toward Mr. Olson and his wife.

I chose to become affiliated with Gibson, Dunn primarily because of Mr. Olson. Although I did not know Mr. Olson personally before I interviewed with the firm, he has a reputation as one of the best lawyers in Washington, a rigorous and demanding lawyer with a record of unflinching devotion to principle. In the years since I became affiliated with the firm, I have worked closely with Mr. Olson, including participation on numerous cases for the firm's clients. I can personally vouch for his extremely high professional standards; for his refusal to accept second-best efforts from himself or anyone around him; and for his fairness. I can also vouch, without reservation, for his great integrity.

In my view, he will make an excellent Solicitor General, and the Members of the Judiciary Committee should vote to confirm him with confidence.

DOUGLAS R. COX.

We were the two individuals charged by the American Spectator with implementing what has come to be called the ''Arkansas Project,'' an effort to support investigative journalism in Arkansas that was specially funded by Richard Mellon Scaife. (Dave Henderson also served for a while on the Spectator Board.)

In connection with our investigative research for this journalistic project, we made numerous trips to Arkansas and elsewhere to speak first-hand to witnesses. Nothing that we did in connection with the ''Arkansas Project'' broke the law. Mr. Shaheen, a special counsel, reached the same conclusion after an extended investigation. Rather, we were conducting the same kind of investigative journalism, talking to witnesses, reviewing documents, that many journalists do every day. Such activities were not only lawful, but encouraged in an open and free democracy, and fully protected by the First Amendment. There was nothing at all improper about the investigative fact work that we performed for the American Spectator.

In performing our investigative work for the American Spectator, we were not directed or managed in any way by Theodore Olson. He did not participate, nor was he asked to participate, in either the planning or conduct of the ''Arkansas Project.'' Contrary assertions, made by those lacking personal knowledge and with a political or personal agenda, are simply false.

May 15, 2001.

DAVID W. HENDERSON.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, on behalf of Senator HATCH, I yield time to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank my colleague from Alabama for yielding time to me. I have sought recognition to support the nomination of Theodore Olson to be Solicitor General of the United States.

Mr. Olson comes to this position with an excellent academic and professional background. He received his law degree from the University of California at Berkeley in 1965 after having received a bachelor's degree from the University of the Pacific in 1962. He practiced law with the distinguished firm of Gibson, Dunn, and Crutcher from 1965 to 1971 as an associate, and then as a partner for almost a decade, until 1981. And then from 1984 to the present time—he was Assistant Attorney General, legal counsel, for the Department of Justice from 1981 to 1984. He came in with the administration of President Reagan.

I was elected in the same year, and I knew of his work, having served on the Judiciary Committee beginning immediately after taking my oath of office after the 1980 election.

He is a real professional. He has argued some of the most important cases before the Supreme Court of the United States.

On December 11, 2000, he argued the landmark case of Gov. George W. Bush v. Vice President Albert Gore where the decision of the Supreme Court of the United States essentially decided the conflict on the Florida election. I was present that day to hear that historic argument and can attest personally to his competency and his professionalism.

There have been some concerns about his partisanship. I am confident Mr. Olson can separate partisanship from his professional responsibilities as Solicitor General of the United States. It is not surprising that President Bush would appoint a Republican to be Solicitor General, nor is it surprising that President Bush would appoint Ted Olson to this important position in light of Mr. Olson's accomplishments, his demonstration of competency, and his assistance to President Bush on that major case.

Some questions have been raised as to some answers Mr. Olson gave at the confirmation hearing. A request was made to have an investigation of some of what Mr. Olson did. I took the position publicly in interviews and then later in the Judiciary Committee executive session when we considered Mr. Olson's nomination, saying I was prepared to see and support an investigation if there was something to investigate but that there had not been any allegation of any impropriety on Mr. Olson's part in terms of any specification as to what he was supposed to have said that was inconsistent or what he was supposed to have said that was not true.

I am not totally without experience in investigative matters. But a starting point of any investigation has to be an allegation, something to investigate. That was not provided. I called at that hearing for some specification. If you make a charge, even in a civil case, there has to be particularity alleged, there has to be some specification as to what the impropriety was, let alone wrongdoing in order to warrant an investigation.

I said at the hearing, although there was a certain amount of interest in moving the nomination ahead last Thursday, that I would support an investigation and would not rush to judgment if there was something to investigate. But nothing was forthcoming to warrant an investigation. One of the Judiciary Committee members said, well, Mr. Olson was not forthcoming at the Judiciary Committee hearing. I attended that hearing in part, and there were very few Senators there. But if there was some concern that Ted Olson wasn't forthcoming, the time to go into it was at the hearing or, if not at the hearing, Mr. Olson was available thereafter.

I asked the Senator who raised the question about his not being forthcoming if he had talked to Mr. Olson, and the answer was that he had not. So based on the record, it is my conclusion that any of the generalized charges as to Mr. Olson haven't been substantiated at all, haven't been raised to the level of specification to warrant any proceeding or any investigation.

I dare say that if those on the other side of the aisle had sought to block this nomination from coming up today, there were ample procedural opportunities for them to do just that.

So on this state of the record, on the state of Ted Olson's excellent academic and professional record, and his established expertise as an advocate before the Supreme Court of the United States, and understanding the difference between partisanship when he is in a partisan context as opposed to professionalism when he is representing the United States of America before the Supreme Court, I intend to support this nomination and vote aye.

I thank the Chair. I thank my friend from Alabama, the distinguished Senator from Alabama. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Pennsylvania for his outstanding remarks. He does, indeed, have a passion for truth and he pursues those he believes are not telling the truth aggressively in his examination and defends those he thinks are being unfairly accused. I have seen his skill in committee hearings many times. Senator SPECTER raised a number of questions about the allegations that were made about Mr. Olson. But his questions concerning the merit of the allegations against Mr. Olson were never answered. In fact, he simply asked: ''Precisely what is it you say he was

testifying falsely about?'' And I don't believe a satisfactory answer to this day has been given to that question.

Mr. President, I support Ted Olson's nomination to be the next Solicitor General. I commend Senators LEAHY, DASCHLE, HATCH, and LOTT for reaching an agreement to have the Olson nomination voted on today. Certain charges were made, but they have been investigated and, in my view, have been found wholly without merit. The charges were raised in a newspaper article in the Washington Post the day that the vote was scheduled on Mr. Olson's nomination. Some of the Senators questioned the article.

Subsequently, after the facts were examined, the Washington Post endorsed Ted Olson for this position. Nonetheless, Senator HATCH agreed to delay further and allow the matter to be examined even more thoroughly. That is why we are here today. Now that most of the partisan rhetoric has receded, I am glad the Senate will follow the moderate and wise voices of Professor Laurence Tribe, Robert Bennett, Beth Nolan, Floyd Abrams, and Senator ZELL MILLER in moving this nomination to confirmation.

The Solicitor General is the most important legal advocate in the country. The job has been called the greatest lawyer job in the world. As U.S. attorney for almost 15 years, I had the honor of standing up in court on a daily basis to say: ''The United States is ready, Your Honor.'' I spoke for the United States in its Federal district court normally in the Southern District of Alabama. But what greater thrill could there be, what greater honor than to stand before the great U.S. Supreme Court and represent the greatest country in the history of the world and be the lawyer for that country in that great Court? Ted Olson is worthy of that job. He and his subordinates will shape the arguments in cases that come before the Federal appellate courts and, most importantly, before the Supreme Court of the United States. In this fashion, law is shaped slowly and carefully one case at a time over a period of years.

I note, however, that I have a slight disagreement with my distinguished colleague from Vermont on the question of this being an extraordinarily more sensitive a position than others. While it is a position that requires great skill and legal acumen, the truth is that the Solicitor General does not do a lot of things independently. Basically, the Solicitor General asks the Supreme Court, or perhaps some other lesser court if he chooses, to rule one way or the other. He is not making decisions independently about policies or procedures such as an FBI Director would make or the Deputy Attorney General or the Attorney General. He is basically in court constrained by the justices before whom he appears. And it is, as everyone knows, critical that a Solicitor General maintain over a period of years credibility with the Supreme Court. Ted Olson, as a regular practitioner before the Supreme Court of the United States, understands that and will carefully husband his credibility with that Court as he has always done.

The Solicitor General must be a constitutional scholar of the first order, a lawyer and legal advocate with broad and distinguished legal experience, and must possess unquestioned integrity. Ted Olson excels in each of these categories.

First, Mr. Olson is a constitutional scholar of the highest order. He has studied and written about the Federalist Papers, the Framers, and the Constitution. He earnestly believes in the Constitution's design of limited and separated powers. He sincerely and deeply believes that the States cannot deny any person equal protection of the laws. He understands that history and theory of our fundamental law. There is no doubt about that, in my opinion. And he has been involved with it all of his professional career—in Government and out of Government, including many successful years as a partner in one of the great law firms in the country: Gibson, Dunn & Crutcher.

Second, Mr. Olson's distinguished experience as a lawyer demonstrates his understanding that the Constitution has real and meaningful impact on the lives of ordinary Americans. He has applied constitutional theory as an Assistant Attorney General for the Office of Legal Counsel. That is a critical position in the Department of Justice that provides legal counsel in the Department of Justice and to all governmental agencies, usually including the President of the United States. He held that office in previous years. He has done this in his own practice when advocating before the courts, including the Supreme Court of the United States.

In Aetna Life Insurance Company v. Lavoie, he advocated the due process rights of litigants who faced a judge who had a conflict of interest in the case but would not recuse himself. He represented those litigants to ensure that they would get a fair judge. In Rice v. Cayetano, he advocated the voting rights of those excluded because of their race. And in Morrison v. Olson, he advocated the position that the separation of powers principle required prosecutors to be appointed by the executive branch, a position that this entire Congress has now come to embrace many years later. That was a courageous position he took. Ultimately, Mr. Olson won because his position was validated by subsequent events.

Mr. Olson had a legal career which has, to a remarkable degree, placed him as a key player in many of the important legal battles of our time. It is remarkable, really. These cases, many intense, have enriched him. They have enhanced his judgment and wisdom. I can think of no one better prepared to help the President of the United States and the Attorney General deal with complex, contentious, and important cases that are surely to come as the years go by.

When he was before the Judiciary Committee, I asked him: ''Mr. Olson, are you prepared to tell the President of the United States no?''

Presidents get treated grandly, like corporate executives and Governors, and they want to do things, and they do not want a lawyer telling them they cannot do it. But sometimes there has to be a lawyer capable of telling the President ''no.'' ''No, sir, you cannot do that. The law will not allow that. I am sorry, Mr. President, we will try to figure out some other way for you to do what you want to do; you cannot do that.''

I believe, based on Ted Olson's experience, his closeness to the President, the confidence the President has in him, he will be able to do that better than any person in America.

Finally, Mr. Olson is a man of unquestioned integrity. For example, when asked on numerous occasions to criticize the justices of the Florida Supreme Court in Bush v. Gore litigation, he always declined. He always respected the justices and their court, and even if he disagreed with their legal opinion—and his position was later validated by the U.S. Supreme Court. Mr. Olson's conduct in the most famous case of this generation, as well as his reputation, won him the endorsement of his adversary, Professor Laurence Tribe the famed and brilliant advocate for Al Gore.

Indeed, a President assembles an administration, and he is entitled to have around him people in whom he has great confidence, people whom, in the most critical points of his administration, he trusts to give him advice on which he can rely and make decisions.

What greater validation is there than perhaps the greatest lawsuit of this century for the Presidency of the United States, to be decided by the Court, and whom did President Bush, out of all the lawyers in America, choose? Did he want someone who was purely a political hack, someone who was a political guru, or did he want the best lawyer he could get to help him win the most important case facing the country maybe of the century? Whom did he choose? Isn't that a good reflection on Ted Olson's reputation that the President chose him, and it is not surprising that Al Gore chose someone of the quality of Laurence Tribe, two great, brilliant litigators in the Supreme Court that day.

Mr. Olson has written and he has thought deeply about constitutional law. He is not a professor, however, as

many of our Solicitors General have been. He has been a lawyer involved in Government in all kinds of issues. During that time, he has gained extraordinary insight, skill, and knowledge about how Government works. He has incredibly unique and valuable qualities to bring to this office.

There is simply no better lawyer and no better person to fulfill the awesome responsibilities of the Solicitor General of the United States than Ted Olson. It is my privilege to support him and advocate his nomination.

I know there are a number of questions people will raise and have raised, but I believe, as Senator SPECTER pointed out in our hearings, we have to see where the beef is, what is the substance of the complaints against him.

One of the issues that came up was that he minimized his involvement in the ''Arkansas Project'' and that he did not tell the truth before the committee. I have the transcript of the testimony he gave.

This is what happened at the committee. He was sitting right there in the room testifying before us. Senator LEAHY went right to the heart of the matter, as he had every right to do. This was his question: ''Were you involved in the so-called Arkansas Project at any time?''

The answer:

> Mr. Olson: As a member of the board of directors of the American Spectator, I became aware of that. It has been alleged that I was somehow involved in that so-called project. I was not involved in the project in its origin or its management.

No one found fault with that. That statement has not been disputed to this day. There is certainly no evidence to say otherwise.

He stated:

> I was not involved in the project in its origin or its management. As I understand it, what that was was a contribution by a foundation to the Spectator to conduct investigative journalism. I was on the board of the American Spectator later on when the allegation about the project was simply that it did exist. The publisher at that time, under the supervision of the board of directors, hired a major independent accounting firm to conduct an audit to report to the publisher and, therefore, to the board of directors with respect to how that money was funded. I was on the board at that time.

Mr. Olson was on the board when they conducted an investigation that the board decided to do.

Mr. Olson continued his answer in Committee:

> As a result of that investigation, the magazine, while it felt it had the right to conduct these kinds of investigations, decided that it was not in the best interest of the magazine to do so. It ended the project. It established rules to restrict that kind of activity in the future.

Senator LEAHY interrupted him there. If he did not say enough, Senator LEAHY had every opportunity to ask him more questions. He was still talking about it when Senator LEAHY interrupted him and stopped him. The transcript shows:

> . . . to restrict activities of the kind in the future and put it—
>
> Senator LEAHY:
>
> And Senator LEAHY asked some other questions about the same matter which Mr. Olson answered and that I do not think have been credibly disputed either. I submit that the man told the truth absolutely, indisputably.

I really believe, as Senator SPECTER said in Committee, we ought to be responsible around here. We ought to be careful about alleging that a nominee for a position such as Solicitor General of the United States is not being honest or is somehow being dishonest about what he says. I do not believe there are any facts to show that. That is why I care about how we proceed, and I am glad an agreement was reached that the matter could come forward.

On the question of Mr. Olson's integrity, we have a number of people who vouch for him. Let's look at these Democrats.

Laurence Tribe, the professor who litigated against him in Bush v. Gore, said:

> It surely cannot be that anyone who took the prevailing view [in Bush v. Gore] and fought for it must on that account be opposed for the position of Solicitor General. Because Ted Olson briefed and argued his side of the case with intelligence, with insight, and with integrity, his advocacy on the occasion of the Florida election litigation—profoundly as I disagree with him on the merits—counts for me as a ''plus'' in this context, not a minus. If we set Bush v. Gore aside, what remains in Ted's case is an undeniably distinguished career of an obviously exceptional lawyer with an enormous breadth of directly relevant experience.

I certainly agree with that. That is from Al Gore's lawyer.

Walter Dellinger, former Solicitor General under President Clinton, said when Ted Olson was at the Office of Legal Counsel he ''was viewed as someone who brought considerable integrity to the decision-making.''

Beth Nolan, former Clinton White House counsel and Reagan Department of Justice Office of Legal Counsel attorney in a letter said:

> [W]e all hold Mr. Olson in a very high professional and personal regard, because we believe that he made his decisions with integrity, after long and hard reflection. We cannot recall a single instance in which Mr. Olson compromised his integrity to serve the expedients of the [Reagan] administration.

Floyd Abrams, esteemed first amendment lawyer, stated in March 2001:

> I've known Ted since we worked together on a Supreme Court case—Metromedia v. San Diego—20 years ago and . . . I've always been impressed with his talent, his personal decency and his honor. He would serve with distinction as Solicitor General.

Harold Koh, former Clinton Administration Assistant Secretary of State in February of this year:

> Ted Olson is a lawyer of extremely high professional integrity. In all of my dealings with him, I have seen him display high moral character and a very deep commitment to upholding the rule of law.

Robert Bennett, attorney for former President Bill Clinton during a lot of this litigation and impeachment matters also supports Mr. Olson's nomination. He is a well-known defense lawyer and certainly very close to President Clinton. He came to the markup when we voted on this in committee and sat throughout the markup. This is what he wrote to the Committee:

> While I do not have any personal knowledge as to what role, if any, Mr. Olson played in the ''Arkansas Project'' or the full extent of his relationship with the American Spectator, what I do know is that Ted Olson is a truth-teller and you can rely on his representations regarding these matters. . . . He is a man of great personal integrity and credibility and should be confirmed.

So, then-Governor Bush chose a man to represent him in the biggest case in his life. He chose a man who had a reputation of this kind among opposing lawyers, lawyers who do not agree with him politically. That is what they say about him.

He is uniquely qualified for the job, and he has the unique confidence of the President of the United States. This is what we ought to do: We ought to give the President whomever he wants in his administration if we can justify doing so. If there is some serious problem, we have a right to inquire into that. That has been inquired into and no legitimate basis has been developed on which to oppose the nomination.

Then the question is: ''Should a nominee be confirmed?'' And the presumption is that he should unless there is a problem.

There were a number of ''charges'' suggested. I will mention briefly that Mr. Olson wrote articles for the American Spectator and received some pay for some of them. He admitted that before the hearings. When he was asked to produce what he published, he submitted those articles to the Committee. Everybody knew that. After the hearing, Senator KENNEDY said he was going to vote for him. He was satisfied. There was no dispute about his involvement with the magazine.

His opponents said Mr. Olson played word games. Mr. Olson clearly responded that he wasn't involved in the management or the origin of this so-called Arkansas Project, but that when he was at dinners and he talked about the public Clinton scandals over dinner. Anybody knows if you are at a luncheon and you are talking, or at a dinner with an editor and he is writing political articles of this kind, you are going to talk about it. But it doesn't mean he originated the project or managed the project in any way, and that is what he said, ''I did not do.''

With respect to Mr. Olson's representation of David Hale, he plainly said that he was not compensated for that work. He said he had helped Hale from

the beginning, but that he was never paid for it—he never got paid for representing him. He never denied representing David Hale, being asked by another lawyer, I believe he said, to help him. This was supported by the Independent Counsel Ray who has stated that the Shaheen Report on whether Mr. Hale was paid to testify found no evidence of any improprieties here.

With respect to an American Spectator article on Vince Foster's death, Mr. Olson did not write it. He told the magazine employees that he didn't put much stock in it, but it was all right for the magazine to publish it. The First Amendment generally protects the press when it publishes articles on public figures. It is a free country. I do not believe that the magazine was sued over it. Mr. Olson didn't put much stock in it, but if the magazine wanted to publish it, fine. That is what I understood his statement to be. That is very different from the nominee writing the article or submitting it in a brief to a court.

There were questions raised about a chart that he prepared that showed the federal and state criminal offenses that the Clintons could have violated if public allegations were proven in a court of law. He gave the chart to the Committee before we even had the hearing. That was something he had written and produced. We all knew about that.

I would just say this. A man's professional skill, his integrity, is determined and built up over a period of years. We in this body, as Senators, know we can make a speech here and we can misspeak, and we have one of our staff, if they have a little time, go back and read it and correct the record.

A nominee cannot do that. What Ted Olson said, he said under oath. I don't see he made a mistake at all. We never apologize around here. We make mistakes. We misstate facts. I have done it. I try not to. As a former prosecutor, I always try not to misstate the facts. I work at it very hard. I still find when I leave the floor sometimes I have misspoken. But are you going to call a press conference and try to apologize? We just do it and get away with it. This man told the truth. I don't see where he told anything that was a lie.

I know there are some activists who do not want to see the man who handled the Bush v. Gore case confirmed. They don't want to see confirmed a man who gave legal advice to the American Spectator, who thought there was something rotten in Arkansas and went out and investigated it. How many of them went to jail over it? Some of them are still in the bastille, perhaps for crimes they committed that this magazine investigated. What is wrong with that? Isn't this America? I don't see anything wrong with Mr. Scaife giving money, legally, to investigate a stinking mess. That is what we had in Arkansas.

The Independent Counsel investigations and the impeachment were tough times for this country. Those matters are behind us. We are at a point now where we have a new administration that is building its team. It is time that the President be able to have his top constitutional adviser on board, be able to do his duty.

I am glad we can have this debate. Some see this nomination differently. I respect their views. Ultimately, however, there is no dispute based on facts in the record. I am glad this nomination is being moved forward and that we can have an up-or-down vote on it.

I believe Mr. Olson will be confirmed. I think he should be. I am honored to cast my vote for him. I urge others to do so likewise.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that any time used in the quorum call subsequent to this be charged against both sides equally.

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

Mr. SESSIONS. 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. NICKLES. 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. NICKLES. Mr. President, I congratulate Senator HATCH and Senator LEAHY for bringing the nomination of Ted Olson to be Solicitor General to the floor of the Senate. I am delighted we are going to have a vote on Mr. Olson. I know him well. I think he will be an outstanding Solicitor General not only for this President and this administration but for our country as well.

Mr. Olson's qualifications are beyond reproach. He was an undergraduate at the University of the Pacific and received his law degree from the University of California at Berkeley. He has been a partner at Gibson, Dunn & Crutcher, one of the nation's leading law firms, from 1965 to 1981, and also from 1984 until the present time. He served as Assistant Attorney General from 1981 to 1984, providing legal advice to President Reagan and Attorney General William French Smith and other executive branch officials.

He has handled a lot of very important cases. Probably the best known case was Bush v. Gore. No matter which side of that case you supported, you had to admire the skill with which he argued a very complicated and, needless to say, very important case. In addition, he has argued numerous other very significant cases before the Supreme Court and other federal and state courts. I will include for the RECORD a highlight of seven of these important cases.

Ted Olson has been on both sides of the courtroom battles. He has defended the Government and counseled the President. As Assistant Attorney General, he dealt with limiting government power as well. In private practice, he has defended private interests against the Government. In his arguments on both sides of the courtroom, he has presented factual cases and positions in both Federal and state courts, arguing for the government and against the Government. That type of experience is almost unequaled in a nominee for Solicitor General.

He will be an outstanding credit to the administration and to the country. His nomination is supported by liberals and conservatives, by individuals such as Robert Bork, Robert Bennett and Laurence Tribe. Different people with different viewpoints have reached the same conclusion I have reached: Ted Olson will be an outstanding Solicitor General, and he should receive our very strong support. I am delighted we will be confirming him as the next Solicitor General of the United States.

I ask unanimous consent to print the list of cases to which I referred in the RECORD.

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

LEADING CASES TED OLSON ARGUED

Ted Olson has argued or been the counsel of record in some of the leading cases before the Supreme Court:

Rice v. Cayetano (2000)—Counsel of record for the prevailing party in this case in which the Court struck down as a violation of the Fifteenth Amendment. Hawaiian legislation restricting voting in certain elections to citizens based on racial classifications.

U.S. v. Commonwealth of Virginia (1996)—Whether Virginia Military Institute male-only admissions policy violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Mr. Olson was counsel of record for the Commonwealth of Virginia and Virginia Military Institute.

Garcia v. San Antonio Metropolitan Transit Authority (1985)—Whether the Tenth Amendment's reservation of powers to the states precluded application of the minimum wage and other employment standards of the Federal Fair Labor Standards Act to wages paid by the City of San Antonio to municipal transit workers. Mr. Olson was counsel of record for the United States.

Immigration and Naturalization Service v. Chadha (1983)—Striking down as unconstitutional legislative veto devices by which Congress reserved to itself or some component of Congress the power to reverse or alter Executive Branch actions without enacting substantive legislation. Mr. Olson was counsel on the briefs for the United States.

OTHER LEADING CASES

Hopwood v. Texas (5th Circuit)—Holding that University of Texas School of Law admissions policies violate Fourteenth Amendment to the Constitution of the United States. Mr. Olson is counsel of record for students denied admission under law school admission policy which discriminated on the basis of race and ethnicity.

In Re Oliver L. North (D.C. Circuit)—Attorneys fee awarded to former President Ronald Reagan in connection with Iran-Contra investigation. Mr. Olson represented former President Ronald Reagan in connection with all aspects of Iran-Contra investigation including fee application.

Wilson v. Eu (California Supreme Court)—Upholding California's 1990 decennial reapportionment and redistricting of its congressional and legislative districts. Mr. Olson was counsel to California Governor Pete Wilson.

Mr. NICKLES. 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. STEVENS. 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. STEVENS. Mr. President, is it in order for me to speak now on a matter not connected with this nomination?

The PRESIDING OFFICER. It would take unanimous consent.

Mr. STEVENS. I ask unanimous consent to speak for 5 minutes.

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

(The remarks of Mr. STEVENS are located in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that all time be yielded back on the motion and the motion be agreed to. I further ask consent that the Senate now proceed to the consideration of the nomination and that the vote occur on the confirmation of the nomination with no intervening action or debate. I also ask unanimous consent that following the vote on the confirmation of the Olson nomination, the Senate then proceed to two additional votes, the first vote on the confirmation of Calendar No. 83, Viet Dinh, to be followed by a vote on the confirmation of Calendar No. 84, Michael Chertoff. Finally, I ask consent that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. So I understand, the first vote would be on the Olson nomination immediately?

Mr. HATCH. That is correct.

Mr. LEAHY. No objection.

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

The motion was agreed to.

Mr. HATCH. For the information of all Senators, under this agreement, there will be three consecutive rollcall votes on these nominations.

I ask for the yeas and nays on the Olson nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. I ask unanimous consent it be in order for me to ask for the yeas and nays on the other two votes.

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

Mr. HATCH. I ask for the yeas and nays on those votes.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

NOMINATION OF THEODORE BEVRY OLSON, OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The assistant legislative clerk read the nomination of Theodore Bevry Olson, of the District of Columbia, to be Solicitor General of the United States.

Mr. WARNER. Mr. President, I rise today in support of the nomination of a Virginian, Theodore ''Ted'' Olson, to serve as the Solicitor General of the United States.

Article II, Section 2 of the Constitution provides that the President:

> shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court, and all other Officers of the United States. . . .

Thus, the Constitution provides a role for both the President and the Senate in this process. The President has the power to nominate, and the Senate has the power to render advice and consent on the nomination.

In fulfilling the constitutional role of the Senate, I have, throughout my career, tried to give fair and objective consideration to both Republican and Democratic Presidential nominees at all levels.

It has always been my policy to review nominees to ensure that the nominee has the qualifications necessary to perform the job, to ensure that the nominee will enforce the laws of the land, and to ensure that the nominee possesses the level of integrity, character, and honesty that the American people deserve and expect from public office holders.

Having considered these factors, I have come to the conclusion that Ted Olson is fully qualified to serve as our great Nation's next Solicitor General.

The Solicitor General's Office supervises and conducts all Government litigation in the U.S. Supreme Court. The Solicitor General helps develop the Government's positions on cases and personally argues many of the most significant cases before the Supreme Court.

Given these great responsibilities, it is no surprise that the Solicitor General is the only officer of the United States required by statute to be ''learned in the law.''

Mr. Olson's background in the law is impressive. He received his law degree in 1965 from the University of California at Berkeley where he was a member of the California Law Review and graduated Order of the Coif.

Upon graduation, Mr. Olson joined the firm of Gibson, Dunn, & Crutcher in 1965, becoming a partner in 1972. During this time, Mr. Olson had a general trial and appellate practice as well as a constitutional law practice.

In 1981, Mr. Olson was appointed by President Reagan to serve as Assistant Attorney General, Office of Legal Counsel in the U.S. Department of Justice. During his 4 years in this position, Mr. Olson provided counsel to the President, Attorney General, and heads of the executive branch departments.

After serving in the Reagan administration, Mr. Olson returned to private practice. He has argued numerous cases before the Supreme Court, including one that we are all familiar with related to this past election and the Florida election results. His vast experience in litigating before the Supreme Court will serve him well as Solicitor General.

Based on this extensive experience in the law, it goes without saying that Mr. Olson is ''learned in the law.'' Mr. Olson is obviously extremely well-qualified to serve as our next Solicitor General.

Mr. THURMOND. Mr. President, I am very pleased to support Mr. Ted Olson today to be Solicitor General.

Mr. Olson is one of the most qualified people ever nominated for this position. He has had an extensive and impressive legal career, specializing in appellate law. He has argued many cases of great significance in the Federal courts, including 15 cases before

the U.S. Supreme Court. He also has written extensively and testified before the Congress on a wide variety of legal issues.

In addition, he served admirably as Assistant Attorney General in the Office of Legal Counsel under President Reagan. He provided expert, nonpartisan advice based on the law. I am confident he will do the same as Solicitor General. For example, he has assured the Judiciary Committee that he will defend laws of Congress as long as there is any reasonable argument to support them.

Over the years, he has earned a distinguished reputation in the legal community. In fact, he has been endorsed for this position by a wide variety of people in the profession, including Harvard Law Professor Laurence Tribe.

Mr. Olson is a decent, honorable man, and a person of high character and integrity. He is one of the most capable and distinguished attorneys practicing law today.

Many allegations have been raised about Mr. Olson, but there is no merit to these charges. The fact that allegations are raised does not mean they are true or that they have any significance. Based on reservations raised by Democrats, the Judiciary Committee has closely reviewed these matters. Throughout the process, Mr. Olson has been very cooperative and straightforward with the committee. It is true that he wrote in the American Spectator about the scandals of the Clinton administration, and spoke with people involved with the magazine about these matters. After all, the Clintons were a major focus of the magazine, and there were many scandals to report about. This does not mean that Mr. Olson misled the committee about his knowledge of the Arkansas Project or anything else. There is nothing to show that he has done anything wrong, and there is no reason to keep searching.

The Washington Post, which is the primary newspaper in which the allegations were raised and is not known for conservative editorials, concluded that Mr. Olson should be confirmed. It stated that ''there's no evidence that his testimony was inaccurate in any significant way.''

As chairman of the Constitution Subcommittee, I know that the Justice Department needs the Solicitor General to be confirmed as soon as possible. The representative for the United States to the Supreme Court is an extremely important position that has been vacant for months. For the sake of justice, it is critical that the Senate acts on this nomination.

I urge my colleagues to support Mr. Olson today. He deserves our support. I recognize that members have the right to vote against a nominee for any reason. But, if they do, I firmly believe they will be voting against one of the finest and most able men we have ever considered for Solicitor General.

Mr. FEINGOLD. Mr. President, I have so far voted for all of President Bush's nominees for positions in the Department of Justice and other executive branch departments. As I have explained before, I believe that the President's choices for executive positions are due great deference by the Senate. I am very reluctant to vote against a qualified nominee for such a position. I have been criticized for some of my votes on this President's nominations, including my vote for Attorney General Ashcroft, and I'm sure I will take criticism for some of my votes in the future.

But, I have never said I will vote for every executive branch nominee, and today I must vote ''No'' on the nomination of Theodore Olson to be Solicitor General of the United States.

I am disappointed that the Senate is moving so quickly to a vote on this nomination. I believe that serious questions exist about Mr. Olson's candor in his testimony before the Senate Judiciary Committee. Although there has been some further inquiry about these matters in the past week, after the Judiciary Committee voted 9–9 on Mr. Olson's nomination, the Senate has not had time to review and digest even the limited additional information that the inquiry uncovered. Without further time to resolve the questions that our committee's work has raised, I cannot in good conscience vote for Mr. Olson.

Simply put, I am concerned that Mr. Olson was not adequately forthcoming in his testimony before the Judiciary Committee particularly on the issue of his involvement with the so-called ''Arkansas Project,'' which was an effort to unearth scandals involving former President Clinton and his wife, undertaken by the American Spectator magazine with funding from Richard Mellon Scaife. Let me emphasize that I am not alleging that Mr. Olson committed perjury or told an out and out lie. But it seems to me that Mr. Olson was attempting to minimize his participation in the Arkansas Project and portray it in the least objectionable light to those of us on the Democratic side, rather than simply answering the questions forthrightly and completely. As the dispute developed, Mr. Olson's supporters have gone to great lengths to argue that he answered truthfully when he said: ''I was not involved in the project in its origin or its management.'' But Senator LEAHY did not ask if he was involved in the origin or management of the Arkansas Project. He asked: ''Were you involved in the so-called Arkansas Project at any time.'' Mr. Olson was not adequately forthcoming in his answer to that question.

The Solicitor General of the United States is an extremely important position in our government. It is not only the third ranking official in the Justice Department, it is the representative of the executive branch before the Supreme Court of the United States. I want the person in that position to be not just technically accurate and truthful in answering the questions of the Justices, but to be forthcoming. I want the Solicitor General to answer the Justices' questions not as a hostile witness would, narrowly responding only to the question asked and revealing as little information as possible, but as a trusted colleague would, trying to give as much relevant information as possible in response not only to the question as framed, but to the substance of the question that the Justice might have been asking, but might not have precisely articulated.

That is also how I want nominees before Senate committees to answer questions. Our questions at nominations hearings are not a game of ''gotcha.'' We are not trying to trap nominees. We are attempting to elicit information that is relevant to our decision as to whether a nominee should serve in the office to which he or she has been nominated. We deserve forthcoming and complete answers, not just technically truthful answers. We shouldn't have to frame our questions so precisely as to preclude an evasive or disingenuous answer. We are not in a court of law. We don't ask leading questions of nominees in order to pin them down to ''yes'' or ''no'' answers. We want and expect nominees to give us complete and open answers, to put on the record all the information they have at their disposal that will help us exercise our constitutional duty to advise and consent.

Many Senators were concerned about Mr. Olson's highly partisan writings about the previous Administration, and particularly about the Department of Justice under the previous Attorney General. They were concerned about Mr. Olson's association with an organized and well-funded attempt to dig up dirt on the President of the United States. They asked questions to find out what Mr. Olson did, and what he knew. It was not just a question of whether Mr. Olson did something illegal or improper. Each Senator was and is entitled to make his or her own judgment about whether Mr. Olson's involvement with the Arkansas Project, whatever it was, is relevant to his fitness to serve as Solicitor General. We were entitled to complete and forthcoming answers to the questions that were asked. We did not get them.

Mr. Olson's failure to be forthcoming in his testimony has led me to have concern about his ability to serve as Solicitor General, especially given the special duties of that office. I would not vote against him simply because of his conservative views and record. I am concerned about his fitness to be Solicitor General.

Mr. Olson testified that the Solicitor General owes the Supreme Court ''absolute candor and fair dealing.'' I think

that nominees owe Senate committees that same duty when they testify at nominations hearings. I do not think that Mr. Olson met that standard and I don't think the process surrounding this nomination has allowed Senators adequately to consider this important exercise of their duty to advise and consent. I therefore, with regret, must oppose his nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Theodore Bevry Olson, of the District of Columbia, to be Solicitor General of the United States? On this question the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 167 Ex.]

YEAS—51

Allard	Fitzgerald	Murkowski
Allen	Frist	Nelson (NE)
Bennett	Gramm	Nickles
Bond	Grassley	Roberts
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Craig	Kyl	Stevens
Crapo	Lott	Thomas
DeWine	Lugar	Thompson
Domenici	McCain	Thurmond
Ensign	McConnell	Voinovich
Enzi	Miller	Warner

NAYS—47

Akaka	Dayton	Leahy
Baucus	Dodd	Levin
Bayh	Dorgan	Lieberman
Biden	Durbin	Lincoln
Bingaman	Edwards	Mikulski
Boxer	Feingold	Murray
Breaux	Feinstein	Nelson (FL)
Byrd	Graham	Reed
Cantwell	Harkin	Reid
Carnahan	Hollings	Sarbanes
Carper	Inouye	Schumer
Cleland	Johnson	Stabenow
Clinton	Kennedy	Torricelli
Conrad	Kerry	Wellstone
Corzine	Kohl	Wyden
Daschle	Landrieu	

NOT VOTING—2

Jeffords	Rockefeller

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that when the next votes begin, which will be momentarily, they be 10-minute rollcalls.

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

Mr. LEAHY. Mr. President, as I stated at the beginning of this debate, of course I respect the will of the Senate and the vote of every Senator.

I hope now that Mr. Olson has been confirmed as Solicitor General, he will listen very carefully to the debate and handle that position with the nonpartisanship and candor the office requires. I congratulate him on his confirmation and wish him and his family well.

I yield the floor.

NOMINATION OF VIET D. DINH TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The legislative clerk read the nomination of Viet D. Dinh of the District of Columbia to be an Assistant Attorney General.

Mr. HATCH. Mr. President, I strongly support the nominations of Michael Chertoff to be Assistant Attorney General for the Criminal Division and Viet Dinh to be Assistant Attorney General for the Office of Policy Development.

Both nominees have outstanding qualifications. Mr. Chertoff graduated with honors from both Harvard College and Harvard Law School, then served as a law clerk for Justice Brennan of the U.S. Supreme Court. He also served as an Assistant U.S. Attorney for the Southern District of New York, and as the U.S. Attorney for the District of New Jersey. In 1994, Mr. Chertoff served as Special Counsel for the U.S. Senate Special Committee to Investigate Whitewater and Related Matters. Most recently he has worked as a partner at the prestigious law firm of Latham & Watkins, where he is national chair of the firm's white collar criminal practice. He was also appointed Special Counsel by the New Jersey Senate Judiciary Committee in its inquiry into racial profiling by state police. As his distinguished career illustrates, Mr. Chertoff is well suited to lead the Department of Justice Criminal Division—which explains why his nomination has received significant bipartisan support.

Viet Dinh is likewise eminently qualified for the position of Assistant Attorney General for the Office of Policy Development. As Mr. Dinh told us during his confirmation hearing, he came to this country from Vietnam when he was ten years old under extraordinarily difficult circumstances. He went on to graduate from Harvard College and then Harvard Law School with honors. Mr. Dinh completed two federal clerkships, one for Judge Laurence Silberman on the U.S. Court of Appeals for the D.C. Circuit, and the other for Justice Sandra Day O'Connor on the Supreme Court. He then served as Associate Special Counsel to the Senate Special Committee to Investigate Whitewater. In 1996, he became a professor at Georgetown University Law Center, where he received tenure last year. His academic writings evince a sharp legal mind and keen judgment—attributes that are essential to lead the Office of Policy Development.

Both Mr. Dinh and Mr. Chertoff have distinguished themselves with hard work and great intellect. I am confident that they will do great service to the Department of Justice and the citizens of this country, and I support their nominations wholeheartedly.

Mr. DOMENICI. Mr. President, I rise today in support of Viet Dinh, the President's nominee to be Assistant Attorney General for the Office of Policy Development. I have had the pleasure of knowing him both professionally and personally over the past several years and cannot imagine a more qualified candidate for this position.

Professor Dinh's journey began 23 years ago on a small fishing boat off the coast of Vietnam. For 12 days, the ten-year-old Viet and 84 others fought storms, hunger, and gunfire as their boat drifted in the South China Sea. Fortunately, Viet, his mother, and six siblings, reached a refugee camp after coming ashore in Malaysia. After being admitted to the United States Viet's family arrived in Oregon and later moved to California, where Viet became a U.S. citizen.

Those early years presented many challenges for Viet and his family. They had little money and worked long hours in the berry fields. Moreover, Viet's father had been incarcerated in Vietnam because of his role as a city councilman. It was not until 1983 that they were finally reunited after his father's successful escape from Vietnam.

Despite this tumultuous beginning, Dinh persevered. More than that, he excelled. Perhaps those early obstacles hardened Viet's resolve and fueled his rapid ascent through the legal profession.

Viet graduated *magna cum laude* from both Harvard College and Harvard Law School, where he was a class marshal and an Olin Research Fellow in law and economics. He served as a law clerk to Judge Laurence H. Silberman of the U.S. Court Appeals for the D.C. Circuit and to U.S. Supreme Court Justice Sandra Day O'Connor.

Shortly after Viet completed his Supreme Court clerkship, he came to work for the U.S. Senate, where I had the opportunity to work with him for the first time. He quickly demonstrated his outstanding legal ability, superb professional judgment, and fine character.

Professor Dinh's record of achievement continued in academia. Viet currently is a professor of law at Georgetown University, where he is the deputy director of the Asian Law and Policy Studies Program. In addition to his expertise in Asian law, Professor Dinh is accomplished in constitutional law,

corporate law, and international law. He has also served as counsel to the special master mediating lawsuits by Holocaust victims against German and Austrian banks.

Since he left the Senate, I have called on him from time to time for counsel on constitutional issues. On each occasion, Viet exhibited a comprehensive knowledge of the law and extraordinary energy.

In closing, I believe that Professor Dinh's character, along with his distinguished academic and professional accomplishments, make him uniquely qualified to serve in the Department of Justice. It is, thus, with great pleasure that I will vote for his confirmation.

Mr. LEAHY. Mr. President, I am prepared to vote in favor of Professor Dinh's nomination to be the Assistant Attorney General for the Office of Policy Development at the Department of Justice. I do so, however, with reservations.

Like other members of the committee, I admire Professor Dinh and his family for the courage they displayed during their extraordinary journey to this country from Vietnam. I also do not question Professor's Dinh's obvious intelligence or his academic achievements. If we were evaluating a nominee for a teaching position, I would vote for him without hesitation.

However, I am concerned by Professor Dinh's relative lack of experience for the position in the Department of Justice for which he has been nominated. One of the major responsibilities of the Office of Policy Development at the Department of Justice, which Professor Dinh has been nominated to head, is the evaluation of the qualifications and fitness of candidates for the Federal judiciary. Yet Professor Dinh, as he concedes, has never appeared as an attorney in a court of law. Aside from being a law clerk and an academic, Professor Dinh's principal real-world experience since graduating from law school in 1993 has been as associate counsel to the Republicans in the Senate Whitewater investigation of President Clinton. While that was no doubt an excellent introduction to the world of partisan politics, it hardly provides a model of the apolitical and unbiased pursuit of justice that ought to characterize the operations of the United States Department of Justice.

I am also concerned by Professor Dinh's testimony about his involvement with the Federalist Society. In answer to questions by Senator DURBIN, Professor Dinh testified that he did not know whether the Federalist Society had a stated philosophy and that he viewed it simply as ''a forum for discussion of law and public policy from both sides.'' (Tr. 71, 73). Yet the Federalist Society itself states quite prominently on its internet website that it is ''a group of conservatives and libertarians interested in the current state of the legal order'' and concerned with the alleged domination of the legal profession ''by a form of orthodox liberal ideology which advocates a centralized and uniform society.'' I do not, of course, suggest that membership in the Federalist Society should disqualify someone from public office, any more than should membership in other organizations such as the American Civil Liberties Union that seek to promote a particular political philosophy or agenda. Nevertheless, it is simply not accurate to portray the Federalist Society as a non-partisan debating society.

In his writings, Professor Dinh, like other members of the Federalist Society, has condemned what is sometimes called ''judicial activism.'' However, when I asked Professor Dinh in my written questions to cite some specific cases where courts that had occurred, the only example he provided was a California decision from 1854 that dealt with the disqualification of persons of Chinese ancestry from testifying in court. While obviously no one would disagree with Professor Dinh's condemnation of that odious decision, his answer is not particularly enlightening as to what he views as the proper limits on the role of the judiciary in the 21st century. Many legal scholars regard the Supreme Court's decision in Bush v. Gore as a recent and obvious example of a court's overstepping its role and improperly injecting itself into the political arena. Yet, when I asked Professor Dinh specifically about that case in my written questions, he stated that, in his opinion, the Supreme Court Justices had ''exercised their judgment in a thoughtful and prudent manner given the nature of the case, the rulings below and the constraints of time.''

Despite my misgivings, I have decided to vote in favor of Professor Dinh's nomination. I believe that he has answered the Committee's questions. I am giving him the benefit of all doubts and giving deference to the President's decision with respect to this appointed policy position. Moreover, regardless of Professor Dinh's political views and associations, I credit his assurances that he will exercise his judgment based upon the merits of legal positions and judicial candidates he is called upon to evaluate rather than on political ideology.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Viet D. Dinh, of the District of Columbia, to be an Assistant Attorney General? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 168 Ex.]

YEAS—96

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

NAYS—1

Clinton

NOT VOTING—3

Jeffords	Kohl	Rockefeller

The nomination was confirmed.

NOMINATION OF MICHAEL CHERTOFF TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The assistant legislative clerk read the nomination of Michael Chertoff, of New Jersey, to be an Assistant Attorney General.

Mr. CORZINE. Mr. President, I am pleased to support the nomination of Michael Chertoff to be Assistant Attorney General for the Criminal Division. Mr. Chertoff has ably served the citizens of New Jersey in numerous capacities, as well as the Department of Justice and indeed the Nation. We will all be fortunate to have his tremendous skills at the helm of the Criminal Division.

Mr. Chertoff has impeccable credentials, not the least of which is being a native New Jerseyan. He attended Harvard College, then Harvard Law School, where he was Editor of the Harvard Law Review. He then served as a Supreme Court law clerk. In both private practice and public service since then he has developed a reputation as a brilliant, tough, fair, and truly world class litigator, and earned the respect

of his peers and adversaries. Indeed, one New Jersey paper has even suggested he might be New Jersey's ''Lawyer Laureate.'' While I should acknowledge that we might not agree on every issue, I consider Mr. Chertoff to be one of the finest lawyers my State has to offer.

From 1990 to 1994, Mr. Chertoff served New Jersey exceptionally well as our U.S. Attorney, where he tackled organized crime, public corruption, health care fraud and bank fraud. Unlike his predecessors, as U.S. Attorney he continued to try cases himself, and his long hours and unending commitment to the job and the citizens of New Jersey were legendary. He tackled the highest-profile cases in a serious and thoughtful manner, and, despite being one of the youngest U.S. Attorneys in the Nation, raised the profile and reputation for excellence of the U.S. Attorney's Office in Newark.

More recently, Mr. Chertoff has played a critical role in helping the New Jersey State legislature investigate racial profiling. As Special Counsel to the State Senate Judiciary Committee, he helped the committee probe how top state officials handled racial profiling by the State Police. His work was bipartisan and thoroughly professional, and helped expose the fact that for too long, state authorities were aware that statistics showed minority motorists were being treated unfairly by some law enforcement officials, and yet ignored the problem.

Mr. Chertoff is one of our Nation's most competent and respected lawyers, with a very distinguished record of public and private service. I urge my colleagues to join me in support of his nomination.

Mr. LEAHY. Mr. President, I am voting in favor of Mr. Chertoff's nomination to be the Assistant Attorney General for the Criminal Division at the Department of Justice.

I have been concerned that Mr. Chertoff, like several of the President's other nominees for top positions in the Department of Justice, has a history of partisan political activities. Mr. Chertoff was special counsel to the Republicans in the Senate Whitewater investigation of President Clinton, which hardly provided a model for the apolitical and unbiased search for justice that ought to characterize the operations of the United States Department of Justice.

Fortunately, however, Mr. Chertoff also has an established track record as a Federal prosecutor apart from his involvement with the Whitewater Committee. More importantly, he has answered the committee's questions about his political activities and has given appropriate assurances that he will not allow partisanship to influence the exercise of his judgment on the legal merits of questions he will address as the Assistant Attorney General for the Criminal Division. I credit his assurances, and for that reason I am voting for his nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael Chertoff, of New Jersey, to be an Assistant Attorney General? On this question the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from Tennessee (Mr. FRIST) are necessarily absent.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 169 Ex.]

YEAS—95

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

NAYS—1

Clinton

NOT VOTING—4

Frist	Kohl
Jeffords	Rockefeller

The nomination was confirmed.

• Mr. ROCKEFELLER. Mr. President, I was absent from this afternoon's three confirmation votes on Justice Department officials because of a family funeral. I regret that I was absent for these unanticipated rollcall votes.•

The PRESIDING OFFICER. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I see a number of Members who may want to speak. I am going to use about 10 minutes. If my colleague has a short statement, or the Senator from Alaska does, I don't want to keep them.

Mr. SESSIONS. Mr. President, I have about a 5-minute statement, but I am pleased to allow the Senator from Connecticut to go first.

Mr. DODD. I thank the Senator.

Mr. SESSIONS. If the Senator will yield, I ask unanimous consent to be recognized after the Senator from Connecticut.

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

The Senator from Connecticut is recognized.

A CHANGE IN THE SENATE

Mr. DODD. Mr. President, I rise for a couple of minutes to briefly discuss the change that occurred today in the Senate and to share some thoughts, if I may.

First, I think I can safely speak for virtually all of us in this Chamber on both sides of the aisle in expressing our affection for our colleague from Vermont. He has been a friend to us for many years. He is known in this body as a good and decent man. I have no doubt that the high esteem in which he has been held will continue.

Secondly, I think it bears mentioning that despite the change in the caucus ratio that will soon occur, the Senate is going about its business today much as it did yesterday and much as I am confident it will in the days to come. That is how this institution functions, and whether ratios change by 1 or 2 in one direction or the other is certainly big political news for some, I guess. My guess is that the substantive work will continue much as it has, with us having to work out differences and compromise to benefit the public at large.

This conduct of business according to established and familiar routines is a good sign that the Senate will to a large degree continue to operate on a bipartisan basis to accomplish the work the American public sent us here to do.

This change will, without a doubt, have an impact on committee ratios, on the subject of hearings and witnesses, and on the substance of legislation we will consider, to some degree. However, just as important, it should—and I believe will—cement the need for

bipartisanship in how we conduct our business and in how we govern together with the administration and the other body.

We in the Democratic Caucus now share a new responsibility with our Republican friends for addressing and advancing, as equal partners, the interests of the larger American public. I know of nobody in our caucus who shrinks from or shirks that responsibility. Indeed, I think we all welcome it.

Likewise for our Republican friends, bipartisanship will now become as much a necessity for them as it has been for us Democrats.

Perhaps most importantly, it will not be enough any longer to embrace bipartisanship in word; we will from now on have to demonstrate it in deeds as well. I look forward to beginning this new chapter in the Senate's history with all of our colleagues.

On that score, allow me to say that I hope one of the first orders of business we will take up after reorganizing will be election reform. I realize we have many important matters to consider regarding education, a Patients' Bill of Rights, prescription drugs, energy, the environment, environmental protection, minimum wage, and foreign and defense policies. The list is rather long and tremendously worthwhile.

But I submit to our colleagues that election reform is also an issue that deserves our early consideration in the Senate. It is an issue of fundamental importance for the simple reason that it concerns the most fundamental of American rights, the right to vote. I know a number of our colleagues on both sides of the aisle have given various opinions on this matter, and even drafted legislation. These include my colleague from Arizona, Senator MCCAIN, Senator HOLLINGS, Senator MCCONNELL of Kentucky, Senator SCHUMER, Senator BROWNBACK, Senator TORRICELLI, and others.

There are a lot of ideas kicking around on how we might improve the electoral process in this country. The list reflects a widespread and bipartisan recognition that the events of last November—not just in Florida and not just last November, but ones that have been ongoing for a number of years—illustrate that our electoral system is in need of repair and reform. With only one-half of all the eligible voters in this country participating in a Presidential election and one-quarter of those eligible voters choosing the President of the United States, then I think all of us recognize that, if we do nothing else, there is need for reform that would make this process more inclusive, to reach out to every American who is not participating in this process.

I hope we will act in that recognition in the weeks to come, and I hope we will pass legislation which ensures that many of the mistakes and wrongs, if you will, in the electoral process will forever be events of the past, never to be repeated.

Congressman JOHN CONYERS of Michigan and I have introduced legislation that will establish some minimum national requirements to ensure that voters, on Presidential races and races involving the National Legislature, regardless of race, disability, or language minority, will not be turned away from the polls in the next Presidential election. This legislation has well over 100 cosponsors in the House of Representatives, the other body, and 50 cosponsors in this Chamber.

This bill would establish three commonsense requirements:

First, that all voting machines and systems used in Federal elections, starting in the year 2004, conform to uniform, nondiscriminatory standards to ensure that no voter will be disenfranchised because of race; that blind and disabled voters can vote with independence and privacy; language minorities can read ballots and instructions in their native language; and all of us can vote with the assurance that our vote will not be canceled because of overvotes, undervotes, or outdated machinery.

Second, the bill requires that all States provide for provisional voting so that no voter who goes to the polls is told he or she cannot vote because their name is not on a registration list or their identification is not good enough.

Third, and lastly, the bill provides that all voters receive a copy or sample ballot with instructions on how to vote, including their rights as voters.

In this Senator's view, with any legislation that doesn't include these three national requirements is simply unacceptable.

Bills that only offer, on a voluntary basis, funding for States to take certain actions will not ensure that Americans—African Americans, Hispanic Americans, Asian Americans, the blind and disabled, and many others—working men and women across the country, can exercise their most precious right to vote and to have their vote counted.

Forty-seven years ago this month, the Supreme Court issued its landmark decision in the case of Brown v. Board of Education. On that May day, the Court did not rule that States could desegregate their classrooms. It ruled that they would do so ''with all deliberate speed,'' in the now famous words of that decision.

Thirty-seven years ago, when we wrote the Civil Rights Act, the Congress did not say that restaurants, stores, hotels, and other public accommodations could desegregate their facilities. We decreed that they would do so, and do so without delay.

When, in 1965, we passed the Voting Rights Act, the Congress did not say States could, if they so chose, do away with barriers to voting such as poll taxes and literacy tests. We said they had to do away with it because the right to vote was far too precious and too vital to be in any way denied to any American citizen based on race or ethnicity.

Lastly, when in 1990 Bob Dole and President George Bush joined with George Mitchell, TED KENNEDY, and others to enact the Americans with Disabilities Act, we did not leave it to chance as to whether public facilities would be accessible to the disabled. We decided as a country that the time had come to remove those barriers to access.

At critical moments, whether it was to go to a restroom or a restaurant or to have access to a hotel or any other public accommodation, we said that people had the right to be there, and in the case of a voting booth, it certainly ought to hold no less a status than a restaurant, restroom, hotel, or any other public accommodation. People ought to have the right to be in that voting booth, to cast their vote and have it counted.

At critical moments in our history, such as those I just enumerated, our Nation has been resolved in advancing the cause of equality and freedom. We have not settled for voluntary measures when fundamental rights were at stake. I believe the same resolve is called for at this moment in our history when we know that so many Americans, perhaps millions, were denied the right to vote and the right to have their vote counted. With the same resolve demonstrated in times past, we can assure that will never happen again in America as it was so unjustly denied to many in the previous elections.

I urge my colleagues to take a look at the proposed legislation. When we return after the break, I invite any comments, thoughts, and ideas on how this bill can be improved, but I hope there will be strong bipartisan support for this effort. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

RETIREMENT OF NANCY BRIANI

Mr. SESSIONS. Mr. President, I rise today to recognize a member of my staff, Nancy Briani, who will be retiring from the Senate at the end of this month. She will be sorely missed by me and all who have had the opportunity to work with her.

Nancy began her career in the Senate 25 years ago when she joined the staff of Senator Jim Pearson of Kansas as a receptionist.

Following Senator Pearson's retirement in 1978, Nancy became office manager for his successor—Senator Nancy Landon Kassebaum. From the setting up of that freshman Senator's

office to closing down operations and turning in the keys 18 years later, Nancy was there and remains a very close friend of Senator Kassebaum.

She has approached her job as office manager in a diligent and methodical fashion. She recognizes that well-organized support functions are a critical foundation in the hectic and fast-paced environment of a Senate office. Nancy has consistently brought to her work a quiet, but firm, determination to see that things are done properly. She stayed, as we were taught many years ago, until it was done right.

During her tenure in the Senate, Nancy helped guide her coworkers through the transition from 3-color carbon sets to the computer age, and she is a good manager of computers. It fell upon her to determine how to file the ''yellows'' in a post-carbon era and how to assure that documents were not ''lost in space'' due to haphazard filing and forgotten file names.

Her proofreading skills are not limited to catching typos. Rather, she brings to bear the full force of her early experience and training as a teacher. One of the most well thumbed cards in her Rolodex is that of the Grammarphone—a grammar hotline operated by Frostburg State Universtity—to make sure our material goes out correctly. After all, a Senator ought to know how to punctuate correspondence.

Shortly after my election to the Senate in 1996, I had the good fortune of bringing Nancy onto my staff after Nancy Kassebaum retired. Her years of experience and her solid professionalism proved invaluable to me in putting together my office here in Washington.

Her effective management of the day-to-day operations of my office has made a real difference in my ability to serve the people of Alabama.

The work that Nancy has done in her 25 years of service in the Senate does not produce headlines in the newspaper or segments on TV talk shows. Indeed, this is the first time in her 25 years that she has come on to the floor of the Senate Chamber. Young staff members get to do that if they are working on legislation, but she has been doing her job managing the work product in our office.

In fact, the best mark of success for an office manager is that the smooth operation of an office is taken for granted. In that, Nancy has excelled.

The truth is that Nancy lives by the greatest American virtues. She is directly honest, she is exceedingly diligent in her work, always taking care to ensure that things are completed and done right. I have greatly admired her frugality, a trait that has fallen from favor but which is much needed today. She watches every penny of the taxpayers' money in a way I greatly admire.

In a host of ways, Nancy has lived by these great American values and has taught them to hundreds of young people who have worked with her as interns and young staffers over the years. Such richness of contribution simply cannot be replaced.

As Nancy leaves the Senate to start a new chapter in her life, she can take great pride and satisfaction in the accomplishments she has made and the respect she has earned.

Just today, staff people from all over this Senate were in our office expressing their admiration for her as she had a reception this afternoon. I am grateful for her efforts and the dedication as a member of my staff. I wish her and her husband, Vince, who retired a few years ago after a career with NASA—he was with NASA during the glory days of the space age—I wish Nancy and her husband, Vince, all the best in their future years. We look forward to seeing you both on a regular basis and thank you again for the great contributions you have made to the success of our office and to the people of the United States.

VETERANS HISTORY PROJECT

Mr. STEVENS. Mr. President, I call to the attention of the Senate the Veterans History Project that is currently being developed by the Library of Congress.

This is a project that is dear to the hearts of all Americans and a project to which the Congress gave our unanimous support when we passed Public Law 106–380 last fall. Jut as a new memorial on the Mall will honor our WW II veterans, a living memorial to all our war veterans will be created by the Veterans History Project. This project, which is part of the American Folklife Center at the Library of Congress, will collect oral histories, along with letters, diaries, photographs, and other papers from veterans of World War I, World War II and the Korean, Vietnam, and Persian Gulf wars, as well as from those who served in support of them. The Veterans History Project will create this national collection by creating partnerships and encouraging participation from a wide range of veterans' organizations, military installations, civic groups, museums, libraries, historical societies, students and teachers, colleges and universities, and citizens and the families of our veterans nationwide.

This is an important national project and one that we should continue to support. Of the 19 million war veterans living in our Nation today, nearly 1,500 of them die each day—1,100 of them having served in World War II. While their own monument is under construction, we can build a lasting national collection that will preserve their wartime memories, actions and experiences. Through this national project we have to encourage local projects and local archives that will collect oral histories of all our war veterans for our children and our children's children.

This is a project worthy of consideration by all Senators as they return home for Memorial Day. That is the reason I come to the Chamber.

I thank our colleagues in the Senate, Senator CHUCK HAGEL and Senator MAX CLELAND for bringing this opportunity to us and to the citizens of our great Nation—a lasting democracy due to the sacrifices of the men and women honored by the Veterans History Project.

I will support funding for this project and for the operations of the Library's American Folklife Center, where the veteran's collections will be preserved and shared with all. Nearly all of us have worked closely with the American Folklife Center. Many of you will recall the recent Local Legacies Project, done for the Library of Congress bicentennial last year, and other programs it has undertaken over the years.

As we approach Memorial Day I ask the Senate to reaffirm our commitment to our veterans and show our support for the Veterans History Project. As a grateful nation, we must preserve and honor their memories for generations to come.

A VICTORY FOR PEOPLE WHO CARE ABOUT KIDS

Mr. LEVIN. Mr. President, at the beginning of this year, the State of Michigan enacted a ''shall issue'' law that makes it easier to obtain a concealed carry permit and will increase the number of guns on our streets. The law, which was scheduled to go into effect on July 1, 2001, takes discretion away from local gun boards and requires authorities to issue a license to carry a concealed weapon to any applicant who meets basic eligibility requirements.

Most law enforcement groups in Michigan reject the proliferation of concealed weapons in our communities and warn that this law will move our State in a dangerous direction. Similarly, gun safety groups, including the Michigan Partnership to Prevent Gun Violence and the Michigan Million Mom March, have voiced their concerns that the expected ten-fold increase in the number of concealed weapons on Michigan's streets would jeopardize the safety of our children. These and other groups that oppose the ''shall issue'' law joined together to form the coalition of People Who Care About Kids and successfully collected more that 230,000 signatures on a petition calling for a referendum on the law.

Last week, the Michigan State Court of Appeals came down on the side the voters of the State, agreeing that they should be able to decide on the law in a referendum. The appeals panel stated

that ''the overarching right of the people to their 'direct legislative voice' '' overrides a constitutional prohibition against referenda for laws that include spending provisions. Unless the decision is overturned by the Michigan Supreme Court, the voters of Michigan will be able to voice their opinions on the ''shall issue'' law in a referendum in November 2002.

This unanimous decision by the State Court of Appeals panel is not only a victory for the voters of Michigan, but also for the safety of our children and the security of our communities. I am convinced the people of Michigan want to find ways to decrease the amount of gun violence in our communities, not remove discretion from local gun boards with the goal of increasing the number of guns on our streets. I am pleased that they will have a say in this important issue that so directly impacts their lives.

FINAL PASSAGE OF THE TAX BILL

Mr. LIEBERMAN. Mr. President, this is a sad day for the U.S. Senate and America's economic future. Yesterday we rushed through an unbalanced, backloaded, overbloated tax-cut that we literally cannot afford, that runs a substantial risk of driving us back into the ditch of deficits and higher interest rates, and in the end could affect our long-term prosperity which we have worked so hard to build. And for what purpose? To meet the arbitrary deadline of passing a bill by Memorial Day.

This bill and the whole process for considering it is a case study in irresponsibility, not just fiscally but governmentally. By squandering the surplus this way, we are squandering an historic opportunity to meet a number of national needs and to strengthen our economic security in the coming years. We lost an opportunity to pass not just a tax plan but a prosperity plan, geared to long-term economic growth. We lost an opportunity to pay down the debt and keep interest rates low.

We may well have lost an opportunity to pass a strong prescription drug benefit and strengthen the long-term stability of Medicare and Social Security for the retirement of the baby boom generation. And we may have lost an opportunity to make strategic investments in education, job training, scientific research—all of which we know are critical to expanding the winners' circle in this innovation economy. In short, we lost an opportunity to make the surplus work for us. Instead, we have given it all away in a tax cut tilted to give the most help to those who need it least.

I support tax cuts, and have voted for tax cuts, but they should be cuts we can afford. Some of the tax reductions for which I have advocated were included in this bill as part of the manager's amendment. Specifically, this amendment makes the R&D tax credit permanent, an issue on which I have been working for many years, makes a start on college tuition deductibility, and accelerates the wage credits for Round II Enterprise Zones, a program I have supported from its inception. These provisions, however, do not make up for the fiscal irresponsibility and lack of vision this bill represents.

I cautioned earlier this year that ten years from now, we will be judged by the decisions we make today. People will ask, did we fully understand the awesome changes taking place in our economy and in our society? Did we create a plan to assure our ongoing prosperity? Did we direct our unprecedented surpluses into investments with the greatest returns? Did we give our workers the tools they needed to seize the opportunities an innovation economy offers? And, were we guided by the fiscal discipline and values that had brought us so far in the past decade? Much to my chagrin, I am no longer confident that these questions will be answered affirmatively.

Indeed, we have passed a bill that relies heavily on a surplus whose size six months down the road is unclear, to say nothing of its dimensions ten years from now. The inflated size of this tax cut may well force us to set discretionary spending at levels that don't keep pace with inflation. We may be forced to return to the fiscally-destructive practice of deficit spending by borrowing from the Social Security and Medicare trust funds. Additionally, this tax cut pays nothing but lip service to reducing the national debt, the very step that has proven to be so valuable to the health of our economy in recent years by keeping the cost of capital and interest rates low. In fact, this bill crowds our ability to devote a single dollar, aside from funds already committed to the Medicare and Social Security Trust Funds, toward debt reduction.

I am especially concerned that the idea of an immediate economic stimulus has been abandoned. During the debate on the budget resolution last month, we Democrats argued that the economy needed a jump-start and our colleagues on both sides of the aisle agreed to adopt a stimulus package. Our plan was fair. It was fast. And it was fiscally responsible. It was fair because it was directed at every American who paid any taxes—payroll or income. It was fast because it would go into effect immediately, with rebate checks being cut within weeks. And not least of all, it was fiscally responsible because it fit into a balanced budget that did not spend money we do not have. Unfortunately, the so-called stimulus included in the tax bill we just passed does none of those things.

This bill may prove to be nothing but a one trick pony, and, if so, it's a bad trick to play on the American people. No matter the well-intentioned claims of my colleagues, this bill promises something we cannot deliver. It abandons fiscal discipline, fails to invest the wealth our Nation has earned over the past eight years, and may send us back down the road to debt, higher interest rates, and higher unemployment. It is not what the American people deserve, nor is it what they expected it to be.

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 describe a heinous crime that occurred July 25, 2000 in Barron, Wisconsin, Raymond C. Welton, 33, was charged with a hate crime in the murder of Michael Hatch, a 22-year-old hearing-impaired, disabled man on October 20. Prosecutors contend that Hatch was robbed and beaten to death with a tire iron in part because his assailants thought he was gay. Three perpetrators allegedly lured Hatch from a bar because one of them had gone to school with him and thought he was gay. They allegedly shouted gay slurs during the beating.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADOPTION TAX CREDIT

Ms. LANDRIEU. Mr. President, I would like to take this opportunity to thank the Chairman from Iowa, and the Ranking Member from Montana for their distinguished leadership on the tax cut bill. Their support of the adoption tax credit amendment made the crucial difference in its being accepted as part of the manager's package. Both are true friends to children and families and should be commended for their willingness to ensure that this bill reflects the needs of adoptive parents. I would also like to thank Senators LINCOLN, LIEBERMAN, JOHNSON, MIKULSKI, BOXER, DASCHLE, DEWINE, HARKIN, SANTORUM, SHELBY, STEVENS, COCHRAN, DAYTON, DURBIN, HUTCHINSON, KOHL, SESSIONS, SMITH of New Hampshire, and FITZGERALD.

This is not the first time that I have come to this floor to urge my colleagues to support efforts to strengthen and extend the adoption tax credit. In fact, each and every time that this

body considered the issue of tax relief, the senior Senator from Idaho and I have come before the Senate to argue that the adoption tax credit should be included. And while this is not the first time that this important measure has been successfully adopted as part of a tax bill, I am hopeful that it will be the last.

Because of our action here, 60,000 plus children will find their ''forever families'' in the year to come. Parents who have long dreamed about adopting will finally have the help necessary to make those dreams a reality. I could be wrong, but I would guess that few parts of the tax code can compare to the impact had by the adoption tax credit. Each time a child finds a loving home, we have not only saved children and strengthened a family, but we have also saved billions of taxpayer's dollars.

I believe that there is no such thing as an unwanted child, merely unfound families. This tax credit will help to find more families for more children. I would like to commend my colleagues for their support in passing this important amendment. With it, we will be yet another step closer to the day when no child goes to bed feeling alone, unloved or unwanted.

LYME DISEASE

Mr. SANTORUM. Mr. President, I rise to join my colleague, Senator CHRIS DODD of Connecticut, in lending support to the pressing cause of addressing the ruinous effects of America's most common tick-borne illness, Lyme disease.

I thank the senior Senator from Connecticut for his long involvement and leadership on this most important public health issue. With thousands of Americans contracting Lyme disease each year, it is critical that we work aggressively to wage a comprehensive fight against this devastating tick-borne illness, which costs our country dearly in the way of medical expenditures and human suffering. The current lack of physician knowledge about Lyme and the inadequacies of existing detection methods are particularly problematic, and only serve to compound this growing public health hazard.

Approximately one year ago, I joined with Senator DODD, and Representatives SMITH of New Jersey, PITTS and GOODE to request of the U.S. General Accounting Office a report on some of the current concerns surrounding public and private efforts dedicated to Lyme. We asked about the past and present funding trends within the NIH and CDC and to what projects these resources are being devoted, and we asked about possible conflicts of interest within government agencies related to decisions about the diagnosis, treatment and prevention of Lyme.

Although we have not yet received the official report of the GAO, we have received some preliminary findings that Senator DODD and I believed merited the development of new legislation that we are introducing today the Lyme and Infectious Disease Information and Fairness in testing ''LIIFT'' Act to build upon the solid foundation laid by the Lyme Disease Initiative of 1999.

The GAO's preliminary findings suggest that the CDC and NIH have lost sight of what ultimately matters to the people living with Lyme: Accurate diagnostic tools, access to effective treatment and ultimately a cure. Needless to say, the patient community is not well-served if these areas are not given proper priority at the CDC and NIH.

Between 1991 and 1999, the annual number of reported cases of Lyme disease increased by an astonishing 72 percent. Even as the dramatic increase took place, according to the GAO, funding for Lyme disease at the CDC has increased by only 7 percent over the past 10 years.

Whereas we applaud NIH for its work and we are pleased to see that Congress' efforts to double NIH funding have directly benefited Lyme research, poor coordination and the lack of proper funding at the CDC has left too many questions unanswered. Senator DODD and I share the frustration of the patient community; why hasn't all of this research translated into better treatment? We similarly believe that the CDC's lack of proper funding and attention to tick-borne disease has stalled progress in the development of more accurate diagnostic tests for Lyme disease.

The LIIFT Act will seek to remedy these issues by ensuring that the proper collaboration is taking place on the Federal level the proper collaboration between the Federal Government and the people it serves. Our bill will also address the funding imbalances for Lyme disease activities at the CDC that has inhibited the development of accurate detection methods and treatment for Lyme.

With this new legislation we are calling for the formation of a Department of Health and Human Services Advisory Committee that will bring Federal agencies, such as the CDC and the NIH, to the table with patient organizations, clinicians, and members of the scientific community. This Committee will report its recommendations to the Secretary of HHS. It will ensure that all scientific viewpoints are given consideration at NIH and the CDC and will give a voice to the patient community which has often been left out of the dialogue.

The LIIFT Act will also provide an additional $14 million over the next two years to the CDC to ensure that the Centers work with researchers around the country to develop better diagnostic tests and to increase its efforts to educate the public about Lyme disease. We also call upon the NIH to place an emphasis on funding the neurologic and vascular aspects of Lyme disease and to recruit a larger pool of researchers.

In addition, this legislation authorizes an additional $7 million to fund the extraordinary research and eradication efforts already underway at the U.S. Army Center for Health Promotion and Preventive Medicine located in the Aberdeen Proving Ground in Maryland.

I sincerely hope that our colleagues will join Senator DODD and me in this most worthy cause and cosponsor the LIIFT Act. Lyme disease patients and their families have waited too long for a responsive plan of action to address their suffering and needs.

The Tireless efforts of the Lyme patient and advocacy community have been instrumental in raising awareness and mobilizing support for this issue, and for this both Senator DODD and I thank them. I look forward to working with them, Senator DODD, and our colleagues to synthesize the best ideas from last session's Lyme Disease Initiative and the new LIIFT Act, and to enact into law strong legislation to help correct the mistakes of the past, and to give greater hope for the future by ensuring patients that the Federal Government is doing everything in its power to provide better treatments and ultimately, a cure.

WORLD WAR II MEMORIAL

Ms. LINCOLN. Mr. President, in anticipation of Memorial Day, I rise to honor the 1.1 million Americans who have given their lives for this country. Their lasting legacy is freedom, both here and abroad.

I hope this Memorial Day will be a special one for the World War II generation. Earlier this week, the Senate cleared the way for the construction of the World War II Memorial on the National Mall. The brave men and women of this generation will finally receive the national recognition they deserve.

I want to take time today to acknowledge the contributions of the nearly four million veterans of the Korean War. This issue is a personal one for me. My father is a veteran of the Korean War and I know his generation made tremendous sacrifices. During the course of the war, over 36,000 Americans lost their lives and over 90,000 were wounded.

My father served in Korea as an enlisted man. He left for the 38th Parallel shortly after graduating from high school. When he returned, he married my mother and went to college at the University of Arkansas where he joined the ROTC. Upon graduation, his ROTC unit was activated and Dad left for the Azores for a 12 month assignment.

Like many members of the military, my father didn't endure the sacrifice of service alone. My mother boarded a military flight to the Azores when my sister Mary was only 6 months old to join my father. The military didn't provide housing for married service members on the island and so my father had to make alternative arrangements before my mother and sister could join him. Once reunited, they lived as normal a life as possible in a trailer on an island in the Atlantic thousands of miles from home.

Seldom do we properly recognize the contribution and sacrifice spouses and other family members make when a loved one joins the Armed Forces. So while we honor our nation's veterans on Memorial Day, let us also salute the spouses and other family members who share the sacrifice and burdens of military service.

To commemorate this Memorial Day, I urge my colleagues and all Americans to watch the PBS documentary Korean War Stories. It will air in the evening on Sunday May 27th. This documentary has been sponsored by the Disabled American Veterans as a tribute to those who served during the Korean War.

Our Korean War veterans served this nation with honor, dignity, and dedication, and, in the end, they preserved freedom on the Korean peninsula.

I have the highest respect for the men and women who have served our nation in the Armed Forces, especially those who gave their lives to protect the freedoms we enjoy today. Their sacrifice on behalf of our country is commendable and I extend my sincere appreciation for the honorable service they have given.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 23, 2001, the Federal debt stood at $5,658,410,674,620.47, five trillion, six hundred fifty-eight billion, four hundred ten million, six hundred seventy-four thousand, six hundred twenty dollars and forty-seven cents.

One year ago, May 23, 2000, the Federal debt stood at $5,676,154,000,000, five trillion, six hundred seventy-six billion, one hundred fifty-four million.

Five years ago, May 23, 1996, the Federal debt stood at $5,120,584,000,000, five trillion, one hundred twenty billion, five hundred eighty-four million.

Ten years ago, May 23, 1991, the Federal debt stood at $3,463,998,000,000, three trillion, four hundred sixty-three billion, nine hundred ninety-eight million.

Fifteen years ago, May 23, 1986, the Federal debt stood at $2,030,039,000,000, two trillion, thirty billion, thirty-nine million, which reflects a debt increase of more than $3.5 trillion, $3,628,371,674,620.47, three trillion, six hundred twenty-eight billion, three hundred seventy-one million, six hundred seventy-four thousand, six hundred twenty dollars and forty-seven cents during the past 15 years.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR HARRY A. AMESBURY, JR.

• Mr. CRAIG. Mr. President, today I pay tribute to Major Harry A. Amesbury, Jr. who after 29 years is finally being returned home to his family. On April 26, 1972, Harry was the commander of a C–130E aircraft on a night emergency resupply mission to the besieged city of An Loc, Republic of Vietnam. He knew there was a concentration of enemy anti-aircraft defenses because he made the flight the night before. His aircraft was struck by the intense enemy fire and shot down. He has been missing in action since that date, but not forgotten. An Idaho resident and career Air Force officer with over sixteen years of service to his country, he was survived by his parents Dr. and Mrs. Harry A. Amesbury, Sr., who are now deceased, his wife Mary Amesbury Predoehl, and four sons: Harry Kurt Amesbury, David John Amesbury, Robert Stephen Amesbury, and Alan Keith Amesbury. He is also survived by David's wife Marjan, their son Brendan, and the twins Cameron and Shannon, as well as, Stephen's wife Mary and their sons Ryan and Connor. I know I speak for all my colleagues in the Senate in expressing my profound sorrow to the Amesbury family for their loss.

In a letter to his parents on 15 April 1972, just eleven days before his death, Harry wrote: ''I want you to know that if something should happen to me, that I am doing what needs to be done and I am doing what I think is right''. He was a thorough professional who believed in his country and his duties as an Air Force Officer. He knew that his fellow service members needed his help, so he didn't hesitate when called on to make that final flight.

Harry received the Silver Star for his valor in attempting the mission to An Loc. He also received the Distinguished Flying Cross for a mission the previous day, when his aircraft was heavily damaged by enemy anti-aircraft fire. These final acts of courage, following days and years of courageous acts, demonstrate the commitment that Major Harry Amesbury had for military service, his dedication to our country, and the importance he placed on performing his duty. Unfortunately, this tragedy reminds us once again of the painful costs of answering the call of service to our country, and the sacrifices our military members make for others who need help. We will never know how many lives in An Loc were saved because of the valor of Major Harry Amesbury, but as we pay homage to his memory, let us rededicate ourselves in the days and months ahead to the ideals of our great nation, and keep faith with all brave Americans who choose to wear the uniform and ensure that their sacrifices were not made in vain.

I hope it is of some comfort to the family that Major Harry Amesbury, Jr. is finally returning home to Idaho. It was always his plan to return to the State after completing his Air Force career, and even bought land overlooking the Snake River, near Marsing, where he planned to build his retirement home.

On Memorial Day at Mountain Home AFB, there will be an official ceremony which will include the rendering of military honors and one final opportunity to express appreciation for his service and his sacrifice. His family will then travel into the mountains, to a place that he loved to go with his children, and say goodbye in their own way.

I am very proud to recognize Major Harry A. Amesbury, Jr. and tell him and his family, Thank You.•

TRIBUTE TO JANE ELLEN STRITZINGER

• Mr. SHELBY. Mr. President, today I pay tribute to one of this country's great educators as she retires after over 30 years of teaching English in my home state of Alabama. This week marks the end of an outstanding career for Jane Ellen Stritzinger as she retires from Demopolis High School. Mrs. Stritzinger has taught thousands of students to write well and motivated many to pursue higher education. I join her family, friends, fellow teachers and the students she has guided in congratulating and wishing her well in retirement. Her devoted service to the young people of Alabama has made both the state and the nation better places. Her leadership and teaching will be sorely missed.

Mrs. Stritzinger's awards, activities and leadership positions are far too numerous to list exhaustively, yet a few bear special mention. She was selected as the Alabama State Teacher of the Year, District V winner for 1999–2000. Mrs. Stritzinger has also received the University of West Alabama College of Liberal Arts Alumni Achievement Award, the Tombigbee Girl Scout Council Outstanding Educator Award and the Alabama Council of Teachers of English Distinguished Service Award. She has also been recognized three times by the National Endowment for the Humanities with Awards allowing her to attend special seminars. In addition to her support of educational efforts, Mrs. Stritzinger has

played active roles in numerous community organizations including historical, alumni and religious organizations.

Mrs. Stritzinger spent most of her career teaching English and literature to twelfth grade students at Demopolis High School where she has been responsible for the Advanced Placement, Honors and College-bound English classes. In addition, she has served as the Chairperson of the English Department at Demopolis High School for twenty years and of both the English Curriculum Development and the English Textbook Committees. Early in her career, she taught English at Uniontown High School and remedial reading at Westside School and served as Assistant Director of the Alabama Consortium for the Development of Higher Education. She has helped mold the minds of students as they prepared for college and for life. Her focus on encouraging and recognizing academic excellence extended beyond her classroom to the numerous activities and organizations she helped coordinate including founding the local chapter of the National Honor Society.

Mrs. Stritzinger holds a strong belief in encouraging students to improve their reading abilities and develop strong writing skills. She championed using the Accelerated Reader Program and applied for her school to become an Alabama Reading Initiative Demonstration site. She devoted countless hours over the years to the Alabama Penman Creative Writing Contest, the Gulf Coast Writing Conference, the Program to Recognize Excellence in High School Literary Magazines, a tutorial program for high school students and the Beta Club. Mrs. Stritzinger participated in a program on writing instruction filmed by the State Department of Education for Alabama Public Television.

Strong schools foster strong students and Mrs. Stritzinger worked diligently to improve the quality of our Alabama schools. She was selected as Chairperson of the Ten Year Study for Demopolis High School for Southern Association accreditation and as Teachers' Representative to the Demopolis Educational Foundation. She served as chairperson of the Grants Committee for the Educational Foundation and coordinated a system-wide meeting for reading and language teachers on improving test scores. Mrs. Stritzinger represented Demopolis High School on the Mid-South Humanities Project, the University of Alabama Bio-Prep Workshops and a School Improvement Workshop. She also served on an Alabama State Department of Education Evaluation Team to accredit Judson College. Central to her effort to improve our schools was her twenty years as a Cooperating Teacher providing guidance to student teachers seeking classroom experience. She also played an active role in encouraging the use of technology in the classroom including through the use of the Internet.

Mrs. Stritzinger earned both Masters and Bachelors degrees in English and maintains affiliations with numerous education associations. She has been married to Pete Stritzinger for 36 years and while pursuing this busy career raised two daughters—Ann and Gloria. Mrs. Stritzinger's commitment to Demopolis Schools continues a tradition begun by her mother Lucille Lewis who was also a long serving public school teacher.

No one can begin to quantify the amazing impact that a teacher of Mrs. Stritzinger's ability has had on her students and on her community. The success stories are myriad and many of Mrs. Stritzinger's students have risen to become pillars of their communities. Often her students have been inspired by Mrs. Stritzinger's teaching to pursue careers as teachers or careers which depend upon the critical thinking and strong writing skills fostered by her classes.

As you can tell from my description of her career, Mrs. Stritzinger's involvement in the Demopolis City School System will be hard to replace. Although I am sure she will stay involved with the schools and the community after retirement, she has begun a legacy of success that is sure to be continued. I am confident that her former students and fellow teachers will continue to rise to the challenges that Mrs. Stritzinger posed to them.

Congratulations again Mrs. Stritzinger on such an outstanding career.●

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 Reverend 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.''

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. 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.●

MARY HARMON WEEKS ELEMENTARY SCHOOL

● Mr. BOND. Mr. President, I rise to make a few comments to congratulate the Mary Harmon Weeks Elementary School in Kansas City, Missouri, on receiving 3rd place in the 18th ''Annual Set a Good Example School Competition.''

The ''Set a Good Example Campaign'' is popular with students and teachers alike because it motivates, recognizes and awards student-designed and run projects. It has proven to be a very successful and inspirational method for pulling together business people, educators, youth counselors, parents and students behind the effort to eradicate illegal drugs, crime and violence from our nation's schools.

The students at Mary Harmon Weeks Elementary School successfully put to

work 21 precepts from a common sense moral code booklet titled The Way to Happiness including, ''Try to treat others as you would want them to treat you.''

I would like to applaud the students of Mary Harmon Weeks Elementary School and their teacher Gilbert Lowe for the outstanding accomplishment. Sometimes it is very hard for young people to stand out from the crowd and not give in to peer pressure. The choices the students at Mary Harmon Weeks Elementary School have made to stay away from drugs and to promote a safe school environment is a mature and responsible decision. It will not only benefit them as individuals but will bring numerous benefits to the school and community as well.●

RECOGNITION OF MR. KENNETH HOOD

● Mr. COCHRAN. Mr. President, today Mr. Kenneth Hood of Gunnison, MS, will conclude his term as President of Delta Council.

Delta Council is an economic development organization representing eighteen counties of Northwest Mississippi. Organized in 1935, Delta Council brings together the agricultural, business, and professional leadership of the area to solve common problems and promote the economic development of the Mississippi Delta region.

As President of Delta Council, Mr. Hood has been an articulate spokesman and leader in the effort to define an effective agriculture policy, and to confront the needs for better schools, water resources, and transportation.

Kenneth Hood has been committed to Mississippi agriculture since he first began farming in 1960. He is president of Hood Gin Company and Chief Executive Officer of Perthshire Farms, a family farm operation. He is also president of Hood Equipment Company, an agricultural and construction equipment dealer located in Batesville and Bruce, MS.

Mr. Hood has served also as the President of the Mississippi and National Association of Farmer Elected Committeemen, a member of the Board of Directors of Staplcotn, a founding director of Delta Wildlife, a past chairman of the National and Southern Cotton Ginners Association, and Chairman of the Mississippi Boll Weevil Management Corporation. He has recently been chosen as the new Chairman of the National Cotton Council. I am confident that Mr. Hood will be an important source of information and advice for Congress as we draft a new farm bill.●

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.)

REPORT ON THE NATIONAL EMERGENCIES WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) AND KOSOVO—MESSAGE FROM THE PRESIDENT—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Yugoslavia (Serbia and Montenegro) emergency declared in Executive Order 12808 on May 10, 1992, and with respect to the Kosovo emergency declared in Executive Order 13088 on June 9, 1998.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 24, 2001*.

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERVIA AND MONTENEGRO) THE BOSNIAN SERBS, AND KOSOVO—MESSAGE FROM THE PRESIDENT—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) (the ''FRY (S&M)'') in 1992 and with respect to Kosovo in 1998, are to continue beyond May 30, 2001, and June 9, 2001, respectively. The most recent notice continuing these emergencies was published in the *Federal Register* on May 26, 2000.

With respect to the 1992 national emergency, on December 27, 1995, President Clinton issued Presidential Determination 96–7, directing the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the FRY (S&M) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the ''Resolution''), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the ''Peace Agreement'').

Sanctions against both the FRY (S&M) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that those blocked funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that the 1992 emergency, and the measures adopted pursuant thereto, must continue beyond May 30, 2001.

With respect to the 1998 national emergency regarding Kosovo, on January 17, 2001, President Clinton issued Executive Order 13192 in view of the peaceful democratic transition begun in the FRY (S&M); the continuing need to promote full implementation of United Nations Security Council Resolution 827 of May 25, 1993, and subsequent resolutions calling for all states to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY); the illegitimate control over FRY (S&M) political institutions and economic resources or enterprises exercised by former President Slobodan Milosevic, his close associates and other persons, and those individuals' capacity to repress democracy or perpetrate or promote further human rights abuses; and the continuing threat to regional stability and implementation of the Peace

Agreement. The order lifts and modifies, with respect to future transactions, most of the economic sanctions imposed against the FRY (S&M) in 1998 and 1999 with regard to the situation in Kosovo. At the same time, the order imposes restrictions on transactions with certain persons described in section 1(a) of the order, namely Slobodan Milosevic, his close associates and supporters and persons under open indictment for war crimes by ICTY. The order also provides for the continued blocking of property or interests in property blocked prior to the order's effective date due to the need to address claims or encumbrances involving such property.

Because the crisis with respect to the situation in Kosovo and with respect to Slobodan Milosevic, his close associates and supporters and persons under open indictment for war crimes by ICTY has not been resolved, and because the status of all previously blocked property has yet to be resolved, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that the emergency declared with respect to Kosovo, and the measures adopted pursuant thereto, must continue beyond June 9, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 24, 2001*.

MESSAGE FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 80. Concurrent resolution congratulating the city of Detroit and its residents on the occasion of the tricentennial of the city's founding.

H. Con. Res. 139. Welcoming His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, on his visit to the United States and commemorating the 1700th anniversary of the acceptance of Christianity in Armenia.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, and agrees to the conference asked by the Senate on the disagreeing votes of the two houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. THOMAS, Mr. ARMEY, and Mr. RANGEL.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1727. An act to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 80. Concurrent resolution congratulating the city of Detroit and its residents on the occasion of the tricentennial of the city's founding; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1987. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the report of a document entitled ''Wisconsin Clarification of Codification of Approved State Hazardous Waste Program for Wisconsin'' (FRL6983–2) received on May 21, 2001; to the Committee on Environment and Public Works.

EC–1988. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the report of a document entitled ''Best Management Practices for Lead at Outdoor Shooting Ranges, Region 2'' received on May 21, 2001; to the Committee on Environment and Public Works.

EC–1989. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extraterritorial Exclusion Elections'' (Rev. Proc. 2001–37) received on May 21, 2001; to the Committee on Finance.

EC–1990. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Certain Assets Transfers to Regulated Investment Companies and Real Estate Investment Trusts'' (RIN1545–AW92) received on May 21, 2001; to the Committee on Finance.

EC–1991. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law , the report of a rule entitled ''Credit by Brokers and Deals; List of Foreign Margin Stocks'' received on May 18, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1992. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law , the Annual Report relative to the Preservation of Minority Savings Institutions for 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–1993. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Changes in Reporting Levels for Large Trader Reports'' (RIN3038–ZA10) received on May 21, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1994. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Foreign Futures and Option Transactions'' received on May 21, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1995. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers; Amendments to the Capital Charge on Unsecured Receivables Due From Foreign Brokers'' (RIN3038–AB54) received on May 21, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1996. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Eligibility and Scope of Financing'' (RIN3052–AB90) received on May 21, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1997. A communication from the Assistant Secretary for Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Small Refiner Administrative Fee'' (RIN1010–AC70) received on May 21, 2001; to the Committee on Energy and Natural Resources.

EC–1998. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Abandoned Mine Land (AML) Fee Collection and Coal Production Reporting on the OSM–1 Form'' (RIN1029–AB95) received on May 22, 2001; to the Committee on Energy and Natural Resources.

EC–1999. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of nomination confirmed for the position of Deputy Attorney General; to the Committee on the Judiciary.

EC–2000. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Office of Legislative Affairs; to the Committee on the Judiciary.

EC–2001. A communication from the Chief Financial Officer of the Paralyzed Veterans of America, transmitting, pursuant to law, a report relative to consolidated financial statements for 1999 and 2000; to the Committee on the Judiciary.

EC–2002. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, General Service Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 97–25'' received on May 18, 2001; to the Committee on Governmental Affairs.

EC–2003. A communication from the Director of Selective Service, transmitting, pursuant to law, the System's Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–2004. A communication from the Chair of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, a report relative to the District of Columbia Supplemental Budget Request; to the Committee on Governmental Affairs.

EC–2005. A communication from the Managing Director, Financial Management and

Assurance, General Accounting Office, transmitting, the Congressional Award Foundation's Financial Statements for Fiscal Year 1999 and 2000; to the Committee on Governmental Affairs.

EC–2006. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2007. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Lake Ponchartrain, LA'' ((RIN2115–AE47)(2001–0030)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2008. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Charleston Harbor, South Carolina'' ((RIN2115–AE46)(2001–0009)) received on May 21, 2001 ; to the Committee on Commerce, Science, and Transportation.

EC–2009. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulation; SLR; Harvard-Yale Regatta, Thames River, New London, CT'' ((RIN2115–AE46)(2001–0008)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2010. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Shaw Cove, CT'' ((RIN2115–AE47)(2001–0028)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2011. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Tauton River, MA'' ((RIN2115–AE47)(2001–0029)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2012. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulation: Tampa Bay, Florida'' ((RIN2115–AA97)(2001–0010)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2013. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; San Diego Crew Classic'' ((RIN2115–AE46)(2001–0007)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2014. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Kennebec River, ME'' ((RIN2115–AE47)(2001–0031)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2015. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (76)'' ((RIN2120–AA65)(2001–0028)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2016. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Enrute Domestic Airspace Area, El Centro, CA'' ((RIN2120–AA66)(2001–0085)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2017. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Sugar Land, TX'' ((RIN2120–AA66)(2001–0086)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2018. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Farmington, NM'' ((RIN2120–AA66)(2001–0087)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2019. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standards Instrument Approach Procedures; Miscellaneous Amendments (66)'' ((RIN2120–AA65)(2001–0029)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2020. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (47)'' ((RIN2120–AA65)(2001–0030)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2021. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (33)'' ((RIN2120–AA65)(2001–0031)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2022. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (45)'' ((RIN2120–AA65)(2001–0032)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2023. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Cabool, MO'' ((RIN2120–AA66)(2001–0090)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2024. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Lathe, KS'' ((RIN2120–AA66)(2001–0089)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2025. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Bethel, AK'' ((RIN2120–AA66)(2001–0088)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2026. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A310–324, –325, and A300 B4–622R Series Airplanes Equipped with P and W PW 4000 Series Engines'' ((RIN2120–AA64)(2001–0212)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2027. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Chillicothe, MO'' ((RIN2120–AA66)(2001–0092)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2028. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron, INC Model 412 Helicopters and Agusta SpA Model AB412 Helicopters'' ((RIN2120–AA64)(2001–0214)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2029. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Aircraft Company Models 206H and T206H Airplanes'' ((RIN2120–AA64)(2001–0213)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2030. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737 Series Airplanes'' ((RIN2120–AA64)(2001–0215)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2031. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC 7 100, 101, 102 and 103 Series Airplanes'' ((RIN2120–AA64)(2001–0218)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2032. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330–243, –341, –342, and –343 Series Airplanes Equipped with Rolls Royce Trent 700 Series Engines'' ((RIN2120–AA64)(2001–0216)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2033. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–200 and 300 Series Airplanes Equipped with Main Deck Cargo Door Installed in Accordance with Supplement Type Certificate SA2969SO'' ((RIN2120–AA64)(2001–0219)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2034. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Turbomeca SA Arrius Models 2B, 2B1, and 2F Turboshaft Engines'' ((RIN2120–AA64)(2001–0220)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2035. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aerostar Aircraft Corp Models PA 60 600, PA 60 601, PA 60 601P, PA 60 602P, and PA 60 700P Airplanes'' ((RIN2120–AA64)(2001–0222)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2036. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileria de Aeronautica SA Model EMB 135 and EMB 145 Series Airplanes'' ((RIN2120–AA64)(2001–0217)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2037. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Financial Assistance for Research and Development Projects in Chesapeake Bay to Strengthen, Develop and/or Improve the Stock Conditions of the Chesapeake Bay Fisheries'' (RIN0648–ZB05) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2038. A communication from the Acting Chief of the Marine Mammal Conservation Division, National Marine Fisheries Service, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Area and Gear Restrictions'' (RIN0648–AP27) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2039. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for North Carolina'' received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2040. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2001 Management Measures'' (RIN0648–AO49) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2041. A communication from the Acting Division Chief of the Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Shock Testing the USS WINSTON S. CHURCHILL by Detonation of Conventional Explosives in the Offshore Waters of the U.S. Atlantic Coast.'' (RIN0648–AN59) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2042. A communication from the Acting Chief of the Marine Mammal Conservation Division, National Marine Fisheries Service, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations'' (RIN0648–AN88) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2043. A communication from the Acting Chief of the Marine Mammal Conservation Division, National Marine Fisheries Service, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations; Remove and Reserve Gear Marking Requirements for Northeast U.S. Fisheries'' (RIN0648–AN40) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2044. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closure for Hook-and-Line Gear Groundfish Fishing, Gulf of Alaska (except for sablefish or demersal shelf rockfish in the Southeast Outside District)'' received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2045. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Monroe City, MO'' ((RIN2120–AA66)(2001–0091)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2046. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated May 1, 2001; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; the Budget; and Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–72. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to appropriated funds for children with disabilities; to the Committee on Appropriations.

SENATE RESOLUTION NO. 47

Whereas, under Title 20, section 1411(a) of the United States Code, the maximum amount of federal funds that a state may receive for special education and related services is the number of children with disabilities in the State who are receiving special education and related services multiplied by forty percent of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, since the enactment of the Education for All Handicapped Children Act of 1975 and its subsequent amendments, including the Individuals with Disabilities Education Act of 1990, Congress has appropriated funds for a maximum of ten per cent of special education and related services for children with disabilities when federal law authorizes the appropriation of up to forty per cent; and

Whereas, the Hawaii Department of Education received approximately $23,500,000 in federal funds during fiscal year 1999–2000 for what was then referred to as ''education of the handicapped''. If this figure represented an appropriation of funds for ten per cent of special education and related services for children with disabilities, then an appropriation of forty per cent would have equaled $94,000,000; and

Whereas, the difference between an appropriation of forty per cent and an appropriation of ten per cent for ''education of the handicapped'' would amount to $70,500,000 just for the Department of Education. If the number of students receiving special education and related services equaled 22,000 during the fiscal year 1999–2000, then the difference would have amounted to approximately $3,200 per student; and

Whereas, the State of Hawaii, through the Felix consent decree, is being compelled by the federal district court to make up for more than twenty years of insufficient funding for special education and related services-funding that should have been borne substantially by Congress, which enacted the Education for All Handicapped Children Act of 1975 and the Individuals with Disabilities Education Act of 1990; and

Whereas, if Congress is going to mandate new programs or increase the level of service under existing programs for children with disabilities, and if it is going to give the federal courts unfettered power to enforce these mandates through the imposition of fines and the appointment of masters, then Congress should provide sufficient funding for special education and related services; now, therefore, be it

Resolved by the Senate of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2001, That the United States Congress is requested to appropriate funds for forty per cent of special education and related services for children with disabilities; and be it further

Resolved, That certified copies of this Resolution be transmitted to the Speaker of the United States House of Representatives, the President pro tempore of the United States Senate, the Vice-President of the United States, and the members of Hawaii's congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 88: A resolution expressing the sense of the Senate on the importance of membership of the United States on the United Nations Human Rights Commission.

S. Con. Res. 35: A concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives

of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

S. Con. Res. 42: A concurrent resolution condemning the Taleban for their discriminatory policies and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. REED for the Committee on Armed Services.

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Fred F. Castle Jr., 0000

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James Sanders, 0000
Brig. Gen. David E. Tanzi, 0000

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Kevin P. Chilton, 0000
Brig. Gen. John D. W. Corley, 0000
Brig. Gen. Tommy F. Crawford, 0000
Brig. Gen. Charles E. Croom Jr., 0000
Brig. Gen. David A. Deptula, 0000
Brig. Gen. Gary R. Dylewski, 0000
Brig. Gen. Michael A. Hamel, 0000
Brig. Gen. James A. Hawkins, 0000
Brig. Gen. Gary W. Heckman, 0000
Brig. Gen. Jeffrey B. Kohler, 0000
Brig. Gen. Edward L. LaFountaine, 0000
Brig. Gen. Dennis R. Larsen, 0000
Brig. Gen. Daniel P. Leaf, 0000
Brig. Gen. Maurice L. McFann Jr., 0000
Brig. Gen. Richard A. Mentemeyer, 0000
Brig. Gen. Paul D. Nielsen, 0000
Brig. Gen. Thomas A. O'Riordan, 0000
Brig. Gen. Quentin L. Peterson, 0000
Brig. Gen. Lorraine K. Potter, 0000
Brig. Gen. James G. Roudebush, 0000
Brig. Gen. Mary L. Saunders, 0000
Brig. Gen. Joseph B. Sovey, 0000
Brig. Gen. John M. Speigel, 0000
Brig. Gen. Craig P. Weston, 0000
Brig. Gen. Donald J. Wetekam, 0000
Brig. Gen. Gary A. Winterberger, 0000

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Michael A. Hamel, 0000

The following named United States Air Force Reserve officer for appointment as Chief of Air Force Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 8038 and 601:

To be lieutenant general

Maj. Gen. James E. Sherrard III, 0000

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Gregory B. Gardner, 0000
Brig. Gen. Robert I. Gruber, 0000
Brig. Gen. Craig R. McKinley, 0000
Brig. Gen. James M. Skiff, 0000

To be brigadier general

Col. Richard W. Ash, 0000
Col. Thomas L. Bene Jr., 0000
Col. Philip R. Bunch, 0000
Col. Charles W. Collier Jr., 0000
Col. Ralph L. Dewsnup, 0000
Col. Carol Ann Fausone, 0000
Col. Scott A. Hammond, 0000
Col. David K. Harris, 0000
Col. Donald A. Haught, 0000
Col. Kencil J. Heaton, 0000
Col. Terry P. Heggemeier, 0000
Col. Randall E. Horn, 0000
Col. Thomas J. Lien, 0000
Col. Dennis G. Lucas, 0000
Col. Joseph E. Lucas, 0000
Col. Frank Pontelandolfo Jr., 0000
Col. Ronald E. Shoopman, 0000
Col. Benton M. Smith, 0000
Col. Homer A. Smith, 0000
Col. Annette L. Sobel, 0000
Col. Robert H. St. Clair III, 0000
Col. Michael H. Weaver, 0000
Col. Lawrence H. Woodbury, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles W. Fox Jr., 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Roy E. Beauchamp, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David C. Harris, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Lawrence J. Johnson, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James L. Pruitt, 0000

To be brigadier general

Col. Timothy C. Barrick, 0000
Col. Claude A. Williams, 0000

The following named Army National Guard of the United States officer for appointment as Director, Army National Guard and for appointment to the grade indicated under title 10, U.S.C., sections 10506 and 601:

To be lieutenant general

Maj. Gen. Roger C. Schultz, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Johnny M. Riggs, 0000

The following named United States Army Reserve officer for appointment as Chief, Army Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 3038 and 601:

To be lieutenant general

Maj. Gen. Thomas J. Plewes, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. John C. Atkinson, 0000
Brig. Gen. Danny B. Callahan, 0000
Brig. Gen. Robert C. Hughes, Jr., 0000
Brig. Gen. James H. Lipscomb III, 0000
Brig. Gen. Charles L. Rosenfeld, 0000
Brig. Gen. Ronald S. Stokes, 0000

To be brigadier general

Col. Roger L. Allen, 0000
Col. Edward H. Ballard, 0000
Col. Bruce R. Bodin, 0000
Col. Gary D. Brays, 0000
Col. Willard C. Broadwater, 0000
Col. Jan M. Camplin, 0000
Col. Julia J. Cleckley, 0000
Col. Stephen D. Collins, 0000
Col. Bruce E. Davis, 0000
Col. John L. Enright, 0000
Col. Joseph M. Gately, 0000
Col. John S. Gong, 0000
Col. David E. Greer, 0000
Col. John S. Harrel, 0000
Col. Keith D. Jones, 0000
Col. Timothy M. Kennedy, 0000
Col. Martin J. Lucenti, 0000
Col. Buford S. Mabry Jr., 0000
Col. John R. Mullin, 0000
Col. Edward C. O'Neill, 0000
Col. Nicholas Ostapenko, 0000
Col. Michael B. Pace, 0000
Col. Marvin W. Pierson, 0000
Col. David W. Raes, 0000
Col. Thomas E. Stewart, 0000
Col. John L. Trost, 0000
Col. Stephen F. Villacorta, 0000
Col. Alan J. Walker, 0000
Col. Jimmy G. Welch, 0000
Col. George W. Wilson, 0000
Col. Jessica L. Wright, 0000
Col. Arthur H. Wyman, 0000
Col. Mark E. Zirkelbach, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Gary A. Quick, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William J. Lennox Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Alfred G. Harms Jr., 0000

The following named Naval Reserve officer for appointment as Chief of Naval Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 5143 and 601:

To be vice admiral

Rear Adm. John B. Totushek, 0000

The following named Naval officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert Magnus, 0000

The following named United States Marine Corps Reserve officer for appointment as Commander, Marine Forces Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 5144 and 601:

To be lieutenant general

Maj. Gen. Dennis M. McCarthy, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William L. Nyland, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Wallace C. Gregson Jr., 0000

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. REED. Mr. President, for the Committee on Armed Services, I report favorably the following nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Roy V. Bousquet, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on May 2, 2001.

Air Force nominations beginning JEFFREY E. FRY and ending GEORGE A. MAYLEBEN, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 16, 2001.

Army nominations beginning LARRY J. CIANCIO and ending FREDRIC D. SHEPPARD, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 2001.

Army nominations beginning CARLTON JACKSON and ending RICHARD D. MILLER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 2001.

Army nominations beginning CHARLES R. BARNES and ending JOSEPH WELLS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 8, 2001.

Army nominations beginning JOHN R. MATHEWS and ending KARL C. THOMPSON, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 16, 2001.

Navy nomination of Dale J. Danko, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 2001.

Navy nomination of Delbert G. Yordy, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 2001.

Navy nomination of Alexander L. Krongard, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 2001.

Navy nominations beginning ROBERT M. ABUBO and ending ERIC D. WILLIAMS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 26, 2001.

Marine Corps nominations beginning RONALD H. ANDERSON and ending JOHN H. WILLIAMS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 9, 2001.

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

Donna R. McLean, of the District of Columbia, to be an Assistant Secretary of Transportation.

Sean B. O'Hollaren, of Oregon, to be an Assistant Secretary of Transportation.

Maria Cino, of Virginia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Timothy J. Muris, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 1994.

Bruce P. Mehlman, of Maryland, to be Assistant Secretary of Commerce for Technology Policy.

Kevin J. Martin, of North Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2001.

Kathleen B. Cooper, of Texas, to be Under Secretary of Commerce for Economic Affairs.

Kathleen Q. Abernathy, of Maryland, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1999.

Michael Joseph Copps, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2000.

Michael K. Powell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2002.

By Mr. GRASSLEY for the Committee on Finance.

Piyush Jindal, of Louisiana, to be an Assistant Secretary of Health and Human Services.

Claude A. Allen, of Virginia, to be Deputy Secretary of Health and Human Services.

James Gurule, of Michigan, to be Under Secretary of the Treasury for Enforcement.

Thomas Scully, of Virginia, to be Administrator of the Health Care Financing Administration.

Peter R. Fisher, of New Jersey, to be an Under Secretary of the Treasury.

By Mr. HELMS for the Committee on Foreign Relations.

Thelma J. Askey, of Tennessee, to be Director of the Trade and Development Agency.

A. Elizabeth Jones, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (European Affairs).

Walter H. Kansteiner, of Virginia, to be an Assistant Secretary of State (African Affairs).

Peter S. Watson, of California, to be President of the Overseas Private Investment Corporation.

Lorne W. Craner, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

William J. Burns, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Near Eastern Affairs).

Ruth A. Davis, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

Carl W. Ford, Jr., of Arkansas, to be an Assistant Secretary of State (Intelligence and Research).

Christina B. Rocca, of Virginia, to be Assistant Secretary of State for South Asian Affairs.

Stephen Brauer, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.) Nominee: Stephen F. Brauer.

Contributions, amount, date, and donee:

Date, amount, recipient:

1/31/2001, $2,000, Roy Blunt
9/2/2000, $1,000, Akin, W. Todd
8/22/2000, $5,000, Republican Natl Comm, Fed Acct
7/28/2000, $1,000, Rick Lazio
6/27/2000, $1,000, Shimkus, John M.
6/20/2000, $1,000, Graves, Sam
6/7/2000, $1,000, Federer, William J.
3/28/2000, $1,000, NcNary, Gene
3/22/2000, $1,000, Giuliani, Rudolph
12/13/99, $1,000, Blunt, Roy
12/9/99, $1,000, Abraham, Spencer
11/15/99, $1,000, Emerson, JoAnn
11/4/99, $250, Federer, William J
6/8/99, $5,000, HECO PAC
4/7/99, $1,000, John Ashcroft
3/17/99, $380, Ehlmann, Steven E.
3/17/99, $1,000, Bush, George W.
10/23/98, $500, Inglis, Bob
10/19/98, $250, Federer, William J.
10/14/98, $1,000, Talent, James M.
9/22/98, $1,000, Emerson, JoAnn
6/17/98, $500, Fitzgerald (IL Sen)
4/29/98, $5,000, HECO PAC
4/7/98, $2,000, Kit Bond
12/30/97, $1,000, Specter, Arlen
12/23/97, $5,000, The Leadership Alliance
12/1/97, $1,000, Talent, James M.
9/30/97, $500, Voinovich, George V.
5/11/97, $5,000, Spirit of America PAC

Note: Between 1997 and 2000 Mr. Brauer has made contributions to the following organizations which are non federal contributions: RNC/Republican National State Elections Committee; 1999 State Victory Fund Committee, Ashcroft Victory Committee, non federal; NRSC/non federal; Missouri Republican State Committee; Republican National Committee; Spirit of America PAC.

Camilla T. Brauer (Wife)

Date, amount, recipient:

8/22/00, $1,000, Rick Lazio
8/10/00, $10,000, MO Republican Party Fed Acct
8/10/00, $5,000, RNC Federal Acct.
8/10/00, $1,000, Lazio 2000
3/28/00, $1,000, McNary, Gene
3/23/00, $1,000, Giuliani, Rudolph
11/15/99, $1,000, Emerson, JoAnn
4/7/99, $1,000, John Ashcroft
3/17/99, $1,000, Bush, George W.
12/21/98, $2,000, Ashcroft, John
10/14/98, $1,000, Talent, James
4/7/98, $2,000, Kit Bond
12/1/97, $1,000, Talent, James
5/12/97, $5,000, Spirit of America PAC
2/6/97, $1,000, Bond, Christopher

A.J. Brauer, III (Brother)

Date, amount, recipient:

11/01/00, $1,000, Aschroft, John
9/28/98, $250, Bond, Christopher
3/31/98, $1,000, McCain, John

Blackford F. Brauer (Son)

Date, amount, recipient:

6/16/99, $1,000, Bush, George W.

Stephen F. Brauer, Jr. (Son)

Date, amount, recipient:
6/16/99, $1,000, Bush, George W.

Rebecca R. Brauer (Daughter)

Date, amount, recipient:
6/16/99, $1,000, Bush, George W.

A. Bryan MacMillan (Stepfather)

Date, amount, recipient:
4/23/98, $1,000, Kit Bond

Mrs. Lee Hunter (Mother)

Date, amount, recipient:
5/11/00, $2,000, George Bush
9/22/99, $1,000, Gene McNary
6/25/99, $1,000, Gene McNary
6/23/99, $1,000, John Ashcroft

Paul Vincent Kelly, of Virginia, to be an Assistant Secretary of State (Legislative Affairs).

Donald Burnham Ensenat, of Louisiana, to be Chief of Protocol, and to have the rank of ambassador during his tenure of service.

(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.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I report favorably the following nomination lists which were printed in the RECORDs of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Foreign Service nominations beginning Laron L. Jensen and ending Karen L. Zens, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 2001.

Foreign Service nominations beginning Ralph K. Bean and ending Richard Oliver Lankford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 2001.

By Mr. SPECTER for the Committee on Veterans' Affairs.

Maureen Patricia Cragin, of Maine, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

Leo S. Mackay, Jr., of Texas, to be Deputy Secretary of Veterans Affairs.

Robin L. Higgins, of Florida, to be Under Secretary of Veterans Affairs for Memorial Affairs.

Jacob Lozada, of Puerto Rico, to be an Assistant Secretary of Veterans Affairs.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BOND:

S. 945. A bill to amend the Internal Revenue Code of 1986 to repeal the recognition of capital gain rule for home offices; to the Committee on Finance.

By Ms. SNOWE (for herself, Ms. MIKULSKI, and Mr. HARKIN):

S. 946. A bill to establish an Office on Women's Health within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mr. INHOFE):

S. 947. A bill to amend the Clean Air Act to permit the Governor of a State to waive the oxygen content requirement for reformulated gasoline, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LOTT (for himself and Mr. KERRY):

S. 948. A bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 949. A bill for the relief of Zhengfu Ge; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire (for himself and Mr. REID):

S. 950. A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, Mr. BREAUX, Mr. LOTT, Mr. MURKOWSKI, and Mr. DEWINE):

S. 951. A bill to authorize appropriations for the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GREGG (for himself, Mr. KENNEDY, Mr. DEWINE, and Mr. BAYH):

S. 952. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself, Mr. SCHUMER, Mr. TORRICELLI, Mr. BROWNBACK, Mr. ALLARD, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BUNNING, Mr. BREAUX, Mr. BURNS, Ms. CANTWELL, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Ms. COLLINS, Mrs. CLINTON, Mr. CRAIG, Mr. CONRAD, Mr. CRAPO, Mr. CORZINE, Mr. DEWINE, Mr. DASCHLE, Mr. DOMENICI, Mr. DAYTON, Mr. ENSIGN, Mr. DURBIN, Mr. ENZI, Mr. EDWARDS, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. INOUYE, Mr. GREGG, Mr. JOHNSON, Mr. HATCH, Mr. KENNEDY, Mr. HELMS, Mr. KERRY, Mrs. HUTCHISON, Mr. KOHL, Mr. JEFFORDS, Ms. LANDRIEU, Mr. LOTT, Mr. LEAHY, Mr. LUGAR, Ms. MIKULSKI, Mr. NELSON of Nebraska, Mr. MURKOWSKI, Mr. NELSON of Florida, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. WELLSTONE, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, Mrs. CARNAHAN, Mr. THURMOND, and Mr. GRASSLEY):

S. 953. A bill to establish a Blue Ribbon Study Panel and an Election Administration Commission to study voting procedures and election administration, to provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 954. A bill to amend title XVIII of the Social Security Act to provide that geographic reclassifications of hospitals from one urban area to another urban area do not result in lower wage indexes in the urban area in which the hospital was originally classified; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. KERRY, Mr. WELLSTONE, Mr. DODD, Mr. INOUYE, Mr. DURBIN, Mr. FEINGOLD, and Mr. AKAKA):

S. 955. A bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigration Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. CORZINE:

S. 956. A bill to amend title 23, United States Code, to promote the use of safety belts and child restraint systems by children, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WELLSTONE (for himself, Mr. DAYTON, Mr. BYRD, and Ms. STABENOW):

S. 957. A bill to provide certain safeguards with respect to the domestic steel industry; to the Committee on Finance.

By Mr. REID (for himself and Mr. ENSIGN):

S. 958. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, and for other purposes; to the Committee on Indian Affairs.

By Mr. BAUCUS:

S. 959. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to consider the impact of severe weather conditions on Montana's aviation public and establish regulatory distinctions consistent with those applied to the State of Alaska; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. COCHRAN, Ms. COLLINS, Mr. DASCHLE, Mr. DORGAN, Mr. ENSIGN, Mrs. MURRAY, Ms. STABENOW, and Mr. WARNER):

S. 960. A bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases; to the Committee on Finance.

By Mrs. BOXER:

S. 961. A bill to promote research to identify and evaluate the health effects of breast implants; to ensure that women receive accurate information about such implants and to encourage the Food and Drug Administration to thoroughly review the implant manufacturers' standing with the agency; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON:

S. 962. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Governmental Affairs.

By Mr. DURBIN:

S. 963. A bill for the relief of Ana Esparza and Maria Munoz; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CLELAND (for himself, Mr. MCCAIN, Mr. LEVIN, Mrs. HUTCHISON, Mr. BIDEN, Mr. JEFFORDS, Ms. LANDRIEU, Mr. BENNETT, Mr. MILLER, Mrs. MURRAY, Mr. JOHNSON, Mrs. CARNAHAN, Mr. DAYTON, Mr. CONRAD, Mr. KENNEDY, Mr. DURBIN, Mr. HATCH, Mrs. CLINTON, Mr. SESSIONS, Mr. ALLEN, and Mr. NELSON of Nebraska):

S. Res. 94. A resolution expressing the sense of the Senate to designate May 28, 2001, as a special day for recognizing the members of the Armed Forces who have been killed in hostile action since the end of the Vietnam War; considered and agreed to.

By Mr. LEVIN (for himself and Mr. VOINOVICH):

S. Con. Res. 43. A concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 37

At the request of Mr. LUGAR, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor 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. 41

At the request of Mr. HATCH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 155

At the request of Mr. BINGAMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 155, a bill to amend title 5, United States Code, to eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians.

S. 170

At the request of Mr. REID, the names of the Senator from Utah (Mr. BENNETT) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 217

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 217, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

S. 281

At the request of Mr. HAGEL, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 291

At the request of Mr. THOMPSON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 291, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax.

S. 410

At the request of Mr. CRAPO, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 410, a bill to amend the Violence Against Women Act of 2000 by expanding legal assistance for victims of violence grant program to include assistance for victims of dating violence.

S. 452

At the request of Mr. MURKOWSKI, the names of the Senator from Missouri (Mr. BOND) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

At the request of Mr. ALLARD, his name was added as a cosponsor of S. 452, supra.

S. 494

At the request of Mr. FRIST, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 494, a bill to provide for a transition to democracy and to promote economic recovery in Zimbabwe.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 596

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 596, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes.

S. 597

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 597, a bill to provide for a comprehensive and balanced national energy policy.

S. 656

At the request of Mr. REED, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 657

At the request of Mr. LUGAR, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. MILLER), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 657, a bill to authorize funding for the National 4–H Program Centennial Initiative.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 677

At the request of Mr. HATCH, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

At the request of Mr. BREAUX, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 677, supra.

S. 686

At the request of Mrs. LINCOLN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 694

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 697

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 742

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 742, a bill to provide for pension reform, and for other purposes.

S. 776

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 776, a bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002.

S. 781

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 781, a bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve.

S. 788

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 788, a bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry that works in conjunction with State organ and tissue donor registries, to create a public-private partnership to launch an aggressive outreach and education campaign about organ and tissue donation and the Registry, and for other purposes.

S. 830

At the request of Mr. CHAFEE, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 850

At the request of Mr. CHAFEE, the name of the Senator from New Jersey (Mr. CORZINE) 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. 852

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 856

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 856, a bill to reauthorize the Small Business Technology Transfer Program, and for other purposes.

S. 866

At the request of Mr. REID, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of 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.

S. 906

At the request of Mr. ENZI, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Wyoming (Mr. THOMAS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 906, a bill to provide for protection of gun owner privacy and ownership rights, and for other purposes.

S. RES. 90

At the request of Mr. GRAHAM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 90, a resolution designating June 3, 2001, as ''National Child's Day.''

S. CON. RES. 34

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 34, a concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 945. A bill to amend the Internal Revenue Code of 1986 to repeal the recognition of capital gain rule for home offices; to the Committee on Finance.

Mr. BOND. Mr. President, in 1997 Congress made an important change in the tax code for small businesses by restoring the home-office deduction. That change opened the door for millions of Americans to operate successful small businesses from their homes. Now the home-based financial planner or landscape can use an extra bedroom or a basement to conduct her business without the cost of commercial office space. In many cases, these home offices also allow today's entrepreneurs to spend more time with their family by avoiding the added time and expense of day-care and commuting.

With the restoration of the home-office deduction, however, came a significant new complexity for home-based businesses, depreciation recapture. If a home-based medical transcriber elects to claim the home-office deduction, she will deduct the expenses relating to her home office, such as a portion of her home-owners insurance, utilities, repairs, and maintenance. She is also entitled to depreciate a portion of the cost of her house relating to the home office. But there is a big catch. When the home-based business owner sells her home, she must recapture all of the depreciation deductions and pay income taxes on them, even though her house qualifies for the exclusion from tax for the sale of a principal residence.

The specter of depreciation recapture has several significant ramifications. First, it requires additional recordkeeping for home-based business owners, on top of the enormous burdens that the tax code already imposes on a small business. Second, when the home-based business owner decides to sell his home, he must struggle with the complexities of calculating the depreciation recapture or, as is too often the case, he must hire a costly tax professional to undertake the calculations and prepare the required tax forms.

Additionally, the depreciation-recapture requirement creates a disincentive for home-based business owners to claim the home-office deduction in the first place. In fact, I have heard from accountants and tax advisors in my home State of Missouri that they frequently advise their clients to forego the home-office deduction simply to avoid the recordkeeping and complexities associated with recapturing the depreciation. That is clearly not what Congress intended when it restored the home-office deduction in 1997.

In light of this problem, I rise today to introduce the ''Home-Office Deduction Simplification Act of 2001.'' This

bill simply repeals the depreciation-recapture requirement and the disincentive for home-based businesses to utilize the home-office deduction. At a time when the Nation's small businesses are feeling real pain from the current economic slow down, this bill will provide real relief, not only when they sell their homes, but today by giving them the benefit of the home-office deduction that Congress intended.

It is my pleasure to be working with Congressman DONALD MANZULLO, Chairman of the House Committee on Small Business, to raise this issue in both Chambers. I urge my colleagues in the Senate to support this legislation and make the home-office deduction as simple and accessible as possible. Our home-based businesses across the nation deserve nothing less.

I ask unanimous consent that the text of the bill and a description of its provisions be printed in the RECORD.

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

S. 945

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 ''Home-Office Deduction Simplification Act of 2001''.

SEC. 2. REPEAL OF RECOGNITION OF GAIN RULE FOR HOME OFFICE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by striking paragraph (6) and redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(b) EXCEPTION TO TREATMENT AS GAIN FROM DISPOSITION OF PRINCIPAL RESIDENCE.—Subsection (d) of section 1250 of the Internal Revenue Code of 1986 (relating to gain from dispositions of certain depreciable realty) is amended by adding at the end the following new paragraph:

''(9) HOME OFFICE.—Subsection (a) shall not apply to property described in section 280A(c)(1) which is a portion of the principal residence (within the meaning of section 121) of the taxpayer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges occurring after December 31, 2000.

HOME-OFFICE DEDUCTION SIMPLIFICATION ACT OF 2001—DESCRIPTION OF PROVISIONS

The bill repeals section 121(d)(6) of the Internal Revenue Code. Currently, this provision requires individuals who claim depreciation deductions with respect to a home-office to recapture such deductions upon the sale of their home. As a result, the amount of the recaptured depreciation deductions is subject to income taxation without the benefit of the income-tax exclusion for the sale of a principal residence or the capital-gains tax rates in cases where the exclusion does not apply.

By repealing the depreciation-recapture requirement, the bill eliminates the paperwork and compliance burdens that frequently prevent home-based business owners from claiming the home-office deduction. The bill will be effective for sales or exchanges of homes occurring after December 31, 2000.

By Ms. SNOWE (for herself, Ms. MIKULSKI, and Mr. HARKIN):

S. 946. A bill to establish an Office on Women's Health within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Women's Health Office Act of 2001 and I am pleased to be joined on this legislation by my friends and colleagues Senators MIKULSKI and HARKIN. Companion legislation to this bill has been introduced in the House by Congresswomen CONNIE MORELLA and CAROLYN MALONEY.

The Women's Health Office Act of 2001 provides permanent authorization for Offices of Women's Health in five Federal agencies: the Department of Health and Human Services, HHS; the Centers for Disease Control and Prevention, CDC; the Agency for Health Care Research and Quality, AHRQ; the Health Resources and Services Administration, HRSA; and the Food and Drug Administration, FDA.

Currently, only two women's health offices in the Federal Government have statutory authorization: the Office of Research on Women's Health at the National Institutes of Health, NIH, and the Office for Women's Services within the Substance Abuse and Mental Health Services Administration, SAMHSA.

For too many years, women's health care needs were ignored or poorly understood, and women were systematically excluded from important health research. One famous medical study on breast cancer examined hundreds of men. Another federally funded study examined the ability of aspirin to prevent heart attacks in 20,000 medical doctors, all of whom were men, despite the fact that heart disease is a leading cause of death among women.

Today, Members of Congress and the American public understand the importance of ensuring that both genders benefit equally from medical research and health care services.

Throughout my tenure in the House and Senate, I have worked hard to expose and eliminate this health care gender gap and improve women's access to affordable, quality health services. As cochairs of the Congressional Caucus for Women's Issues, CCWI, Representative Pat Schroeder and I, along with Representative Henry Waxman, called for a GAO investigation, in the beginning of 1990, into the inclusion of women and minorities in medical research at the National Institutes of Health.

This study documented the widespread exclusion of women from medical research, and spurred the Caucus to introduce the first Women's Health Equity Act, WHEA, in 1990. This comprehensive legislation provided Congress with its first broad, forward-looking health agenda designed to redress the historical inequities that face women in medical research, prevention and services.

Three years later, Congress enacted legislation mandating the inclusion of women and minorities in clinical trials at NIH through the National Institutes of Health Revitalization Act of 1993, P.L. 103–43. Also included in the NIH Revitalization Act was language establishing the NIH Office of Research on Women's Health, language based on my original Office of Women's Health bill that was introduced in the 101st Congress.

Yet, despite all the progress that we have made, there is still a long way to go on women's health care issues. Last May, the GAO released a report, a 10-year update, on the status of women's research at NIH, ''NIH Has Increased Its Efforts to Include Women in Research''. This report found that since the first GAO report and the 1993 legislation, NIH had made significant progress toward including women as subjects in both intramural and external clinical trials.

However, the report noted that the Institute had made less progress in implementing the requirement that certain clinical trials be designed and carried out to permit valid analysis by sex, which could reveal whether interventions affect women and men differently. The GAO found that NIH researchers would include women in their trials—but then they would either not do analysis on the basis of sex, or if no difference was found, they would not publish the sex-based results.

NIH has done a good job of improving participation of women in clinical trials and has implemented several changes to improve the accuracy and performance for tracking and analyzing data, but our commitment to women's health is not about quotas and numbers. It is about real scientific advances that will improve our knowledge about women's health. At a time when we are on track to double funding for NIH, it is troubling that the agency has still failed to fully implement both its own guidelines and the Congressional directive for sex-based analysis. And as a result, women continue to be shortchanged by Federal research efforts.

The crux of the matter is that NIH's problems exist despite that fact that it has an Office of Women's Health that is codified in law. If NIH is having problems, imagine the difficulties we will have in continuing the focus on women's health in offices that do not have this legislative mandate, and that may change focus with a new HHS Secretary or Agency Director.

Offices of Women's Health across the Public Health Service are charged with

coordinating women's health activities and monitoring progress on women's health issues within their respective agencies, and they have been successful in making Federal programs and policies more responsive to women's health issues. Unfortunately, all of the good work these offices are doing is not guaranteed in Public Health Service authorizing law. Providing statutory authorization for federal women's health offices is a critical step in ensuring that women's health research will continue to receive the attention it requires in future years.

Codifying these offices of women's health is important for several reasons. First, it re-emphasizes Congress's commitment to focusing on women's health. Second, it ensures that agencies will enact congressional intent with good faith. Finally, it ensures that appropriations will be available in future years to fulfill these commitments.

By statutorily creating Offices of Women's Health, the Deputy Assistant Secretary for Women's Health will be able to better monitor various Public Health Service agencies and advise them on scientific, legal, ethical and policy issues. Agencies would establish a Coordinating Committee on Women's Health to identify and prioritize which women's health projects should be conducted. This will also provide a mechanism for coordination within and across these agencies, and with the private sector. But most importantly, this bill will ensure the presence of offices dedicated to addressing the ongoing needs and gaps in research, policy, programs, education and training in women's health.

I urge my colleagues to join Senators MIKULSKI, HARKIN, and me in supporting this legislation to help ensure that women's health will never again be a missing page in America's medical textbook.

Ms. MIKULSKI. Mr. President, I rise to join Senator SNOWE and Senator HARKIN to introduce the Women's Health Office Act of 2001. I am pleased to introduce this bill with my colleagues because it establishes an important framework to address women's health within the Department of Health and Human Services, HHS.

Historically, women's health needs have been ignored or inadequately addressed by the medical establishment and the government. A 1990 General Accounting Office, GAO, report stated that: the National Institutes of Health, NIH, had made little progress in implementing its own inclusion policy on women's participation in clinical trials, NIH inconsistently applied this policy, and NIH had done little to implement analysis of research findings by gender. This was unacceptable. Women make up half or more of the population and must be adequately included in clinical research. That's why I fought to establish the Office of Research on Women's Health, ORWH, at the NIH 11 years ago. We needed to ensure that women were included in clinical research, so that we would know how treatments for a particular disease or condition would affect women. Would men and women react the same way to a particular treatment for heart disease? We can't answer this question unless both men and women are being included in clinical trials.

While the ORWH began its work in 1990, I wanted to ensure that it stayed at NIH and had the necessary authority to carry out its mission, part of which is to ensure that women are included in clinical research. That's why I authored legislation in 1990 and 1991 to formally establish the ORWH in the Office of the Director of NIH. These provisions were later enacted into law in the NIH Revitalization Act of 1993.

In 1999, Senator HARKIN, Senator SNOWE, and I requested that GAO examine how well the NIH and the ORWH were carrying out the mandates under the NIH Revitalization Act of 1993. The results were mixed. While NIH had made substantial progress in ensuring the inclusion of women in clinical research, it had made less progress in encouraging the analysis of study findings by sex. This means that women are being included in clinical trials, but we are not able to fully reap the benefits of inclusion if the analysis of how interventions affect men and women is not being done or not being reported. While the NIH and others are taking steps to address this, we may be missing information from research done over the last few years about how the outcomes varied or not for men and women.

NIH is but one agency in HHS. Other agencies in HHS do not even have women's health offices. How are these other agencies addressing women's health? Only NIH and the Substance Abuse and Mental Health Services Administration, SAMHSA, have authorizations in law for offices dedicated to women's health. In 1993, I requested language that accompanied the Fiscal Year 1994 Senate Labor, Health and Human Services Appropriations bill and the Agriculture Appropriations bill to establish and provide funding for Offices of Women's Health in the Centers for the Disease Control and Prevention, CDC, the Food and Drug Administration, FDA, the Health Resources and Services Administration, HRSA, and the Agency for Health Care Policy and Research, AHCPR, now the Agency for Healthcare Research and Quality, AHRQ. Today, there are offices of women's health in HHS, FDA, CDC, and HRSA. AHRQ has a women's health advisor. These offices and advisors are important advocates within the agency for women's health research, programs, and activities. A recent HHS report to Congress describes their roles, responsibilities, and future plans. The degree of support for these offices, in terms of staff and financial resources, varies widely across HHS. This can mean inadequate and inconsistent attention to women's health needs within an agency.

I believe we need a consistent and comprehensive approach to address the needs of women's health in the HHS. This bill would do just that. The Women's Health Office Act of 2001 would authorize women's health offices in HHS, CDC, FDA, AHRQ, and HRSA.

This legislation establishes an important framework and builds on existing efforts. Under the bill, the HHS Office on Women's Health would take over all functions which previously belonged to the current Office of Women's Health of the Public Health Service. The HHS Office would be headed by a Deputy Assistant Secretary for Women's Health who would also chair an HHS Coordinating Committee on Women's Health. The responsibilities of the HHS Office would include establishing short and long-term goals, advising the Secretary of HHS on women's health issues, monitoring and facilitating coordination and stimulating HHS activities on women's health, establishing a National Women's Health Information Center to facilitate exchange of and access to women's health information, and coordinating private sector efforts to promote women's health.

Under this legislation, the Offices of Women's Health in CDC, FDA, HRSA, and AHRQ would be housed in the office of the head of each agency and be headed by a Director appointed by the head of the respective agency. Responsibilities of the offices include: an examination of current women's health activities, the establishment of short-term and long-term goals for women's health, the coordination of women's health activities, and the establishment of a coordinating committee on women's health within each agency to identify women's health needs and make recommendations to the head of the agency. The FDA office would also have specific duties regarding women and clinical trials. The director of each office would serve on HHS's Coordinating Committee on Women's Health. The bill authorizes appropriations for all the offices through 2006.

I believe that this bill will establish a valuable and consistent framework for addressing women's health in the Department of Health and Human Services. It will help to ensure that women's health research will continue to have the attention and resources it needs in the coming years. This bill is a priority of the Women's Health Research Coalition. The Coalition is comprised of academic medical, health and scientific institutions, as well as other organizations interested in and supportive of women's health research. The Women's Research and Education

Institute recently released a list of 15 high-impact actions Congress could take to improve the health of midlife women, including the establishment of permanent offices of women's health at HHS and related federal agencies. This bill is supported by over 45 other organizations including the YWCA, the Society for Women's Health Research, the National Partnership for Women and Families, Hadassah, and the American Physical Therapy Association. I encourage my colleagues to cosponsor and support this important legislation, and I ask unanimous consent that a letter of support for this bill be printed in the RECORD.

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

WOMEN'S HEALTH RESEARCH COALITION,
Washington, DC, May 14, 2001.

Hon. BARBARA MIKULSKI,
Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR MIKULSKI: As organizations representing millions of patients, health care professionals, advocates and consumers, we thank you for your leadership in introducing the ''Women's Health Office Act of 2001.'' We enthusiastically support this legislation and look forward to its passage.

Historically, women's health has not been a focus of study nor has there been adequate recognition of the ways in which medical conditions solely or differently affect women and girls. In the decade since attention began to focus on disparities between the genders, scientific knowledge has accumulated alerting us to the importance of considering the biological and psychosocial effects of sex and gender on health and disease.

We support the work of the offices of women's health in ensuring that women and girls benefit equitably in the advances made in medical research and health care services. The legislation will provide for the continued existence, coordination and support of these offices so that they analyze new areas of research, education, prevention, treatment and service delivery.

We appreciate your firm commitment to improving the health of women throughout the nation.

Sincerely,

Women's Health Research Coalition; Society for Women's Health Research; American Association of University Women; American Medical Women's Association; American Osteopathic Association; American Physical Therapy Association; American Psychological Association; American Urological Association; Association for Women in Science; Association of Women Psychiatrists; Association of Women's Health, Obstetric and Neonatal Nurses; Center for Ethics in Action.

Center for Reproductive Law and Policy, Center for Women Policy Studies, Church Women United, Coalition of Labor Union Women, General Board of Church and Society, the United Methodist Church; Girls Incorporated; Hadassah; Jewish Women's Coalition, Inc.; McAuley Institute; National Abortion Federation; National Association of Commissions for Women; National Center on Women and Aging; National Coalition Against Domestic Violence; National Council of Jewish Women; National Organization for Women; National Partnership for Women and Families; National Women's Health Network; National Women's Health Resource Center; National Women's Law Center; NOW Legal Defense and Education Fund.

Organization of Chinese American Women; OWL; Religious Coalition for Reproductive Choice; Society for Gynecologic Investigation; Soroptimist International of the Americas; The General Federation of Women's Clubs, The Woman Activist Fund, Inc.; Voters for Choice Action Fund; Women Employed; Women Heart: The National Coalition for Women with Heart Disease; Women Work!; Women's Business Development Center; Women's Health Fund at University of Minnesota; Women's Institute for Freedom of the Press; Women's Research and Education Institute; YWCA of the U.S.A.

By Mrs. FEINSTEIN (for herself and Mr. INHOFE):

S. 947. A bill to amend the Clean Air Act to permit the Governor of a State to waive the oxygen content requirements for reformulated gasoline and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I am pleased to be joined by Senator JAMES INHOFE of Oklahoma today in introducing a bill to allow the governor of a State to waive the oxygenate content requirement for reformulated or clean-burning gasoline. The bill retains all other provisions of the Clean Air Act to ensure that there is no backsliding on air quality.

We introduce this bill to address the widespread contamination of drinking water by MTBE in California and at least 41 other States.

On April 12, 1999, California Governor Gray Davis asked Carol Browner, who was the Administrator of the U.S. Environmental Protection Agency, for a waiver of the 2 percent oxygenate requirement. I have written and called former Administrator Browner and the current Administrator Christine Todd Whitman and both former President Clinton and President Bush, urging approval of the waiver. And we are still waiting. It has been two years.

Today, yet again I call on EPA and the Administration to act. In the meantime, I will push Congress to act.

MTBE, Methyl Tertiary Butyl Ether, has been the oxygenate of choice by many refiners in their effort to comply with the Clean Air Act's reformulated gasoline requirements. California Governor Davis has ordered a phase-out in our State, but the Federal law requiring two percent oxygenates remains, putting our State in an untenable position.

This is because the most likely substitute for MTBE to meet the two percent requirement is ethanol, but there is not a sufficient supply of ethanol to meet the demand in California and the rest of the country with the two percent law in place.

With inadequate supplies, we can expect disruptions and price spikes during the peak driving months of this summer, at a time when there are predictions that retail gasoline prices may climb to an unprecedented $3.00 per gallon or more.

The California Energy Commission reports that without relief from the two percent oxygenate mandate, California consumers will pay 3 to 6 cents more per gallon than they need to. This adds up to $450 million a year.

The Clean Air Act requires that cleaner-burning reformulated gasoline, RFG, be sold in so-called ''non-attainment'' areas with the worst violations of ozone standards: Los Angeles, San Diego, Hartford, New York Philadelphia, Chicago, Baltimore, Houston, Milwaukee, Sacramento. In addition, some States and areas have opted to use reformulated gasoline as way to achieve clean air.

Second, the Act prescribes a formula for reformulated gasoline, including the requirement that reformulated gasoline contain 2.0 percent oxygen, by weight.

In response to this requirement, refiners have put the oxygenate MTBE in over 85 percent of reformulated gasoline now in use. But, there is a problem: increasingly, MTBE is being detected in drinking water. MTBE is a known animal carcinogen and a possible human carcinogen, according to U.S. EPA. It has a very unpleasant odor and taste, as well.

The Feinstein-Inhofe bill would allow governors, upon notification to U.S. EPA, to waive the 2.0 percent oxygenate requirement, as long as the gasoline meets the other requirements in the law for reformulated gasoline.

On July 27th, 1999, the non-partisan, broad-based U.S. EPA Blue Ribbon Panel on Oxygenates in Gasoline recommended that the two percent oxygenate requirement be ''removed in order to provide flexibility to blend adequate fuel supplies in a cost-effective manner while quickly reducing usage of MTBE and maintaining air quality benefits.''

In addition, the panel agreed that ''the use of MTBE should be reduced substantially.'' Importantly, the panel recommended that ''Congress act quickly to clarify federal and state authority to regulate and/or eliminate the use of gasoline additives that pose a threat to drinking water supplies.''

The bill we are introducing today, while not totally repealing the two percent oxygenate requirement, moves us in that direction. It gives States that choose to meet Clean Air requirements without oxygenates the option to do so. It allows States that choose an oxygenate, such as ethanol, to do so. Areas required to use reformulated gasoline for cleaner air will still be required to use it. The gasoline will have a different but clean formulation. Areas will continue to have to meet clean air standards.

MTBE has contaminated groundwater at over 10,000 sites in California, according to the Lawrence Livermore Laboratory. Of 10,972 sites groundwater sites sampled, 39 percent had MTBE,

according to the State Department of Health Services. Of 765 surface water sources sampled, 287, 38 percent, had MTBE.

Nationally, one EPA-funded study of 34 States found that MTBE was present more than 20 percent of the time in 27 of the States. A U.S. Geological Survey report had similar findings. An October 1999 Congressional Research Service analysis concluded that at least 41 states have had MTBE detections in water.

In California, Governor Davis concluded that MTBE ''poses a significant risk to California's environment'' and directed that MTBE be phased out in California by December 31, 2002. There is not a sufficient supply of ethanol or other oxygenates to fully replace MTBE in California, without huge gasoline supply disruptions and price spikes.

In addition, California can make clean-burning gas without oxygenates. Therefore, California is in the impossible position of having to meet a federal requirement that is 1. contaminating the water and 2. is not necessary to achieve clean air.

A major University of California study concluded that MTBE provides ''no significant air quality benefit'' but that its use poses ''the potential for regional degradation of water resources, especially ground water. . . .'' Oxygenates, say the experts, are not necessary for reformulated gasoline.

California has developed a gasoline formula that provides flexibility and provides clean air. Refiners use an approach called the ''predictive model,'' which guarantees clean-burning RFG gas with oxygenates, with less than two percent oxygenates, and with no oxygenates. Several refiners, including Chevron and Tosco, are selling MTBE-free gas in California, for example.

Under this bill, clean air standards would still have to be met and gasoline would have to meet all other requirements of the federal reformulated gasoline program, including the limits on benzene, heavy metals, and the emission of nitrogen oxides.

This bill will give California and other States the relief they need from an unwarranted, unnecessary requirement. It will give state officials flexibility to determine whether to use oxygenates in their gasoline. The bill does not undo the Clean Air Act. The bill does not degrade air quality.

The two percent oxygenate requirement creates an unnecessary federal ''recipe'' for gasoline. It causes contamination of groundwater. It adds to the price of gasoline unnecessarily, and it will probably trigger disruptions in gasoline supplies this summer.

I call on this Congress to enact this legislation promptly. Californians do not need to have MTBE -laced drinking water to enjoy the benefits of cleaner air. It is that simple.

I ask unanimous consent that an editorial from the Sacramento Bee describing the MTBE problem in California be printed in the RECORD.

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

[From the Sacramento Bee, Apr. 23, 2001]

REMEMBER MTBE?—POLITICAL INATTENTION MAY FUEL PRICE SPIKES

It was a poison brew that sent California into an electricity swoon: rising demand, stagnant supplies and missed political opportunities. Unfortunately, President Bush may be about to stir up virtually the same potion with another source of energy, gasoline. Like the electricity crunch, this gasoline problem can be averted with timely political action.

Under federal law, gasoline in dirty air basins must contain an additive known as an oxygenate. These additives produce cleaner-burning fuel. The primary additive in California is the infamous MTBE; a byproduct of the refinery process. It can cause drinking water to smell like turpentine at minute concentrations, so the state plans to phase out MTBE by the end of 2002.

Refiners say that can produce clean-burning gasoline without an oxygenate but farm politics has kept the requirement in law. For now, the only alternative to MTBE is ethanol, which is made from corn and other grains.

That threatens California with the kind of imbalance between supply and demand that could push up gasoline prices.

Switching from MTBE to ethanol as the additive of choice in California would increase the nation's consumption of ethanol by perhaps 800 million gallons a year. This represents about a 50 percent jump in demand. California produces only 9 million gallons of ethanol a year. That means that the folks who produce ethanol, who are concentrated in Iowa, may be able to extort California with the same vigor as Texas-based electricity marketers.

The seeds of this crisis were planted in some revisions of the federal Clean Air Act, which combined the laudable goal of cleaning up the skies with some unwise restrictions on the legal recipes for fuel. Gov. Gray Davis has been asking for federal government to waive this mandated recipe for the fuel, letting the state meet its air-quality goals in a less expensive way.

Yet with its seven precious electoral votes at stake, Iowa made ethanol a litmus test for any and all presidential candidates, and candidates Bush, like most others, said he would stick to the recipe for gas that favors ethanol.

Is this now the policy of President Bush as well? Bush must say something, and soon.

Ideally, he should use his administrative powers to waive the oxygenate mandate and let various fuel recipes compete on their costs and air-quality benefits. But he must say something. His silence is preventing companies from building ethanol (which could be produced from corn kernels or rise straw) plants in California, if that is what must be done to replace MTBE.

California can't afford the uncertainty on gasoline any more than it can afford uncertainty about whether power plants can be built. For a president who preaches the gospel of sending clear signals to markets, Bush's silence on MTBE and ethanol is an expensive sin.

By Mr. LOTT (for himself and Mr. KERRY):

S. 948. A bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LOTT. Mr. President, the history of the geographic expansion of our great Nation is closely tied to the development of our network of railroad lines. Cities and towns sprang up and grew around the railroad tracks that provided transportation vital to their survival and economic future. While the development of modern automobiles, trucks and airplanes have provided alternate forms of transportation, railroads still fulfill important cargo and passenger transportation requirements across the Nation.

However, in many cities and towns across our country, the increased need for motor vehicle transportation, and the road infrastructure to facilitate it, have led to increasing conflicts between railroads, motor vehicles, and people for the use of limited, and increasingly congested, space in downtown areas. Highway-rail grade crossings, even properly marked and gated ones, increase the risk of fatal accidents. Many rail lines cut downtown areas in half while serving few, if any, rail customers in the downtown area. Heavy rail traffic can cut off one side of a town to vital emergency services, including fire, police, ambulance, and hospital services. Downtown rail corridors can hamper economic development by restricting access to bisected areas.

This situation is not the fault of the railroads. They own and have invested heavily to maintain their existing rail lines. These conflicts are due to economic and technological changes that occur faster and more easily than railroads can economically adjust. In 1998, the Congress enacted a landmark surface transportation bill, called TEA–21. While TEA–21 provides some flexibility in the use of the Highway Trust Fund to enable States to address some of these concerns, it is primarily focused on solving transportation problems by building or modifying roads, including road overpasses and underpasses, as it should be. However, in many situations, this highway-rail conflict can not, or should not, be fixed by cutting off or modifying a roadway. The answer is often to relocate the rail line. I know of at least five such situations in my home State of Mississippi, so there must be many more in other States.

To address this need, I, along with Senator KERRY, today introduce the Community Rail Line Relocation Assistance Act of 2001. The bill would authorize the Secretary of Transportation to provide grants to States or communities to pay for the costs of relocating a rail line where this solution

makes the most sense. In those cases where the best solution is to build a railroad tunnel, underpass, or overpass, or even reroute the rail line around the downtown area, this bill will enable these cities and towns to afford to undertake such a significant infrastructure project.

Our bill would authorize grants to fund rail line relocation projects that: (1) mitigate the adverse effects of rail traffic on safety, motor vehicle traffic flow, or economic development; (2) involve a lateral or vertical relocation of the rail line in lieu of the closing of a grade crossing or the relocation of a road; and (3) provide at least as much benefit over the economic life of the project as the cost of the project. The DOT would fund 90 percent of the cost of these rail line relocation projects out of the general fund of the Treasury. The State or local government would be required to pay the remaining 10 percent, but would be allowed to cover this cost through appropriate in-kind contributions or dedicated private contributions.

In awarding these grants, the Secretary of Transportation would have to consider: (1) the ability of the State or community to fund the project without Federal assistance; (2) the equitable treatment of various regions of the country; (3) that at least 50 percent of the available funding be spent on projects costing less than $50 million; and (4) that not more than 25 percent of the available funding may be spent on any single project. The bill would authorize $250 million in grants during the first year, and $500 million over each of the following five years.

I understand that some may ask ''why don't the railroads pay for these relocation costs?'' As I noted earlier, the railroad has the right of way and has no legal obligation to move. However, I know the railroads to be concerned about maintaining good relations with the communities they serve and pass through. They want to cooperate in solving this problem. That is why the Association of American Railroads and the Short Line and Regional Railroad Association support this bill. The bill is also supported by the Railway Progress Institute and the National Railroad Construction and Maintenance Association. This proposal has been enthusiastically received by several State and local government associations, and I hope to have their endorsements of the bill soon. I ask my Senate colleagues to review the needs of their own States and support this bill and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Rail Line Relocation Assistance Act of 2001''.

SEC. 2. RAIL LINE RELOCATION GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) AUTHORITY.—Chapter 2 of title 23, United States Code, is amended by inserting after section 206 the following:

''§ 207. Capital grants for rail line relocation projects

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall carry out a grant program to provide financial assistance for local rail line relocation projects.

''(b) ELIGIBILITY.—A State is eligible for a grant under this section for any project for the improvement of the route or structure of a rail line passing through a municipality of the State that—

''(1) is carried out for the purpose of mitigating the adverse effects of rail traffic on safety, motor vehicle traffic flow, or economic development in the municipality;

''(2) involves a lateral or vertical relocation of any portion of the rail line within the municipality to avoid a closing of a grade crossing or the construction of a road underpass or overpass; and

''(3) meets the costs-benefits requirement set forth in subsection (c).

''(c) COSTS-BENEFITS REQUIREMENT.—A grant may be awarded under this section for a project for the relocation of a rail line only if the benefits of the project for the period equal to the estimated economic life of the relocated rail line exceed the costs of the project for that period, as determined by the Secretary considering the following factors:

''(1) The effects of the rail line and the rail traffic on motor vehicle and pedestrian traffic, safety, and area commerce if the rail line were not so relocated.

''(2) The effects of the rail line, relocated as proposed, on motor vehicle and pedestrian traffic, safety, and area commerce.

''(3) The effects of the rail line, relocated as proposed, on the freight and passenger rail operations on the rail line.

''(d) CONSIDERATIONS FOR APPROVAL OF GRANT APPLICATIONS.—In addition to considering the relationship of benefits to costs in determining whether to award a grant to an eligible State under this section, the Secretary shall consider the following factors:

''(1) The capability of the State to fund the rail line relocation project without Federal grant funding.

''(2) The requirement and limitation relating to allocation of grant funds provided in subsection (e).

''(3) Equitable treatment of the various regions of the United States.

''(e) ALLOCATION REQUIREMENTS.—

''(1) PROJECTS UNDER $20,000,000.—At least 50 percent of all grant funds awarded under this section out of funds appropriated for a fiscal year shall be provided for rail line relocation projects that have an estimated project cost of less than $20,000,000 each.

''(2) LIMITATION PER PROJECT.—Not more than 25 percent of the total amount available for carrying out this section for a fiscal year may be provided for any one project in that fiscal year.

''(f) FEDERAL SHARE.—The total amount of a grant awarded under this section for a rail line relocation project shall be 90 percent of the shared costs of the project, as determined under subsection (g)(4).

''(g) STATE SHARE.—

''(1) PERCENTAGE.—A State shall pay 10 percent of the shared costs of a project that is funded in part by a grant awarded under this section.

''(2) FORMS OF CONTRIBUTIONS.—The share required by paragraph (1) may be paid in cash or in kind.

''(3) IN-KIND CONTRIBUTIONS.—The in-kind contributions that are permitted to be counted under paragraph (2) for a project for a State are as follows:

''(A) A contribution of real property or tangible personal property (whether provided by the State or a person for the State).

''(B) A contribution of the services of employees of the State, calculated on the basis of costs incurred by the State for the pay and benefits of the employees, but excluding overhead and general administrative costs.

''(C) A payment of any costs that were incurred for the project before the filing of an application for a grant for the project under this section, and any in-kind contributions that were made for the project before the filing of the application, if and to the extent that the costs were incurred or in-kind contributions were made, as the case may be, to comply with a provision of a statute required to be satisfied in order to carry out the project.

''(4) COSTS NOT SHARED.—

''(A) IN GENERAL.—For the purposes of subsection (f) and this subsection, the shared costs of a project in a municipality do not include any cost that is defrayed with any funds or in-kind contribution that a source other than the municipality makes available for the use of the municipality without imposing at least one of the following conditions:

''(i) The condition that the municipality use the funds or contribution only for the project.

''(ii) The condition that the availability of the funds or contribution to the municipality is contingent on the execution of the project.

''(B) DETERMINATIONS OF THE SECRETARY.—The Secretary shall determine the amount of the costs, if any, that are not shared costs under this paragraph and the total amount of the shared costs. A determination of the Secretary shall be final.

''(h) MULTISTATE AGREEMENTS TO COMBINE AMOUNTS.—Two or more States (not including political subdivisions of States) may, pursuant to an agreement entered into by the States, combine any part of the amounts provided through grants for a project under this section if—

''(1) the project will benefit each of the States entering into the agreement; and

''(2) the agreement is not a violation of a law of any such State.

''(i) REGULATIONS.—The Secretary shall prescribe regulations for carrying out this section.

''(j) STATE DEFINED.—In this section, the term 'State' includes, except as otherwise specifically provided, a political subdivision of a State.

''(k) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated from the general fund of the Treasury for carrying out this section for fiscal years and in amounts as follows:

''(1) For fiscal year 2001, $250,000,000.

''(2) For fiscal year 2002, $500,000,000.

''(3) For fiscal year 2003, $500,000,000.

''(4) For fiscal year 2004, $500,000,000.

''(5) For fiscal year 2005, $500,000,000.

''(6) For fiscal year 2006, $500,000,000.''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 206 the following:

''207. Capital grants for rail line relocation projects.''.

(b) REGULATIONS.—

(1) INTERIM REGULATIONS.—Not later than December 31, 2001, the Secretary of Transportation shall issue temporary regulations to implement the grant program under section 207 of title 23, United States Code, as added by subsection (a). Subchapter II of chapter 5 of title 5, United States Code, shall not apply to the issuance of a temporary regulation under this paragraph or of any amendment of such a temporary regulation.

(2) FINAL REGULATIONS.—Not later than October 1, 2002, the Secretary shall issue final regulations implementing the program.

By Mrs. FEINSTEIN:

S. 949. A bill for the relief of Zhenfu Ge; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to offer today, legislation to provide lawful permanent residence status to Zhenfu Ge. Mrs. Ge is the grandmother of two U.S. citizen children who face the devastation of being separated from their grandmother after losing their mother just last month.

Mrs. Ge came to the United States in 1998 to help care for her two grandchildren while her U.S. citizen daughter Yanyu Wang and her son-in-law John Marks worked. Shortly afterwards, Mrs. Ge's daughter filed an immigration petition on her behalf. She was scheduled for an April 26 Immigration and Naturalization Service, INS, interview, which is the last step in the green card process. The family anticipated that the interview would result in Mrs. Ge's gaining a green card.

In a tragic turn of events, Mrs. Ge's daughter was diagnosed with a rare and deadly form of lymphoma and given only 7 months to live. As Mrs. Wang's health quickly declined, she asked her mother to care for her 3-year-old daughter and 12-year-old son after her death. Mrs. Ge promised her daughter she would care for her grandchildren and quickly became the most active maternal figure in their lives.

On April 15 of this year, 11 days before Mrs. Ge's scheduled INS interview, her daughter died. Because current law does not allow Mrs. Ge to adjust her status without her daughter, Mrs. Ge now faces deportation.

This family has certainly felt the pain of a significant tragedy. With the death of Yanyu Wang, her family must begin to rebuild their lives and face a future without their loved one. Losing a grandmother to deportation will only further the grief and compromise the emotional health of her two young grandchildren, who are still mourning the loss of their mother. According to her son-in-law, John Mark, Mrs. Ge ''represents continuity and a tie to their mother for our children, and her presence will allow me to continue to successfully support my family.

Mrs. Ge has done everything she could to become a permanent resident of this country. But for the tragedy of her daughter's untimely death, she likely would have attained that status.

I hope my colleagues will support this private legislation so that we can help Mrs. Ge, her grandchildren, and son-in-law begin to rebuild their lives in the wake of their family tragedy and allow Mrs. Ge to keep the promise she made to her daughter.

I ask for unanimous consent that the text of the bill be printed in the RECORD. I also ask unanimous consent that the letter from Mr. Marks be printed in the RECORD.

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

S. 949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR ZHENGFU GE.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Zhenfu Ge shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Zhengfu Ge enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Zhenfu Ge, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

SAUSALITO, CA,
April 19, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I write to appeal for your help in an exceptional immigration case regarding my mother-in-law, Zhenfu Ge (United States Immigration & Naturalization Service reference #A78192014.)

Mrs. Ge came to the United States from her native Shanghai, China in 1998 after our daughter was born. The purpose of her immigration was to care for our infant and for our nine-year-old son to enable my wife and me to work. I have lived in California most of my life and I work for Kaiser Permanente in San Rafael; my wife, Yanyu Wang, was a research scientist for Onyx Pharmaceuticals in Richmond, and a naturalized citizen of the United States.

We had applied for naturalization for Mrs. Ge to allow her to remain in the United States to care for her grandchildren indefinitely. We had every expectation that the INS hearing set for April 26 (see correspondence enclosed) would result in the successful completion of her application.

My wife had learned that she was suffering from lymphoma in 1999. Unfortunately, despite every possible medical intervention, she died on April 15, eleven days before her mother's hearing for naturalization. We are advised by our attorney that absent her daughter, Mrs. Ge's case will be dismissed out-of-hand, and she will be forced to return to China.

I hope you will agree that Mrs. Ge's presence in our family is even more important following the death of my wife. She is the only maternal figure for our children, she represents continuity and a tie to their mother for our children, and her presence will allow me to continue to successfully support my family notwithstanding the reduction of our income to a single salary.

Before she died, my wife implored her mother to do everything possible to remain in the United States to ensure that our children would be raised with her care and love. I ask for your help in enabling this to happen.

Thank you for your consideration in this matter.

Sincerely yours,

JOHN MARK.

By Mr. SMITH of New Hampshire (for himself and Mr. REID):

S. 950. A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

Mr. SMITH of New Hampshire. Mr. President, by now everyone knows of the damage that the gasoline additive, MTBE, has done to our nation's drinking water supply, including in the state of New Hampshire. MTBE has been a component of our fuel supply for two decades. In 1990, the Clean Air Act was amended to include a clean gasoline program. That program mandated the use of an oxygenate in our fuel, MTBE was one of two options to be used. The problem with MTBE is its ability to migrate through the ground very quickly and into the water table. Several states have had gasoline leaks or spills lead to the closure of wells because of MTBE. MTBE is not a proven carcinogen, but its smell and taste does render water unusable. Many homes in New Hampshire and across the nation have lost use of their water supply because of MTBE contamination.

Today I am introducing a bill with my friend Senator REID, who is the Ranking Member on the committee that I chair, the Environment & Public Works Committee. This bill addresses the problems associated with MTBE, but will not reduce any environmental benefits of the Clean Air program. Briefly, this bill will: Authorize $400 million out of the Leaking Underground Storage Tank Fund (LUST Fund) to help the states clean up MTBE contamination, address the integrity of Underground Storage Tanks and the program; Ban MTBE four years after enactment of this bill; Allow Governors to waive the gasoline oxygenate

requirement of the Clean Air Act; Preserve environmental benefits on air toxics, and; Provide funds to help transition from MTBE to other clean, safe fuels.

The funding for cleanup and transition is provided out of a sense of fairness. Since a Federal mandate caused the pollution, it would be irresponsible for the Federal Government not to bear some of the financial burden associated with the clean up and the transition to a less destructive alternative fuel.

This is a very complex issue that the Environment and Public Works Committee has struggled with for months. It has always been my intent to craft a solution that was direct and balanced. There are many competing interests and a number of solutions have been offered. Most of the competing interests are based on regional differences and preferences.

Some prefer a simple ban of MTBE, this approach would make gas dramatically more expansive and more dirty. Some would like a stand alone mandate of Ethanol, that too has many problems associated with it. Ethanol would bring with it both cost and smog concerns, particularly in states like New Hampshire. Simply eliminating the RFG mandate does not work either. Under this scenario, MTBE would continue to be used and wells would continue to be contaminated.

I am also very pleased that this bill is consistent with the President's National Energy Policy because it will reduce the intra-regional patchwork of what are known as ''boutique'' fuels. This bill will allow for the use of one fuel blend to meet RFG requirement in many regions that currently require multiple boutique fuels. This will ease the burden on refineries and fuel supply, which in turn will reduce the risk of increased gas prices for the consumer. The fuel suppliers recognize this benefit and I am very pleased that this bill has the support of the American Petroleum Institute. While they have raised some minor technical concerns that I am committed to addressing prior to passage, I am pleased to have their support.

I believe that this bill provides for a workable solution to both our MTBE problem as well as addressing the ''boutique'' fuels problems in this country. We will clean up our nation's drinking water and preserve the environmental benefits of RFG without undue added cost to the consumers. I am convinced this is the right approach.

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. 950

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 ''Federal Reformulated Fuels Act of 2001''.

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

(a) USE OF LUST FUNDS FOR REMEDIATION OF MTBE CONTAMINATION.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking ''paragraphs (1) and (2) of this subsection'' and inserting ''paragraphs (1), (2), and (12)''; and

(B) by inserting ''and section 9010(a)'' before ''if''; and

(2) by adding at the end the following:

''(12) REMEDIATION OF MTBE CONTAMINATION.—

''(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9011(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health, welfare, or the environment.

''(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

''(i) in accordance with paragraph (2); and

''(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).''.

(b) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

''SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

''Funds made available under section 9011(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

''(1) by a State (pursuant to section 9003(h)(7)) acting under—

''(A) a program approved under section 9004; or

''(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle; and

''(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

''SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.

''In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund—

''(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2002, to remain available until expended; and

''(2) to carry out section 9010—

''(A) $50,000,000 for fiscal year 2002; and

''(B) $30,000,000 for each of fiscal years 2003 through 2007.''.

(c) TECHNICAL AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

''Sec. 9010. Release prevention and compliance.

''Sec. 9011. Authorization of appropriations.''.

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking ''sustances'' and inserting ''substances''.

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking ''subsection (c) and (d) of this section'' and inserting ''subsections (c) and (d)''.

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the second sentence by striking ''referred to'' and all that follows and inserting ''referred to in subparagraph (A) or (B), or both, of section 9001(2).''.

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking ''study taking'' and inserting ''study, taking'';

(B) in subsection (b)(1), by striking ''relevent'' and inserting ''relevant''; and

(C) in subsection (b)(4), by striking ''Evironmental'' and inserting ''Environmental''.

SEC. 3. AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.

(a) IN GENERAL.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting ''fuel or fuel additive or'' after ''Administrator any''; and

(B) by striking ''air pollution which'' and inserting ''air pollution, or water pollution, that'';

(2) in paragraph (4)(B), by inserting ''or water quality protection,'' after ''emission control,''; and

(3) by adding at the end the following:

''(5) BAN ON THE USE OF MTBE.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall ban use of methyl tertiary butyl ether in motor vehicle fuel.''.

(b) NO EFFECT ON LAW REGARDING STATE AUTHORITY.—The amendments made by subsection (a) have no effect on the law in effect on the day before the date of enactment of this Act regarding the authority of States to limit the use of methyl tertiary butyl ether in gasoline.

SEC. 4. WAIVER OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking ''Within 1 year after the enactment of the Clean Air Act Amendments of 1990,'' and inserting the following:

''(A) IN GENERAL.—Not later than November 15, 1991,''; and

(2) by adding at the end the following:

''(B) WAIVER OF OXYGEN CONTENT REQUIREMENT.—

''(i) AUTHORITY OF THE GOVERNOR.—

''(I) IN GENERAL.—Notwithstanding any other provision of this subsection, a Governor of a State, upon notification by the Governor to the Administrator during the 90-day period beginning on the date of enactment of this subparagraph, or during the 90-day period beginning on the date on which an area in the State becomes a covered area by operation of the second sentence of paragraph (11)(D), may waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

''(II) OPT-IN AREAS.—A Governor of a State that submits an application under paragraph (6) may, as part of that application, waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

''(ii) TREATMENT AS REFORMULATED GASOLINE.—In the case of a State for which the Governor invokes the waiver described in clause (i), gasoline that complies with all provisions of this subsection other than paragraphs (2)(B) and (3)(A)(v) shall be considered to be reformulated gasoline for the purposes of this subsection.

''(iii) EFFECTIVE DATE OF WAIVER.—A waiver under clause (i) shall take effect on the earlier of—

''(I) the date on which the performance standards under subparagraph (C) take effect; or

''(II) the date that is 270 days after the date of enactment of this subparagraph.

''(C) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSION REDUCTIONS.—

''(i) IN GENERAL.—As soon as practicable after the date of enactment of this subparagraph, the Administrator shall—

''(I) promulgate regulations consistent with subparagraph (A) and paragraph (3)(B)(ii) to ensure that reductions of toxic air pollutant emissions achieved under the reformulated gasoline program under this section before the date of enactment of this subparagraph are maintained in States for which the Governor waives the oxygenate requirement under subparagraph (B)(i); or

''(II) determine that the requirement described in clause (iv)—

''(aa) is consistent with the bases for performance standards described in clause (ii); and

''(bb) shall be deemed to be the performance standards under clause (ii) and shall be applied in accordance with clause (iii).

''(ii) PADD PERFORMANCE STANDARDS.—The Administrator, in regulations promulgated under clause (i)(I), shall establish annual average performance standards for each Petroleum Administration for Defense District (referred to in this subparagraph as a 'PADD') based on—

''(I) the average of the annual aggregate reductions in emissions of toxic air pollutants achieved under the reformulated gasoline program in each PADD during calendar years 1999 and 2000, determined on the basis of the 1999 and 2000 Reformulated Gasoline Survey Data, as collected by the Administrator; and

''(II) such other information as the Administrator determines to be appropriate.

''(iii) APPLICABILITY.—

''(I) IN GENERAL.—The performance standards under this subparagraph shall be applied on an annual average importer or refinery-by-refinery basis to reformulated gasoline that is sold or introduced into commerce in a State for which the Governor waives the oxygenate requirement under subparagraph (B)(i).

''(II) MORE STRINGENT REQUIREMENTS.—The performance standards under this subparagraph shall not apply to the extent that any requirement under section 202(l) is more stringent than the performance standards.

''(III) STATE STANDARDS.—The performance standards under this subparagraph shall not apply in any State that has received a waiver under section 209(b).

''(IV) CREDIT PROGRAM.—The Administrator shall provide for the granting of credits for exceeding the performance standards under this subparagraph in the same manner as provided in paragraph (7).

''(iv) STATUTORY PERFORMANCE STANDARDS.—

''(I) IN GENERAL.—Subject to subclause (IV), if the regulations under clause (i)(I) have not been promulgated by the date that is 270 days after the date of enactment of this subparagraph, the requirement described in subclause (III) shall be deemed to be the performance standards under clause (ii) and shall be applied in accordance with clause (iii).

''(II) PUBLICATION IN FEDERAL REGISTER.—Not later than 30 days after the date of enactment of this subparagraph, the Administrator shall publish in the Federal Register, for each PADD, the percentage equal to the average of the annual aggregate reductions in the PADD described in clause (ii)(I).

''(III) TOXIC AIR POLLUTANT EMISSIONS.—The annual aggregate emissions of toxic air pollutants from baseline vehicles when using reformulated gasoline in each PADD shall be not greater than—

''(aa) the aggregate emissions of toxic air pollutants from baseline vehicles when using baseline gasoline in the PADD; reduced by

''(bb) the quantity obtained by multiplying the aggregate emissions described in item (aa) for the PADD by the percentage published under subclause (II) for the PADD.

''(IV) SUBSEQUENT REGULATIONS.—Through promulgation of regulations under clause (i)(I), the Administrator may modify the performance standards established under subclause (I) to require each PADD to achieve a greater percentage reduction than the percentage published under subclause (II) for the PADD.''.

SEC. 5. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''may also'' and inserting ''shall, on a regular basis,''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and''; and

(2) by adding at the end the following:

''(4) ETHYL TERTIARY BUTYL ETHER.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

''(i) conduct a study on the effects on public health, air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

''(I) ethyl tertiary butyl ether; and

''(II) other ethers, as determined by the Administrator; and

''(ii) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the study.

''(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into 1 or more contracts with nongovernmental entities.''.

SEC. 6. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

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

''(o) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

''(1) ANTI-BACKSLIDING ANALYSIS.—

''(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Federal Reformulated Fuels Act of 2001.

''(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this subsection, the Administrator shall publish the analysis in final form.

''(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of fuel characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2005.''.

SEC. 7. ELIMINATION OF ETHANOL WAIVER.

Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

SEC. 8. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking ''(6) OPT-IN AREAS.—(A) Upon'' and inserting the following:

''(6) OPT-IN AREAS.—

''(A) CLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon'';

(2) in subparagraph (B), by striking ''(B) If'' and inserting the following:

''(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If'';

(3) in subparagraph (A)(ii) (as so redesignated)—

(A) in the first sentence, by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(B) in the second sentence, by striking ''this paragraph'' and inserting ''this subparagraph''; and

(4) by adding at the end the following:

''(B) NONCLASSIFIED AREAS.—

''(i) IN GENERAL.—In accordance with section 110, a State may submit to the Administrator, and the Administrator may approve, a State implementation plan revision that provides for application of the prohibition specified in paragraph (5) in any portion of the State that is not a covered area or an area referred to in subparagraph (A)(i).

''(ii) PERIOD OF EFFECTIVENESS.—Under clause (i), the State implementation plan shall establish a period of effectiveness for applying the prohibition specified in paragraph (5) to a portion of a State that—

''(I) commences not later than 1 year after the date of approval by the Administrator of the State implementation plan; and

''(II) ends not earlier than 4 years after the date of commencement under subclause (I).''.

SEC. 9. MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.

Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) (as amended by section 3(a)(3)) is amended by adding at the end the following:

''(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

''(A) IN GENERAL.—The Administrator may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (B) to the production of other fuel additives that—

''(i) will be consumed in nonattainment areas;

''(ii) will assist the nonattainment areas in achieving attainment with a national primary ambient air quality standard;

''(iii) will not degrade air quality or surface or ground water quality or resources; and

''(iv) have been registered and tested in accordance with the requirements of this section.

''(B) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

''(i) is located in the United States; and

''(ii) produced methyl tertiary butyl ether for consumption in nonattainment areas during the period—

''(I) beginning on the date of enactment of this paragraph; and

''(II) ending on the effective date of the ban on the use of methyl tertiary butyl ether under paragraph (5).

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2002 through 2004.''.

Mr. REID. Mr. President, I am pleased to join with the Senator from New Hampshire, the Chairman of the Environment and Public Works Committee, in introducing legislation to address the water resource problems that have been caused in Lake Tahoe and around the country by MTBE contamination.

As my colleagues may know, the oxygenate requirement that Congress included in the 1990 Clean Air Act Amendments for certain nonattainment areas was met by most fuel providers and refiners with significantly increased production of MTBE. While this additive has proven beneficial in meeting air quality goals and reducing toxic air pollution, its enhanced production and usage has led to major drinking and surface water contamination, largely because of leaking underground storage tanks, spills and watercraft releases.

Our bill seeks to deal with the MTBE problem and prevent such unintended consequences from occurring again, while still protecting air and water quality. This measure embodies several of the major recommendations of the EPA's Blue Ribbon Panel on Oxygenates in Gasoline.

We are proposing to significantly enhance state authority and resources to deal with remediation of MTBE releases from leaking underground storage tanks, and to improve compliance and prevent additional releases at these sources. Four years after enactment, MTBE would be banned from the fuel supply. The bill would amend the Clean Air Act to ensure that additives added to the fuel supply in the future undergo regular testing and review of public health and water quality impacts.

Our legislation allows Governors to waive out of the oxygenate requirement imposed by the Act's reformulated gasoline, RFG provisions and, for the RFG areas in those states, refiners and fuel providers would have to ensure that there would be continued overcompliance with toxics reductions performance standards based on regional averages. In recognition of the industry investments made to comply with the oxygenate requirement, the bill authorizes grants to American companies making MTBE for domestic consumption in RFG areas if they opt to convert to production of replacement additives that do not degrade water quality, as well as continuing to improve public health and air quality. Finally, the bill allows the EPA to improve on its mobile source toxics rule and afford better protection to more sensitive and exposed populations from these harmful substances.

This is a sensible bill that prevents backsliding on air quality and is designed to improve water resource protection. I am hopeful that the Committee and Congress will be able to act swiftly to resolve the MTBE problems facing so many communities across the nation and in Nevada.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, Mr. BREAUX, Mr. LOTT, Mr. MURKOWSKI, and Mr. DEWINE):

S. 951. A bill to authorize appropriations for the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 2001.

The Coast Guard provides many critical services for our nation. Dedicated Coast Guard personnel save an average of more than 5,000 lives, $2.5 billion in property, and assist more than 100,000 mariners in distress. Through boater safety programs and maintenance of an extensive network of aids to navigation, the Coast Guard protects thousands of other people engaged in coastwise trade, commercial fishing activities, and recreational boating.

The Coast Guard enforces Federal laws and treaties related to the high seas and U.S. waters. This includes marine resource protection and pollution control. As one of the five armed forces, the Coast Guard provides a critical component of the nation's defense strategy. The Coast Guard has joined with the Navy under the National Fleet Policy Statement to integrate their complementary offshore assets and enhance our national defense.

The Coast Guard Authorization Act of 1998 was enacted on November 13, 1992 and authorized the Coast Guard through Fiscal Year 1999. Last year, I spend a considerable amount of time trying to enact meaningful legislation to reauthorize the Coast Guard. To that end, the Commerce Committee and the Senate unanimously passed the Coast Guard Authorization Act of 2000 in July of 2000. Unfortunately, final enactment of the bill was derailed by one provision that had nothing to do with the Coast Guard itself and was outside the jurisdiction of the Subcommittee on Oceans and Fisheries. As a result, the dedicated and hard-working men and women in uniform were penalized.

The Coast Guard deserves more. By introducing the Coast Guard bill today, I intend to give them my full support, and I hope my colleagues will work with me to provide the Coast Guard with the support that they have so clearly earned.

For the second year in a row, the Coast Guard has announced that it will reduce routine non-emergency operations by at least 10 percent. The Administration's Budget request for fiscal year 2002 would leave the Coast Guard $250 million short in critical operating funds. This shortfall will necessitate operations cutbacks to include decommissioning ships and aircraft. The budget authorized in this bill would restore those funding shortfalls and prevent the need for operational cutbacks.

The bill my colleagues and I introduce today authorizes funding and personnel levels for the Coast Guard in fiscal years 2000 through 2002. The bill authorizes funding for FY 2002 at $5.2 billion. This represents a 9.3 percent increase over the levels contained in last year's Senate-passed bill authorization and a 14 percent increase over the funds appropriated for fiscal year 2001. The bill also contains several provisions to provide greater flexibility on personnel management matters and critical readiness concerns within the Coast Guard.

The Coast Guard bill contains a new initiative on fishing vessel safety training. Commercial fishing is one of the most dangerous professions in the United States. Over the last three years, over two hundred fishermen have died at sea and even more fishing vessels have been lost. Last year, the Maine fleet tragically lost ten fishermen. This bill authorizes the Coast Guard to work with and support local organizations that promote or provide fishing vessel safety training. Under this proposal, active duty Coast Guard personnel, Coast Guard Reserve, and members of the Coast Guard Auxiliary could serve as instructors for training and safety courses; assist in the development of curricula; and participate in relevant advisory panels. This new initiative allows discretionary participation by the agency on a not-to-interfere basic with other Congressionally mandated missions.

A major part of the Coast Guard's law enforcement mission remains interdicting illegal narcotics at sea. In 2000, the Coast Guard seized 56 vessels and arrested 201 suspects transporting illegal narcotics headed for our shores. The U.S. Coast Guard set a cocaine seizure record for the second consecutive year by stopping 132,920 pounds of cocaine from reaching American streets, playgrounds, and schools. The Coast Guard also seized 50,463 pounds of marijuana products, including hashish and hashish oil. At $4.4 billion, the street value of the drugs seized last year nearly matched the entire Coast Guard budget.

In 2000, the Coast Guard also introduced the highly successful Operation New Frontier force package, including specially armed helicopters, over-the-horizon pursuit boats, and the use of non-lethal tools to stop go-fast type

smuggling boats. Operation New Frontier forces documented an unprecedented 100 percent success rate by seizing all six of the go-fast trafficking boats detected.

This bill provides funding to maintain many of the new drug interdiction initiatives of the past few years. The Coast Guard has proven time and again its ability to efficiently stem the tide of drugs entering our nation through water routes.

The Coast Guard is the lead Federal agency for preventing and responding to major pollution incidents in the coastal zone. It responds to more than 17,000 pollution incidents in the average year. The recent oil spill in the fragile Galapagos Islands is an example where our investment in the Coast Guard reaped international rewards. Within 24 hours of the spill, a team of Coast Guard oil spill professionals were on transport aircraft en route to the spill scene with cleanup equipment. Their presence limited the ecological damage of this potentially horrific environmental tragedy.

One provision that deserves particular mention relates to icebreaking services. The FY 2000 budget request included a proposal to decommission 11 WYTL-class harbor tugs. These tugs provide vital icebreaking services throughout the Great Lakes and northeastern states, including my home state of Maine. While I understand that the age of this vessel class may require some action by the agency, it would be premature to decommission these vessels before the Coast Guard has identified a means to assure their domestic icebreaking mission requirements are fulfilled. The Coast Guard has identified seven waterways within Maine that would suffer a meaningful degradation of service if these tugs were decommissioned. These waterways provide transport routes for oil tankers, commercial fishing vessels, and cargo ships. The costs would be excessive to the local communities should that means of transport be cut off. As we have seen during recent winters, ready access to home heating fuel in Maine and elsewhere in the Northeast is a necessity. As such, the bill I am introducing today includes a measure that would prevent the Coast Guard from removing these tugs from service unless adequate replacement assets are in place.

Finally, we must recognize that the United States Coast Guard is a force conducting 21st century operations with 20th century technology. Of the 39 worldwide naval fleets, the United States Coast Guard has the 37th oldest fleet of ships and aircraft. This year the Coast Guard will embark on a major recapitalization for the ships and aircraft designed to operate more than 50 miles offshore. The Integrated Deepwater System acquisition program is critical to the future viability of the Coast Guard. I wholeheartedly support this initiative and the ''system-of-systems'' procurement strategy the Coast Guard has proposed. This bill authorized funding for the first year of this critical long-term recapitalization program.

This is a good bill that enjoys bipartisan support on the Commerce Committee. I am pleased that so many of my colleagues have joined me in sponsoring this bill. I know that my cosponsors, Senators KERRY, MCCAIN, HOLLINGS, BREAUX, LOTT, MURKOWSKI, and DEWINE, also look forward to moving the bill to the Senate floor at the earliest opportunity.

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. 951

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 ''Coast Guard Authorization Act of 2001''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. LORAN–C.
Sec. 104. Patrol craft.
Sec. 105. Caribbean support tender.

TITLE II—PERSONNEL MANAGEMENT

Sec. 201. Coast Guard band director rank.
Sec. 202. Coast Guard membership on the USO Board of Governors.
Sec. 203. Compensatory absence for isolated duty.
Sec. 204. Suspension of retired pay of Coast Guard members who are absent from the United States to avoid prosecution.
Sec. 205. Extension of Coast Guard housing authorities.
Sec. 206. Accelerated promotion of certain Coast Guard officers.
Sec. 207. Regular lieutenant commanders and commanders; continuation on failure of selection for promotion.
Sec. 208. Reserve officer promotion
Sec. 209. Reserve Student Pre-Commissioning Assistance Program.

TITLE III—MARINE SAFETY

Sec. 301. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.
Sec. 302. Icebreaking services.
Sec. 303. Modification of various reporting requirements.
Sec. 304. Oil Spill Liability Trust Fund; emergency fund borrowing authority.
Sec. 305. Merchant mariner documentation requirements.
Sec. 306. Penalties for negligent operations and interfering with safe operation.
Sec. 307. Fishing vessel safety training.
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TITLE IV—RENEWAL OF ADVISORY GROUPS

Sec. 401. Commercial Fishing Industry Vessel Advisory Committee.
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Sec. 404. Navigation Safety Advisory Council.
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TITLE V—MISCELLANEOUS

Sec. 501. Modernization of national distress and response system.
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TITLE VI—JONES ACT WAIVERS

Sec. 601. Repeal of special authority to revoke endorsements.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR FISCAL YEAR 2000.—There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000 the following amounts:

(1) For the operation and maintenance of the Coast Guard, $2,853,000,000, of which $300,000,000 shall be available for defense-related activities and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $999,100,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $730,327,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,000,000, to remain available until expended.

(b) AUTHORIZATION FOR FISCAL YEAR 2001.—There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001 the following amounts:

(1) For the operation and maintenance of the Coast Guard, $3,483,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $428,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,320,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $868,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $16,700,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,500,000, to remain available until expended.

(c) AUTHORIZATION FOR FISCAL YEAR 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002, as follows:

(1) For the operation and maintenance of the Coast Guard, $3,633,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $660,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $876,350,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,500,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 40,000 as of September 30, 2000.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2000.—For fiscal year 2000, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(c) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2001.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2001.

(d) TRAINING STUDENT LOADS FOR FISCAL YEAR 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(e) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(f) TRAINING STUDENT LOADS FOR FISCAL YEAR 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,050 student years.

SEC. 103. LORAN–C.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $25,000,000 for fiscal year 2001. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) FISCAL YEAR 2002.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $44,000,000 for fiscal year 2002. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 104. PATROL CRAFT.

(a) TRANSFER OF CRAFT FROM DOD.—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC–170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to $100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure requirements for, up to 7 patrol craft.

SEC. 105. CARIBBEAN SUPPORT TENDER.

The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

TITLE II—PERSONNEL MANAGEMENT

SEC. 201. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking ''commander'' and inserting ''captain''.

SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.

Section 220104(a)(2) of title 36, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) the Secretary of Transportation, or the Secretary's designee, when the Coast Guard is not operating under the Department of the Navy; and''.

SEC. 203. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) IN GENERAL.—Section 511 of title 14, United States Code, is amended to read as follows:

''§ 511. Compensatory absence from duty for military personnel at isolated duty stations

''The Secretary may grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

''511. Compensatory absence from duty for military personnel at isolated duty stations.''.

SEC. 204. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.

Section 633 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) is amended by redesignating subsections (b), (c), and (d) in order as subsections (c), (d), and (e), and by inserting after subsection (a) the following:

''(b) APPLICATION TO COAST GUARD.—Procedures promulgated by the Secretary of Defense under subsection (a) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under this section.''.

SEC. 205. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

Section 689 of title 14, United States Code, is amended by striking ''2001.'' and inserting ''2006.''.

SEC. 206. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

''(c)(1) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

''(2) A selection board may not make any recommendation under this subsection before the date the Secretary publishes a finding that implementation of this subsection will improve Coast Guard officer retention and management.

''(3) The Secretary shall submit any finding made by the Secretary pursuant to paragraph (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.'';

(2) in section 260(a), by inserting ''and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title'' after ''promotion''; and

(3) in section 271(a), by inserting at the end thereof the following: ''The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.''.

SEC. 207. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS; CONTINUATION ON FAILURE OF SELECTION FOR PROMOTION.

Section 285 of title 14, United States Code, is amended—

(1) by striking ''Each officer'' and inserting ''(a) Each officer''; and

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

''(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 251 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty. When so directed, the selection board shall recommend those officers who in the opinion of the board are best qualified to advance the needs and efficiency of the Coast Guard. When the recommendations of the board are approved by the Secretary, the officers recommended for continuation shall be notified that they have been recommended for continuation and offered an additional term of service that fulfills the needs of the Coast Guard.

''(c)(1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 24 years of active commissioned service unless promoted to the grade of commander of the Regular Coast Guard. An officer who holds the grade of commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 26 years of active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.

''(2) Unless retired or discharged under another provision of law, each officer who is continued on active duty under subsection (b), is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher grade, shall, if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the period of continued service is completed.''

SEC. 208. RESERVE OFFICER PROMOTIONS.

(a) Section 729(i) of Title 14, United States Code is amended by inserting ''on the date a vacancy occurs, or as soon thereafter as practicable, in the grade to which the officer was selected for promotion, or if promotion was determined in accordance with a running mate system,'' after ''grade''.

(b) Section 731 of title 14, United States Coast Code, is amended by striking the period at the end of the sentence in section 731, and inserting '', or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

(1) 2 years in the grade of lieutenant (junior grade);

(2) 3 years in the grade of lieutenant;

(3) 4 years in the grade of lieutenant commander;

(4) 4 years in the grade of commander; and

(5) 3 years in the grade of captain.''.

(c) Section 736(a) of title 14, United States Code, is amended by inserting ''the date of rank shall be the date of appointment in that grade, unless the promotion was determined in accordance with a running mate system, in which event'' after ''subchapter,'' in the first sentence in Section 736(a).

SEC. 209. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 21 of title 14, United States Code, is amended by inserting after section 709 the following new section:

''§ 709a. Reserve student pre-commissioning assistance program

''(a) The Secretary may provide financial assistance to an eligible enlisted member of the Coast Guard Reserve, not on active duty, for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to-

''(1) a baccalaureate degree in not more than 5 academic years; or

''(2) a doctor of jurisprudence or bachelor of laws degree in not more than 3 academic years.

''(b)(1) To be eligible for financial assistance under this section, an enlisted member of the Coast Guard Reserve must-

''(A) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

''(B) enter into a written agreement with the Coast Guard described in paragraph (2).

''(2) A written agreement referred to in paragraph (1)(B) is an agreement between the member and the Secretary in which the member agrees-

''(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, if tendered;

''(B) to serve on active duty for up to five years; and

''(C) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Coast Guard Reserve until the eighth anniversary of the date of the appointment.

''(c) Expenses for which financial assistance may be provided under this section are-

''(1) tuition and fees charged by the institution of higher education involved;

''(2) the cost of books;

''(3) in the case of a program of education leading to a baccalaureate degree, laboratory expenses; and

''(4) such other expenses deemed appropriate by the Secretary.

''(d) The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed $25,000 for any academic year.

''(e) Financial assistance may be provided to a member under this section for up to 5 consecutive academic years.

''(f) A member who receives financial assistance under this section may be ordered to active duty in the Coast Guard Reserve by the Secretary to serve in a designated enlisted grade for such period as the Secretary prescribes, but not more than 4 years, if the member''

''(1) completes the academic requirements of the program and refuses to accept an appointment as a commissioned officer in the Coast Guard Reserve when offered;

''(2) fails to complete the academic requirements of the institution of higher education involved; or

''(3) fails to maintain eligibility for an original appointment as a commissioned officer.

''(g)(1) If a member requests to be released from the program and the request is accepted by the Secretary, or if the member fails because of misconduct to complete the period of active duty specified, or if the member fails to fulfill any term or condition of the written agreement required to be eligible for financial assistance under this section, the financial assistance shall be terminated. The member shall reimburse the United States in an amount that bears the same ratio to the total cost of the education provided to such person as the unserved portion of active duty bears to the total period of active duty such person agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty.

''(2) The Secretary may waive the service obligated under subsection (f) of a member who is not physically qualified for appointment and who is determined to be unqualified for service as an enlisted member of the Coast Guard Reserve due to a physical or

medical condition that was not the result of the member's own misconduct or grossly negligent conduct.

''(h) As used in this section, the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 21 of title 14, United States Code, is amended by adding the following new item after the item relating to section 709:

''709a. Reserve student pre-commissioning assistance program''.

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking ''United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.'' and inserting ''United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

SEC. 302. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House, that sufficient replacement assets have been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

SEC. 303. MODIFICATION OF VARIOUS REPORTING REQUIREMENTS.

(a) TERMINATION OF OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.—

(1) IN GENERAL.—The report regarding the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101–892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note), shall no longer be submitted to the Congress.

(2) REPEAL.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(A) striking subsection (a); and

(B) striking ''(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—''.

(b) PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) COAST GUARD OPERATIONS AND EXPENDITURES.—Section 651 of title 14, United States Code.

(2) SUMMARY OF MARINE CASUALTIES REPORTED DURING PRIOR FISCAL YEAR.—Section 6307(c) of title 46, United States Code.

(3) USER FEE ACTIVITIES AND AMOUNTS.—Section 664 of title 46, United States Code.

(4) CONDITIONS OF PUBLIC PORTS OF THE UNITED STATES.—Section 308(c) of title 49, United States Code.

(5) ACTIVITIES OF FEDERAL MARITIME COMMISSION.—Section 208 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118).

(6) ACTIVITIES OF INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.—Section 7001(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(e)).

SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND BORROWING AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting ''To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.''.

SEC. 305. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.

(a) INTERIM MERCHANT MARINERS' DOCUMENTS.—Section 7302 of title 46, United States Code, is amended—

(1) by striking ''A'' in subsection (f) and inserting ''Except as provided in subsection (g), a''; and

(2) by adding at the end the following:

''(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

''(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

''(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner's document issued under this section.

''(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.''.

(b) EXCEPTION.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon in paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

''(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and''.

SEC. 306. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.

Section 2302(a) of title 46, United States Code, is amended by striking ''$1,000.'' and inserting ''$5,000 in the case of a recreational vessel, or $25,000 in the case of any other vessel.''.

SEC. 307. FISHING VESSEL SAFETY TRAINING.

(a) IN GENERAL.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training including—

(1) assistance in developing training curricula;

(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;

(3) sharing of appropriate Coast Guard informational and safety publications; and

(4) participation on applicable fishing vessel safety training advisory panels.

(b) NO INTERFERENCE WITH OTHER FUNCTIONS.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.

SEC. 308. EXTEND TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.

Section 4310(c)(2) of title 46, United Sates Code, is amended in subparagraphs (A) and (B) by striking ''5'' wherever it appears and inserting ''10'' in its place.

TITLE IV—RENEWAL OF ADVISORY GROUPS

SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting ''**Safety**'' in the heading after ''**Vessel**'';

(2) by inserting ''Safety'' in subsection (a) after ''Vessel'';

(3) by striking ''(5 U.S.C App. 1 et seq.)'' in subsection (e)(1)(I) and inserting ''(5 U.S.C. App.)''; and

(4) by striking ''of September 30, 2000'' and inserting ''on September 30, 2005''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

''4508. Commercial Fishing Industry Vessel Safety Advisory Committee.''.

SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by striking ''September 30, 2000.'' and inserting ''September 30, 2005.''.

SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by striking ''September 30, 2000'' in subsection (g) and inserting ''September 30, 2005''.

SEC. 404. NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking ''September 30, 2000'' in subsection (d) and inserting ''September 30, 2005''.

SEC. 405. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110 of title 46, United States Code, is amended by striking ''September 30, 2000'' in subsection (e) and inserting ''September 30, 2005''.

SEC. 406. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled ''An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation'' (33 U.S.C. 1231a) is amended by striking ''September 30, 2000.'' in subsection (e) and inserting ''September 30, 2005.''.

TITLE V—MISCELLANEOUS

SEC. 501. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

(a) REPORT.—The Secretary of Transportation shall prepare a status report on the modernization of the National Distress and

Response System and transmit the report, not later than 60 days after the date of enactment of this Act, and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) CONTENTS.—The report required by subsection (a) shall—

(1) set forth the scope of the modernization, the schedule for completion of the System, and provide information on progress in meeting the schedule and on any anticipated delays;

(2) specify the funding expended to-date on the System, the funding required to complete the system, and the purposes for which the funds were or will be expended;

(3) describe and map the existing public and private communications coverage throughout the waters of the coastal and internal regions of the continental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess direction-finding, asset-tracking communications, and digital selective calling service;

(4) identify areas of high risk to boaters and Coast Guard personnel due to communications gaps;

(5) specify steps taken by the Secretary to fill existing gaps in coverage, including obtaining direction-finding equipment, digital recording systems, asset-tracking communications, use of commercial VHF services, and digital selective calling services that meet or exceed Global Maritime Distress and Safety System requirements adopted under the International Convention for the Safety of Life at Sea;

(6) identify the number of VHF-FM radios equipped with digital selective calling sold to United States boaters;

(7) list all reported marine accidents, casualties, and fatalities associated with existing communications gaps or failures, including incidents associated with gaps in VHF-FM coverage or digital selective calling capabilities and failures associated with inadequate communications equipment aboard the involved vessels;

(8) identify existing systems available to close identified marine safety gaps before January 1, 2003, including expeditious receipt and response by appropriate Coast Guard operations centers to VHF-FM digital selective calling distress signal; and

(9) identify actions taken to-date to implement the recommendations of the National Transportation Safety Board in its Report No. MAR-99-01.

SEC. 502. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land.

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) CONDITION OF CONVEYANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) IDENTIFICATION OF LEASED PREMISES.—The Administrator, in consultation with the Commandant, may identify and describe the leased premises and rights of access, including the following, in order to allow the Coast Guard to operate and perform missions from and upon the leased premises:

(A) The right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to Coast Guard vessels and performance of Coast Guard missions and other mission-related activities.

(B) The right to berth Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States' sole cost and expense.

(C) The right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes.

(D) The right to occupy up to 3,000 gross square feet at the Naval Reserve Pier property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(E) The right to occupy up to 1,200 gross square feet of offsite storage in a location other than the Naval Reserve Pier property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(F) The right for Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than 30 vehicles shall be located on the Naval Reserve Pier property.

(3) RENEWAL.—The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) LIMITATION ON SUBLEASES.—The United States may not sublease the leased premises to a third party or use the leased premises for purposes other than fulfilling the missions of the Coast Guard and for other mission related activities.

(5) TERMINATION.—In the event that the Coast Guard ceases to use the leased premises, the Administrator, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) IN GENERAL.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to, and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) FURTHER IMPROVEMENTS.—In addition to the improvements described in paragraph (1), the Commandant is authorized to further improve the leased premises during the lease term, at the United States sole cost and expense.

(d) UTILITY INSTALLATION AND MAINTENANCE OBLIGATIONS.—

(1) UTILITIES.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) MAINTENANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) AIDS TO NAVIGATION.—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the leased premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at

the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this Act or any agreement of the parties.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve property under this section shall expire 3 years after the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term ''aid to navigation'' means equipment used for navigational purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) CORPORATION.—The term ''Corporation'' means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

SEC. 503. HARBOR SAFETY COMMITTEES.

(a) STUDY.—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) PROTOTYPE COMMITTEES.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) EFFECT ON EXISTING PROGRAMS AND STATE LAW.—Nothing in this section—

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) HARBOR SAFETY COMMITTEE DEFINED.—In this section, the term ''harbor safety committee'' means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, environmental groups, and public interest groups.

SEC. 504. LIMITATION OF LIABILITY OF PILOTS AT COAST GUARD VESSEL TRAFFIC SERVICES.

(a) IN GENERAL.—Chapter 23 of title 46, United States Code, is amended by adding at the end the following:

''§ 2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots

''Any pilot, acting in the course and scope of his duties while at a United States Coast Guard Vessel Traffic Service, who provides information, advice or communication assistance shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 23 of title 46, United States Code, is amended by adding at the end the following:

''2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots''.

TITLE VI—JONES ACT WAIVERS

SEC. 601. REPEAL OF SPECIAL AUTHORITY TO REVOKE ENDORSEMENTS.

Section 503 of the Coast Guard Authorization Act of 1998 (46 U.S.C. 12106 note) is repealed.

Mr. MCCAIN. Mr. President, I rise in support of the Coast Guard Authorization Act of 2001. Charged with maintaining our national defense and the safety of our citizens, the Coast Guard is a multi-mission agency. The Coast Guard is a branch of the U.S. Armed Forces, but it is also a unique instrument of national security, responsible for search and rescue services and maritime law enforcement. Daily operations include drug interdiction, environmental protection, marine inspection, licensing, port safety and security, aids to navigation, waterways management, and boating safety.

Recently the Coast Guard has been forced to reduce its services and cut its operations as a result of funding shortfalls. Earlier this year, for the second year in a row, the Coast Guard reduced its non-emergency operations by over 10 percent due to a shortfall in operating appropriations. Mr. President, the Coast Guard and the American people deserve better, and the bill I am proud to cosponsor today authorizes funding at levels which would restore the Coast Guard to the full operational level. Additionally, the bill provides necessary funding for cutter and aircraft maintenance including the elimination of the existing spare parts shortage.

This bill provides the funding necessary to maintain the level of service and the quality of performance that the United States has come to expect from the Coast Guard. I commend the men and women of the Coast Guard for their honorable and courageous service to this country. The bill authorizes $4.63 billion in FY 2000, $4.83 billion in 2001, and $5.22 billion in FY 2002.

One critical goal of this bill is to provide parity with the Department of Defense on certain personnel matters. We should ensure that the men and women serving in the Coast Guard are not adversely affected because the Coast Guard does not fall under the DOD umbrella. This bill provides parity with DOD for military pay and housing allowance increases, Coast Guard membership on the USO Board of Governors, and compensation for isolated duty.

In today's strong economy, the Armed Services are seeing an exodus of experienced officers and enlisted personnel. Additional funding in this bill provides for recruiting and retention initiatives, to ensure that the Coast Guard retains the most qualified young Americans. In addition, it addresses the current shortage of qualified pilots and authorizes the Coast Guard to send more students to flight school. New programs will offer financial assistance to bring college students into the Service and bring retired officers back on active duty to fill temporary experience gaps.

The Coast Guard is the lead federal agency in maritime drug interdiction. Therefore, they are often our nation's first line of defense in the war on drugs. This bill authorizes the Coast Guard to acquire and operate up to seven ex-Navy patrol boats, thereby expanding the Coast Guard's critical presence in the Caribbean, a major drug trafficking area. With the vast majority of the drugs smuggled into the United States on the water, the Coast Guard must remain well equipped to prevent drugs from reaching our schools and streets. I was gratified to learn that just a few weeks ago, the Coast Guard made the largest single maritime cocaine seizure in history; more than 13 tons of illegal drugs bound for U.S. streets are instead bound for an incinerator.

Environmental protection, including oil-spill cleanup, is an invaluable service provided by the Coast Guard. Under current law, the Coast Guard has access to a permanent annual appropriation of $50 million, distributed by the Oil Spill Liability Trust Fund, to carry out emergency oil spill response needs. Over the past few years, the fund has spent an average of $42 to $50 million per year, without the occurrence of a major oil spill. Clearly these funds would not be adequate to respond to a large spill. For instance, a spill the size of the Exxon Valdez could easily deplete the annual appropriated funds in two to three weeks. This bill authorizes the Coast Guard to borrow up to an

additional $100 million, per incident, from the Oil Spill Liability Trust Fund, for emergency spill responses. In such cases, it also requires the Coast Guard to notify Congress of amounts borrowed within thirty days and repay such amounts once payment is collected from the responsible party.

The 1999 President's Interagency Task Force on U.S. Coast Guard Roles and Missions reported ''The Coast Guard provides the United States a broad spectrum of vital services that will be increasingly important in the decades ahead.'' It further found that ''the nation must take action soon to modernize and recapitalize Coast Guard forces, if the Service is to remain Semper Paratus—Always Ready.'' Mr. President, that modernization is just beginning and I am proud to support the Administration's request for $338 million in Fiscal Year 2002 to fund the Integrated Deepwater System project. The bill I am cosponsoring today authorizes full funding for the first year of this multi-year project to replace more than 115 old ships and 165 aircraft that will soon reach their service lives. I support the Coast Guard's groundbreaking procurement process that stresses life cycle cost efficiency and not just lowest procurement cost.

This bill represents a thorough set of improvements which will make the Coast Guard more effective, improve the quality of life of its personnel, and facilitate their daily operations. I would like to thank Senators SNOWE and KERRY for their bipartisan leadership on Coast Guard issues, as well as my fellow co-sponsors Senators HOLLINGS, BREAUX, LOTT, MURKOWSKI, and DEWINE for their longstanding support of the Coast Guard.

By Mr. GREGG (for himself, Mr. KENNEDY, Mr. DEWINE, and Mr. BAYH):

S. 952. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today, I am pleased to be joined by Senators KENNEDY, DEWINE, and BAYH in introducing the Public Safety Employer-Employee Cooperation Act of 2001. This legislation would extend to firefighters and police officers the right to discuss workplace issues with their employers.

With the enactment of the Congressional Accountability Act, State and local government employees remain the only sizable segment of workers left in America who do not have the basic right to enter into collective bargaining agreements with their employers. While most States do provide some collective bargaining rights for their public employees, others do not.

The lack of collective bargaining rights is especially troublesome in the public safety arena. Firefighters and police officers take seriously their oath to protect the public safety, and as a result, they do not engage in work stoppages or slowdowns. The absence of collective bargaining denies these workers any opportunity to influence the decisions that affect their lives or livelihoods.

Studies have shown that communities which promote such cooperation enjoy much more effective and efficient delivery of emergency services. Such cooperation, however, is not possible in the 18 States that do not provide public safety employees with the fundamental right to bargain with their employers.

The legislation I am introducing today recognizes the unique situation and obligation of public safety officers. First, we create a special collective bargaining right outside the scope of other Federal labor law and specifically prohibit the use of strikes, work stoppages or other actions that could disrupt the delivery of services. Second, this legislation utilizes the procedures and expertise of the Federal Labor Relations Authority to help resolve disputes between public safety employers and employees. This bill simply requires that each State provide minimum collective bargaining rights to their public safety employees in whatever manner they choose. It outlines certain provisions that must be included in state laws, but leaves the major decisions to the state legislatures. States that already have the minimum collective bargaining protections as outlined in this legislation would be exempt from the Federal statute. And third, the bill specifically prohibits strikes, lockouts, sickouts, work slowdowns or any other job action which will disrupt the delivery of emergency services.

Labor-management partnerships, which are built upon bargaining relationships, result in improved public safety. Employer-employee cooperation contains the promise of saving the taxpayer money by enabling workers to give input as to the most efficient way to provide services. In fact, States that currently give firefighters the right to discuss workplace issues actually have lower fire department budgets than states without those laws.

The Public Safety Employer-Employee Cooperation act of 2001 will put firefighters and law enforcement officers on equal footing with other employees and provide them with the fundamental right to negotiate with employers over such basic issues as hours, wages, and workplace conditions.

I urge its adoption and ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 952

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 ''Public Safety Employer-Employee Cooperation Act of 2001''.

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act (29 U.S.C.203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning

given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT AUTHORITY.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this Act, specifically, the right to form and join a labor organization, the right to bargain over wages, hours and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 5.

SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators; and

(6) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act; or

(2) to prevent a State from prohibiting bargaining over issues which are traditional and customary management functions, except as provided in section 4(b)(3).

(b) COMPLIANCE.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. KENNEDY. Mr. President, I am honored today to join my colleagues, Senators GREGG, DEWINE, and BAYH, to introduce the ''Public Safety Employer-Employee Cooperation Act of 2001.''

For more than 60 years, collective bargaining has enabled labor and management to work together to improve job conditions and increase productivity. Through collective bargaining, labor and management have led the way on many important improvements in today's workplace—especially with regard to health and pension benefits, paid holidays and sick leave, and workplace safety.

Collective bargaining in the public sector, once a controversial issue, is now widely accepted. It has been common since at least 1962, when President Kennedy signed an Executive Order granting these basic rights to federal employees. Congressional employees have had these rights since enactment of the Congressional Accountability Act almost a decade ago. It is long since time to give state and local government employees federal protection for the basic right to enter into collective bargaining agreements with their employers.

The act we are introducing today extends this protection to firefighters, police officers, paramedics and emergency medical technicians. The bill guarantees the fundamental rights necessary for collective bargaining—the right to form and join a union; the right to bargain over hours, wages and working conditions; the right to sign legally enforceable contracts; and the right to a resolution mechanism in the event of an impasse in negotiations. The bill also accomplishes its goals in a reasonable and moderate way.

The benefits of this bill are clear and compelling. It will lead to safer working conditions for public safety officers. These valued public employees serve in some of the country's most dangerous, strenuous and stressful jobs. Every year, more than 80,000 police officers and 75,000 firefighters are injured on the job. An average of 160 police officers and nearly 100 firefighters die in the line of duty each year. Because these men and women serve on the front lines in providing firefighting services, law enforcement services, and emergency medical services, they know what it takes to create safer working conditions. They deserve the benefit of collective bargaining to give them a voice in decisions that can literally make a life-and-death difference on the job.

Our bill will also save money for states and local communities. Experience has shown that when public safety officers can discuss workplace conditions with management, partnerships and cooperation develop and lead to improved labor-management relations and better, more cost-effective services. A study by the International Association of Fire Fighters shows that states and municipalities that give firefighters the right to discuss workplace issues have lower fire department budgets than states without such laws. When workers who actually do the job are able to provide advice on their work conditions, there are fewer injuries, better morale, better information on new technologies, and more efficient ways to provide the services.

It is a matter of basic fairness to give these courageous men and women the same rights that have long been enjoyed by other workers. They put their lives on the line to protect us every day. They deserve to have an effective voice on the job, and improvements in their work conditions will benefit their entire community.

I urge my colleagues to support this important measure.

By Mr. MCCONNELL (for himself, Mr. SCHUMER, Mr. TORRICELLI, Mr. BROWNBACK, Mr. ALLARD, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BUNNING, Mr. BREAUX, Mr. BURNS, Ms. CANTWELL, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Ms. COLLINS, Mrs. CLINTON, Mr. CRAIG, Mr. CONRAD, Mr. CRAPO, Mr. CORZINE, Mr. DEWINE, Mr. DASCHLE, Mr. DOMENICI, Mr. DAYTON, Mr. ENSIGN, Mr. DURBIN, Mr. ENZI, Mr. EDWARDS, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. INOUYE, Mr. GREGG, Mr. JOHNSON, Mr. HATCH, Mr. KENNEDY, Mr. HELMS, Mr. KERRY, Mrs. HUTCHISON, Mr. KOHL, Mr. JEFFORDS, Ms. LANDRIEU, Mr. LOTT, Mr. LEAHY, Mr. LUGAR, Ms. MIKULSKI, Mr. NELSON of Nebraska, Mr. MURKOWSKI, Mr. NELSON of Florida, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. WELLSTONE, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon,

S. 953. A bill to establish a Blue Ribbon Study Panel and an Election Administration Commission to study voting procedures and election administration, to provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

Mr. MCCONNELL. Mr. President, when election reform emerged on the nation's agenda last winter, as chairman of the Senate Rules Committee, the committee of jurisdiction over election law, I resolved to keep the issue from getting bogged down in the partisan morass. The furor and fervor surround the last election has finally given way to a constructive bipartisan consensus. Today it is a distinct pleasure to join with Senators SCHUMER, TORRICELLI, and BROWNBACK in advancing bipartisan legislation to restore faith in American elections.

Even more remarkable is the support in the endeavor of two reform groups with whom I have been engaged over the years in something less than a mutual admiration society, to say the least: Common Cause and the League of Women Voters. Ours is perhaps the most curious alliance since Bob Dole teamed up with Britney Spears to push Pepsi. And only slightly less jarring.

Nearly as discombobulating was opening the New York Times editorial page and seeing my name in print in the lead editorial applauding the McConnell/Schumer/Torricelli/Brownback bill. My wife, the Secretary of Labor, subsequently performed the Heimlich maneuver, lest I choke on the New York Times' praise. No doubt the editorial writer experienced similar bewilderment, as Darth Vader suddenly became Luke Skywalker overnight.

As this alliance indicates, election reform must transcend partisanship and result in real and lasting achievement by ensuring what I call, the three A's of election reform: Accuracy, Access and Accountability. This is the essence of this bill.

Our bill will establish, for the first time in our Nation's history, a permanent Election Administration Commission. This new permanent commission will bring focused expertise to bear on the administration of elections, and, importantly, award matching grants to States and localities to improve the accuracy and integrity of our election system.

Accuracy. The last election produced outcries over inaccurate voter rolls where some cities actually had more registered voters than the voting age population. And, of course, we've all heard the stories of both pets and dead people being registered to vote, and, in some instances, actually voting.

This legislation will require accurate voter rolls to ensure that those who vote are legally entitled to do so, and do so only once.

Access. This legislation also seeks to ensure that never again will our men and women in uniform be denied the opportunity to vote. The bill will merge the Department of Defense's Office of Voting Assistance into the new permanent commission. Moreover, the bill will increase the ability of disabled voters to both register and vote.

Accountability. The new Election Administration Commission will dramatically increase accountability by awarding grants only to those states and localities who ensure accurate and accessible voting.

Again, I applaud Senators SCHUMER, TORRICELLI, AND BROWNBACK for their

principled and diligent work on this effort over the past six months. I believe this bill is the first, best step toward meaningful election reform.

By Mr. KENNEDY (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. KERRY, Mr. WELLSTONE, Mr. DODD, Mr. INOUYE, Mr. DURBIN, Mr. FEINGOLD, and Mr. AKAKA):

S. 955. A bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigration Responsibility Act of 1996; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, I am honored to join my colleagues, Senators GRAHAM, LEAHY, KERRY, WELLSTONE, DODD, INOUYE, AKAKA, FEINGOLD, and DURBIN in introducing the Immigrant Fairness Restoration Act. This legislation will restore the balance to our immigration laws that was lost when Congress amended the immigration laws in 1996.

The changes made in 1996 went too far. They have had harsh consequences that punish families and violate individual liberty, fairness and due process. Families are being torn apart. Persons who present no danger to their communities have been left to languish in INS detention. Individuals are being summarily deported from the United States, to countries they no longer remember, separated from all that they know and love.

The bill we are introducing will undo many of these harsh consequences. It will eliminate the retroactive application of the 1996 changes. Permanent residents who committed offenses long before the enactment of the 1996 laws should be able to apply for the relief from removal under the law as it existed when the offense was committed.

Current immigration laws too often punish permanent residents out of all proportion to their crimes. Relatively minor offenses are turned into aggravated felonies. Permanent residents who did not have criminal convictions or serve prison sentences are blocked from all relief from deportation.

Our proposal restores the discretion that immigration judges previously had and responsibly exercised to evaluate cases on an individual basis and grant relief from deportation to deserving persons. Currently, immigration judges are precluded from granting such relief to many permanent residents, regardless of the circumstances or equities in the cases. As a result of the 1996 laws, the judges' hands are tied, even in the most compelling cases. This legislation will allow immigration judges to return to their proper role.

Our bill will also end mandatory detention. The Attorney General will have the authority to release from detention persons who do not pose a danger to the community and are not a flight risk. Detention is an extraordinary power that should only be used in extraordinary circumstances. A judge should have the discretion to release from detention persons who are not a danger to the community and who do not pose a flight risk.

Clearly, dangerous criminals should be detained and deported. But indefinite detention must end. No public purpose is served by wasting valuable resources detaining non-dangerous individuals, many of whom have lived in this country with their families for many years, established strong ties to their communities, paid taxes, and contributed in other ways to the fabric of our Nation.

The 1996 laws also stripped the Federal courts of any authority to review the decisions of the INS and the immigration courts. Under present law, harsh determinations are often made at the unreviewable discretion of INS officers. Fundamental decisions are made on the basis of a brief review of a few pages in a file, or a perfunctory administrative hearing, without judicial review. Our proposal will restore such review. Immigrants deserve their day in court.

Americans are proud of our heritage and history as a nation of immigrants. It is long past time for Congress to correct the laws enacted in 1996.

Many heart-wrenching stories could be cited about the ''nightmares'' created by the 1996 laws and the people caught by its provisions.

Consider the case of Carlos Garcia, who fled from his native land of El Salvador in 1978 during the civil war. Upon arriving in the United States, he became fluent in English and attended a local community college, and in 1982, he became a permanent resident. All of his family live in this country, including his U.S. citizen parents.

In 1993, he pleaded guilty to taking $200 from a department store where he worked. He was sentenced to two years of probation, with a suspended jail sentence, and he completed his probation early. Apart from this single offense, he has no criminal history. For years, he has worked as a caterer, holding a security clearance, since his employer handled functions in Congress, the State Department and White House. He regularly attends church and participates in a bone marrow transplant program to help children.

In 1998, the INS placed Carlos in removal proceedings after he returned from a four-day vacation cruise. Because the 1996 laws made his crime an aggravated felony, the immigration judge no longer had discretion to consider evidence of his positive contributions to his community, his family ties, or the potential hardship that severing those ties may cause.

Or consider the case of Claudette Etienne, who fled from Haiti at the age of 23, and was a legal resident of the United States for 20 years. She had two young U.S. citizen children and lived with her husband in Miami. One day, during an argument, Claudette threatened her husband with a broken bottle, and was sentenced to a year of probation. In June 1999, she was found guilty of selling a small amount of cocaine and was sentenced to another year of probation. When she was summoned to see her probation officer in February 2000, INS officers arrested her and placed her in deportation proceedings under the 1996 immigration laws. She was imprisoned in an INS detention center for the next seven months, and in September was taken by U.S. Marshals and put on a flight to Haiti.

Upon arriving in Haiti, the police immediately jailed her in a cell that was pitch black. The air was thick with the stench of human sweat and waste, and the temperature reached 105 degrees. Claudette had to rely on the compassion of prisoners and guards for food, since the jail provided none. During her imprisonment in Haiti, she became sick with fever, stomach pains, diarrhea, and constant vomiting from drinking tap water. She died in the jail a few days later.

Surely, Congress cannot ignore such abuses. Even many proponents of the 1996 laws now admit that these changes went too far and need to be corrected as soon as possible. The Immigrant Fairness Restoration Act will help to protect families, assure fairness and due process, and restore the integrity of our immigration laws, and I urge all my colleagues to support it.

Mr. GRAHAM. Mr. President, I am pleased to join my colleagues, Senators KENNEDY, DODD, DURBIN, INOUYE, KERRY, LEAHY, AKAKA, and WELLSTONE to introduce the Immigrant Fairness Restoration Act of 2001. This legislation brings balance back to the legal system. It rights some of the wrongs of the 1996 immigration law. It restores fairness and justice to everyone in our country.

As it stands today, the immigration laws violate those core American principles.

The original aim of the 1996 immigration bill was to control illegal immigration. In practice, the law hurts legal permanent residents and others who entered, or wanted to enter, the United States legally.

The 1996 laws, Illegal Immigration Reform and Immigrant Responsibility Act, IIRAIRA, and Antiterrorism and Effective Death Penalty Act, AEDPA, mandated deportation of legal aliens for relatively insignificant crimes. For the most part, these are crimes for which they have already served their punishment. They have restricted access to legal counsel and virtually no recourse in the courts.

This violates the tradition of our country. It also violates the essence of our legal system. Our constitution demands that no person shall be deprived

of life, liberty or property without due process of law. This fundamental right applies to all persons, regardless of their paperwork or where they were born.

Our legal system should be about granting people their day at court, to provide a second chance, to keep the rules of the game fair.

When we think about fairness, or lack of fairness, we should think about personal stories. John Gaul, formerly from Tampa, FL, has been punished twice for his mistakes. John was adopted from Thailand by his U.S. citizen parents when he was 4 years old. As a teenager, he was convicted of car theft and credit card fraud, two nonviolent offenses for which he served 20 months in jail. John does not remember Thailand. He does not speak Thai, nor does he know of relatives there. None of that mattered. John was deported to Thailand and may never be allowed to return to his parents in the United States.

Was it fair to threaten Carolina Murry of Neptune Beach with deportation for voting, even though she never knew she was not a U.S. citizen? Carolina's father told her that she had become a U.S. citizen shortly after she moved with him from the Dominican Republic at the age of 3. Only in 1998, when she applied for a passport, did she learn that in fact she was not. In the process of becoming a citizen, INS officials asked her if she ever voted in a U.S. election. She replied she had, because she takes her civic duties seriously. As a consequence, INS not only denied her application but also told her that she faced criminal prosecution and deportation for voting illegally. Only after the case caught media attention and raised a lot of public protest did the charges get dropped.

Would it be fair to separate Aarti Shahani, a U.S. citizen, from her father, a legal permanent resident in the United States since 1984? Her father, a small businessman, is facing deportation to India. As early as next week he will be transferred to INS detention following a State sentence relating to his failure to report taxable business earnings. Aarti has taken a leave from the University of Chicago to help support her family. She and her two U.S. citizen siblings continue to fight for their father's right to stay in the United States. They are fighting to keep the family together.

Earlier this month, President Bush urged Congress to establish immigration laws that recognize the importance of families and that help to strengthen them. The Immigrant Fairness Restoration Act does exactly that. Right now, our immigration laws tear families apart. The laws are harsh and offer no chance for review or appeal.

I strongly believe that criminals should be punished. They should repay their debt to society by incarcertaion, monetary restitution or other sanctions. But I also believe that everyone deserves a chance at a fresh start after the debts are paid. No one should be punished twice.

The 1996 law went too far. It is time to eliminate retroactivity. It is time to restore a system that punishes legal residents in proportion to their crimes. It is time to restore discretion so immigration judges can evaluate cases individually and grant relief to those deserving. It is time to ensure legal residents are not needlessly jailed or imprisoned.

We need legislation that lives up to our nation's legacy as a country of immigrants. I urge my colleagues to support the Immigrant Fairness Restoration Act to grant everyone equal protection under the law.

By Mr. CORZINE:

S. 956. A bill to amend title 23, United States Code, to promote the use of safety belts and child restraint systems by children, and for other purposes; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, I rise today to introduce the Child Passenger Safety Act, a bill to ensure that our children are adequately restrained and protected in cars. I am pleased to join my colleague Congressman FRANK PALLONE of New Jersey, who has introduced this legislation in the House and who has a longstanding interest in child safety. I also want to recognize Senator PETER FITZGERALD's commitment to child safety. His recent hearing on the subject of child passenger safety laws shed important light on the need to encourage States to strengthen their laws, and I look forward to working with him to address this issue.

No child should be placed at risk by a simple trip to the local grocer. No child should be in danger on a family trip to the beach. No child should be placed in jeopardy in the daily ride to school. Yet unfortunately, every year almost 1,800 children aged 14 and under die in motor vehicle crashes, and more than 274,000 kids are injured. In fact, traveling in a car without a seatbelt is the leading killer of children in America.

Despite this compelling statistic, the lack of reasonable safety measures for kids in this country is staggering. We know that children who are not restrained are far more likely to suffer severe injuries or even death in motor vehicle crashes, yet approximately 30 percent of children ages four and under ride unrestrained, and of those who do buckle up, four out of five children are improperly secured. Only five percent of four- to eight-year-olds ride in booster seats.

Unfortunately, States have done too little to protect child passengers, a conclusion documented in a recent study of child car safety laws by the non-profit National Safe Kids Campaign. This report rated the effectiveness of each State's laws in protecting children from injury in traffic accidents, and twenty-four of the fifty States received a failing grade, while only two States, Florida and California, received grades higher than a C. My own State of New Jersey's laws were ranked dead last in the survey, because the State does not require any protection for children aged five or older riding in the back seat.

Among the study's alarming findings: no State fully protects all child passengers ages 15 and under, no States require children aged 6–8 to ride in booster seats, 34 States allow child passengers to rider unrestrained due to exemptions, and in many States, children are legally allowed to ride completely unrestrained in the back seat of a vehicle.

Statistics like these make it clear that we need new Federal legislation. States are simply not doing enough to protect children in car accidents, especially older children. That is why today I am introducing a bill that would help ensure that all children are safely secured in cars, no matter where they live. The Child Passenger Safety Act would encourage States to enact laws requiring that children up to age eight are properly secured in a child car safety seat or booster seat appropriate to the child's age or size. The legislation also would encourage States to ensure that children up to the age 16 are restrained in a seatbelt, regardless of where they are sitting in the vehicle.

States that do not meet these critical goals would be subject to the loss of Federal transportation funds, the same approach used to encourage States to establish strong drunk driving standards.

We cannot sit idly by while so many of our children are exposed to unnecessary danger on our nation's roads. I ask my colleagues to join me in support of the Child Passenger Safety Act.

By Mr. WELLSTONE (for himself, Mr. DAYTON, Mr. BYRD, and Ms. STABENOW)

S. 957. A bill to provide certain safeguards with respect to the domestic steel industry; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, today I am pleased to introduce, on behalf of myself and Senators DAYTON, BYRD, and STABENOW, the Steel Revitalization Act of 2001. This is the companion measure to H.R. 808, which, as of this moment, has 189 cosponsors in the House. The measure represents a comprehensive approach to the serious crisis facing our domestic iron ore and steel industry.

I want to note that several of the provisions contained in the Act are ones that my colleagues in the bi-partisan Steel Caucus here in the Senate

and our counterparts in the House have been working on for some time. I want to publicly acknowledge and thank, in particular, Senators ROCKEFELLER and SPECTER for their work in co-chairing the Caucus, and Senator BYRD for his unflinching support of the entire steel industry and his creative efforts on behalf of the industry's working families.

The Steel Revitalization Act includes the following four components: 1. A five-year period of quantitative restrictions on the import of iron ore, semi-finished steel, and finished steel products. Import levels would be set for each product line at the average level of penetration that occurred during the three years prior to the onset of the steel import crisis in late 1997. 2. Creation of a Steelworker Retiree Health Care Fund to be administered by a Steelworker Retiree Health Care Board at the Department of Labor which would be accessible by all steel companies that provide health insurance to retirees at the time of enactment. The Fund would be underwritten through a 1.5 percent surcharge on the sale of all steel products in the United States, both imported and domestic. 3. Enhancement of the current Steel Loan Guarantee program to provide steel companies greater access to funds needed to invest in capital improvements and take advantage of the latest technological advancements. Among other things, the Act would (a) increase the current Steel Loan Guarantee authorization from $1 billion to $10 billion, (b) increase the loan coverage from 85 percent to 95 percent, and (c) extend the duration of financing from 5 to 15 years. 4. Creation of a $500 million grant program at the Department of Commerce to help defray the cost of environmental mitigation and restructuring as a result of consolidation. Companies which have merged will be eligible to apply for such funds if their grant application outlines a merger that will retain 80 percent of the domestic blue-collar workforce and production capacity for 10 years after the merger.

The recent economic conditions facing the U.S. iron ore and steel industry are of particular concern to those in my home state of Minnesota. We are extremely proud of our state's history as the nation's largest producer of iron ore. The iron ore and taconite mines, located on the Iron Range in Minnesota and in our sister state of Michigan, have provided key raw materials to the nation's steel producers for over a century.

You will not find a harder working, more committed group of workers anywhere in this country than you find in the iron ore and taconite industry. This is a group of people who work under the toughest of conditions, are absolutely committed to their families, and who now face dire circumstances, through no fault of their own, because of the effects of unfairly traded iron ore, semi-finished steel, and finished steel products.

Earlier this year, for example, citing poor economic conditions, LTV Steel Mining Company halted production at the Hoyt Lakes, Minnesota mine, leaving 1,400 workers out of good-paying jobs and affecting nearly 5,000 additional workers as well. These are people who believe in the importance of a strong domestic steel industry to the economic and national security of our country.

The Steel Revitalization Act is a comprehensive measure designed to address the multiplicity of needs facing the iron ore and steel industry today. It provides import relief, industry-wide sharing of the huge retiree health care cost burdens resulting from massive layoffs during the 1970's and 1980's, improved access to capital, and assistance for industry consolidation that protects American jobs.

It is imperative that we act and that we act soon. Failing economic conditions, huge health care legacy cost burdens, and staggering levels of iron ore, semi-finished steel, and finished steel imports pose immense threats to this essential industry. I urge my colleagues in the Senate to join in helping to pass this critical legislation at the earliest possible date. Relief for this essential industry is long overdue. We cannot afford to delay.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

SUMMARY—STEEL REVITALIZATION ACT

In mid-January, the United States Steelworkers of America presented a proposal for a comprehensive steel revitalization package. The results is H.R. 808, the Steel Revitalization Act, outlined below. This was introduced on March 1, 2001 by Congressional Steel Caucus Vice Chairman Peter Visclosky, with 84 other original cosponsors, including Congressional Steel Caucus Chairman Jack Quinn and Congressional Steel Caucus Executive Committee Chairman Phil English and Vice Chairman Dennis Kucinich. The measure currently has 172 cosponsors.

TITLE I—Import Relief

This title will mirror H.R. 975, the Steel Import Quota Bill, which was approved by the House in the 106th Congress, but failed to achieve cloture in the Senate.

PROVISIONS OF TITLE I

Provides import relief by imposing 5-year quotas on the importation of steel and iron ore products into the U.S.

The quotas will limit import penetration to the average pre-crisis (1994 to 1997) levels (i.e., the import levels allowed in will be linked to the percentage of domestic consumption of foreign steel in the years preceding the import crisis).

CHANGES FROM H.R. 975

H.R. 975 based quotas on tonnage, not percentage of penetration. Because the market is weakening, we expect tonnage imported to decrease anyway. Therefore, we will link quota numbers to penetration to account for expected decreases in imported tonnage. However, due to differences in statistical methodology, iron ore, semifinished steel and coke product quotas will be determined by tonnage.

H.R. 975 did not include stainless and specialty steel products. This provision will include those products.

This measure will include a short supply clause to ensure that sufficient supplies of steel products are available and to prevent overpricing in some product areas.

TITLE II—Legacy Cost Sharing

This title will address the overwhelming cost many steel companies face in retiree health care due to massive downsizing and restructuring in the 1980s.

PROVISIONS OF TITLE II

Imposes a 1.5 percent surcharge on the sale of steel and iron ore in the U.S. The average cost of a ton of steel is about $500, translating to a $7.50 per ton payment. With an average of 130 million tons of steel sold in the U.S. per year, the fund should generate approximately $880 million per year.

Revenues will be placed in a Steelworker Retiree Health Care Trust Fund, to be administered by the Department of Labor through a newly established Steel Retiree Health Care Board.

The Board will accept applications from steel and iron ore companies for access to the Fund to defray the cost of retiree health care benefits.

Eligible retirees will have retired prior to enactment of the bill.

The fund will be available to defray up to 75 percent of the cost of health care per individual, based on benefits available at the time of enactment adjusted for inflation in the health care market. New benefits negotiated by the union or offered by the company will not be eligible for increased funding.

If there are insufficient funds to cover all eligible health care rebates, the funds will be divided equally on a per-beneficiary basis. The funds will not be divided based on benefit costs.

After the first year the level of the tax will be adjusted annually based on the size of the fund and projected outlays, until the tax sunsets automatically. The tax will never exceed 1.5 percent.

TITLE III—Steel Loan Guarantee Adjustments

This title will address problems with the Steel Loan Guarantee program, which has proven ineffective in finalizing loans. Currently, 7 loans have been approved, but only one has actually resulted in financing for a steel company (Geneva Steel). Steel companies are finding it almost impossible to raise capital through other sources, especially due to plummeting stock prices and decreasing demand. This portion of the bill was hammered out with the help of Senator Byrd's office.

PROVISIONS OF TITLE III

The authorization of the program will be increased from $1 billion to $10 billion.

The guarantee will cover 95 percent of the loan, up from 85% under the current program.

The duration of the loan guarantee will be extended from 5 to 15 years.

The period between application to the Board and determination of a guarantee will be set at 45 days.

The Board will be composed of the Secretaries of Treasury, Commerce, and Labor, or their designees, with the Chairmanship held

by the Commerce Secretary. Currently the Board includes the Fed and SEC Chairmen, who have limited experience with the steel industry.

The funds made available from loans will be limited to capital expenditures, and will not be used to service existing debt.

TITLE IV—Incentives for Consolidation

This title will encourage the responsible consolidation of the steel industry, which is currently deeply fragmented.

PROVISIONS OF TITLE IV

A $500 million grant program at the Department of Commerce will be created.

Any time up to 1 year after a merger is completed, an eligible company, as defined as a producer of products protected under the Quota portion of the bill, will be able to apply for up to $100 million in grants to defray costs associated with the merger.

The Department of Commerce will review the merger proposal to determine if the merger will promote the retention of jobs and production capacity.

If the merger meets certain thresholds in employment and production capacity retention (retention of 80 percent of the workforce and at least 50 percent of the workforce of the acquired company and 80 percent of production capacity, not utilization), the company applying will be awarded up to $100 million in funds to defray the costs of environmental mitigation. There is clear language stating that the intent of the measure is to promote the MAXIMUM retention of workers, regardless of the 80 percent cutoff.

The applicant will also be given access to the Steelworker Retiree Health Care Trust Fund for new retirees created by the merger, if the merger occurs prior to 2010.

Requirements for employment must be met for ten years to avoid penalties. Penalties for violation of the grant agreements will be weighted more heavily in the first five years, then will gradually phase out during the following five years.

Mr. DAYTON. Mr. President, I join with the senior Senator from Minnesota and all my colleagues from steel states, in making every effort to revitalize this important and basic American industry.

There are thirty-four Senators representing twenty-four States in the Steel Caucus, and we all agree that without immediate relief from the flood of foreign steel, the future of the United States steel industry is in jeopardy. The provisions of the Steel Revitalization Act will give our domestic steel industry the time it needs to recover from the import surges of the past three years.

This bill also acknowledges the highly integrated process of making steel. It provides import relief for steel products that include iron ore and semi-finished steel. Minnesota and Michigan are the two leading states in the production of taconite. Taconite is essentially pelletized iron ore that is melted in blast furnaces and then blown with oxygen to make steel. Every ton of imported, semi-finished steel displaces 1.3 tons of iron ore in basic, domestic steel production. This means reduced production, cutbacks, and plant closings, causing devastating economic uncertainty in critical regions of these states.

This bill will provide much needed help to the hardworking people and their families who live in the Iron Range regions of Northeastern Minnesota and Northern Michigan. The bill also helps the steelworkers and the steel-making communities of West Virginia, Pennsylvania, Indiana, Ohio, to name only a few. In this crisis, we are all one family. We are people who believe that America's steel industry is a basic industry, essential to the economic and national security of our country.

Yesterday, the Department of Labor informed 1,400 workers from the LTV Steel Mining Company in Hoyt Lakes, Minnesota that they are eligible for trade adjustment assistance because of the increase in imported steel products. Last December, LTV declared bankruptcy, making these workers permanently unemployed. Trade adjustment assistance will help with extended unemployment benefits, training and relocation. I know that these workers are grateful for this assistance, but it is help that comes after LTV has closed its doors forever.

The bill we introduce today will give the industry time to restructure and provide needed capital to companies through the Steel Loan Guarantee program, a program established through the efforts of the distinguished Senator, ROBERT BYRD. The Steel Revitalization Act will help retired steelworkers with a health care fund; and help companies with necessary consolidation while at the same time requiring them to retain the majority of their workforce.

The United Steelworkers state: ''On a level playing field, there would be no steel crisis, but there is no level playing field.'' The Steel Revitalization Act will help strengthen the steel industry and make American steel competitive once again.

I promise the Minnesota taconite workers, their families, and the communities of the Iron Range, to work hard to pass this bill.

By Mr. REID (for himself and Mr. ENSIGN):

S. 958. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, and for other purposes; to the Committee on Indian Affairs.

Mr. REID. Mr. President, I rise today for myself and for Senator ENSIGN, to introduce the Western Shoshone Claims Distribution Act. I am re-introducing this much needed bill for the Western Shoshone Tribe from the second session of the 106th Congress. It had been referred to the Indian Affairs Committee, but there was not enough time at the end of the Congress to act on it.

In 1946, the Indian Claims Commission was established to compensate Indians for lands and resources taken from them by the United States. The Commission determined in 1962 that Western Shoshone homeland had been taken through ''gradual encroachment.'' In 1977, the Commission awarded the Tribe in over $26 million dollars. However, it was not until 1979, that the United States appropriated the funds to reimburse the descendants of these Tribes for their loss. Plans for claims distribution were further delayed by litigation; and the Western Shoshone concern that accepting the claims would impact their right to get back some of their traditional homelands.

The Western Shoshone are an impoverished people. There is relatively little economic activity on some of their scattered reservations. Those who are employed, work for the tribal government, work in livestock and agriculture, or work in small businesses, such as day-cares and souvenir shops. They live from pay check to pay check, with little or no money for heating their homes, much less for their children's education. Many of the Western Shoshone continue to be disproportionately affected by poverty and low educational achievement. Many individuals of the Western Shoshone are willing to accept the distribution of the claim settlement funds to relieve these difficult economic conditions. About $128.8 million (in principal and interest) would be distributed to over 6,000 eligible members of the Western Shoshone; $1.27 million (in principal and interest) would be placed in an educational trust fund for the benefit of and distribution to future generations of the Tribe.

The Western Shoshone have waited long enough for the distribution of these much needed funds. The final distribution of this fund has lingered for more than twenty years, and the best interests of the Tribe will not be served by a further delay in enacting this legislation. My bill will provide payments to eligible Western Shoshone tribal members, and ensure that future generations will be able to enjoy the financial benefits of this settlement by establishing a grant program for education and other individual needs. The Western Shoshone Steering Committee, a coalition of Western Shoshone individual tribal members, has officially requested that Congress enact legislation to affect this distribution.

This Act also provides that acceptance of these funds is not a waiver of any existing treaty rights pursuant to the Ruby Valley Treaty. Nor will acceptance of these funds prevent any Western Shoshone Tribe or Band or individual Western Shoshone Indian from pursuing other rights guaranteed by law.

Twenty-three years has been more than long enough.

Finally, I would like to highlight the fact that Senator ENSIGN of Nevada

joins me today to introduce this important bill. I know that Senator ENSIGN is concerned, as I, about the delay of the distribution of the claims to the Western Shoshone, and his support for this bill will help ensure that the Tribe will receive their long-awaited compensation.

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. 958

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 ''Western Shoshone Claims Distribution Act''.

SEC. 2. DISTRIBUTION OF DOCKET 326–K FUNDS.

The funds appropriated in satisfaction of the judgment award granted to the Western Shoshone Indians in Docket Number 326–K before the Indian Claims Commission, including all earned interest, shall be distributed as follows:

(1) The Secretary shall establish a Western Shoshone Judgment Roll consisting of all Western Shoshones who—

(A) have at least ¼ degree of Western Shoshone Blood;

(B) are citizens of the United States; and

(C) are living on the date of enactment of this Act.

(2) Any individual determined or certified as eligible by the Secretary to receive a per capita payment from any other judgment fund awarded by the Indian Claims Commission, the United States Claims Court, or the United States Court of Federal Claims, that was appropriated on or before the date of enactment of this Act, shall not be eligible for enrollment under this Act.

(3) The Secretary shall publish in the Federal Register rules and regulations governing the establishment of the Western Shoshone Judgment Roll and shall utilize any documents acceptable to the Secretary in establishing proof of eligibility. The Secretary's determination on all applications for enrollment under this paragraph shall be final.

(4) Upon completing the Western Shoshone Judgment Roll under paragraph (1), the Secretary shall make a per capita distribution of 100 percent of the funds described in this section, in a sum as equal as possible, to each person listed on the Roll.

(5)(A) With respect to the distribution of funds under this section, the per capita shares of living competent adults who have reached the age of 19 years on the date of the distribution provided for under paragraph (4), shall be paid directly to them.

(B) The per capita shares of deceased individuals shall be distributed to their heirs and legatees in accordance with regulations prescribed by the Secretary.

(C) The shares of legally incompetent individuals shall be administered pursuant to regulations and procedures established by the Secretary under section 3(b)(3) of Public Law 93-134 (25 U.S.C. 1403(b)(3)).

(D) The shares of minors and individuals who are under the age of 19 years on the date of the distribution provided for under paragraph (4) shall be held by the Secretary in supervised individual Indian money accounts. The funds from such accounts shall be disbursed over a period of 4 years in payments equaling 25 percent of the principal, plus the interest earned on that portion of the per capita share. The first payment shall be disbursed to individuals who have reached the age of 18 years if such individuals are deemed legally competent. Subsequent payments shall be disbursed within 90 days of the individual's following 3 birthdays.

(6) All funds distributed under this Act are subject to the provisions of section 7 of Public Law 93-134 (25 U.S.C. 1407).

(7) All per capita shares belonging to living competent adults certified as eligible to share in the judgment fund distribution under this section, and the interest earned on those shares, that remain unpaid for a period of 6-years shall be added to the principal funds that are held and invested in accordance with section 3, except that in the case of a minor, such 6-year period shall not begin to run until the minor reaches the age of majority.

(8) Any other residual principal and interest funds remaining after the distribution under paragraph (4) is complete shall be added to the principal funds that are held and invested in accordance with section 3.

(9) Receipt of a share of the judgment funds under this section shall not be construed as a waiver of any existing treaty rights pursuant to the ''1863 Treaty of Ruby Valley'', inclusive of all Articles I through VIII, and shall not prevent any Western Shoshone Tribe or Band or individual Shoshone Indian from pursuing other rights guaranteed by law.

SEC. 3. DISTRIBUTION OF DOCKETS 326–A–1 AND 326–A–3.

The funds appropriated in satisfaction of the judgment awards granted to the Western Shoshone Indians in Docket Numbers 326–A–1 and 326–A–3 before the United States Court of Claims, and the funds referred to under paragraphs (7) and (8) of section 2, together with all earned interest, shall be distributed as follows:

(1)(A) Not later than 120 days after the date of enactment of this Act, the Secretary shall establish in the Treasury of the United States a trust fund to be known as the ''Western Shoshone Educational Trust Fund'' for the benefit of the Western Shoshone members. There shall be credited to the Trust Fund the funds described in the matter preceding this paragraph.

(B) The principal in the Trust Fund shall not be expended or disbursed. The Trust Fund shall be invested as provided for in section 1 of the Act of June 24, 1938 (25 U.S.C. 162a).

(C)(i) All accumulated and future interest and income from the Trust Fund shall be distributed, subject to clause (ii)—

(I) as educational grants and as other forms of educational assistance determined appropriate by the Administrative Committee established under paragraph (2) to individual Western Shoshone members as required under this Act; and

(II) to pay the reasonable and necessary expenses of such Administrative Committee (as defined in the written rules and procedures of such Committee).

(ii) Funds shall not be distributed under this paragraph on a per capita basis.

(2)(A) An Administrative Committee to oversee the distribution of the educational grants and assistance authorized under paragraph (1)(C) shall be established as provided for in this paragraph.

(B) The Administrative Committee shall consist of 1 representative from each of the following organizations:

(i) The Western Shoshone Te-Moak Tribe.

(ii) The Duckwater Shoshone Tribe.

(iii) The Yomba Shoshone Tribe.

(iv) The Ely Shoshone Tribe.

(v) The Western Shoshone Business Council of the Duck Valley Reservation.

(vi) The Fallon Band of Western Shoshone.

(vii) The at large community.

(C) Each member of the Committee shall serve for a term of 4 years. If a vacancy remains unfilled in the membership of the Committee for a period in excess of 60 days, the Committee shall appoint a replacement from among qualified members of the organization for which the replacement is being made and such member shall serve until the organization to be represented designates a replacement.

(D) The Secretary shall consult with the Committee on the management and investment of the funds subject to distribution under this section.

(E) The Committee shall have the authority to disburse the accumulated interest fund under this Act in accordance with the terms of this Act. The Committee shall be responsible for ensuring that the funds provided through grants and assistance under paragraph (1)(C) are utilized in a manner consistent with the terms of this Act. In accordance with paragraph (1)(C)(i)(II), the Committee may use a portion of the interest funds to pay all of the reasonable and necessary expenses of the Committee, including per diem rates for attendance at meetings that are the same as those paid to Federal employees in the same geographic location.

(F) The Committee shall develop written rules and procedures that include such matters as operating procedures, rules of conduct, eligibility criteria for receipt of educational grants or assistance (such criteria to be consistent with this Act), application selection procedures, appeal procedures, fund disbursement procedures, and fund recoupment procedures. Such rules and procedures shall be subject to the approval of the Secretary. A portion of the interest funds in the Trust Fund, not to exceed $100,000, may be used by the Committee to pay the expenses associated with developing such rules and procedures. At the discretion of the Committee, and with the approval of the appropriate tribal governing body, jurisdiction to hear appeals of the Committee's decisions may be exercised by a tribal court, or a court of Indian offenses operated under section 11 of title 25, Code of Federal Regulations.

(G) The Committee shall employ an independent certified public accountant to prepare an annual financial statement that includes the operating expenses of the Committee and the total amount of educational grants or assistance disbursed for the fiscal year for which the statement is being prepared under this section. The Committee shall compile a list of names of all individuals approved to receive such grants or assistance during such fiscal year. The financial statement and the list shall be distributed to each organization represented on the Committee and the Secretary and copies shall be made available to the Western Shoshone members upon request.

SEC. 4. DEFINITIONS

In this Act:

(1) ADMINISTRATIVE COMMITTEE; COMMITTEE.—The terms ''Administrative Committee'' and ''Committee'' mean the Administrative Committee established under section 3(2).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) TRUST FUND.—The term ''Trust Fund'' means the Western Shoshone Educational Trust Fund established under section 3(1).

(4) WESTERN SHOSHONE MEMBERS.—The term ''Western Shoshone members'' means an individual who appears on the Western Shoshone Judgment Roll established under section 2(1), or an individual who is the lineal descendant of an individual appearing on the roll, and who—

(A) satisfies all eligibility criteria established by the Administrative Committee under section 3(F);

(B) fulfills all application requirements established by the Committee; and

(C) agrees to utilize funds distributed in accordance with section 3(1)(C)(i)(I) in a manner approved by the Committee for educational purposes.

SEC. 5. REGULATIONS.

The Secretary may promulgate such regulations as are necessary to carry out this Act.

By Mr. BAUCUS:

S. 959. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to consider the impact of severe weather conditions on Montana's aviation public and establish regulatory distinctions consistent with those applied to the State of Alaska; to the Committee on Commerce, Science, and Transportation.

Mr. BAUCUS. Mr. President, today I rise to introduce the Montana Rural Aviation Improvement Act.

As many in this body know, flying in Montana can be an adventure. There's an old saying in Montana that ''if you want the weather to change, wait five minutes''.

Simply put, this act would provide the aviation public with an accurate report of Montana's weather conditions at airports across the state.

This year the Federal Aviation Administration eliminated the use of on-site certified weather observers at Service Level D Airports in Montana. These Level D Airports are an important part of Montana's transportation infrastructure and economy. Without accurate information, both commercial and private planes may not be able to land at these airports because of inaccurate readings from the Automated Surface Observing System, ASOS.

In August 2000 I directed a member of my staff to spend a day at the Miles City weather observation station, where the Automated Surface Observing Systems system was being tested.

I am now even more convinced that the commission of the Automated Surface Observing Systems as a stand-alone weather observation service is a grave mistake.

Many of the following conditions are characteristic of Montana's complicated weather patterns and can't be accurately read by the Automated Surface Observing System.

The Automated Surface Observing System User's Guide, dated March 1998, states that the following weather elements cannot be sensed or reported by Automated Surface Observing System; hail; ice crystals (snow grains, ice pellets, snow pellets); drizzle, freezing drizzle; volcanic ash; blowing obstruction sand, dust, spray; smoke; snow fall and snow depth; hourly snow increase; liquid equivalent of frozen precipitation; water equivalent of snow on the ground; clouds above 12,000 feet; operationally significant clouds above 12,000 feet in mountainous areas; virga; distant precipitation in mountainous and areas and distant clouds obscuring mountains; and operationally significant local variations in visibility.

Five of the seven airports affected provide commercial airline service through the Essential Air Service, EAS, program—a program that is indispensable to the transportation and economy of Eastern Montana. With Automated Surface Observing System on stand-alone, Montana's EAS commercial carrier has expressed real reservations to landing at airports where data may or may not be current or correct, and especially in circumstances where Automated Surface Observing System does not yet read inclement or severe weather conditions common to Montana. As you know, airline service is dependent on one thing—passengers. If they cannot land, who would pay to fly?

This past summer I hosted the Montana Economic Summit, a statewide conference that brought together a strong public- private partnership to examine the evidence, chart a course and focus on those elements we can execute to help move this state forward. Transportation is a strong component of this state's economy. If commercial air service is impacted, it will have a dire and immediate impact on my state's economy, currently ranked at 49th in per capita income and struggling to climb out of the basement.

I would like to add an accountability log compiled by the Miles City weather observers that identifies errors Automated Surface Observing System in data collected and reported by the Automated Surface Observing System at the Miles City Airport from April–July 2000. My staff observed the hourly accounting throughout the day, particularly noting the frustration by weather observers to input, correct and transmit data via the keyboard and terminal. It is extremely important to note that Montana's weather observers see the Automated Surface Observing System as a compatible tool to complement their professional training and provide the safest environment for Montana aviation.

Maintenance and operational backup are of additional concern in Montana's rural landscape. It goes without saying that in instances of severe weather, when the Automated Surface Observing System should go down without backup, it effectively closes the airport to any traffic, commercial or private, that cannot or will not land without the technological benefit of reliable weather data. This process could clearly impact the safety of Montana's flying public.

It cannot be overemphasized that in many smaller airports, specifically Service Level C&D sites, these observers are critical to the overall operation and safety of community airspace. I know you would have felt the same pride and support for the human weather observer positions that I do. We are one team, working for the same goal.

The best available tools should be used to provide the most accurate data in situations involving public safety. The human weather observers assure me that Automated Surface Observing System as a tool, combined with their individual ability to override, correct or supplement weather data gathered by the sensors, will provide the American public with the highest quality safety and weather reporting capability in the world.

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. 959

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 ''Montana Rural Aviation Improvement Act''.

SEC. 2. MONTANA RURAL AVIATION IMPROVEMENT.

(a) IN GENERAL.—Section 40113 of title 49, United States Code, is amended by adding at the end the following:

''(g) APPLICATION OF CERTAIN REGULATIONS TO MONTANA.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Montana, the Administrator of the Federal Aviation Administration shall consider the impact of severe weather conditions on Montana's aviation public and shall, on the basis of such considerations, establish regulatory distinctions consistent with those applied to the State of Alaska for mike-in-hand weather observation.''.

(b) IMPROVED AVAILABILITY OF INFORMATION ON WEATHER OBSERVATIONS.—

(1) FINDING.—Congress finds that the on-site certified weather observation programs at Service Level D sites in Montana are part of the essential air services in Montana and are frequently used by pilots of aircraft under emergency circumstances.

(2) MIKE-IN-HAND WEATHER OBSERVATION.—

(A) REQUIREMENT.—On-site weather observers at sites referred to in paragraph (1) shall use a mike-in-hand weather observation and reporting technique to correct and supplement weather information derived from Automated Surface Observation Sensors (ASOS) at the sites.

(B) MIKE-IN-HAND TECHNIQUE.—For the purposes of this paragraph, a mike-in-hand weather observation and reporting technique is a routine practice by which a weather observer uses radio communication to report information on weather observations directly to a pilot requesting the information,

thereby ensuring that the pilot has nearly real-time access to the information.

(C) PERSONNEL TO WHICH APPLICABLE.—This paragraph applies to—

(i) on-site weather observers who are Federal Aviation Administration employees, National Weather Service employees, other Federal Government employees, or State employees; and

(ii) persons providing on-site weather observation services on a full-time or part-time basis under a contract for such services entered into by an official of the Federal Government, an official of the Government of Montana, or an official of a political subdivision of Montana.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. COCHRAN, Ms. COLLINS, Mr. DASCHLE, Mr. DORGAN, Mr. ENSIGN, Mrs. MURRAY, Ms. STABENOW, and Mr. WARNER):

S. 960. A bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the Medicare program for beneficiaries with cardiovascular diseases; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce bipartisan legislation with my good friend and colleague from Idaho, Senator CRAIG and a bipartisan group of additional Senators. This legislation, entitled the ''Medicare Medical Nutrition Therapy Amendment Act of 2001,'' provides for the coverage of nutrition therapy for cardiovascular disease under Part B of the Medicare program by a registered dietitian.

This bill builds on provisions in the ''Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act,'' otherwise known as BIPA, which included coverage of Medicare nutrition therapy for diabetes and renal disease taken from my legislation last year, S. 660, the ''Medicare Medical Nutrition Therapy Act of 1999.''

This bipartisan legislation is necessary because there is currently no consistent Medicare Part B coverage policy for medical nutrition therapy, despite the fact that poor nutrition is a major problem in older Americans. Nutrition therapy in the ambulatory or outpatient settings has been considered by Medicare to be a preventive service, and therefore, not explicitly covered.

While it was significant that nutrition therapy coverage was added to Part B of the Medicare program for diabetes and renal disease, it is critical that the Congress also takes action to cover cardiovascular disease through passage of this legislation, as recommended by the Institute of Medicine in its report, The Role of Nutrition in Maintaining Health in the Nation's Elderly: Evaluating Coverage of Nutrition Services for the Medicare Population.

The report, which had been requested by Congress in the Balanced Budget Act of 1997, found that nutrition therapy has been shown to be effective in the management and treatment of many chronic conditions which affect Medicare beneficiaries, including diabetes and chronic renal insufficiency, but also cardiovascular disease. As the IOM notes, ''Cardiovascular diseases are the leading cause of death and major contributors to medical utilization and disability . . . Furthermore, there is a striking age-related rise in mortality from heart disease such that the vast majority of deaths due to heart disease occur in persons age 65 and older.''

In addition, the costs associated with cardiovascular disease are substantial with regard to the Medicare program. According to the IOM, ''. . . in 1995, Medicare spent $24.6 billion for hospital expenses related to [cardiovascular diseases], an amount that corresponds to 33 percent of its hospitalization expenditures.''

Providing nutrition therapy to Medicare beneficiaries could positively impact the Medicare Part A Trust Fund if hospitalization could be reduced or avoided. The IOM found this would likely occur. As the report notes, ''Such programs can prevent readmissions for heart failure, reduce subsequent length of stay, and improve functional status and quality-of-life . . . In view of the high costs of managing heart failure, particular admissions for heart failure exacerbations, and the rapid response to therapies, there is a real potential for cost savings from multidisciplinary heart failure programs that include nutrition therapy.''

It is exactly the type of cost effective care that we should encourage in the Medicare program. As the American Heart Association adds in their letter of support for this legislation, Dr. Robert Eckel points out that, in one study, ''for every dollar spent on [Medicare nutrition therapy] there is a three to ten dollar cost savings realized by reducing the need for drug therapy.'' With drug costs increasing dramatically, this could potentially result in significant cost savings to Medicare beneficiaries.

Therefore, both the Medicare program and beneficiaries would benefit from this expanded benefit. As the IOM concludes, ''Expanded coverage for nutrition therapy is likely to generate economically significant benefits to beneficiaries, and in the short term to the Medicare program itself, through reduced healthcare expenditures. . . .''

Most importantly, it would also improve the quality of care of Medicare beneficiaries. As the IOM report adds, ''Whether or not expanded coverage reduces overall Medicare expenditures, it is recommended that these services be reimbursed given the reasonable evidence of improved patient outcomes associated with such care.''

For these reasons, I am pleased to be introducing the ''Medicare Medical Nutrition Therapy Amendment Act of 2001'' today with Senator CRAIG.

However, as this legislation is introduced, I do want to note that the IOM also recommended nutrition therapy be covered based on physician referral rather than a specific medical condition. The original legislation introduced in the last Congress by Senator CRAIG and myself did just that but was made disease-specific in conference last year. While I am pleased to introduce this legislation to include cardiovascular disease, I do believe that we need to move toward eliminating this disease-specific approach in the near future. For example, I believe that Medicare should also provide Medicare nutrition therapy for HIV/AIDS, cancer, and osteoporosis, among other things.

In the meantime, I urge the Congress to expand Medicare nutrition therapy benefits to cover cardiovascular diseases as soon as possible.

I request 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. 960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Medical Nutrition Therapy Amendment Act of 2001''.

SEC. 2. COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES FOR BENEFICIARIES WITH CARDIOVASCULAR DISEASES.

(a) IN GENERAL.—Section 1861(s)(2)(V) of the Social Security Act (42 U.S.C. 1395x(s)(2)(V)), as added by subsection (a) of section 105 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–471), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended to read as follows:

''(V) medical nutrition therapy services (as defined in subsection (vv)(1)) in the case of a beneficiary—

''(i) with a cardiovascular disease (including congestive heart failure, arteriosclerosis, hyperlipidemia, hypertension, and hypercholesterolemia), diabetes, or a renal disease (or a combination of such conditions) who—

''(I) has not received diabetes outpatient self-management training services within a time period determined by the Secretary;

''(II) is not receiving maintenance dialysis for which payment is made under section 1881; and

''(III) meets such other criteria determined by the Secretary after consideration of protocols established by dietitian or nutrition professional organizations; or

''(ii) with a combination of such conditions who—

''(I) is not described in clause (i) because of the application of subclause (I) or (II) of such clause;

''(II) receives such medical nutrition therapy services in a coordinated manner (as determined appropriate by the Secretary) with any services described in such subclauses that the beneficiary is receiving; and

''(III) meets such other criteria determined by the Secretary after consideration of protocols established by dietitian or nutrition professional organizations;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of such section 105.

By Mr. HUTCHINSON:

S. 962. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Governmental Affairs.

Mr. HUTCHINSON. 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. 962

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 ''Government Neutrality in Contracting Act''.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

SEC. 3. PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.

(a) PROHIBITION.—

(1) GENERAL RULE.—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(A) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organization, with respect to that construction project or another related construction project; or

(B) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(i) became a signatory, or otherwise adhered to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project; or

(ii) refused to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(2) APPLICATION OF PROHIBITION.—The provisions of this section shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such paragraph.

(b) RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(1) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in subparagraph (A) or (B) of subsection (a)(1); or

(2) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in paragraph (1), do not contain any of the requirements or prohibitions described in subparagraph (A) or (B) of subsection (a)(1)

(c) FAILURE TO COMPLY.—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient or party, fails to comply with subsection (a) or (b), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(d) EXEMPTIONS.—

(1) SPECIAL CIRCUMSTANCES.—

(A) IN GENERAL.—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of subsections (a) and (b) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(B) DEFINITION.—For purposes of subparagraph (A), a finding of ''special circumstances'' may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(2) ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.—The head of an executive agency, upon the application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all of the provisions of subsections (a) or (c), if the agency head finds—

(A) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents, with respect to that particular project, which contained any of the requirements or prohibitions set forth in subsection (a)(1); and

(B) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(e) FEDERAL ACQUISITION REGULATORY COUNCIL.—With respect to Federal contracts to which this section applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this section.

(f) DEFINITIONS.—In this section:

(1) CONSTRUCTION CONTRACT.—The term ''construction contract'' means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 105 of title 5, United States Code, except that such term shall not include the General Accounting Office.

(3) LABOR ORGANIZATION.—The term ''labor organization'' has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 94—EXPRESSING THE SENSE OF THE SENATE TO DESIGNATE MAY 28, 2001, AS A SPECIAL DAY FOR RECOGNIZING THE MEMBERS OF THE ARMED FORCES WHO HAVE BEEN KILLED IN HOSTILE ACTION SINCE THE END OF THE VIETNAM WAR

Mr. CLELAND (for himself, Mr. MCCAIN, Mr. LEVIN, Mrs. HUTCHISON, Mr. BIDEN, Mr. JEFFORDS, Ms. LANDRIEU, Mr. BENNETT, Mr. MILLER, Mrs. MURRAY, Mr. JOHNSON, Mrs. CARNAHAN, Mr. DAYTON, Mr. CONRAD, Mr. KENNEDY, Mr. DURBIN, Mr. HATCH, Mrs. CLINTON, Mr. SESSIONS, Mr. ALLEN, and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agree to:

S. RES. 94

Whereas the House and Senate have passed measures that will expedite the long-overdue memorial commemorating the sacrifices of those who fought and died in World War II;

Whereas with the completion of the World War II Memorial, there will be memorials in the capital of our Nation for each of the major conflicts of the last century;

Whereas approximately 650 members of the Armed Services have been killed in hostile action since the end of the Vietnam War;

Whereas the circumstances surrounding these deaths have been characterized both by large scale conflicts and a number of smaller incidents and actions which have received little attention;

Whereas the sacrifice of these men and women is held as dearly by their fellow citizens as the sacrifice of those claimed by earlier struggles; and

Whereas the loss of these men and women stands in testament to the risks undertaken by all members of the Armed Services each day as they carry out their duty to support and defend the Constitution: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to designate May 28, 2001, as a special day for recognizing the sacrifice of the members of the Armed Forces killed in hostile action since the end of the Vietnam War, and the sacrifices of the families of the members;

(2) to make the designation under paragraph (1) on May 28, 2001, in light of the traditional Memorial Day recognition of the veterans of the United States who have given their lives in defense of our Nation;

(3) to recognize that we live in a time of international unrest and that military service in such a time is inherently dangerous and requires the willingness to face the most extreme hazards at unexpected times and places; and

(4) to acknowledge that the people of the United States owe a debt of gratitude to all members of the Armed Services who place themselves in harm's way each day, and to their families.

SENATE CONCURRENT RESOLUTION 43—EXPRESSING THE SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S ONGOING PRACTICE OF LIMITING UNITED STATES MOTOR VEHICLES ACCESS TO ITS DOMESTIC MARKET

Mr. LEVIN (for himself and Mr. VOINOVICH) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 43

Whereas the Government of the Republic of Korea over many years has provided aid to the Korean automotive industry enabling that industry to develop into the fourth largest automotive industry in the world, after the United States, Japan, and the European Union;

Whereas the domestic automotive market of the Republic of Korea was completely closed to all international automotive manufacturers until 1990, and not completely open to all automotive manufacturers until 1999;

Whereas in response to complaints by the United States that the Government of the Republic of Korea was practicing unfair trade in the automotive sector, and that there was continuing anti-import bias and increasing disparity in market access for foreign motor vehicles, the Government of Korea signed two Memorandums of Understanding (MOU) with the United States in 1995 and 1998 in an effort to help increase foreign motor vehicle access to the Korean automotive market;

Whereas in the 1998 MOU, the Government of the Republic of Korea pledged specifically to simplify its tax regime in a manner that enhanced market access for foreign motor vehicles, improve the perception of foreign motor vehicles in Korea, simplify and streamline Korea's type-approval system procedures for foreign motor vehicles and other standards issues, and establish a mortgage system for motor vehicles;

Whereas 3 years after signing the 1998 MOU, the Government of the Republic of Korea has not substantially increased market access for foreign motor vehicles and its motor vehicle market still does not operate according to market principles, as evidenced by the fact that the share of the market held by foreign motor vehicles was lower in 2000 than it was in 1998, and remains the lowest of any industrialized nation;

Whereas 3 years after signing the 1998 MOU, the Government of the Republic of Korea has not made sufficient advances in simplifying its tax regime for motor vehicles or improving the perception of foreign motor vehicles in Korea;

Whereas 3 years after signing the 1998 MOU, the Government of the Republic of Korea has not taken the necessary steps to implement the MOU fully and effectively, as evidenced by the extraordinarily low foreign motor vehicle presence in Korea;

Whereas Korea is a major exporter of motor vehicles and automotive parts to the United States, reaching over a total value of $5,910,000,000 last year, compared to a total value of $480,000,000 in United States motor vehicles and automotive parts exported to Korea last year, resulting in a total automotive trade deficit of $5,300,000,000;

Whereas the extremely low level of United States vehicle sales in the Republic of Korea means that there is great difficulty in selling United States made automotive components, systems, and parts in Korea;

Whereas 1,057,620 motor vehicles were sold in the Republic of Korea in 2000, only 4,414 (or 0.42 percent) were imported and only 1,268 of those vehicles (or 0.12 percent) were made in the United States;

Whereas one Korean auto maker maintains monopolistic control of over 75 percent of Korea's domestic market; and

Whereas some Korean organizations and institutions continue to support anti-competitive activities that perpetuate entrenched commercial interests at the expense of free trade, Korean consumers, and the overall Korean economy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) believes strongly that an economically stable Republic of Korea is in the best overall foreign policy and economic interests of the United States;

(2) notes that past practices, such as protection from international competition, preferential access to credit, low interest loans, and the policy of providing assistance to chaebols in general, and the automotive sector specifically, contributed to the 1997–1998 Asian financial crisis, threatened the economic stability of the Republic of Korea and undermined the relationship between the United States and the Republic of Korea;

(3) believes that economic policies and practices effectively limiting United States manufacturers' access to the Korean automotive sector are inconsistent with the general trend toward a market-oriented approach, and that the relationship between the United States and the Republic of Korea has been, and will continue to be, significantly harmed by unfair treatment of imports of United States motor vehicles;

(4) calls on the Republic of Korea to immediately end the practices that have led to the disparity in market access, as well as to take proactive steps to repair the damage done by past policies and practices;

(5) calls on the Republic of Korea to meet the letter and spirit of the commitments contained in the 1998 Memorandum of Understanding it signed with the United States; and

(6) calls on the United States Trade Representative, the Secretary of Commerce, and the Secretary of State to monitor and report to Congress on the steps that have been taken to end the disparity in market access for imported motor vehicles in the Republic of Korea.

Mr. LEVIN. Mr. President, today, as co-chairman of the Senate Auto Caucus, I am submitting with my colleague and Auto Caucus co-chairman, Senator VOINOVICH, a Concurrent Resolution urging Korea to remove its automotive trade barriers to U.S. automotive exports.

Our resolutions urges the Republic of Korea to immediately end practices that have restricted market access for U.S. made automobiles and auto parts and meet the letter and spirit of the commitments it made in the 1998 Memorandum of Understanding in Automotive Trade. An identical Resolution is being submitted in the House by the co-chairmen of the House Auto Caucus. I call on both chambers to act swiftly to pass this important measure and send a strong signal to the Government of Korea that it's time to remove these trade barriers.

The Senate and House Auto Caucuses have worked hard to bring attention to the rapidly increasing automotive trade deficit between the United States and South Korea. We have urged our Government to make it a priority to remove barriers to competitive U.S. automotive exports to Korea. It is a matter of simple fairness and American jobs.

When it comes to automotive trade between the United States and Korea, the numbers speak for themselves. Korea has the most closed market for imported motor vehicles in the developed world with foreign vehicles making up less than one half of one percent of its total vehicle market. At the same time, Korea is dependent on open markets to absorb its automotive exports and has become one of the world's major auto exporting countries. The relationship is so blatantly unfair that Korea cannot deny their market is closed. Last year, Korea imported only 1,000 vehicles from the United States and exported nearly 500,000 to the United States.

This grossly unfair automotive trade relationship is due to the continuation in Korea of discriminatory practices such as labeling foreign vehicles as ''luxury goods''; ignoring harassment by the media and others of foreign vehicles owners; and an automotive tax system which discriminates against imported vehicles, making them prohibitively expensive.

It's not fair and our message to Korea is that we don't accept it.

That is why we submit this Concurrent Resolution on the even of the next round of trade negotiations between the United States and Korea which start in mid-June. The message we wish to send is clear and simple: we expect to see some significant market

opening concessions by the Government of Korea in this round of negotiations and we expect to see the result in the form of actual and significantly increased sales of U.S. vehicles and parts in Korea.

After five years of bilateral negotiations and two major trade agreements, imported automobiles are still locked out of Korea. This situation is unacceptable to the United States Congress and to the American people and it has to change. We expect and hope that the Korean Government will quadruple the effort that is required of them in order to ensure an open Korean market to U.S. automotive products. The nearly 2.5 million men and women working in the largest manufacturing and highest exporting industry in our country deserve nothing less.

AMENDMENTS SUBMITTED AND PROPOSED

SA 790. Mr. THOMAS (for Mr. SPECTER (for himself, Mr. ROCKEFELLER, and Mr. DAYTON) proposed an amendment to the bill H.R. 801, an act to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments, and for other purposes.

TEXT OF AMENDMENTS

SA 790. Mr. THOMAS (for Mr. SPECTER (for himself, Mr. ROCKEFELLER, and Mr. DAYTON) proposed an amendment to the bill H.R. 801, an act to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments, and for other purposes; as follows:

AMENDMENT NO. 790

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Survivor Benefits Improvements Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code. .....
Sec. 3. Eligibility for benefits under CHAMPVA for veterans' survivors who are eligible for hospital insurance benefits under the medicare program. .....
Sec. 4. Family coverage under Servicemembers' Group Life Insurance. .....
Sec. 5. Retroactive applicability of increase in maximum SGLI benefit for members dying in performance of duty on or after October 1, 2000.
Sec. 6. Expansion of outreach efforts to eligible dependents. .....
Sec. 7. Technical amendments to the Montgomery GI Bill statute. .....
Sec. 8. Miscellaneous technical amendments. .....

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. ELIGIBILITY FOR BENEFITS UNDER CHAMPVA FOR VETERANS' SURVIVORS WHO ARE ELIGIBLE FOR HOSPITAL INSURANCE BENEFITS UNDER THE MEDICARE PROGRAM.

Subsection (d) of section 1713 is amended to read as follows:

''(d)(1)(A) An individual otherwise eligible for medical care under this section who is also entitled to hospital insurance benefits under part A of the medicare program is eligible for medical care under this section only if the individual is also enrolled in the supplementary medical insurance program under part B of the medicare program.

''(B) The limitation in subparagraph (A) does not apply to an individual who—

''(i) has attained 65 years of age as of the date of the enactment of the Veterans' Survivor Benefits Improvements Act of 2001; and

''(ii) is not enrolled in the supplementary medical insurance program under part B of the medicare program as of that date.

''(2) Subject to paragraph (3), if an individual described in paragraph (1) receives medical care for which payment may be made under both this section and the medicare program, the amount payable for such medical care under this section shall be the amount by which (A) the costs for such medical care exceed (B) the sum of—

''(i) the amount payable for such medical care under the medicare program; and

''(ii) the total amount paid or payable for such medical care by third party payers other than the medicare program.

''(3) The amount payable under this subsection for medical care may not exceed the total amount that would be paid under subsection (b) if payment for such medical care were made solely under subsection (b).

''(4) In this paragraph:

''(A) The term 'medicare program' means the program of health insurance administered by the Secretary of Health and Human Services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

''(B) The term 'third party' has the meaning given that term in section 1729(i)(3) of this title.''.

SEC. 4. FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) INSURABLE DEPENDENTS.—(1) Section 1965 is amended by adding at the end the following new paragraph:

''(10) The term 'insurable dependent', with respect to a member, means the following:

''(A) The member's spouse.

''(B) The member's child, as defined in the first sentence of section 101(4)(A) of this title.''.

(2) Section 101(4)(A) is amended in the matter preceding clause (i) by inserting ''(other than with respect to a child who is an insurable dependent under section 1965(10)(B) of such chapter)'' after ''except for purposes of chapter 19 of this title''.

(b) INSURANCE COVERAGE.—(1) Subsection (a) of section 1967 is amended to read as follows:

''(a)(1) Subject to an election under paragraph (2), any policy of insurance purchased by the Secretary under section 1966 of this title shall automatically insure the following persons against death:

''(A) In the case of any member of a uniformed service on active duty (other than active duty for training)—

''(i) the member; and

''(ii) each insurable dependent of the member.

''(B) Any member of a uniformed service on active duty for training or inactive duty training scheduled in advance by competent authority.

''(C) In the case of any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title—

''(i) the member; and

''(ii) each insurable dependent of the member.

''(2)(A) A member may elect in writing not to be insured under this subchapter.

''(B) A member may elect in writing not to insure the member's spouse under this subchapter.

''(3)(A) Subject to subparagraphs (B) and (C), the amount for which a person is insured under this subchapter is as follows:

''(i) In the case of a member, $250,000.

''(ii) In the case of a member's spouse, $100,000.

''(iii) In the case of a member's child, $10,000.

''(B) A member may elect in writing to be insured or to insure the member's spouse in an amount less than the amount provided for under subparagraph (A). The member may not elect to insure the member's child in an amount less than $10,000. The amount of insurance so elected shall, in the case of a member or spouse, be evenly divisible by $10,000.

''(C) In no case may the amount of insurance coverage under this subsection of a member's spouse exceed the amount of insurance coverage of the member.

''(4)(A) An insurable dependent of a member is not insured under this chapter unless the member is insured under this subchapter.

''(B) An insurable dependent who is a child may not be insured at any time by the insurance coverage under this chapter of more than one member. If an insurable dependent who is a child is otherwise eligible to be insured by the coverage of more than one member under this chapter, the child shall be insured by the coverage of the member whose eligibility for insurance under this subchapter occurred first, except that if that member does not have legal custody of the child, the child shall be insured by the coverage of the member who has legal custody of the child.

''(5) The insurance shall be effective with respect to a member and the insurable dependents of the member on the latest of the following dates:

''(A) The first day of active duty or active duty for training.

''(B) The beginning of a period of inactive duty training scheduled in advance by competent authority.

''(C) The first day a member of the Ready Reserve meets the qualifications set forth in section 1965(5)(B) of this title.

''(D) The date certified by the Secretary to the Secretary concerned as the date Servicemembers' Group Life Insurance under this subchapter for the class or group concerned takes effect.

''(E) In the case of an insurable dependent who is a spouse, the date of marriage of the spouse to the member.

''(F) In the case of an insurable dependent who is a child, the date of birth of such child

or, if the child is not the natural child of the member, the date on which the child acquires status as an insurable dependent of the member.''.

(2) Subsection (c) of such section is amended by striking the first sentence and inserting the following: ''If a person eligible for insurance under this subchapter is not so insured, or is insured for less than the maximum amount provided for the person under subparagraph (A) of subsection (a)(3), by reason of an election made by a member under subparagraph (B) of that subsection, the person may thereafter be insured under this subchapter in the maximum amount or any lesser amount elected as provided in such subparagraph (B) upon written application by the member, proof of good health of each person (other than a child) to be so insured, and compliance with such other terms and conditions as may be prescribed by the Secretary.''.

(c) TERMINATION OF COVERAGE.—(1) Subsection (a) of section 1968 is amended—

(A) in the matter preceding paragraph (1), by inserting ''and any insurance thereunder on any insurable dependent of such a member,'' after ''any insurance thereunder on any member of the uniformed services,''; and

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

''(5) With respect to an insurable dependent of the member, insurance under this subchapter shall cease—

''(A) 120 days after the date of an election made in writing by the member to terminate the coverage; or

''(B) on the earliest of—

''(i) 120 days after the date of the member's death;

''(ii) 120 days after the date of termination of the insurance on the member's life under this subchapter; or

''(iii) 120 days after the termination of the dependent's status as an insurable dependent of the member.''.

(2) Such subsection is further amended—

(A) in the matter preceding paragraph (1), by striking '', and such insurance shall cease—'' and inserting ''and such insurance shall cease as follows:'';

(B) by striking ''with'' after the paragraph designation in each of paragraphs (1), (2), (3), and (4) and inserting ''With'';

(C) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''thirty-one days—'' and inserting ''31 days, insurance under this subchapter shall cease—'';

(ii) in subparagraph (A)—

(I) by striking ''one hundred and twenty days'' after ''(A)'' and inserting ''120 days''; and

(II) by striking ''prior to the expiration of one hundred and twenty days'' and inserting ''before the end of 120 days''; and

(iii) by striking the semicolon at the end of subparagraph (B) and inserting a period;

(D) in paragraph (2)—

(i) by striking ''thirty-one days'' and inserting ''31 days,'';

(ii) by striking ''one hundred and twenty days'' both places it appears and inserting ''120 days''; and

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

(E) in paragraph (3)—

(i) by inserting a comma after ''competent authority'';

(ii) by striking ''one hundred and twenty days'' both places it appears and inserting ''120 days''; and

(iii) by striking ''; and'' at the end and inserting a period; and

(F) in paragraph (4), by inserting ''insurance under this subchapter shall cease'' before ''120 days after '' the first place it appears.

(3) Subsection (b)(1)(A) of such section is amended by inserting ''(to insure against death of the member only)'' after ''converted to Veterans' Group Life Insurance''.

(d) PREMIUMS.—Section 1969 is amended by adding at the end the following new subsections:

''(g)(1)(A) During any period in which a spouse of a member is insured under this subchapter and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary as the premium allocable to the pay period for providing that insurance coverage. No premium may be charged for providing insurance coverage for a child.

''(B) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and the spouse of the member is insured under a policy of insurance purchased by the Secretary under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary (which shall be the same for all such members) as the share of the cost attributable to insuring the spouse of such member under this policy, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made.

''(2)(A) The Secretary shall determine the premium amounts to be charged for life insurance coverage for spouses of members under this subchapter.

''(B) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

''(C) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary in advance of that policy year.

''(h) Any overpayment of a premium for insurance coverage for an insurable dependent of a member that is terminated under section 1968(a)(5) of this title shall be refunded to the member.''.

(e) PAYMENTS OF INSURANCE PROCEEDS.—Section 1970 is amended by adding at the end the following new subsection:

''(i) Any amount of insurance in force on an insurable dependent of a member under this subchapter on the date of the dependent's death shall be paid, upon the establishment of a valid claim therefor, to the member or, in the event of the member's death before payment to the member can be made, then to the person or persons entitled to receive payment of the proceeds of insurance on the member's life under this subchapter.''.

(f) CONVERSION OF SGLI TO PRIVATE LIFE INSURANCE.—Section 1968(b) is amended by adding at the end the following new paragraph:

''(3)(A) In the case of a policy purchased under this subchapter for an insurable dependent who is a spouse, upon election of the spouse, the policy may be converted to an individual policy of insurance under the same conditions as described in section 1977(e) of this title (with respect to conversion of a Veterans' Group Life Insurance policy to such an individual policy) upon written application for conversion made to the participating company selected by the spouse and payment of the required premiums. Conversion of such policy to Veterans' Group Life Insurance is prohibited.

''(B) In the case of a policy purchased under this subchapter for an insurable dependent who is a child, such policy may not be converted under this subsection.''.

(g) EFFECTIVE DATE AND INITIAL IMPLEMENTATION.—(1) The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

(2) Each Secretary concerned, acting in consultation with the Secretary of Veterans Affairs, shall take such action as is necessary to ensure that during the period between the date of the enactment of this Act and the effective date determined under paragraph (1) each eligible member—

(A) is furnished an explanation of the insurance benefits available for dependents under the amendments made by this section; and

(B) is afforded an opportunity before such effective date to make elections that are authorized under those amendments to be made with respect to dependents.

(3) For purposes of paragraph (2):

(A) The term ''Secretary concerned'' has the meaning given that term in section 101 of title 38, United States Code.

(B) The term ''eligible member'' means a member of the uniformed services described in subparagraph (A) or (C) of section 1967(a)(1) of title 38, United States Code, as amended by subsection (b)(1).

SEC. 5. RETROACTIVE APPLICABILITY OF INCREASE IN MAXIMUM SGLI BENEFIT FOR MEMBERS DYING IN PERFORMANCE OF DUTY ON OR AFTER OCTOBER 1, 2000.

(a) APPLICABILITY OF INCREASE IN BENEFIT.—Notwithstanding subsection (c) of section 312 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1854), the amendments made by subsection (a) of that section shall take effect on October 1, 2000, with respect to any member of the uniformed services who died in the performance of duty (as determined by the Secretary concerned) during the period beginning on October 1, 2000, and ending at the close of March 31, 2001, and who on the date of death was insured under the Servicemembers' Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code, for the maximum coverage available under that program.

(b) DEFINITIONS.—In this section:

(1) The term ''Secretary concerned'' has the meaning given that term in section 101(25) of title 38, United States Code.

(2) The term ''uniformed services'' has the meaning given that term in section 1965(6) of title 38, United States Code.

SEC. 6. EXPANSION OF OUTREACH EFFORTS TO ELIGIBLE DEPENDENTS.

(a) AVAILABILITY OF OUTREACH SERVICES FOR CHILDREN, SPOUSES, SURVIVING SPOUSES, AND DEPENDENT PARENTS.—Paragraph (2) of section 7721(b) is amended to read as follows:

''(2) the term 'eligible dependent' means a spouse, surviving spouse, child, or dependent

parent of a person who served in the active military, naval, or air service.''.

(b) IMPROVED OUTREACH PROGRAM.—(1) Subchapter II of chapter 77 is amended by adding at the end the following new section:

''§ 7727. Outreach for eligible dependents

''(a) In carrying out this subchapter, the Secretary shall ensure that the needs of eligible dependents are fully addressed.

''(b) The Secretary shall ensure that the availability of outreach services and assistance for eligible dependents under this subchapter is made known through a variety of means, including the Internet, announcements in veterans publications, and announcements to the media.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 7726 the following new item:

''7727. Outreach for eligible dependents.''.

SEC. 7. TECHNICAL AMENDMENTS TO THE MONTGOMERY GI BILL STATUTE.

(a) CLARIFICATION OF ELIGIBILITY REQUIREMENT FOR BENEFITS.—

(1) IN GENERAL.—Clause (i) of section 3011(a)(1)(A), as amended by section 103(a)(1)(A) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1825), is amended by striking ''serves an obligated period of active duty of'' and inserting ''(I) in the case of an individual whose obligated period of active duty is three years or more, serves at least three years of continuous active duty in the Armed Forces, or (II) in the case of an individual whose obligated period of active duty is less than three years, serves''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419).

(b) ENTITLEMENT CHARGE FOR OFF-DUTY TRAINING AND EDUCATION.—

(1) IN GENERAL.—Section 3014(b)(2) is amended—

(A) in subparagraph (A), by striking ''(without regard to'' and all that follows through ''this subsection''; and

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

''(C) The number of months of entitlement charged under this chapter in the case of an individual who has been paid a basic educational assistance allowance under this subsection shall be equal to the number (including any fraction) determined by dividing the total amount of such educational assistance allowance paid the individual by the full-time monthly institutional rate of educational assistance which such individual would otherwise be paid under subsection (a)(1), (b)(1), (c)(1), (d)(1), or (e)(1) of section 3015 of this title, as the case may be.''.

(2) CONFORMING AMENDMENTS.—(A) Section 3015 is amended—

(i) in subsections (a)(1) and (b)(1), by inserting ''subsection (h)'' after ''from time to time under''; and

(ii) by striking the subsection that was inserted as subsection (g) by section 1602(b)(3)(C) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–359) and redesignated as subsection (h) by 105(b)(2) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1829).

(B) Section 3032(b) is amended—

(i) by striking ''the lesser of'' and inserting ''the least of the following:'';

(ii) by striking ''or'' after ''chapter,''; and

(iii) by inserting before the period at the end the following: '', or (3) the amount of the charges of the educational institution elected by the individual under section 3014(b)(1) of this title''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419).

(c) INCREMENTAL INCREASES FOR CONTRIBUTING ACTIVE DUTY MEMBERS.—

(1) ACTIVE DUTY PROGRAM.—Section 3011(e), as added by section 105(a)(1) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828), is amended—

(A) in paragraph (2), by inserting '', but not more frequently than monthly'' before the period;

(B) in paragraph (3), by striking ''$4'' and inserting ''$20''; and

(C) in paragraph (4)—

(i) by striking ''Secretary. The'' and inserting ''Secretary of the military department concerned. That''; and

(ii) by striking ''by the Secretary''.

(2) SELECTED RESERVE PROGRAM.—Section 3012(f), as added by section 105(a)(2) of such Act, is amended—

(A) in paragraph (2), by inserting '', but not more frequently than monthly'' before the period;

(B) in paragraph (3), by striking ''$4'' and inserting ''$20''; and

(C) in paragraph (4)—

(i) by striking ''Secretary. The'' and inserting ''Secretary of the military department concerned. That''; and

(ii) by striking ''by the Secretary''.

(3) INCREASED ASSISTANCE AMOUNT.—Section 3015(g), as added by section 105(b)(3) of such Act, is amended—

(A) in the matter preceding paragraph (1), by inserting ''effective as of the first day of the enrollment period following receipt of such contributions from such individual by the Secretary concerned,'' after ''by section 3011(e) or 3012(f) of this title,''; and

(B) in paragraph (1)—

(i) by striking ''$1'' and inserting ''$5'';

(ii) by striking ''$4'' and inserting ''$20''; and

(iii) by inserting ''of this title'' after ''section 3011(e) or 3012(f)''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 105 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828).

(d) DEATH BENEFITS.—

(1) IN GENERAL.—Paragraph (1) of section 3017(b) is amended to read as follows:

''(1) the total of—

''(A) the amount reduced from the individual's basic pay under section 3011(b), 3012(c), 3018(c), 3018A(b), 3018B(b), 3018C(b), or 3018C(e) of this title;

''(B) the amount reduced from the individual's retired pay under section 3018C(e) of this title;

''(C) the amount collected from the individual by the Secretary under section 3018B(b), 3018C(b), or 3018C(e) of this title; and

''(D) the amount of any contributions made by the individual under section 3011(c) or 3012(f) of this title, less''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as of May 1, 2001.

(e) CLARIFICATION OF CONTRIBUTIONS REQUIRED BY VEAP PARTICIPANTS WHO ENROLL IN BASIC EDUCATIONAL ASSISTANCE.—

(1) CLARIFICATION.—Section 3018C(b), as amended by section 104(b) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828), is amended by striking ''or (e)''.

(2) TREATMENT OF CERTAIN CONTRIBUTIONS.—Any amount collected under section 3018C(b) of title 38, United States Code (whether by reduction in basic pay under paragraph (1) of that section, collection under paragraph (2) of that section, or both), with respect to an individual who enrolled in basic educational assistance under section 3018C(e) of that title, during the period beginning on November 1, 2000, and ending on the date of the enactment of this Act, shall be treated as an amount collected with respect to the individual under section 3018C(e)(3)(A) of that title (whether as a reduction in basic pay under clause (i) of that section, a collection under clause (ii) of that section, or both) for basic educational assistance under section 3018C of that title.

(f) CLARIFICATION OF TIME PERIOD FOR ELECTION OF BEGINNING OF CHAPTER 35 ELIGIBILITY FOR DEPENDENTS.—

(1) IN GENERAL.—(A) Section 3512(a)(3)(B), as amended by section 112 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1831), is amended to read as follows:

''(B) the eligible person elects that beginning date by not later than the end of the 60-day period beginning on the date on which the Secretary provides written notice to that person of that person's opportunity to make such election, such notice including a statement of the deadline for the election imposed under this subparagraph; and''.

(B) Section 3512(a)(3)(C), as so amended, is amended by striking ''between the dates described in'' and inserting ''the date determined pursuant to''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000.

SEC. 8. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) Effective as of November 1, 2000, section 107 is amended—

(A) in the second sentence of subsection (a), by inserting ''or (d)'' after ''subsection (c)'';

(B) by redesignating the second subsection (c) (added by section 332(a)(2) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419)) as subsection (d); and

(C) in subsection (d), as so redesignated, by striking ''In'' in paragraph (1) and inserting ''With respect to benefits under chapter 23 of this title, in''.

(2) Section 1710B(c)(2)(B) is amended by striking ''on the date of the enactment of the Veterans Millennium Health Care and Benefits Act'' and inserting ''November 30, 1999''.

(3) Section 2301(f) is amended—

(A) in the matter in paragraph (1) preceding subparagraph (A), by striking ''(as'' and all that follows through ''in section'' and inserting ''(as described in section''; and

(B) in paragraph (2), by striking ''subparagraphs'' and inserting ''subparagraph''.

(4) Section 3452 is amended—

(A) in subsection (a)(1)—

(i) by striking ''or'' at the end of subparagraph (A); and

(ii) by striking ''clause (B) of this paragraph'' in subparagraph (C) and inserting ''subparagraph (B)'';

(B) in subsection (a)(2)—

(i) by striking ''paragraph (1)(A) or (B)'' and inserting ''subparagraph (A) or (B) of paragraph (1)''; and

(ii) by striking ''one hundred and eighty days'' and inserting ''180 days'';

(C) in subsection (a)(3), by striking ''section 511(d) of title 10'' and inserting ''section 12103(d) of title 10''; and

(D) in subsection (e), by striking ''chapter 4C of title 29,'' and inserting ''the Act of August 16, 1937, popularly known as the 'National Apprenticeship Act' (29 U.S.C. 50 et seq.),''.

(5) Section 3462(a) is amended by striking paragraph (3).

(6) Section 3512 is amended—

(A) in subsection (a)(5), by striking ''clause (4) of this subsection'' and inserting ''paragraph (4)''; and

(B) in subsection (b)(2), by striking ''willfull'' and inserting ''willful''.

(7) Section 3674 is amended—

(A) in subsection (a)(2)—

(i) in subparagraph (A)—

(I) by striking '', effective at the beginning of fiscal year 1988,''; and

(II) by striking ''section 3674A(a)(4)'' and inserting ''section 3674A(a)(3)'';

(ii) in subparagraph (B), by striking ''paragraph (3)(A)'' and inserting ''paragraph (3)''; and

(iii) in subparagraph (C), by striking ''section 3674A(a)(4)'' and inserting ''section 3674A(a)(3)''; and

(B) in subsection (c)—

(i) by striking ''on September 30, 1978, and''; and

(ii) by striking ''thereafter,''.

(8) Section 3674A(a)(2) is amended by striking ''clause (1)'' and inserting ''paragraph (1)''.

(9) Section 3734(a) is amended—

(A) by striking ''United States Code,'' in the matter preceding paragraph (1); and

(B) by striking ''appropriations in'' in paragraph (2) and inserting ''appropriations for''.

(10) Section 4104 is amended—

(A) in subsection (a)(1)—

(i) by striking ''Beginning with fiscal year 1988,'' and inserting ''For any fiscal year,'';

(ii) by striking ''clause'' in subparagraph (B) and inserting ''subparagraph''; and

(iii) by striking ''clauses'' in subparagraph (C) and inserting ''subparagraphs'';

(B) in subsection (a)(4), by striking ''on or after July 1, 1988''; and

(C) in subsection (b)—

(i) by striking ''shall—'' in the matter preceding paragraph (1) and inserting ''shall perform the following functions:''

(ii) by capitalizing the initial letter of the first word of each of paragraphs (1) through (12);

(iii) by striking the semicolon at the end of each of paragraphs (1) through (10) and inserting a period; and

(iv) by striking ''; and'' at the end of paragraph (11) and inserting a period.

(11) Section 4303(13) is amended by striking the second period at the end.

(12) Section 5103(b)(1) is amended by striking ''1 year'' and inserting ''one year''.

(13) Section 5701(g) is amended by striking ''clause'' in paragraphs (2)(B) and (3) and inserting ''subparagraph''.

(14)(A) Section 7367 is repealed.

(B) The table of sections at the beginning of chapter 73 is amended by striking the item relating to section 7367.

(15) Section 8125(d) is amended—

(A) in paragraph (1), by striking ''(beginning in 1992)'';

(B) in paragraph (2), by striking ''(beginning in 1993)''; and

(C) by striking paragraph (3).

(16) The following provisions are each amended by striking ''hereafter'' and inserting ''hereinafter'': sections 545(a)(1), 1710B(e)(1), 3485(a)(1), 3537(a), 3722(a), 3763(a), 5121(a), 7101(a), 7105(b)(1), 7671, 7672(e)(1)(B), 7681(a)(1), 7801, and 8520(a).

(b) PUBLIC LAW 106–419.—Effective as of November 1, 2000, and as if included therein as originally enacted, the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419) is amended as follows:

(1) Section 111(f)(3) (114 Stat. 1831) is amended by striking ''3654'' and inserting ''3564''.

(2) Section 323(a)(1) (114 Stat. 1855) is amended by inserting a comma in the second quoted matter therein after ''duty''.

(3) Section 401(e)(1) (114 Stat. 1860) is amended by striking ''this'' both places it appears in quoted matter and inserting ''This''.

(4) Section 402(b) (114 Stat. 1861) is amended by striking the close quotation marks and period at the end of the table in paragraph (2) of the matter inserted by the amendment made that section.

(c) PUBLIC LAW 102–590.—Section 3(a)(1) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking '', during,''.

Amend the title so as to read ''An Act to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments, and for other purposes.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on pending committee business, off of the floor, after the first vote of the Senate.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 24 at 9:30 to conduct a hearing. The committee will receive testimony on the research and development, workforce training, and Price-Anderson Act provisions of pending energy legislation, including S. 242, Department of Energy University Nuclear Science and Engineering Act; S. 388, the National Energy Security Act of 2001; S. 472, Nuclear Energy Electricity Supply Assurance Act of 2001; and S. 597, the Comprehensive and Balanced Energy Policy Act of 2001.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 24, 2001 at 10:30 a.m. and 2:45 p.m. to hold a business meeting and a hearing as follows:

At 10:30 a.m. in room S–116, the committee will consider and vote on the following agenda items:

LEGISLATION

S. Con. Res. 35, A concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Eichanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

S. Con. Res. 42, A concurrent resolution condemning the practices of the Taleban.

S. Res. 88, A resolution expressing the sense of the Senate on the importance of membership of the United States on the United Nations Human Rights Commission.

S. Res. 91, A resolution condemning the murder of a United States citizen and other civilians, and expressing the sense of the Senate regarding the failure of the Indonesian judicial system to hold accountable those responsible for the killings, as amended.

NOMINATIONS

The Honorable Thelma J. Askey, of Tennessee, to be Director of the Trade and Development Agency; Mr. Stephen Brauer, of Missouri, to be Ambassador to Belgium; The Honorable William J. Burns, of the District of Columbia, to be Assistant Secretary of State for Near Eastern Affairs; Mr. Lorne W. Craner, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor; The Honorable Ruth A. Davis, of Georgia, to be Director General of the Foreign Service; The Honorable Donald Burnham Ensenat, of Louisiana, to be Chief of Protocol, with Rank of Ambassador; Mr. Carl W. Ford, Jr., of Arkansas, to be Assistant Secretary of State for Intelligence and Research; The Honorable A. Elizabeth Jones, of Maryland, to be Assistant Secretary of State for European Affairs; Mr. Walter H. Kansteiner, of Virginia, to be Assistant Secretary of State for African Affairs; Mr. Paul Vincent Kelly, of Virginia, to be Assistant Secretary of State for Legislative Affairs; Mrs. Christina B. Rocca, of Virginia, to be Assistant Secretary of State for South Asian Affairs; The Honorable Peter S. Watson, of California, to be President of the Overseas Private Investment Corporation; FSO Promotion Lists: Mr. Jensen, *et al.*, dated April 23, 2001; Mr. Bean, *et al.*, dated April 23, 2001.

At 2:45 p.m. in room SD–419:

WITNESSES

PANEL 1: The Honorable Paula J. Dobrianski, Undersecretary of State for Global Affairs.

PANEL 2: Ms. Nina Shea, Director, Center for Religious Freedom, Freedom House, Washington, DC.

Mr. Tom Malinowski, Washington Advocacy Director for Human Rights Watch, Washington, DC.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Patient Safety: What is the role for Congress? during the session of the Senate on Thursday, May 24, 2001, at 9:30 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 24, 2001, at 10:00 a.m. in Dirksen Building, Room 226.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, May 24, 2001, at 2:00 p.m. in Dirksen Building, Room 226.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet to hold a markup on the following nominations for the Department of Veterans Affairs: Leo S. Mackay, Jr. to be Deputy Secretary; Robin L. Higgins to be Under Secretary for Memorial Affairs; Maureen P. Cragin to be Assistant Secretary for Public and Intergovernmental Affairs; and Jacob Lozada to be Assistant Secretary for Human Resources and Administration.

The markup will be held on Thursday, May 24, 2001, at 3:00 p.m., in room 418 of the Russell Senate Office Building.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, May 24, 2001, 9:30 a.m., for a hearing entitled ''Tissue Banks: Is the Federal Government's Oversight Adequate?''

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

SUBCOMMITTEE ON SECURITIES AND INVESTMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Securities and Investment of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 24, 2001 to conduct a hearing on ''The Implementation and Future of Decimalized Markets.''

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

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Caroline Lopez of my staff be granted the privilege of the floor for the rest of today.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that Nancy Briani of my staff be granted the privilege of the floor for the duration of my remarks on her retirement.

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

RELIEF ACT—H.R. 1836

AMENDMENT NO. 767, AS MODIFIED

Mr. NICKLES. Mr. President, I ask unanimous consent that the previously proposed amendment No. 767 be modified with the language I send to the desk and ask further that the Journal and the permanent RECORD reflect this modification.

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

The amendment (No. 767), as modified, is as follows:

AMENDMENT NO. 767 (AS MODIFIED)

At the end of subtitle A of title VIII add the following:

SEC. ___. EXPANSION OF WORK OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Section 51(d)(1) (relating to members of targeted groups) is amended by striking ''or'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', or'', and by adding at the end the following:

''(I) a qualified low-income veteran.''

(b) QUALIFIED LOW-INCOME VETERAN.—Section 51(d) (relating to members of targeted groups) is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following:

''(10) QUALIFIED LOW-INCOME VETERAN.—

''(A) IN GENERAL.—The term 'qualified low-income veteran' means any veteran whose gross income for the taxable year preceding the taxable year including the hiring date, was below the poverty line (as defined by the Office of Management and Budget) for such preceding taxable year .

''(B) VETERAN.—The term 'veteran' has the meaning given such term by paragraph (3)(B).

''(C) SPECIAL RULES FOR DETERMINING AMOUNT OF CREDIT.—For purposes of applying this subpart to wages paid or incurred to any qualified low-income veteran—

''(i) subsection (a) shall be applied by substituting '50 percent of the qualified first-year wages and 25 percent of the qualified second-year wages' for '40 percent of the qualified first year wages', and

''(ii) in lieu of paragraphs (2) and (3) of subsection (b), the following definitions and special rule shall apply:

''(I) QUALIFIED FIRST-YEAR WAGES.—The term 'qualified first-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer.

''(II) QUALIFIED SECOND-YEAR WAGES.—The term 'qualified second-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under subclause (I).

''(III) ONLY FIRST $20,000 OF WAGES PER YEAR TAKEN INTO ACCOUNT.—The amount of the qualified first and second year wages which may be taken into account with respect to any individual shall not exceed $20,000 per year.''.

(c) PERMANENCE OF CREDIT.—Section 51(c)(4) (relating to termination) is amended by inserting ''(except for wages paid to a qualified low-income veteran)'' after ''individual''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

On page 9, strike the table between lines 11 and 12 and insert:

In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2002, 2003, and 2004	27%	30%	35%	38.60%
2005 and 2006	26%	29%	34%	37.60%
2007 and thereafter	25%	28%	33%	36.05%

RECOGNIZING MEMBERS OF ARMED FORCES KILLED SINCE END OF VIETNAM WAR

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 94, submitted earlier today by Senators CLELAND, MCCAIN, LEVIN, and others.

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

The legislative clerk read as follows:

A resolution (S. Res. 94) expressing the sense of the Senate to designate May 28, 2001, as a special day for recognizing the members of the Armed Forces who have been killed in hostile actions since the end of the Vietnam War.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CLELAND. Mr. President, on next Monday, May 28, and acting pursuant to a joint resolution approved by the Congress back in 1950, the President of the United States will issue a proclamation calling upon the people of the United States to observe a day of prayer for permanent peace in remembrance of all of those brace Americans who have died in our Nation's service. That is how Memorial Day got started and is what this special day is supposed to be all about.

Whenever Memorial Day comes around, I am reminded of what may well have been the first, and is still one of the finest, memorials to fallen soldiers, the Funeral Oration of the great Athenian leader Pericles, as recorded by the historian Thucydides, during the Peloponnesian War in the 5th Century BC.

For this offering of their lives made in common by them all they each of them individually received that renown which never grows old, and for a sepulcher, not so much that in which their bones have been deposited, but that noblest of shrines wherein their glory is laid up to be eternally remembered upon every occasion on which deed or story shall call for its commemoration. For heroes have the whole earth for their tomb; and in lands far from their own, where the column with its epitaph declares it, there is enshrined in every breast a record unwritten with no tablet to preserve it, except that of the heart.

In that spirit, today I have introduced a resolution calling upon all Americans to especially dedicate Memorial Day of 2001 to those brave American men and women who have given their lives in service to their country since the end of the war in Vietnam. No grand edifices or other public monuments commemorate their deeds, but their service to their country was just as strong, their sacrifice just as great, their families' and communities' loss just as keen as their predecessors in the two World Wars of the 20th Century, Korea and Vietnam.

As the ranking member of the Senate Armed Services Personnel Subcommittee, I have been heavily involved in trying to improve the quality of life for our servicemen and women through such steps as increasing pay and enhancing health and education benefits. It is my deeply held view that not only do we need to take such action to address some disturbing trends in armed forces recruitment and retention, but we owe these individuals nothing less in recognition of their service. Indeed, tomorrow, I will be reintroducing my legislation to update the Montgomery GI Bill, and to continue its relevance for the married, family-oriented Armed Forces we have today by making its education benefits transferrable to the spouse or children of the service member.

The Senate has passed this measure twice, and with the continued leadership and support of Senators WARNER and LEVIN, I am hopeful that this will be the year we provide this valuable recruiting and retention tool.

As recent events have shown perhaps too clearly, Americans have still not fully come to grips with the reality of warfare, especially the Vietnam Conflict. Shortly after World War II—which of all wars in recent history is most widely regarded as necessary and unavoidable—General Dwight D. Eisenhower said, ''I hate war as only a soldier who has lived it can, only as one who has seen its brutality, its futility, and its stupidity.''

Last year, to focus on the reality of war and on other questions related to the global role of the United States in the post-cold-war world, I had the great honor of being joined by my friend and colleague, Senator ROBERTS of Kansas, in conducting six dialogues on the Senate floor on these and related questions. At the end, we came up with seven general principles, three of which have particular relevance to this occasion:

First, the President and the Congress need to:

Find more and better ways to increase communications with the American people on the realities of our international interests and the costs of securing them;

Find more and better ways to increase the exchange of experiences and ideas between the government and the military to avoid the broadening lack of military experience among the political elite; and

Find more and better ways of ensuring that both the executive and legislative branches fulfill their constitutional responsibilities in national security policy, especially concerning military operations other than declared wars.

Second, as the only global superpower, and in order to avoid stimulating the creation of a hostile coalition of other nations, the United States should, and can afford to, forego unilateralist actions, except where our vital interests are involved.

Finally, in the post-cold-war world, the United States should adopt a policy of realistic restraint with respect to use of U.S. military forces in situations other than those involving the defense of vital national interests. In all other situations, we must:

Insist on well-defined political objectives;

Determine whether non-military means will be effective, and if so, try them prior to any recourse to military force;

Ascertain whether military means can achieve the political objectives;

Determine whether the benefits outweigh the costs—political, financial, military—and that we are prepared to bear those costs;

Determine the ''last step'' we are prepared to take if necessary to achieve the objectives;

Insist that we have a clear, concise exit strategy, including sufficient consideration of the subsequent roles of the United States, regional parties, international organizations and other entities in securing the long-term success of the mission; and

Insist on congressional approval of all deployments other than those involving responses to emergency situations.

Since I came to the Senate, I have been deeply disturbed by the tenor of many of the debates which have occurred in the Congress and with both the Clinton and Bush administrations on a host of important national security issues. Last session, the Senate failed to ratify the Comprehensive Test Ban Treaty after little meaningful debate and no Senate hearings. This was one of the most consequential treaties of the decade, and it was sadly reduced to sound-bite politics and partisan rancor. In addition to the CTBT, the Senate has made monumental decisions on our policies in the Balkans and the Persian Gulf, and the future of NATO and the United Nations, all without a comprehensive set for American goals and policies.

And though it is too early to arrive at a firm judgment on this point, and though there is no individual in the national security arena that I have more confidence in or respect more than Secretary of State Colin Powell, I am dismayed by the apparent surge of unilateralism, without meaningful consultation with Congress, displayed by the new administration on subjects ranging from Korean security, to defense of Taiwan, to National Missile Defense, to the Kyoto Accords, to the OECD efforts to fight tax evasion, all once again occurring without clearly articulated goals and policies. In my opinion, we—all of us on both ends Pennsylvania Avenue—have to do better. Simply put, I do not believe we can afford to continue on a path of partisanship and division of purpose without serious damage to our national interests.

I spoke earlier about some key quality of life concerns of today's military, especially education and the GI bill. However, as important as these other factors are, the ultimate quality of life issue for our servicemen and women centers in policy decisions made by national security decision-makers here in Washington relating to the deployment of our forces abroad. It is these deployments which separate families, disrupt lives, and in those cases which involve hostilities, endanger the service member's life itself. This is not to say that I believe our soldiers, sailors, airmen and marines are not fully prepared to do whatever we ask of them. Quite the contrary, they most assuredly are, as my visits to the front lines in the Balkans and Korea have clearly demonstrated to me. But we on this end owe them nothing less than a full and thorough consideration each and every time we put them into harm's way.

There are 13 military installations in Georgia, and I visit the troops there whenever I can. When I go to these bases, I see weary and beleaguered families who are doing their best to make it through the weeks and months without their husbands or wives. This is a heavy toll for our military personnel. It is a price they are ready to pay, but one I want the Senate to understand and appreciate as we continue in our commitment of troops abroad.

Under the Constitution, war powers are divided. Article I, section 8, gives Congress the power to declare war and raise and support the armed forces, while Article II, Section 2 declares the President to be Commander in Chief. With this division of authority there

has also been constant disagreement, not only between the executive and legislative branches, but between individual Members of Congress as well, as we have seen in our debates on authorizing the intervention in Kosovo and on the Byrd-Warner amendment concerning funding of that operation. Judging by the text of the Constitution and the debate that went into its drafting, however, Members of Congress have a right, and I would say an obligation, to play a key role in the making of war and in determination of the proper use of our armed forces.

It is generally agreed that the Commander in Chief role gives the President full authority to repel attacks against the United States and makes him responsible for leading the armed forces. During the Korean and Vietnam conflicts, however, this country found itself involved for many years in undeclared wars. Many Members of Congress became concerned with the erosion of congressional authority to decide when the United States should become involved in a war or in situations that might lead to war. On November 7, 1973, the Congress passed the War Powers Resolution over the veto of President Nixon.

The War Powers Resolution has two key requirements. Section 4(a) requires the President to submit a report to Congress within 48 hours whenever troops are introduced into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances. Section 5(b) then stipulates that if U.S. armed forces have been sent into situations of actual or imminent hostilities the President must remove the troops within sixty days—ninety days if he requests a delay—unless Congress declares war or otherwise authorizes the use of force. The resolution also provides that Congress can compel the President to withdraw the troops at any time by passing a joint resolution. It is important to note, however, that since the adoption of the War Powers Resolution, every President has taken the position that it is an unconstitutional infringement by the Congress on the President's authority as Commander in Chief, and the courts have not directly addressed this vital question.

I would submit that although the Congress tried to reassert itself after the Vietnam war with the enactment of the War Powers Resolution, we have continued to be a timid, sometimes nonexistent player in the government that Clausewitz emphasized must play a vital role in creating the balance necessary for an effective war-making effort. Since I came to the Senate, it has been my observation that the current system by which the executive and legislative branches discharge their respective constitutional duties in committing American service men and women into harm's way has become inadequate. Congress continually lacks sufficient and timely information as to policy objectives and means prior to the commitment of American forces. And then, in my opinion, Congress largely abdicates its responsibilities for declaring war and controlling the purse with inadequate and ill-timed consideration of operations.

Reasons for the failure of the War Powers Resolution and for our current difficulties abound. I believe that part of our problem stems from the disputed and uncertain role of the War Powers Resolution of 1973 in governing the conduct of the President, as well as the Congress, with respect to the introduction of American forces into hostile situations. Once again, these disputes continue to resound between both the branches and individual members of the legislative branch.

In all honesty, however, the realities of our government highlight the fact that while the legislature can urge, request, and demand that the President consult with members of Congress on decisions to use force, it cannot compel him to follow any of the advice that it might care to offer. With that in mind, as an institution, Congress can do no more than give or withhold its permission to use force. And while this ''use it or lose it'' quality of congressional authorizations may make many members leery about acting on a crisis too soon, delays will virtually guarantee, as Senator Arthur Vandenberg once stated, that crises will ''never reach Congress until they have developed to a point where congressional discretion is pathetically restricted.''

I believe that in view of our obligations to the national interest, to the Constitution and to the young American servicemen and women whose very lives are at stake whether it be a ''contingency operation'' or a full-scale war, neither the executive or legislative branches should be satisfied with the current situation which results in uncertain signals to the American people, to overseas friends and foes, and to our armed forces personnel. In making our decision to authorize military action, Congress should work to elicit all advice and information from the President on down to the battlefield commanders, make a sound decision based on this information, and then leave battlefield management in the hands of those competent and qualified to carry out such a task.

In response to such concerns, last year I introduced S. 2851, a bill which seeks to find a more workable system for Presidential and congressional interaction on the commitment of American forces into combat situations. Today, I am re-introducing this measure. It is a bill derived from the current system for Presidential approval and reporting to Congress on covert operations, a system which was established by Public Law 102–88 in 1991. By most accounts, this system has been accepted by both branches and has worked very well with respect to covert operations, producing both better decision-making in the executive branch and improved congressional input and oversight with respect to these operations. Since overt troop deployments into hostilities almost certainly constitute a greater risk to American interests and to American lives, I believe such a system represents the very least we should do to improve the approval and oversight process with respect to overt military operations. It does not bind or limit the executive branch or military, but offers greater reassurance to those serving us in the Armed Forces that their service in harm's way will have the full backing of not only the President, but the Congress and the American public as well.

Honoring our fallen heroes on Memorial Day is altogether fitting and proper, as President Lincoln said at Gettysburg. However, it is not sufficient. We must also honor them by our words and deeds while they still wear their Nation's military uniforms.

I ask unanimous consent that the list of all American service men and women killed in hostile action since the end of the Vietnam war be printed in the RECORD.

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

US ACTIVE DUTY MILITARY HOSTILE DEATHS (1980-2000)

GRADE	NAME	V	A	E	CITY	STATE	BIRTH	CASUALTY	MANNER	BODY	OPERATION/INCIDENT
PO3	QUIRANTE DIOMEDES JIMENEZ	N	M	M	CALOOCAN CITY		19580906	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	TWINE RICHARD	A	C	M	SALOP		19461021	19830418	TERRORIST	Y	US EMBASSY BEIRUT LEBANON
SSG	DOUTHIT DAVID QUENTIN	A	C	M	SOLDOTNA	AK	19661020	19910227	HOSTILE	Y	PERSIAN GULF WAR
PO1	LUNDBERG KEVEN ERIN	N	C	M	KODIAK	AK	19550525	19831023	HOSTILE	N	INVASION OF GRENADA
CPO	MCFAUL DONALD LEWIS	N	C	M	KODIAK	AK	19570920	19891220	HOSTILE	Y	INVASION OF PANAMA
CPL	BIDDLE SHANNON DALE	M	C	M	VALLEY HEAD	AL	19611222	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
SFC	BOLDEN LOLA RENEE	A	N	F	BIRMINGHAM	AL	19550401	19950419	TERRORIST	Y	OKLAHOMA CITY BOMBING
HN	CAIN JIMMY RAY	N	C	M	BIRMINGHAM	AL	19630220	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	CLARK BARRY MAXWELL	F	C	M	FAIRHOPE	AL	19650107	19910131	HOSTILE	Y	PERSIAN GULF WAR
SGT	DICKSON BOBBY JOE	M	C	M	TUSCALOOSA	AL	19570812	19850619	TERRORIST	Y	EL SALVADOR TERRORIST ATTACK
SSG	EPPS GARY LYNN	A	C	M	HORTON	AL	19540522	19831026	HOSTILE	Y	INVASION OF GRENADA
CW3	GODFREY ROBERT GARY	A	C	M	PHENIX CITY	AL	19580514	19910227	HOSTILE	Y	PERSIAN GULF WAR
LCPL	HENDERSON FERRANDY DREXEL	M	N	M	WETUMPKA	AL	19640528	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	HOUSTON CORNELL LAMONT	A	N	M	MOBILE	AL	19620622	19931006	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
CPL	HUDSON TERRY LEE	M	N	M	PRICHARD	AL	19601116	19831205	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	HUTTO JOHN WESLEY	A	C	M	ANDALUSIA	AL	19710803	19910227	HOSTILE	Y	PERSIAN GULF WAR
PFC	PRICE JAMES CHRISTOPHER	M	C	M	ATTALLA	AL	19621208	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	STELPFLUG BILL JOHN	M	C	M	AUBURN	AL	19640313	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	TOWNSEND HENRY JR	M	N	M	MONTGOMERY	AL	19620110	19831202	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	WILBOURN JAMES NEWTON III	M	C	M	HUNTSVILLE	AL	19620628	19910223	HOSTILE	Y	PERSIAN GULF WAR
CW3	BRILEY DONOVAN LEE	A	C	M	NORTH LITTLE ROCK	AR	19591219	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
CAPT	EICHENLAUB PAUL RICHARD II	F	C	M	BENTONVILLE	AR	19611029	19910214	HOSTILE	Y	PERSIAN GULF WAR
SPC	MASON STEVEN GLEN	A	C	M	PARAGOULD	AR	19670927	19910225	HOSTILE	Y	PERSIAN GULF WAR
PFC	MAYNARD MARLIN ROY	A	C	M	ALTUS	AR	19551218	19831025	HOSTILE	Y	INVASION OF GRENADA
SGT	POLLARD WILLIAM H ROY	M	C	M	PIGGOTT	AR	19590822	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	CLEVELAND WILLIAM DAVID JR	A	C	M	PEORIA	AZ	19590127	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	FELIX ELISEO CELESTINO	M	C	M	AVONDALE	AZ	19710219	19910202	HOSTILE	Y	PERSIAN GULF WAR
SGT	PACK AARON ALAN	M	C	M	PHOENIX	AZ	19680921	19910223	HOSTILE	Y	PERSIAN GULF WAR
PFC	BROWN ROY DENNIS JR	A	C	M	BUENA PARK	CA	19700321	19891220	HOSTILE	Y	INVASION OF PANAMA
SGT	CRUMBY DAVID RAY JR	A	C	M	LONG BEACH	CA	19641129	19910227	HOSTILE	Y	PERSIAN GULF WAR
CW4	FRANK RAYMOND ALEX	A	C	M	MONROVIA	CA	19480511	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
CAPT	GALVAN ARTHUR	F	C	M	NEWPORT BEACH	CA	19571108	19910131	HOSTILE	Y	PERSIAN GULF WAR
LCPL	GARCIA RANDALL J	M	C	M	MODESTO	CA	19640814	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING

US ACTIVE DUTY MILITARY HOSTILE DEATHS
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SSGT	GARCIA RONALD JAMES	M	C	M	LOS ANGELES	CA	19480504	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	GIBBS WILLIAM DELANEY	A	C	M	MARINA	CA	19670727	19891220	HOSTILE	Y	INVASION OF PANAMA
CAPT	GUZMAN RANDOLPH ALBERT	M	Z	M	ALAMEDA	CA	19660505	19950419	TERRORIST	Y	OKLAHOMA CITY BOMBING
CAPT	HAUN LELAND TIMOTHY	F	C	M	CLOVIS	CA	19630425	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
SSG	HAWS JIMMY DEWAYNE	A	C	M	TRAVER	CA	19620810	19910220	HOSTILE	Y	PERSIAN GULF WAR
LCPL	JENKINS THOMAS ALLEN	M	C	M	COULTERVILLE	CA	19690811	19910129	HOSTILE	Y	PERSIAN GULF WAR
SSGT	KANUHA DAMON VALENTINE KEAW	F	M	M	SAN DIEGO	CA	19621128	19910131	HOSTILE	Y	PERSIAN GULF WAR
SGT	KUTZ EDWIN BRIAN	A	C	M	SUNNYMEAD	CA	19641227	19910226	HOSTILE	Y	PERSIAN GULF WAR
SGT	LINDSEY J SCOTT	A	C	M	DIAMOND SPRINGS	CA	19630405	19910301	HOSTILE	Y	PERSIAN GULF WAR
CAPT	LORENCE PAUL FRANKLIN	F	C	M	SAN FRANCISCO	CA	19550217	19860415	HOSTILE	N	ATTACK ON LIBYA
PV2	MITCHELL ADRIENNE LYNETTE	A	N	F	MORENO VALLEY	CA	19700625	19910225	HOSTILE	Y	PERSIAN GULF WAR
LCPL	NAVA LUIS ALONZO	M	Z	M	GARDENA	CA	19610305	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	OBRIEN CHERYL LORRAINE	A	C	F	LONG BEACH	CA	19661014	19910227	HOSTILE	Y	PERSIAN GULF WAR
SN	PALMER LAKIBA NICOLE	N	N	F	SAN DIEGO	CA	19780312	20001012	TERRORIST	Y	USS COLE ATTACK
LCPL	RANDOLPH DAVID MICHAEL	M	C	M	EL CENTRO	CA	19641001	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	RICHARDSON FERDINAN CABEBE	A	M	M	SUMMERMEAD	CA	19660419	19930925	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SSG	SALAZAR MARK EUGENE	A	C	M	PASADENA	CA	19530424	19830418	TERRORIST	Y	US EMBASSY BEIRUT LEBANON
LCDR	SCHAUFELBERGER ALBERT A III	N	C	M	CORONADO	CA	19490808	19830525	TERRORIST	Y	EL SALVADOR TERRORIST KILLING
PFC	STOKES ADRIAN LEONARD	A	N	M	RIVERSIDE	CA	19700924	19910226	HOSTILE	Y	PERSIAN GULF WAR
LTJG	SURCH JAMES FRANK	N	C	M	LOMPOC	CA	19531026	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CW2	SWARTZENDRUBER GEORGE RICHARD	A	C	M	SAN DIEGO	CA	19660301	19910227	HOSTILE	Y	PERSIAN GULF WAR
LCPL	VALLONE DONALD HENRY JR	M	C	M	PALMDALE	CA	19640215	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	WHERLAND BURTON D	M	C	M	LAWNDALE	CA	19550304	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
A1C	WOOD JUSTIN RICHARD	F	C	M	MODESTO	CA	19750716	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
A1C	WOODY JOSHUA EDWARD	F	C	M	CORNING	CA	19751006	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
SFC	YARBER JAMES GLENN	A	C	M	VACAVILLE	CA	19451124	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	DEEKS ROBERT HAROLD JR	A	C	M	LITTLETON	CO	19521102	19930303	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SGT	DILLON YOUNG MIN	A	Z	M	AURORA	CO	19631128	19910226	HOSTILE	Y	PERSIAN GULF WAR
LCPL	HELMS MARK A	M	C	M	COLORADO SPRINGS	CO	19640516	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	SAPIEN MANUEL BERNARDO JR	A	C	M	DENVER	CO	19680917	19910317	HOSTILE	Y	PERSIAN GULF WAR
PV2	TABOR JAMES ALLEN JR	A	C	M	MONTROSE	CO	19710116	19891222	HOSTILE	Y	INVASION OF PANAMA
MAJ	WEAVER PAUL JENNINGS	F	C	M	ALAMOSA	CO	19560902	19910131	HOSTILE	Y	PERSIAN GULF WAR
SPC	BEAUDOIN CINDY MARIE	A	C	F	PLAINFIELD	CT	19710720	19910228	HOSTILE	Y	PERSIAN GULF WAR
SFC	BUTTS WILLIAM THOMAS	A	C	M	WATERFORD	CT	19601213	19910227	HOSTILE	Y	PERSIAN GULF WAR

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CPL	DIBENEDETTO THOMAS A	M	C	M	WINDHAM	CT	19590516	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	HART WILLIAM	M	N	M	GROTON	CT	19610722	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PVT	MATTACCHIONE JOSEPH JOHN	M	C	M	EAST HARTFORD	CT	19631015	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	SCIALABBA PETER JAMES	M	C	M	NEW HAVEN	CT	19470729	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	SMITH THOMAS G	M	C	M	MIDDLETOWN	CT	19580903	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	SUNDAR DEVON LLOYD	M	Z	M	STAMFORD	CT	19600106	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	TINGLEY STEPHEN DALE	M	C	M	ELLINGTON	CT	19621026	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	HASTINGS MICHAEL ALAN	M	C	M	SEAFORD	DE	19620816	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	MCCOY JAMES ROBERT	A	N	M	WILMINGTON	DE	19610912	19910226	HOSTILE	Y	PERSIAN GULF WAR
CPL	ALEXANDER CLEMON	M	N	M	MONTICELLO	FL	19570904	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	ALIGANGA JESSE NATHANAEL	M	M	M	PENSACOLA	FL	19761017	19980808	TERRORIST	Y	KENYA EMBASSY BOMBING
HN	BEAMON JESSE WALTER	N	C	M	HAINES CITY	FL	19601022	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	BLOCKER JOHN WILLIAM	M	C	M	YULEE	FL	19640110	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	COMAS JUAN MIGUEL	M	Z	M	HIALEAH	FL	19610928	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	CONLEY ROBERT ALLEN	M	C	M	ORLANDO	FL	19610915	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	CROFT BRETT ALLEN	M	C	M	LAKELAND	FL	19621026	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO2	FAULK JAMES ELLIS	N	C	M	PANAMA CITY	FL	19620430	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
TSGT	FENNIG PATRICK PHILIP	F	C	M	PALM COAST	FL	19620417	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
CPL	GAINES WILLIAM R JR	M	C	M	PORT CHARLOTTE	FL	19621018	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CW4	GARVEY PHILIP H	A	C	M	PENSACOLA	FL	19510628	19910227	HOSTILE	Y	PERSIAN GULF WAR
PFC	HATTAWAY JEFFREY TODD	M	C	M	PENSACOLA	FL	19611207	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
CW2	HEIN KERRY PETER	A	C	M	DAYTONA BEACH	FL	19630107	19910227	HOSTILE	Y	PERSIAN GULF WAR
MSGT	HEISER MICHAEL GEORGE	F	C	M	PALM COAST	FL	19600920	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
GYSGT	HILDRETH DONALD WAYNE	M	C	M	CLERMONT	FL	19571125	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
TSGT	HODGES ROBERT KEVIN	F	C	M	PANAMA CITY	FL	19621217	19910131	HOSTILE	Y	PERSIAN GULF WAR
PFC	JENKINS NATHANIEL WALTER	M	N	M	DAYTONA BEACH	FL	19631129	19831031	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	KREISCHER FREAS HENRY III	M	C	M	INDIALANTIC	FL	19610927	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	LARIVIERE MICHAEL SCOTT	M	C	M	PERRY	FL	19610808	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	LYON PAUL DEAN JR	M	Z	M	MILTON	FL	19621020	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	MANRIQUELOZANO ALEJANDRO I	A	Z	M	MIAMI	FL	19591003	19891220	HOSTILE	Y	INVASION OF PANAMA
PFC	MARTIN JACK LEE	M	C	M	MAITLAND	FL	19610623	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
A1C	MCVEIGH BRIAN WILLIAM	F	C	M	DE BARY	FL	19750327	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
1STLT	NAIRN DAVID JOHNS	M	C	M	OCOEE	FL	19600617	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
TSGT	NGUYEN THANH VAN	F	Z	M	PANAMA CITY	FL	19590507	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING

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TSGT	OELSCHLAGER JOHN LEE	F	C	M	PENSACOLA	FL	19620321	19910131	HOSTILE	Y	PERSIAN GULF WAR
SMSGT	OLDS SHERRY LYNN	F	C	F	PANAMA CITY	FL	19580716	19980807	TERRORIST	Y	KENYA EMBASSY BOMBING
EW2	OWENS RONALD SCOTT	N	C	M	VERO BEACH	FL	19751031	20001012	TERRORIST	Y	USS COLE ATTACK
SGT	PEARSON KEITH DANIEL	A	C	M	TAVARES	FL	19680629	19930808	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
1STLT	PLYMEL CLYDE WAYNE	M	C	M	MERRITT ISLAND	FL	19581208	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	POWELL DODGE RANDELL	A	C	M	HOLLYWOOD	FL	19630102	19910226	HOSTILE	Y	PERSIAN GULF WAR
SGT	PRINDEVILLE PATRICK KERRY	M	C	M	GAINESVILLE	FL	19600313	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	ROBSON MICHAEL ROBERT	A	C	M	SEMINOLE	FL	19610211	19910227	HOSTILE	Y	PERSIAN GULF WAR
SGT	RODRIGUEZ JUAN CARLOS	M	C	M	MIAMI	FL	19600518	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	SANPEDRO GUILLERMO JR	M	C	M	HIALEAH	FL	19631211	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO3	SANTOS ANGELA SIMONE	N	C	F	OCALA	FL	19660630	19880414	TERRORIST	Y	USO ATTACK NAPLES ITALY
CPL	SMITH KIRK HALL	M	N	M	MIAMI	FL	19621103	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MSG	SOHN VICTORIA LEE	A	C	F	APOPKA	FL	19580530	19950419	TERRORIST	Y	OKLAHOMA CITY BOMBING
LCDR	SPEICHER MICHAEL SCOTT	N	C	M	JACKSONVILLE	FL	19570712	19910117	HOSTILE	N	PERSIAN GULF WAR
CPL	SPENCER STEPHEN EUGENE	M	C	M	MARY ESTHER	FL	19600329	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	WEYL JOHN RICHARD	M	C	M	LARGO	FL	19490119	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	WILLIAMS RODNEY J	M	N	M	MIAMI	FL	19610102	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MAJ	WINTER WILLIAM ELLIS	M	C	M	PENSACOLA	FL	19510327	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	BOHANNON LEON WILLIAM JR	M	N	M	ATLANTA	GA	19590321	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1STLT	BOYETT JOHN NORMAN	M	C	M	ALBANY	GA	19580430	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	COURSEY WILLIS LARRY	A	C	M	BLOOMINGDALE	GA	19480825	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
LCPL	FULLER BENJAMIN ERNEST	M	C	M	DULUTH	GA	19540810	19831023	TERRORIST	N	LEBANON BARRACKS BOMBING
SMSN	GUNN CHERONE LOUIS	N	N	M	REX	GA	19780214	20001012	TERRORIST	Y	USS COLE ATTACK
LT	HUDSON JOHN RICE	N	C	M	RIVERDALE	GA	19541112	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	JONES PHILLIP JOHN	M	N	M	ATLANTA	GA	19691018	19910224	HOSTILE	Y	PERSIAN GULF WAR
SGT	LEWIS VAL STANLEY	M	N	M	ATLANTA	GA	19600327	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	MARTIN CHARLES ROBERT	M	N	M	COLEMAN	GA	19490913	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1STSGT	PEARSON JOHN LEE	M	C	M	SAVANNAH	GA	19471013	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	PREVATT VICTOR MARK	M	C	M	COLUMBUS	GA	19630810	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CW2	REICHLE HAL HOOPER	A	C	M	MARIETTA	GA	19630625	19910220	HOSTILE	Y	PERSIAN GULF WAR
LCPL	SHROPSHIRE JERRYL DEWAYNE	M	N	M	MACON	GA	19640516	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	STOKES JEFFREY GAINES	M	N	M	WAYNESBORO	GA	19631218	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	WORTHY JAMES EARL	A	N	M	ALBANY	GA	19690129	19910225	HOSTILE	Y	PERSIAN GULF WAR
SPC	DAMIAN ROY TYDINGO JR	A	M	M	TOTO	GU	19690802	19910302	HOSTILE	Y	PERSIAN GULF WAR

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LCPL	ALLEN FRANK CHOAI	M	C	M	WAIANAE	HI	19680910	19910129	HOSTILE	Y	PERSIAN GULF WAR
PO1	TILGHMAN CHRIS	N	C	M	KAILUA	HI	19591202	19891220	HOSTILE	Y	INVASION OF PANAMA
SPC	ANDERSON MATTHEW KEITH	A	C	M	LUCAS	IA	19720416	19930925	TERRORIST	N	RESTORE DEMOCRACY IN SOMOLIA
SSGT	HARRISON TIMOTHY ROGER	F	C	M	MAXWELL	IA	19590622	19910131	HOSTILE	Y	PERSIAN GULF WAR
GYSGT	KIMM EDWARD EUGENE	M	C	M	ADAIR	IA	19500414	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MAJ	KORITZ THOMAS FLAGG	F	C	M	DAVENPORT	IA	19530810	19910117	HOSTILE	Y	PERSIAN GULF WAR
SPC	MILLS MICHAEL WARD	A	C	M	PANORA	IA	19670420	19910225	HOSTILE	Y	PERSIAN GULF WAR
SPC	RENNISON RONALD DAVID	A	C	M	DUBUQUE	IA	19690703	19910225	HOSTILE	Y	PERSIAN GULF WAR
SFC	RIERSON MATTHEW LOREN	A	C	M	NEVADA	IA	19600929	19931006	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
PFC	ROBINSON RUSSELL LEE	A	C	M	HARPERS FERRY	IA	19611009	19831025	HOSTILE	Y	INVASION OF GRENADA
SGT	MOLLER NELS ANDREW	A	C	M	PAUL	ID	19680213	19910226	HOSTILE	Y	PERSIAN GULF WAR
GYSGT	BELMER ALVIN	M	N	M	CHICAGO	IL	19540310	19831030	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	GAY DAVID D	M	C	M	MUDDY	IL	19611109	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MAJ	HEIN PAUL ALLAN	M	C	M	CHICAGO	IL	19481110	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	HOLMES MELVIN D	M	N	M	CHICAGO	IL	19640323	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	LIVINGSTON JOSEPH R	M	C	M	CHAMPAIGN	IL	19630215	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPT	LUCAS KEITH JOSEPH	A	C	M	GRANITE CITY	IL	19570603	19831025	HOSTILE	Y	INVASION OF GRENADA
PFC	MARTIN JAMES HENRY JR	A	C	M	COLLINSVILLE	IL	19700317	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SGT	PHILLIPS JOHN A JR	M	C	M	WILMETTE	IL	19600422	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	PHILLIS STEPHEN RICHARD	F	C	M	ROCK ISLAND	IL	19600517	19910215	HOSTILE	Y	PERSIAN GULF WAR
LCPL	PORTER CHRISTIAN JAY	M	N	M	WOOD DALE	IL	19701219	19910227	HOSTILE	Y	PERSIAN GULF WAR
LCPL	PULLIAM ERIC A	M	C	M	EAST ST LOUIS	IL	19640314	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
A1C	RIMKUS JOSEPH EDWARD	F	C	M	EDWARDSVILLE	IL	19740413	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
PFC	ROTH SCOTT LEE	A	C	M	MILAN	IL	19700311	19891220	HOSTILE	Y	INVASION OF PANAMA
CW2	SCHWAB JEFFRY CHARLES	A	C	M	JOLIET	IL	19560220	19840111	TERRORIST	Y	HONDURAS TERRORISTS
SGT	SCOTT GARY R	M	C	M	RANKIN	IL	19610117	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1STLT	SOMMERHOF WILLIAM SCOTT	M	C	M	SPRINGFIELD	IL	19580113	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	STURGHILL ERIC D	M	N	M	CHICAGO	IL	19601128	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	WALKER ERIC R	M	N	M	CHICAGO	IL	19610920	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	WILLIAMS EUGENE	A	N	M	CHICAGO	IL	19670112	19930925	TERRORIST	N	RESTORE DEMOCRACY IN SOMOLIA
SRA	CARTRETTE EARL FREDRICK JR	F	C	M	SELLERSBURG	IN	19740302	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
SGT	CLINE RANDY EUGENE	A	C	M	CLOVERDALE	IN	19550906	19831025	HOSTILE	Y	INVASION OF GRENADA
LCPL	ESTES DANNY R	M	C	M	GARY	IN	19640927	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPO	GORCHINSKI MICHAEL WAYNE	N	C	M	EVANSVILLE	IN	19480927	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING

US ACTIVE DUTY MILITARY HOSTILE DEATHS (1980-2000)

SGT	HILGERT CHRISTOPHER KEITH	A	C	M	BLOOMINGTON	IN	19660610	19930808	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	LANE BRIAN LEE	M	C	M	BEDFORD	IN	19700806	19910227	HOSTILE	Y	PERSIAN GULF WAR
MSG	MARTIN TIMOTHY LYNN	A	C	M	AURORA	IN	19550709	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SPC	MILLER JAMES ROBERT JR	A	C	M	DECATUR	IN	19701016	19910228	HOSTILE	Y	PERSIAN GULF WAR
SSG	RICHERSON RONALD NEIL	A	C	M	PORTAGE	IN	19690620	19930808	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SPC	SIMPSON BRIAN KEITH	A	C	M	ANDERSON	IN	19680727	19910225	HOSTILE	Y	PERSIAN GULF WAR
SSGT	THORSTAD THOMAS P	M	C	M	CHESTERTON	IN	19560718	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	DANIELS MICHAEL DAVID	A	C	M	FT LEAVENWORTH	KS	19701229	19910220	HOSTILE	Y	PERSIAN GULF WAR
PFC	DAVIS MARTY REVOHN	A	N	M	SALINA	KS	19710407	19910225	HOSTILE	Y	PERSIAN GULF WAR
CAPT	GRIMM WILLIAM DAVID	F	C	M	MANHATTAN	KS	19621013	19910131	HOSTILE	Y	PERSIAN GULF WAR
SFC	LUDLOW LLOYD DAVID	A	C	M	HUTCHINSON	KS	19470206	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
SGT	MIDDLETON JEFFERY THOMAS	A	C	M	OXFORD	KS	19670411	19910217	HOSTILE	Y	PERSIAN GULF WAR
SFC	STREETER GARY EUGENE	A	C	M	MANHATTAN	KS	19511103	19910227	HOSTILE	Y	PERSIAN GULF WAR
SRA	TAYLOR JEREMY ALLEN	F	C	M	ROSE HILL	KS	19730124	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
PFC	DECKER SIDNEY JAMES	M	C	M	CLARKSON	KY	19650628	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1STSGT	EDWARDS ROY L	M	C	M	ALMO	KY	19411105	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
COL	HIGGINS WILLIAM RICHARD	M	C	M	LOUISVILLE	KY	19450115	19900706	TERRORIST	Y	LEBANON KIDNAPPING
PO2	HOLLAND ROBERT STEVEN	N	C	M	MURRAY	KY	19541223	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	KEOWN THOMAS CLINTON	M	C	M	LOUISVILLE	KY	19600825	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	KLUCK DANIEL SHANE	A	C	M	OWENSBORO	KY	19570806	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	MEURER RONALD WAYNE	M	C	M	WESTPORT	KY	19620622	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	UNDERWOOD REGINALD COURTNEY	M	C	M	LEXINGTON	KY	19570802	19910308	HOSTILE	Y	PERSIAN GULF WAR
MAJ	WOLFE JOHN ERVIN	M	C	M	WINCHESTER	KY	19550217	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	DEBLOIS MICHAEL ANTHONY	A	C	M	DUBACH	LA	19650930	19891220	HOSTILE	Y	INVASION OF PANAMA
SPC	DELAGNEAU ROLANDO ADOLFO	A	C	M	GRETNA	LA	19600829	19910225	HOSTILE	Y	PERSIAN GULF WAR
LTCOL	HOLLAND DONNIE RAY	F	C	M	BASTROP	LA	19480901	19910117	HOSTILE	Y	PERSIAN GULF WAR
CPL	HUE LYNDON J	M	C	M	DES ALLEMANDS	LA	19610913	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	JOHNSON KEVIN JEROME	F	N	M	SHREVEPORT	LA	19600125	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
A1C	LEVY LAKESHA RACQUEL	F	N	F	NEW ORLEANS	LA	19730725	19950419	TERRORIST	Y	OKLAHOMA CITY BOMBING
SSGT	SCHMAUSS MARK JOHN	F	C	M	WAGGAMAN	LA	19610916	19910131	HOSTILE	Y	PERSIAN GULF WAR
LCPL	TRAHAN LEX D	M	C	M	LAFAYETTE	LA	19640614	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	CAMPUS BRADLEY JOHN	M	C	M	LYNN	MA	19620215	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	CAVACO JAMES MANUEL	A	C	M	FORESTDALE	MA	19670212	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LTJG	CONNORS JOHN PATRICK	N	C	M	ARLINGTON	MA	19640328	19891220	HOSTILE	Y	INVASION OF PANAMA

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LCPL	DEVLIN MICHAEL JAMES	M	C	M	WESTWOOD	MA	19620717	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MGYSGT	DOUGLASS FREDERICK BAILIEY	M	N	M	BOSTON	MA	19360928	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	GALLAGHER SEAN RYAN	M	C	M	NORTH ANDOVER	MA	19621030	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	GARGANO EDWARD JOHN	M	C	M	QUINCY	MA	19620505	19840108	TERRORIST	Y	LEBANON PEACEKEEPING
CPL	GORDON RICHARD JOHN	M	C	M	SOMERVILLE	MA	19610419	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	GRENIER PHILIP SABASTIAN	A	C	M	WORCESTER	MA	19620209	19831027	HOSTILE	Y	INVASION OF GRENADA
CAPT	HASKELL MICHAEL STEVEN	M	N	M	WESTBORO	MA	19501128	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	HOWARD BRUCE LEE	M	C	M	QUINCY	MA	19611117	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	LARIVIERE STEVEN BRECK	M	C	M	CHICOPEE	MA	19610921	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	PERRON THOMAS STANLEY	M	C	M	WHITINSVILLE	MA	19641005	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	SMITH RUSSELL GRIFFIN JR	A	C	M	FALL RIVER	MA	19461116	19910226	HOSTILE	Y	PERSIAN GULF WAR
CPL	WENTWORTH STEVEN B	M	C	M	SOUTHWICK	MA	19620428	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	BAILEY CHARLES KEITH	M	C	M	BERLIN	MD	19640122	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	BLAND THOMAS CLIFFORD JR	F	C	M	GAITHERSBURG	MD	19641029	19910131	HOSTILE	Y	PERSIAN GULF WAR
PVT	DORSEY NATHANIEL GREGORY	M	N	M	BALTIMORE	MD	19630512	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	FORRESTER STEVEN M	M	N	M	BALTIMORE	MD	19600810	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	GREEN DAVID MARCELL	M	N	M	BALTIMORE	MD	19630716	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	JAMES JEFFREY WILBUR	M	N	M	BALTIMORE	MD	19630310	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	PARKER ULYSSES GREGORY	M	N	M	BALTIMORE	MD	19581121	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
ENFN	PARLETT JOSHUA LANGDON	N	C	M	CHURCHVILLE	MD	19810708	20001012	TERRORIST	Y	USS COLE ATTACK
CPO	PIERCY GEORGE WILLIAM	N	C	M	MT SAVAGE	MD	19430728	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	RANDAZZO RONALD MILTON	A	C	M	GLEN BURNIE	MD	19661129	19910220	HOSTILE	Y	PERSIAN GULF WAR
PFC	SHAW TIMOTHY ALAN	A	N	M	SUITLAND	MD	19691018	19910225	HOSTILE	Y	PERSIAN GULF WAR
PFC	STEPHENS HORACE RENARDO	M	N	M	CAPITOL HEIGHTS	MD	19630723	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO2	STETHAM ROBERT DEAN	N	C	M	WALDORF	MD	19611117	19850615	TERRORIST	Y	TWA FLT 847 ATHENS GREECE
SN	WIBBERLEY CRAIG BRYAN	N	C	M	WILLIAMSPORT	MD	19810807	20001012	TERRORIST	Y	USS COLE ATTACK
1LT	WILLIAMS GEORGE WATERSON	A	C	M	JOPPA	MD	19640517	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
PO3	WORLEY DAVID EDWARD	N	C	M	BALTIMORE	MD	19580626	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPT	CURRY JOSEPH PATRICK	A	C	M	YORK	ME	19570321	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
MAJ	DAVIS ANDREW LEON	M	C	M	FREEPORT	ME	19500701	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	FIELD THOMAS JOSEPH	A	C	M	LISBON	ME	19680411	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
MSG	GORDON GARY IVAN	A	C	M	LINCOLN	ME	19600830	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	BANKS JOHANSEN	M	N	M	DETROIT	MI	19591112	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	BARTUSIAK STANLEY WALTER	A	C	M	ROMULUS	MI	19560518	19910225	HOSTILE	Y	PERSIAN GULF WAR

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PFC	BOUSUM DAVID REYNOLD	M	C	M	FIFE LAKE	MI	19620720	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	BRILINSKI ROGER PAUL JR	A	C	M	OSSINEKE	MI	19660430	19910227	HOSTILE	Y	PERSIAN GULF WAR
SGT	BROWN ANTHONY KEITH	M	N	M	DETROIT	MI	19590702	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	GIBSON KENNETH JAMES	A	C	M	ROMULUS	MI	19680216	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
SPC	GUTTING MARK EDWARD	A	C	M	GRAND RAPIDS	MI	19671214	19930808	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SSG	HANSEN STEVEN MARK	A	C	M	LUDINGTON	MI	19621214	19910301	HOSTILE	Y	PERSIAN GULF WAR
PFC	HOWARD AARON WINSHIP	A	C	M	BATTLE CREEK	MI	19710109	19910226	HOSTILE	Y	PERSIAN GULF WAR
PO2	JOHNSON MICHAEL HUGH	N	C	M	DETROIT	MI	19530223	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	KING RONALD LOUIS	F	N	M	BATTLE CREEK	MI	19551207	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
LT	LANGE MARK ADAM	N	C	M	FRASER	MI	19570817	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
SGT	MASSMAN MICHAEL ROBERT	M	C	M	PORT HURON	MI	19540112	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	PALMER WILLIAM FITZGERALD	A	C	M	HILLSDALE	MI	19670419	19910224	HOSTILE	Y	PERSIAN GULF WAR
CW2	PORTER ANDREW PAUL	A	C	M	DETROIT	MI	19640420	19891220	HOSTILE	Y	INVASION OF PANAMA
SSG	SMITH MARY EDNA HALL	A	N	F	KALAMAZOO	MI	19540714	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
SRA	THOMAS LAWANDA	F	N	F	DETROIT	MI	19670217	19881221	TERRORIST	N	LOCKERBIE PAN AM BOMBING
CW2	WELCH KENNETH VERNON	A	C	M	GRAND RAPIDS	MI	19510523	19840920	TERRORIST	Y	US EMBASSY E. BEIRUT LEBANON
1STLT	ZIMMERMAN WILLIAM ARTHUR	M	C	M	GRAND HAVEN	MI	19570121	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	BENTZLIN STEPHEN ERIC	M	R	M	WOODLAKE	MN	19670309	19910129	HOSTILE	Y	PERSIAN GULF WAR
SGT	BERGSTROM PHILIP VERNON	A	C	M	ST PAUL	MN	19661221	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
CPL	CUSTARD KELVIN PAUL	M	C	M	VIRGINIA	MN	19610319	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	JONES GLEN DEAN	A	C	M	GRAND RAPIDS	MN	19690411	19910225	HOSTILE	Y	PERSIAN GULF WAR
CPL	LAMB THOMAS GREGORY	M	C	M	COON RAPIDS	MN	19630422	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
A1C	MARTHALER BRENT EVAN	F	C	M	CAMBRIDGE	MN	19760611	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
SGT	OLSON JOHN A	M	C	M	SABIN	MN	19620408	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	TISHMACK JOHN JAY	M	C	M	MINNEAPOLIS	MN	19640314	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LT	TURNER CHARLES JOHN	N	C	M	RICHFIELD	MN	19610803	19910118	HOSTILE	N	PERSIAN GULF WAR
LT	CONNOR PATRICK KELLY	N	C	M	COLUMBIA	MO	19650621	19910202	HOSTILE	N	PERSIAN GULF WAR
LT	COSTEN WILLIAM THOMPSON	N	C	M	ST LOUIS	MO	19630804	19910118	HOSTILE	N	PERSIAN GULF WAR
SPC	FARNEN STEVEN PAUL	A	C	M	COLUMBIA	MO	19681115	19910225	HOSTILE	Y	PERSIAN GULF WAR
SSGT	GHUMM HAROLD DEATER	M	C	M	CROCKER	MO	19520817	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	HOBSON KENNETH RAY II	A	C	M	NEVADA	MO	19710501	19980807	TERRORIST	Y	KENYA EMBASSY BOMBING
SGT	MOORE JOSEPH P	M	C	M	ST LOUIS	MO	19620404	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	BLAND STEPHEN BOYD	M	C	M	WEST POINT	MS	19600206	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
ENS	TRIPLETT ANDREW	N	N	M	SHUQUALAK	MS	19690620	20001012	TERRORIST	Y	USS COLE ATTACK

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PV2	COATS VANCE TROY	A	C	M	GREAT FALLS	MT	19710127	19891220	HOSTILE	Y	INVASION OF PANAMA
CPL	EVANS THOMAS ALLEN	M	C	M	CONRAD	MT	19610608	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
1LT	HUNTER JOHN RUSSELL	A	C	M	VICTOR	MT	19590128	19891220	HOSTILE	Y	INVASION OF PANAMA
1STSGT	BATTLE DAVID LEE	M	C	M	JACKSON	NC	19440713	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	BLANKENSHIP RICHARD LANE	M	C	M	FAYETTEVILLE	NC	19570917	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	COOK CHARLES DENNIS	M	C	M	ADVANCE	NC	19611122	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	COPELAND JOHNNY LEN	M	C	M	BURLINGTON	NC	19640511	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	DAVES JERRY SCOTT	A	C	M	HOPE MILLS	NC	19690908	19891220	HOSTILE	Y	INVASION OF PANAMA
CW3	ELLIS BRYAN LEE	A	C	M	SWANSBORO	NC	19500520	19791121	TERRORIST	Y	PAKISTAN TERRORISTS
MSSN	FRANCIS LAKEINA MONIQUE	N	N	F	WOODLEAF	NC	19810607	20001012	TERRORIST	Y	USS COLE ATTACK
SSG	HARRIS MICHAEL ANTHONY JR	A	N	M	POLLOCKSVILLE	NC	19650212	19910226	HOSTILE	Y	PERSIAN GULF WAR
SGT	HESTER STANLEY GLENN	M	C	M	RALEIGH	NC	19610408	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	KING JERRY LEON	A	N	M	WINSTON-SALEM	NC	19700703	19910226	HOSTILE	Y	PERSIAN GULF WAR
2NDLT	LOSEY DONALD GEORGE JR	M	C	M	WINSTON-SALEM	NC	19550626	19830829	TERRORIST	Y	LEBANON PEACEKEEPING
SGT	LUKETINA SEAN PATRICK	A	C	M	FAYETTEVILLE	NC	19600701	19840630	HOSTILE	Y	INVASION OF GRENADA
LCPL	MCNEELY TIMOTHY D	M	C	M	MOORESVILLE	NC	19640112	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	MERCER MICHAEL DENNIS	M	C	M	CONOVER	NC	19550129	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	MYERS HARRY DOUGLAS	M	C	M	WHITTIER	NC	19610914	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	OLSON PATRICK BRIAN	F	C	M	WASHINGTON	NC	19650421	19910227	HOSTILE	Y	PERSIAN GULF WAR
CPL	PAGE RAY	M	C	M	DUNN	NC	19600215	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO1	WAGNER MICHAEL RAY	N	C	M	ZEBULON	NC	19540706	19840920	TERRORIST	Y	US EMBASSY E. BEIRUT LEBANON
SFC	WARRELL DAVID KEITH	A	C	M	THOMASVILLE	NC	19610522	19951113	TERRORIST	Y	RIYADH BOMBING
1STSGT	WILLIAMS SCIPIO JR	M	N	M	CHARLESTON	NC	19480523	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	WILLIAMSON JOHNNY ADAM	M	C	M	ASHEBORO	NC	19580327	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	KRAFT TODD ANTHONY	M	C	M	DEVILS LAKE	ND	19640313	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
CAPT	SEAGLE JEB FRANKLIN	M	C	M	LINCOLN	NE	19530804	19831026	HOSTILE	Y	INVASION OF GRENADA
A1C	MORGERA PETER JAMES	F	C	M	STRATHAM	NH	19711103	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
WO1	PLASCH DAVID GORDON	A	C	M	PORTSMOUTH	NH	19670803	19910227	HOSTILE	Y	PERSIAN GULF WAR
SSGT	SOIFERT ALLEN HARRY	M	C	M	HOLLIS	NH	19580819	19831014	TERRORIST	Y	LEBANON PEACEKEEPING
PFC	ARROYO DOMINGO	M	Z	M	ELIZABETH	NJ	19710309	19930112	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	BURLEY WILLIAM FRANKLIN	M	C	M	LINDEN	NJ	19600627	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	COX MANUEL ANTONIO	M	Z	M	UNION CITY	NJ	19630120	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
LCPL	DRAMIS GEORGE LOUIS	M	C	M	GREEN CREEK	NJ	19640929	19840130	TERRORIST	Y	LEBANON PEACEKEEPING
LCPL	ESTLER SEAN FORREST	M	C	M	SOUTH BRUNSWICK	NJ	19631102	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING

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SGT	HALTIWANGER FREDDIE JR	M	C	M	ELIZABETH	NJ	19560124	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CWO2	INNOCENZI PAUL GEROME !!!	M	C	M	TRENTON	NJ	19551111	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	LANGON JAMES JOSEPH IV	M	C	M	SOMERVILLE	NJ	19630511	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	MONGRELLA GARETT ADAM	M	C	M	BELIVIDERE	NJ	19650624	19910129	HOSTILE	Y	PERSIAN GULF WAR
PO1	MORRIS STEPHEN LEROY	N	C	M	SOUTH PLAINFIELD	NJ	19560425	19831023	HOSTILE	N	INVASION OF GRENADA
SGT	PILLA DOMINICK MICHAEL	A	C	M	VINELAND	NJ	19720331	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SCPO	SCHAMBERGER ROBERT RUDOLPH	N	C	M	OAKLAND	NJ	19460225	19831023	HOSTILE	N	INVASION OF GRENADA
CPL	SMITH JAMES EDGAR	A	C	M	LONG VALLEY	NJ	19720216	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	STOWE THOMAS D	M	C	M	SOMERVILLE	NJ	19630912	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PV1	TALLEY ROBERT D	A	N	M	NEWARK	NJ	19720503	19910217	HOSTILE	Y	PERSIAN GULF WAR
CAPT	TSANTES GEORGE NMN JR	N	C	M	MERCHANTVILLE	NJ	19300623	19831115	TERRORIST	Y	ATHENS GREECE TERRORIST SHOOTING
PFC	WADE ROBERT CURTIS	A	N	M	HACKENSACK	NJ	19590919	19910225	HOSTILE	Y	PERSIAN GULF WAR
SGT	WOODS DEDERA LYNN	F	N	F	WILLINGBORO	NJ	19610204	19881221	TERRORIST	N	LOCKERBIE PAN AM BOMBING
SGT	YOUNG JEFFREY D	M	C	M	MOORESTOWN	NJ	19610725	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	ALLMAN JOHN R	M	C	M	CARLSBAD	NM	19631122	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	MUNOZ ALEX	M	Z	M	BLOOMFIELD	NM	19630104	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	ADAMS CHRISTOPHER JOHN	F	C	M	MASSAPEQUA PARK	NY	19660418	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
SSGT	BLESSINGER JOHN PERRY	F	C	M	SUFFOLK	NY	19580115	19910131	HOSTILE	Y	PERSIAN GULF WAR
CAPT	BOCCIA JOSEPH JOHN JR	M	C	M	NORTHPORT	NY	19550625	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	BOULOS JEFFREY J	M	C	M	ISLIP	NY	19630210	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO1	BUTCHER KENNETH JOHN	N	C	M	WEST ISLIP	NY	19561220	19831023	HOSTILE	N	INVASION OF GRENADA
CPL	CHERMAN SAM IRWIN	M	Z	M	QUEENS	NY	19640729	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
CPL	CORCORAN BERT D	M	C	M	HASTINGS	NY	19631118	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	COTTO ISMAEL	M	C	M	NEW YORK	NY	19630523	19910129	HOSTILE	Y	PERSIAN GULF WAR
SSGT	COULMAN KEVIN PATRICK	M	C	M	HARTWICK	NY	19560119	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	EGGLESTON EDGAR HOWARD III	F	C	M	GLENS FALLS	NY	19641013	19881221	TERRORIST	N	LOCKERBIE PAN AM BOMBING
CPT	FAJARDO MARIO	A	C	M	FLUSHING	NY	19611004	19910226	HOSTILE	Y	PERSIAN GULF WAR
LCPL	GRATTON HAROLD F	M	C	M	COHOES	NY	19630625	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	INGALLS JOHN JAY	M	C	M	INTERLAKEN	NY	19640306	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	JACKOWSKI JAMES J	M	C	M	SOUTH SALEM	NY	19630719	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	JONES STEVEN	M	N	M	NEW YORK	NY	19610101	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	MAITLAND SAMUEL	M	N	M	NEW YORK	NY	19581104	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	MCCALL JOHN	M	C	M	ROCHESTER	NY	19630617	19831025	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	MENKINS RICHARD HARRISON II	M	C	M	TULLY	NY	19620627	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING

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PO3	MILANO JOSEPH P	N	C	M	FARMINGVILLE	NY	19610517	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
2LT	MITCHELL JEWEL COURTNEY	A	N	M	NEW YORK	NY	19560614	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
CAPT	OHLER MICHAEL JOHN	M	C	M	HUNTINGTON	NY	19550209	19831016	TERRORIST	Y	LEBANON PEACEKEEPING
LCPL	OLSON ROBERT PAUL	M	C	M	LAWTONS	NY	19650220	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	ORTEGA ALEXANDER MICHAEL JR	M	C	M	ROCHESTER	NY	19580314	19830829	TERRORIST	Y	LEBANON PEACEKEEPING
SSG	ORTIZ PATBOUVIER ENRIQUE	A	C	M	NEW YORK	NY	19630807	19910227	HOSTILE	Y	PERSIAN GULF WAR
CWO3	ORTIZ RICHARD CHRISTOPHER	M	C	M	NEW YORK	NY	19460131	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	PAYNE MARK WALTER	M	C	M	BINGHAMTON	NY	19630708	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	POMALESTORRES RAFAEL	M	Z	M	NEW YORK	NY	19541001	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	RADEMACHER MARK ANTHONY	A	C	M	EAST AURORA	NY	19630607	19831025	HOSTILE	Y	INVASION OF GRENADA
LCPL	RICH TERRENCE L	M	N	M	NEW YORK	NY	19640614	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	RICHARDSON WARREN	M	N	M	NEW YORK	NY	19570426	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
FN	ROY PATRICK HOWARD	N	C	M	CORNWALL ON HUDSON	NY	19810306	20001012	TERRORIST	Y	USS COLE ATTACK
LCPL	SCHULTZ SCOTT LEE	M	C	M	KEESEVILLE	NY	19640918	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	SHALLO RONALD LOUIS	M	C	M	HUDSON	NY	19610705	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	SLATER STEPHEN ERIC	A	C	M	CLAYVILLE	NY	19610714	19831027	HOSTILE	Y	INVASION OF GRENADA
LCPL	SNYDER DAVID TIMOTHY	M	C	M	KENMORE	NY	19690309	19910129	HOSTILE	Y	PERSIAN GULF WAR
LCPL	STOCKTON CRAIG STEVEN	M	C	M	ROCHESTER	NY	19641029	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	STONE THOMAS GERALD	A	C	M	FALCONER	NY	19700626	19910225	HOSTILE	Y	PERSIAN GULF WAR
LCPL	THOMPSON DENNIS A	M	N	M	NEW YORK	NY	19630319	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	VALLE PEDRO JUAN	M	C	M	NEW YORK	NY	19580427	19830906	TERRORIST	Y	LEBANON PEACEKEEPING
CPL	WEEKES OBRIAN	M	N	M	NEW YORK	NY	19580724	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	WILLIAMS ERIC JON	A	C	M	CROWN POINT	NY	19640815	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
SFC	WITZKE HAROLD PAUL III	A	C	M	CAROGA LAKE	NY	19621229	19910226	HOSTILE	Y	PERSIAN GULF WAR
CW4	WOLCOTT CLIFTON PHILLIP	A	C	M	CUBA	NY	19570120	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
PFC	WYCHE CRAIG L	M	N	M	OSSINING	NY	19640222	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	ABBOTT TERRY W	M	C	M	NEW RICHMOND	OH	19590801	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	APPLEGATE TONY RAY	A	C	M	MCDERMOTT	OH	19620413	19910227	HOSTILE	Y	PERSIAN GULF WAR
CPL	BUCKMASTER JOHN B	M	C	M	VANDALIA	OH	19620611	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	CALLAHAN PAUL L	M	C	M	LORAIN	OH	19610806	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	CASH CLARENCE ALLEN	A	C	M	MANSFIELD	OH	19700404	19910227	HOSTILE	Y	PERSIAN GULF WAR
PFC	COLE MARC L	M	C	M	LUDLOW FALLS	OH	19640414	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	DAUGHERTY DAVID LEE	M	C	M	EASTLAKE	OH	19591028	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
SFC	DUGAN DONALD ALLEN	A	C	M	BELLE CENTER	OH	19570626	19960203	HOSTILE	Y	BALKANS

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LT	DWYER ROBERT JOHN	N	C	M	WORTHINGTON	OH	19580929	19910205	HOSTILE	Y	PERSIAN GULF WAR
HN	EARLE BRYAN LAMON	N	C	M	PAINESVILLE	OH	19620923	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	GANGUR GEORGE M	M	C	M	CLEVELAND	OH	19630520	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	HAMILTON VIRGEL D	M	C	M	DAYTON	OH	19621110	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	HANDWORK THOMAS TASCHNER	M	C	M	BOARDMAN	OH	19600904	19850619	TERRORIST	Y	EL SALVADOR TERRORIST ATTACK
LCPL	HOLLINGSHEAD BRUCE A	M	C	M	FAIRBORN	OH	19640513	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	JOHNSTON EDWARD A	M	C	M	YOUNGSTOWN	OH	19601210	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	KAMM JONATHAN HALL	A	C	M	MASON	OH	19650528	19910227	HOSTILE	Y	PERSIAN GULF WAR
SPC	KIDD ANTHONY WAYNE	A	C	M	LIMA	OH	19690418	19910301	HOSTILE	Y	PERSIAN GULF WAR
SGT	LANNON KEVIN JOSEPH	A	C	M	KETTERING	OH	19611212	19831027	HOSTILE	Y	INVASION OF GRENADA
CPL	LEWIS DAVID A	M	N	M	GARFIELD	OH	19601129	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	LUMPKINS JAMES HENRY	M	C	M	NEW RICHMOND	OH	19681105	19910129	HOSTILE	Y	PERSIAN GULF WAR
SGT	MALICOTE DOUGLAS EUGENE	A	C	M	LEBANON	OH	19660831	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
PFC	MARKWELL JAMES WILLIAM	A	C	M	CINCINNATI	OH	19680529	19891220	HOSTILE	Y	INVASION OF PANAMA
LCPL	SLIWINSKI STANLEY JOSEPH	M	C	M	NILES	OH	19631008	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	SPAULDING MICHAEL C	M	N	M	AKRON	OH	19611225	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	SPELLACY DAVID MICHAEL	M	C	M	WASHINGTON COURT HOUSE	OH	19620413	19910225	HOSTILE	Y	PERSIAN GULF WAR
CPL	WEBER GREGORY HOWARD	M	C	M	HAMILTON	OH	19620703	19850619	TERRORIST	Y	EL SALVADOR TERRORIST ATTACK
GYSGT	WEST LLOYD D	M	C	M	POINT PLEASANT	OH	19541002	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1STLT	WOOLETT DONALD ELBERAN	M	C	M	WALBRIDGE	OH	19510223	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	BOTELLO ANTHONY D	M	C	M	LATIMER	OK	19711103	19930125	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SGT	DAVIS BENJAMIN LARANZO	M	N	M	OKLAHOMA CITY	OK	19651005	19950419	TERRORIST	Y	OKLAHOMA CITY BOMBING
MSGT	KITSON KENDALL KEITH JR	F	C	M	YUKON	OK	19561011	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
PFC	DAILEY MICHAEL CRAIG JR	A	C	M	KLAMATH FALLS	OR	19711021	19910301	HOSTILE	Y	PERSIAN GULF WAR
SPC	WEDGWOOD TROY MICHAEL	A	C	M	THE DALLES	OR	19690119	19910304	HOSTILE	Y	PERSIAN GULF WAR
CPL	ARNOLD MOSES JR	M	N	M	PHILADELPHIA	PA	19630721	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	ATHERTON STEVEN ERIC	A	C	M	TEMPLETON	PA	19641010	19910225	HOSTILE	Y	PERSIAN GULF WAR
SSG	BARNARD LARRY ROY	A	C	M	HALLSTEAD	PA	19601208	19891220	HOSTILE	Y	INVASION OF PANAMA
SPC	BOLIVER JOHN AUGUST JR	A	C	M	MONONGAHELA	PA	19630510	19910225	HOSTILE	Y	PERSIAN GULF WAR
SGT	BONGIORNI JOSEPH PHILLIP III	A	C	M	HICKORY	PA	19710130	19910225	HOSTILE	Y	PERSIAN GULF WAR
SGT	BONK JOHN JOSEPH JR	M	C	M	CORNWELLS HEIGHTS	PA	19601031	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	BOXLER JOHN THOMAS	A	C	M	JOHNSTOWN	PA	19460511	19910225	HOSTILE	Y	PERSIAN GULF WAR
SPC	CLARK BEVERLY SUE	A	C	F	ARMAGH	PA	19670521	19910225	HOSTILE	Y	PERSIAN GULF WAR
MAJ	CONNELLY MARK ALAN	A	C	M	LANCASTER	PA	19560913	19910228	HOSTILE	Y	PERSIAN GULF WAR

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LCPL	COOPER CURTIS JOHN	M	C	M	KULPSVILLE	PA	19611124	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
ETC	COSTELOW RICHARD	N	C	M	MORRISVILLE	PA	19650429	20001012	TERRORIST	Y	USS COLE ATTACK
SGT	CRAVER ALAN BRENT	A	C	M	PENN HILLS	PA	19581111	19910225	HOSTILE	Y	PERSIAN GULF WAR
PO3	ELLIOT WILLIAM DANIEL JR	N	C	M	LANCASTER	PA	19530117	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	FILLMORE EARL ROBERT JR	A	C	M	BLAIRSVILLE	PA	19650616	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	FLUEGEL RICHARD ANDREW	M	C	M	ERIE	PA	19640213	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	FRONIUS GREGORY ALLEN	A	C	M	CONNELLSVILLE	PA	19591103	19870331	TERRORIST	Y	EL SALVADOR GUERRILLA ATTACK
SGT	GREASER ROBERT BRIAN	M	C	M	LANSDALE	PA	19600729	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	HAIRSTON THOMAS ALEXANDER	M	N	M	PHILADELPHIA	PA	19630719	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	HANTON GILBERT	M	N	M	PHILADELPHIA	PA	19600418	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	HOLLEN DUANE WRITNER JR	A	C	M	BELLWOOD	PA	19661128	19910225	HOSTILE	Y	PERSIAN GULF WAR
2NDLT	HUKILL MAURICE E	M	C	M	ELIZABETHTOWN	PA	19571126	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	KEOUGH FRANK SCOTT	A	C	M	HUNTINGDON	PA	19690108	19910225	HOSTILE	Y	PERSIAN GULF WAR
SPC	KOWALEWSKI RICHARD WAYNE JR	A	C	M	WAYNESBURG	PA	19730331	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	LAISE KEITH J	M	C	M	STROUDSBURG	PA	19630114	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MAJ	MACROGLOU JOHN WILLIAM	M	C	M	ALIQUIPPA	PA	19490823	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	MADISON ANTHONY ERIK	A	N	M	MONESSEN	PA	19630914	19910225	HOSTILE	Y	PERSIAN GULF WAR
SPC	MAYES CHRISTINE LYNN	A	C	F	ROCHESTER MILLS	PA	19680428	19910225	HOSTILE	Y	PERSIAN GULF WAR
SGT	MCDONOUGH JAMES E	M	C	M	NEW CASTLE	PA	19620923	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MAJ	MCKEE CHARLES DENNIS	A	C	M	TRAFFORD	PA	19481203	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
CPL	MUFFLER JOHN F	M	C	M	LANGHORNE	PA	19631213	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MCPO	NOVELLO SAM ALBERT	N	C	M	ERIE	PA	19240203	19800416	TERRORIST	Y	ISTANBUL ASSASSINATION
GYSGT	RAY CHARLES ROY	M	C	M	SUNBURY	PA	19500623	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PVT	RELVAS RUI A	M	C	M	PHILADELPHIA	PA	19640315	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	ROTONDO LOUIS J	M	C	M	PHILADELPHIA	PA	19620307	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	SHUGHART RANDALL DAVID	A	C	M	NEWVILLE	PA	19580813	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SPC	SIKO STEPHEN JULIUS	A	C	M	YOUNGSTOWN	PA	19660727	19910225	HOSTILE	Y	PERSIAN GULF WAR
LCPL	SPEARING JOHN WILLIAM	M	C	M	LANCASTER	PA	19630602	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SN	STRONG RONALD CHAUNCEY	N	C	M	REEDERS	PA	19650322	19871227	TERRORIST	Y	USO GRENADE ATTACK BARCELONA SPAIN
LCPL	WALDRON JAMES ERIC	M	C	M	JEANNETTE	PA	19650823	19910226	HOSTILE	Y	PERSIAN GULF WAR
SPC	WALLS FRANK JAMES	A	C	M	HAWTHORN	PA	19700905	19910225	HOSTILE	Y	PERSIAN GULF WAR
SGT	WESLEY ALLEN D	M	N	M	PHILADELPHIA	PA	19571231	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	WIGGESWORTH DWAYNE W	M	C	M	ERWINNA	PA	19631108	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	WINT WALTER EMERSON JR	M	C	M	WILKES-BARRE	PA	19550916	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING

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SPC	WOLVERTON RICHARD VINCENT	A	C	M	LATROBE	PA	19661005	19910225	HOSTILE	Y	PERSIAN GULF WAR
SGT	HERNANDEZ-LAPORTE ZAK ALBERT	A	Z	M	GUAYANILLA	PR	19691014	19920610	TERRORIST	Y	TERRORIST SHOOTING
LCPL	MELENDEZ LOUIS	M	Z	M	CEIBA	PR	19641002	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	RIBAS-DOMINICCI FERNANDO L	F	C	M	UTUADO	PR	19520624	19860415	HOSTILE	N	ATTACK ON LIBYA
CPL	CRUDALE RICK ROBERT	M	C	M	WEST WARWICK	RI	19620306	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	GIBLIN TIMOTHY ROBERT	M	C	M	PROVIDENCE	RI	19630726	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	IACOVINO EDWARD SALVATORE	M	C	M	WARWICK	RI	19630619	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	JULIAN THOMAS ADRIAN	M	C	M	PLYMOUTH	RI	19611027	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	MASSA DAVID SOUSA	M	C	M	WARREN	RI	19621006	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	PEREZ IVAN DARIO	A	Z	M	CENTRAL FALLS	RI	19670101	19891220	HOSTILE	Y	INVASION OF PANAMA
1STLT	SCHARVER JEFFREY RICHARD	M	C	M	BARRINGTON	RI	19580516	19831025	HOSTILE	Y	INVASION OF GRENADA
CPL	SHIPP THOMAS ALAN	M	C	M	WOONSOCKET	RI	19560904	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	SILVIA JAMES FRANCIS	M	C	M	MIDDLETOWN	RI	19630526	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	SOARES EDWARD	M	C	M	TIVERTON	RI	19620523	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO1	BATES RONNY KENT	N	C	M	AIKEN	SC	19540515	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	ISAAK GARRETH CHARLES	M	C	M	GREENVILLE	SC	19661228	19891220	HOSTILE	Y	INVASION OF PANAMA
SPC	LEAR PHILLIP SCOTT	A	C	M	WESTMINSTER	SC	19680621	19891220	HOSTILE	Y	INVASION OF PANAMA
LCPL	MORROW RICHARD ALLEN	M	C	M	NORTH CHARLESTON	SC	19620814	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CW2	OWENS WILSON BLACK	A	C	M	MYRTLE BEACH	SC	19600425	19891220	HOSTILE	Y	INVASION OF PANAMA
CPL	SAULS MICHAEL CALEB	M	C	M	WALTERBORO	SC	19630319	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	WALTERS DIXON LEE JR	F	C	M	COLUMBIA	SC	19610523	19910131	HOSTILE	Y	PERSIAN GULF WAR
TSGT	CAFOUREK DANIEL BEN	F	C	M	WATERTOWN	SD	19650812	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
A1C	MCRAVEN CARTNEY JEAN	F	C	F	SPEARFISH	SD	19750831	19950419	TERRORIST	Y	OKLAHOMA CITY BOMBING
SSGT	BOHNET JOHN RIDLEY JR	M	C	M	MEMPHIS	TN	19500123	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	FIELDER DOUGLAS LANCE	A	C	M	NASHVILLE	TN	19680409	19910226	HOSTILE	Y	PERSIAN GULF WAR
CPT	GRAYBEAL DANIEL EUGENE	A	C	M	JOHNSON CITY	TN	19651113	19910227	HOSTILE	Y	PERSIAN GULF WAR
SMSGT	MAY JAMES BLAINE II	F	C	M	JONESBORO	TN	19500523	19910131	HOSTILE	Y	PERSIAN GULF WAR
CPL	PERKINS MARVIN HOWARD	M	C	M	FRANKLIN	TN	19621102	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
SPC	TATUM JAMES DAVID	A	C	M	ATHENS	TN	19681205	19910225	HOSTILE	Y	PERSIAN GULF WAR
1STSGT	WELLS TANDY WALKER	M	C	M	LEBANON	TN	19420211	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	ALANIZ ANDY	A	C	M	CORPUS CHRISTI	TX	19701110	19910227	HOSTILE	Y	PERSIAN GULF WAR
CAPT	BRADT DOUGLAS LLOYD	F	C	M	HOUSTON	TX	19610629	19910214	HOSTILE	Y	PERSIAN GULF WAR
LCPL	BROWN DAVID W	M	C	M	CONROE	TX	19640801	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	BUTLER TOMMY DON	A	C	M	AMARILLO	TX	19690202	19910301	HOSTILE	Y	PERSIAN GULF WAR

US ACTIVE DUTY MILITARY HOSTILE DEATHS (1980-2000)

SGT	CAMPBELL MILLARD DEE	F	C	M	ANGLETON	TX	19650920	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
CPL	CEASAR JOHNNIE DOUGLAS	M	N	M	EL CAMPO	TX	19611003	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	COLEMAN MARCUS EUGENE	A	N	M	DALLAS	TX	19640708	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	COLLINS MELFORD RAY	A	C	M	UHLAND	TX	19560403	19910224	HOSTILE	Y	PERSIAN GULF WAR
LCDR	COOKE BARRY THOMAS	N	C	M	AUSTIN	TX	19550627	19910202	HOSTILE	N	PERSIAN GULF WAR
SGT	DELGADO LUIS ROBERTO	A	C	M	LAREDO	TX	19601127	19910226	HOSTILE	Y	PERSIAN GULF WAR
PFC	DENSON MARTIN DOUGLAS	A	C	M	ABILENE	TX	19680912	19891220	HOSTILE	Y	INVASION OF PANAMA
CPL	FULTON MICHAEL SCOTT	M	C	M	FT WORTH	TX	19620615	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	GANN LELAND EDWARD	M	C	M	AUSTIN	TX	19541021	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
ITSN	GAUNA TIMOTHY LEE	N	C	M	RICE	TX	19781112	20001012	TERRORIST	Y	USS COLE ATTACK
SGT	HAWTHORNE JAMES DALE	M	C	M	STINNETT	TX	19661208	19910227	HOSTILE	Y	PERSIAN GULF WAR
1STSGT	HERNANDEZ MATILDE JR	M	C	M	AUSTIN	TX	19460201	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	HERNANDEZ RUDOLFO	M	Z	M	EL PASO	TX	19550620	19840207	TERRORIST	Y	GERMANY TERRORIST ATTACK
SGT	JOYCE JAMES CASEY	A	C	M	DENTON	TX	19690815	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	MCMAHON TIMOTHY R	M	C	M	AUSTIN	TX	19640427	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO2	MCVICKER GEORGE NEWTON II	N	C	M	ABILENE	TX	19480206	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	MONTALVO CANDELARIO JR	M	C	M	EAGLE PASS	TX	19650823	19910302	HOSTILE	Y	PERSIAN GULF WAR
SPC	MURRAY JAMES CLARENCE JR	A	C	M	CONROE	TX	19700919	19910227	HOSTILE	Y	PERSIAN GULF WAR
PO2	RODRIGUEZ ISAAC GEORGE III	N	C	M	MISSOURI CITY	TX	19650322	19891220	HOSTILE	Y	INVASION OF PANAMA
SGT	RUIZ LORENZO MANUEL	A	C	M	EL PASO	TX	19660621	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
MS3	SANTIAGO RONCHESTER MANANGAN	N	Z	M	KINGSVILLE	TX	19780210	20001012	TERRORIST	Y	USS COLE ATTACK
SSG	STEPHENS CHRISTOPHER HOYT	A	N	M	HOUSTON	TX	19630708	19910226	HOSTILE	Y	PERSIAN GULF WAR
SPC	STINNETT MICHAEL GARY	A	C	M	DUNCANVILLE	TX	19620527	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
FN	SWENCHONIS GARY GRAHAM JR	N	C	M	ROCKPORT	TX	19740901	20001012	TERRORIST	Y	USS COLE ATTACK
PFC	VALENTINE ROGER EDWARD	A	C	M	PORTLAND	TX	19710428	19910302	HOSTILE	Y	PERSIAN GULF WAR
LCPL	WALKER DANIEL B	M	C	M	FLINT	TX	19701231	19910129	HOSTILE	Y	PERSIAN GULF WAR
PFC	WINKLE COREY LEE	A	C	M	LUBBOCK	TX	19690526	19910225	HOSTILE	Y	PERSIAN GULF WAR
PFC	KRAMER DAVID WALTER	A	C	M	KEARNS	UT	19710204	19910227	HOSTILE	Y	PERSIAN GULF WAR
LCPL	STEPHENSON DION JAMES	M	C	M	BOUNTIFUL	UT	19681219	19910129	HOSTILE	Y	PERSIAN GULF WAR
LCPL	BAKER NICHOLAS	M	N	M	ALEXANDRIA	VA	19620703	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	BARRETT RICHARD EVERETT	M	C	M	TAPPAHANNOCK	VA	19620108	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	BAYNARD JAMES RICKY	M	N	M	RICHMOND	VA	19600806	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	BUCHANAN BOBBY B	M	N	M	VIRGINIA BEACH	VA	19610418	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	CARR JASON CHARLES	A	C	M	HALIFAX	VA	19661011	19910227	HOSTILE	Y	PERSIAN GULF WAR

US ACTIVE DUTY MILITARY HOSTILE DEATHS (1980-2000)

HT2	CLODFELTER KENNETH EUGENE	N	C	M	MECHANICSVILLE	VA	19781226	20001012	TERRORIST	Y	USS COLE ATTACK
PO2	FOSTER WILLIAM BENJAMIN JR	N	C	M	RICHMOND	VA	19580111	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	FULCHER MICHAEL DILLARD	M	C	M	MADISON	VA	19600310	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	GENTRY KENNETH BLANE	A	C	M	RINGGOLD	VA	19590213	19910226	HOSTILE	Y	PERSIAN GULF WAR
CPL	GIBBS WARNER JR	M	N	M	PORTSMOUTH	VA	19621124	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MAJ	GIGUERE JOHN PATRICK	M	C	M	NEWPORT NEWS	VA	19500503	19831025	HOSTILE	Y	INVASION OF GRENADA
LCPL	GREGORY TROY LORENZO	M	N	M	RICHMOND	VA	19690313	19910226	HOSTILE	Y	PERSIAN GULF WAR
SSGT	HOLBERTON RICHARD HAMILTON	M	C	M	RICHMOND	VA	19550912	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	KNIPPLE JAMES CHANDONNET	M	N	M	ALEXANDRIA	VA	19621109	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	MAXWELL BEN HENRY	A	C	M	APPOMATTOX	VA	19570217	19830418	TERRORIST	Y	US EMBASSY BEIRUT LEBANON
SN	MCDANIELS JAMES RODRICK	N	N	M	NORFOLK	VA	19810427	20001012	TERRORIST	Y	USS COLE ATTACK
CPL	MCMAUGH ROBERT VINCENT	M	C	M	MANASSAS	VA	19620222	19830418	TERRORIST	Y	US EMBASSY BEIRUT LEBANON
LCPL	OWEN JEFFREY BRUCE	M	C	M	VIRGINIA BEACH	VA	19640124	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	OWENS JOSEPH ALBERT	M	C	M	CHESTERFIELD	VA	19590729	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1LT	PLUNK TERRY LAWRENCE	A	C	M	LEXINGTON	VA	19660223	19910226	HOSTILE	Y	PERSIAN GULF WAR
CPT	RITZ MICHAEL FRANCIS	A	C	M	PETERSBURG	VA	19550209	19831026	HOSTILE	Y	INVASION OF GRENADA
OS2	SAUNDERS TIMOTHY LAMONT	N	X	M	RINGGOLD	VA	19680820	20001012	TERRORIST	Y	USS COLE ATTACK
1STLT	SCHNORF CHARLES JEFFERY	M	C	M	DELAPLANE	VA	19590728	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	SMITH VINCENT LEE	M	C	M	VIENNA	VA	19530928	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1LT	TILLAR DONALDSON PRESTON III	A	C	M	CHARLOTTESVILLE	VA	19650513	19910227	HOSTILE	Y	PERSIAN GULF WAR
LCPL	WALKER LEONARD WARREN	M	C	M	FALLS CHURCH	VA	19610920	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	WASHINGTON ERIC GLENN	M	N	M	ALEXANDRIA	VA	19650521	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	WILLIAMS JONATHON MATHEW	A	N	M	PORTSMOUTH	VA	19671014	19910225	HOSTILE	Y	PERSIAN GULF WAR
MAJ	ZEUGNER THOMAS C M	A	C	M	PETERSBURG	VA	19540628	19910227	HOSTILE	Y	PERSIAN GULF WAR
PO3	WHITE EMIL ETIENNE	N	N	M	ST THOMAS	VI	19590907	19791203	TERRORIST	Y	SAN JUAN AMBUSH
1STSGT	LEMNAH RICHARD LEE	M	C	M	ST ALBANS	VT	19460604	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	BELAS LEE ARTHUR	A	C	M	PORT ORCHARD	WA	19680507	19910227	HOSTILE	Y	PERSIAN GULF WAR
PFC	COOPER ARDON BRADLEY	A	C	M	SEATTLE	WA	19670919	19910220	HOSTILE	Y	PERSIAN GULF WAR
SSG	GILDEN TERRY LEE	A	C	M	MEDICAL LAKE	WA	19570915	19830418	TERRORIST	Y	US EMBASSY BEIRUT LEBANON
LCPL	LINDERMAN MICHAEL EUGENE JR	M	C	M	SILVERDALE	WA	19710621	19910129	HOSTILE	Y	PERSIAN GULF WAR
WO1	MORGAN JOHN KENDALL	A	C	M	BELLEVUE	WA	19621207	19910227	HOSTILE	Y	PERSIAN GULF WAR
CPL	YAMANE MARK OKAMURA	A	Z	M	SEATTLE	WA	19621124	19831025	HOSTILE	Y	INVASION OF GRENADA
PO1	BALL JOHN ROBERT	N	C	M	MADISON	WI	19500831	19791203	TERRORIST	Y	SAN JUAN AMBUSH
SMSGT	BUEGE PAUL GARFIELD	F	C	M	MILWAUKEE	WI	19470711	19910131	HOSTILE	Y	PERSIAN GULF WAR

US ACTIVE DUTY MILITARY HOSTILE DEATHS (1980-2000)

SSG	BUSCH DANIEL DARRELL	A	C	M	PORTAGE	WI	19680730	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	CLARK RANDY WAYNE	M	C	M	MINONG	WI	19640720	19830906	TERRORIST	Y	LEBANON PEACEKEEPING
LCPL	ELLISON JESSE JAMES	M	C	M	SOLDIERS GROVE	WI	19640523	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	GANDER DAVID BRYAN	M	C	M	MILWAUKEE	WI	19640226	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	HELD DOUGLAS EDWARD	M	C	M	GERMANTOWN	WI	19620329	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	KINGSLEY WALTER VERNON	M	C	M	WISCONSIN DELLS	WI	19630526	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	KWIATKOWSKI PATRICK ROBERT	M	C	M	WAUSAU	WI	19640621	19850619	TERRORIST	Y	EL SALVADOR TERRORIST ATTACK
EN2	NIETO MARC IAN	N	C	M	FOND DU LAC	WI	19760725	20001012	TERRORIST	Y	USS COLE ATTACK
CAPT	NORDEEN WILLIAM EDWARD	N	C	M	CENTURIA	WI	19361009	19880628	TERRORIST	Y	CAR BOMBING ATHENS GREECE
PFC	PRICE JOHN MARK	A	C	M	CONOVER	WI	19661224	19891220	HOSTILE	Y	INVASION OF PANAMA
LCPL	SCHROEDER SCOTT ARTHUR	M	C	M	WAUWATOSA	WI	19701217	19910129	HOSTILE	Y	PERSIAN GULF WAR
SGT	SCOTT BRIAN PATRICK	A	C	M	PARK FALLS	WI	19680326	19910226	HOSTILE	Y	PERSIAN GULF WAR
SGT	STREHLOW WILLIAM ALLEN	A	C	M	KENOSHA	WI	19630926	19910226	HOSTILE	Y	PERSIAN GULF WAR
SGT	CAMARA MECOT EUGENE	M	C	M	SUMMERSVILLE	WV	19601228	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	COSNER DAVID LEE	M	C	M	ETKINS	WV	19610506	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	CYZICK RUSSELL EUGENE	M	C	M	STAR CITY	WV	19630705	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	DUNNIGAN TIMOTHY J	M	C	M	PRINCETON	WV	19611208	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO1	KEES MARION ELLSWORTH	N	C	M	INWOOD	WV	19480903	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPT	KIME JOSEPH GORDON III	A	C	M	CHARLES TOWN	WV	19520922	19910313	HOSTILE	Y	PERSIAN GULF WAR
CPL	LAKE VICTOR THEODORE JR	M	C	M	MARMET	WV	19680827	19910227	HOSTILE	Y	PERSIAN GULF WAR
AMN	LESTER CHRISTOPHER BURNS	F	C	M	WYOMING	WV	19770215	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
EW1	RUX KEVIN SHAWN	N	C	M	SPELTER	WV	19691031	20001012	TERRORIST	Y	USS COLE ATTACK
PV2	SCOTT KENNETH DOUGLAS	A	N	M	PRINCETON	WV	19690520	19891220	HOSTILE	Y	INVASION OF PANAMA
SPC	DAVILA MANUEL MICHAEL	A	C	M	GILLETTE	WY	19680831	19910227	HOSTILE	Y	PERSIAN GULF WAR

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements and supporting documents be printed in the RECORD.

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

The resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under ''Statements on Submitted Resolutions.'')

PAUL SIMON CHICAGO JOB CORPS CENTER

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 45, S. 378.

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

The legislative clerk read as follows:

A bill (S. 378) to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the ''Paul Simon Chicago Job Corps Center.''

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 378) was read the third time and passed, as follows:

S. 378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PAUL SIMON CHICAGO JOB CORPS CENTER.

(a) IN GENERAL.—The Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, and known as the ''Chicago Job Corps Center'' shall be known and designated as the ''Paul Simon Chicago Job Corps Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the Paul Simon Chicago Job Corps Center.

JAMES C. CORMAN FEDERAL BUILDING

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 46, S. 468.

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

The legislative clerk read as follows:

A bill (S. 468) to designate the Federal building located at 6230 Van Nuys Boulevard, Van Nuys, California, as the ''James C. Corman Federal Building.''

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 468) was read the third time and passed, as follows:

S. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JAMES C. CORMAN FEDERAL BUILDING.

The Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, shall be known and designated as the ''James C. Corman Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the James C. Corman Federal Building.

EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 47, S. 757.

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

The legislative clerk read as follows:

A bill (S. 757) to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the ''Edward N. Cahn Federal Building and United States Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 757) was read the third time and passed, as follows:

S. 757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, shall be known and designated as the ''Edward N. Cahn Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Edward N. Cahn Federal Building and United States Courthouse''.

LEE H. HAMILTON FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 48, S. 774.

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

The legislative clerk read as follows:

A bill (S. 774) to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the ''Lee H. Hamilton Federal Building and United States Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 774) was read the third time and passed, as follows:

S. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LEE H. HAMILTON FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, shall be known and designated as the ''Lee H. Hamilton Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the Lee H. Hamilton Federal Building and United States Courthouse.

WILDLAND FIRE MANAGEMENT

Mr. NICKLES. I ask unanimous consent the Senate now proceed to the consideration Calendar No. 49, H.R. 581.

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

The legislative clerk read as follows:

A bill (H.R. 581) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 581) was read the third time and passed.

STAR PRINT—S. 318

Mr. NICKLES. Mr. President, I ask unanimous consent that S. 318 be star printed with the changes at the desk.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NICKLES. Mr. President, in executive session, I ask unanimous consent that the Senate proceed to the consideration of the following nominations: Nos. 87, 88, 96, 102, 103, 105, 106, 108, 109, 110, 111, and 112; those nominations reported by the Veterans' Affairs Committee: Mckay, Higgins, Cragin, Lozada; and all nominations reported by the Armed Services Committee today, with the exception of Michael Hamel.

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 appear at this point in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Thomas E. White, of Texas, to be Secretary of the Army.

James G. Roche, of Maryland, to be Secretary of the Air Force.

DEPARTMENT OF ENERGY

Lee Sarah Liberman Otis, of Virginia, to be General Counsel of the Department of Energy.

GENERAL SERVICES ADMINISTRATION

Stephen A. Perry, of Ohio, to be Administrator of General Services.

EXECUTIVE OFFICE OF THE PRESIDENT

Angela Styles, of Virginia, to be Administrator for Federal Procurement Policy.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Alphonso R. Jackson, of Texas, to be Deputy Secretary of Housing and Urban Development.

Romolo A. Bernardi, of New York, to be an Assistant Secretary of Housing and Urban Development.

John Charles Weicher, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Richard A. Hauser, of Maryland, to be General Counsel of the Department of Housing and Urban Development.

DEPARTMENT OF VETERANS AFFAIRS

Leo S. Mackay, Jr., of Texas, to be Deputy Secretary of Veterans Affairs.

Robin L. Higgins, of Florida, to be Under Secretary of Veterans Affairs for Memorial Affairs.

Maureen Patricia Cragin, of Maine, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

Jacob Lozada, of Puerto Rico, to be an Assistant Secretary of Veterans Affairs.

THE JUDICIARY

Maurice A. Ross, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Erik Patrick Christian, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

ENVIRONMENTAL PROTECTION AGENCY

Linda J. Fisher, of the District of Columbia, to be Deputy Administrator of the Environmental Protection Agency.

IN THE AIR FORCE

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Fred F. Castle, Jr., 0000

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Kevin P. Chilton, 0000
Brig. Gen. John D. W. Corley, 0000
Brig. Gen. Tommy F. Crawford, 0000
Brig. Gen. Charles E. Croom, Jr., 0000
Brig. Gen. David A. Deptula, 0000
Brig. Gen. Gary R. Dylewski, 0000
Brig. Gen. James A. Hawkins, 0000
Brig. Gen. Gary W. Heckman, 0000
Brig. Gen. Jeffrey B. Kohler, 0000
Brig. Gen. Edward L. LaFountaine, 0000
Brig. Gen. Dennis R. Larsen, 0000
Brig. Gen. Daniel P. Leaf, 0000
Brig. Gen. Maurice L. McFann, Jr., 0000
Brig. Gen. Richard A. Mentemeyer, 0000
Brig. Gen. Paul D. Nielsen, 0000
Brig. Gen. Thomas A. O'Riordan, 0000
Brig. Gen. Quentin L. Peterson, 0000
Brig. Gen. Lorraine K. Potter, 0000
Brig. Gen. James G. Roudebush, 0000
Brig. Gen. Mary L. Saunders, 0000
Brig. Gen. Joseph B. Sovey, 0000
Brig. Gen. John M. Speigel, 0000
Brig. Gen. Craig P. Weston, 0000
Brig. Gen. Donald J. Wetekam, 0000
Brig. Gen. Gary A. Winterberger, 0000

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James Sanders, 0000
Brig. Gen. David E. Tanzi, 0000

The following named United States Air Force Reserve officer for appointment as Chief of Air Force Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 8038 and 601:

To be lieutenant general

Maj. Gen. James E. Sherrard III, 0000

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Gregory B. Gardner, 0000
Brig. Gen. Robert I. Gruber, 0000
Brig. Gen. Craig R. McKinley, 0000
Brig. Gen. James M. Skiff, 0000
Col. Richard W. Ash, 0000
Col. Thomas L. Bene Jr., 0000
Col. Philip R. Bunch, 0000
Col. Charles W. Collier Jr., 0000
Col. Ralph L. Dewsnup, 0000
Col. Carol Ann Fausone, 0000
Col. Scott A. Hammond, 0000
Col. David K. Harris, 0000
Col. Donald A. Haught, 0000
Col. Kencil J. Heaton, 0000
Col. Terry P. Heggemeier, 0000
Col. Randall E. Horn, 0000
Col. Thomas J. Lien, 0000
Col. Dennis G. Lucas, 0000
Col. Joseph E. Lucas, 0000
Col. Frank Pontelandolfo Jr., 0000
Col. Ronald E. Shoopman, 0000
Col. Benton M. Smith, 0000
Col. Homer A. Smith, 0000
Col. Annette L. Sobel, 0000
Col. Robert H. St. Clair III, 0000
Col. Michael H. Weaver, 0000
Col. Lawrence H. Woodbury, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles W. Fox Jr., 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Roy E. Beauchamp, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David C. Harris, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Lawrence J. Johnson, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James L. Pruitt, 0000
Col. Timothy C. Barrick, 0000
Col. Claude A. Williams, 0000

The following named Army National Guard of the United States officer for appointment as Director, Army National Guard and for appointment to the grade indicated under title 10, U.S.C., sections 10506 and 601:

To be lieutenant general

Maj. Gen. Roger C. Schultz, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Johnny M. Riggs, 0000

The following named United States Army Reserve officer for appointment as Chief, Army Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 3038 and 601:

To be lieutenant general

Maj. Gen. Thomas J. Plewes, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. John C. Atkinson, 0000
Brig. Gen. Danny B. Callahan, 0000
Brig. Gen. Robert C. Hughes Jr., 0000
Brig. Gen. James H. Lipscomb III, 0000
Brig. Gen. Charles L. Rosenfeld, 0000
Brig. Gen. Ronald S. Stokes, 0000

To be brigadier general

Col. Roger L. Allen, 0000
Col. Edward H. Ballard, 0000
Col. Bruce R. Bodin, 0000
Col. Gary D. Bray, 0000
Col. Willard C. Broadwater, 0000
Col. Jan M. Camplin, 0000
Col. Julia J. Cleckley, 0000
Col. Stephen D. Collins, 0000
Col. Bruce E. Davis, 0000
Col. John L. Enright, 0000
Col. Joseph M. Gately, 0000
Col. John S. Gong, 0000
Col. David E. Greer, 0000
Col. John S. Harrel, 0000
Col. Keith D. Jones, 0000
Col. Timothy M. Kennedy, 0000
Col. Martin J. Lucenti, 0000
Col. Buford S. Mabry Jr., 0000
Col. John R. Mullin, 0000
Col. Edward C. O'Neill, 0000
Col. Nicholas Ostapenko, 0000
Col. Michael B. Pace, 0000
Col. Marvin W. Pierson, 0000
Col. David W. Raes, 0000
Col. Thomas E. Stewart, 0000
Col. Jon L. Trost, 0000
Col. Stephen F. Villacorta, 0000
Col. Alan J. Walker, 0000
Col. Jimmy G. Welch, 0000
Col. George W. Wilson, 0000
Col. Jessica L. Wright, 0000
Col. Arthur H. Wyman, 0000
Col. Mark E. Zirkelbach, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Gary A. Quick, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William J. Lennox, Jr., 0000

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert Magnus, 0000

The following named United States Marine Corps Reserve officer for appointment as Commander, Marine Forces Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 5144 and 601:

To be lieutenant general

Maj. Gen. Dennis M. McCarthy, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William L. Nyland, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Wallace C. Gregson Jr., 0000

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of the importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Alfred G. Harms Jr., 0000

The following named United States Naval Reserve officer for appointment as Chief of Naval Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 5143 and 601:

To be vice admiral

Rear Adm. John B. Totushek, 0000

IN THE AIR FORCE

The following named officer for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., section 12203:

To be colonel

Roy V. Bousquet, 0000

Air Force nominations beginning Jeffrey E. Fry, and ending George A. Mayleben, which nominations were received by the Senate and appeared in the Congressional Record on May 16, 2001.

IN THE ARMY

Army nominations beginning Larry J. Ciancio, and ending Fredric D. Sheppard, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2001.

Army nominations beginning Carlton Jackson, and ending Richard D. Miller, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2001.

Army nominations beginning Charles R. Barnes, and ending Joseph Wells, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2001.

Army nominations beginning John R. Mathews, and ending Karl C. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on May 16, 2001.

IN THE MARINE CORPS

Marine Corps nominations beginning Ronald H. Anderson, and ending John H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2001.

IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Dale J. Danko, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Delbert G. Yordy, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Alexander L. Krongard, 0000

Navy nominations beginning Robert M. Abubo, and ending Eric D. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 26, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDERS FOR FRIDAY, MAY 25, 2001

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, May 25. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day and the Senate then begin a period for morning business, with Senators speaking for up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, 30 minutes; Senator THOMAS, or his designee, 30 minutes.

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

PROGRAM

Mr. NICKLES. Mr. President, for the information of all Senators, the Senate will be in a period for morning business beginning at 10 a.m. tomorrow. It is hoped the Senate can begin consideration of the tax reconciliation conference report at a reasonable time during tomorrow's session. Senators should be aware a vote is expected on the conference report prior to adjourning for the Memorial Day recess. The Senate may also consider any executive or legislative items available for action.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before

the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Friday, May 25, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 2001:

DEPARTMENT OF TRANSPORTATION

JENNIFER L. DORN, OF NEBRASKA, TO BE FEDERAL TRANSIT ADMINISTRATOR, VICE GORDON J. LINTON, RESIGNED.

DEPARTMENT OF THE INTERIOR

BENNETT WILLIAM RALEY, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE PATRICIA J. BENEKE, RESIGNED.

DEPARTMENT OF STATE

HOWARD H. LEACH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FRANCE.

DEPARTMENT OF JUSTICE

SARAH V. HART, OF PENNSYLVANIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE, VICE JEREMY TRAVIS, RESIGNED.

DEPARTMENT OF COMMERCE

JAMES EDWARD ROGAN, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE, VICE Q. TODD DICKERSON, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5137:

To be vice admiral

REAR ADM. MICHAEL L. COWAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RAND H. FISHER, 0000
REAR ADM. (LH) CHARLES H. JOHNSTON JR., 0000

DEPARTMENT OF DEFENSE

THOMAS P. CHRISTIE, OF VIRGINIA, TO BE DIRECTOR OF OPERATIONAL TEST AND EVALUATION, DEPARTMENT OF DEFENSE, VICE PHILIP EDWARD COYLE, III.

SUE MC COURT COBB, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

DEPARTMENT OF JUSTICE

EILEEN J. O'CONNOR, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE LORETTA COLLINS ARGRETT, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

ARTHUR F. ROSENFELD, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE LEONARD R. PAGE.

THE JUDICIARY

ODESSA F. VINCENT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE EVELYN E. CRAWFORD QUEEN, TERM EXPIRING.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 24, 2001:

DEPARTMENT OF DEFENSE

THOMAS E. WHITE, OF TEXAS, TO BE SECRETARY OF THE ARMY.

JAMES G. ROCHE, OF MARYLAND, TO BE SECRETARY OF THE AIR FORCE.

DEPARTMENT OF ENERGY

LEE SARAH LIBERMAN OTIS, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY.

GENERAL SERVICES ADMINISTRATION

STEPHEN A. PERRY, OF OHIO, TO BE ADMINISTRATOR OF GENERAL SERVICES.

EXECUTIVE OFFICE OF THE PRESIDENT

ANGELA STYLES, OF VIRGINIA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALPHONSO R. JACKSON, OF TEXAS, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

ROMOLO A. BERNARDI, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

JOHN CHARLES WEICHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

RICHARD A. HAUSER, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF VETERANS AFFAIRS

LEO S. MACKAY, JR., OF TEXAS, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS.

ROBIN L. HIGGINS, OF FLORIDA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS.

MAUREEN PATRICIA CRAGIN, OF MAINE, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS).

JACOB LOZADA, OF PUERTO RICO, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

THEODORE BEVRY OLSON, OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES.

VIET D. DINH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

MICHAEL CHERTOFF, OF NEW JERSEY, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE JUDICIARY

MAURICE A. ROSS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

ERIK PATRICK CHRISTIAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

ENVIRONMENTAL PROTECTION AGENCY

LINDA J. FISHER, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. FRED F. CASTLE JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. KEVIN P. CHILTON, 0000
BRIG. GEN. JOHN DW. CORLEY, 0000
BRIG. GEN. TOMMY F. CRAWFORD, 0000
BRIG. GEN. CHARLES E. CROOM JR., 0000
BRIG. GEN. DAVID A. DEPTULA, 0000
BRIG. GEN. GARY R. DYLEWSKI, 0000
BRIG. GEN. JAMES A. HAWKINS, 0000
BRIG. GEN. GARY W. HECKMAN, 0000
BRIG. GEN. JEFFREY B. KOHLER, 0000
BRIG. GEN. EDWARD L. LA FOUNTAINE, 0000
BRIG. GEN. DENNIS R. LARSEN, 0000
BRIG. GEN. DANIEL P. LEAF, 0000
BRIG. GEN. MAURICE L. MC FANN JR., 0000
BRIG. GEN. RICHARD A. MENTEMEYER, 0000
BRIG. GEN. PAUL D. NIELSEN, 0000
BRIG. GEN. THOMAS A. O'RIORDAN, 0000
BRIG. GEN. QUENTIN L. PETERSON, 0000
BRIG. GEN. LORRAINE K. POTTER, 0000
BRIG. GEN. JAMES G. ROUDEBUSH, 0000
BRIG. GEN. MARY L. SAUNDERS, 0000
BRIG. GEN. JOSEPH B. SOVEY, 0000
BRIG. GEN. JOHN M. SPEIGEL, 0000
BRIG. GEN. CRAIG P. WESTON, 0000
BRIG. GEN. DONALD J. WETEKAM, 0000
BRIG. GEN. GARY A. WINTERBERGER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES SANDERS, 0000
BRIG. GEN. DAVID E. TANZI, 0000

THE FOLLOWING NAMED UNITED STATES AIR FORCE RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF AIR FORCE RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 8038 AND 601:

To be lieutenant general

MAJ. GEN. JAMES E. SHERRARD III, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GREGORY B. GARDNER, 0000
BRIG. GEN. ROBERT I. GRUBER, 0000
BRIG. GEN. CRAIG R. MC KINLEY, 0000
BRIG. GEN. JAMES M. SKIFF, 0000
COL. RICHARD W. ASH, 0000
COL. THOMAS L. BENE JR., 0000
COL. PHILIP R. BUNCH, 0000
COL. CHARLES W. COLLIER JR., 0000
COL. RALPH L. DEWSNUP, 0000
COL. CAROL ANN FAUSONE, 0000
COL. SCOTT A. HAMMOND, 0000
COL. DAVID K. HARRIS, 0000
COL. DONALD A. HAUGHT, 0000
COL. KENCIL J. HEATON, 0000
COL. TERRY P. HEGGEMEIER, 0000
COL. RANDALL E. HORN, 0000
COL. THOMAS J. LIEN, 0000
COL. DENNIS G. LUCAS, 0000
COL. JOSEPH E. LUCAS, 0000
COL. FRANK PONTELANDOLFO JR., 0000
COL. RONALD E. SHOOPMAN, 0000
COL. BENTON M. SMITH, 0000
COL. HOMER A. SMITH, 0000
COL. ANNETTE L. SOBEL, 0000
COL. ROBERT H. ST. CLAIR III, 0000
COL. MICHAEL H. WEAVER, 0000
COL. LAWRENCE H. WOODBURY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES W. FOX JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROY E. BEAUCHAMP, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DAVID C. HARRIS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LAWRENCE J. JOHNSON, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES L. PRUITT, 0000
COL. TIMOTHY C. BARRICK, 0000
COL. CLAUDE A. WILLIAMS, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. ROGER C. SCHULTZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHNNY M. RIGGS, 0000

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF, ARMY RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

MAJ. GEN. THOMAS J. PLEWES, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN C. ATKINSON, 0000
BRIG. GEN. DANNY B. CALLAHAN, 0000
BRIG. GEN. ROBERT C. HUGHES JR., 0000

BRIG. GEN. JAMES H. LIPSCOMB III, 0000
BRIG. GEN. CHARLES L. ROSENFELD, 0000
BRIG. GEN. RONALD S. STOKES, 0000

To be brigadier general

COL. ROGER L. ALLEN, 0000
COL. EDWARD H. BALLARD, 0000
COL. BRUCE R. BODIN, 0000
COL. GARY D. BRAY, 0000
COL. WILLARD C. BROADWATER, 0000
COL. JAN M. CAMPLIN, 0000
COL. JULIA J. CLECKLEY, 0000
COL. STEPHEN D. COLLINS, 0000
COL. BRUCE E. DAVIS, 0000
COL. JOHN L. ENRIGHT, 0000
COL. JOSEPH M. GATELY, 0000
COL. JOHN S. GONG, 0000
COL. DAVID E. GREER, 0000
COL. JOHN S. HARREL, 0000
COL. KEITH D. JONES, 0000
COL. TIMOTHY M. KENNEDY, 0000
COL. MARTIN J. LUCENTI, 0000
COL. BUFORD S. MABRY JR., 0000
COL. JOHN R. MULLIN, 0000
COL. EDWARD C. O'NEILL, 0000
COL. NICHOLAS OSTAPENKO, 0000
COL. MICHAEL B. PACE, 0000
COL. MARVIN W. PIERSON, 0000
COL. DAVID W. RAES, 0000
COL. THOMAS E. STEWART, 0000
COL. JON L. TROST, 0000
COL. STEPHEN F. VILLACORTA, 0000
COL. ALAN J. WALKER, 0000
COL. JIMMY G. WELCH, 0000
COL. GEORGE W. WILSON, 0000
COL. JESSICA L. WRIGHT, 0000
COL. ARTHUR H. WYMAN, 0000
COL. MARK E. ZIRKELBACH, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GARY A. QUICK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM J. LENNOX JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT MAGNUS, 0000

THE FOLLOWING NAMED UNITED STATES MARINE CORPS RESERVE OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5144 AND 601:

To be lieutenant general

MAJ. GEN. DENNIS M. MC CARTHY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM L. NYLAND, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WALLACE C. GREGSON JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ALFRED G. HARMS, JR., 0000

THE FOLLOWING NAMED UNITED STATES NAVAL RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5143 AND 601:

To be vice admiral

REAR ADM. JOHN B. TOTUSHEK, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROY V. BOUSQUET, 0000

AIR FORCE NOMINATIONS BEGINNING JEFFREY E. FRY, AND ENDING GEORGE A. MAYLEBEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 16, 2001.

IN THE ARMY

ARMY NOMINATIONS BEGINNING LARRY J. CIANCIO, AND ENDING FREDRIC D. SHEPPARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2001.

ARMY NOMINATIONS BEGINNING CARLTON JACKSON, AND ENDING RICHARD D. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2001.

ARMY NOMINATIONS BEGINNING CHARLES R. BARNES, AND ENDING JOSEPH WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 8, 2001.

ARMY NOMINATIONS BEGINNING JOHN R. MATHEWS, AND ENDING KARL C. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 16, 2001.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING RONALD H. ANDERSON, AND ENDING JOHN H. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2001.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DALE J. DANKO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DELBERT G. YORDY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ALEXANDER L. KRONGARD, 0000

NAVY NOMINATIONS BEGINNING ROBERT M. ABUBO, AND ENDING ERIC D. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 26, 2001.

EXTENSION OF REMARKS

RECOGNIZING JOHN G. TAYLOR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize John G. Taylor for being selected as the Person of the Year 2000 for his accomplishments in the area of religious journalism. The Muslim Public Affairs Council-Fresno presented the award to Taylor on Saturday, April 28, 2001 at their annual awards dinner.

John G. Taylor is a first-generation American. He was born in Brooklyn, New York in 1950. He worked as a reporter for a weekly newspaper and as a correspondent for the New York Times while he earned a degree in journalism at New York University. After college, he worked as a desk editor at newspapers in Hartford and New London, Connecticut. John always made time to do freelance writing on the side.

In 1981, John and his family relocated to Fresno, where he found a job with the Fresno Bee. In 1989, John landed a job as a religious reporter. He covered various historic religious events, including Pope John Paul II's World Youth Day gathering in Denver and the "Stand in the Gap" million-man Christian march in Washington, D.C. He eagerly pursued stories about people and matters of faith for the Fresno Bee until January of 2001. After his tenure at the Bee, John accepted a position as a senior communications specialist/senior writer with Community Medical Centers.

John and his wife Judy have six children and seven grandchildren.

Mr. Speaker, I rise to recognize John G. Taylor for his Person of the Year Award presented by the Muslim Public Affairs Council-Fresno. I urge my colleagues to join me in wishing John G. Taylor many more years of continued success.

SIXTH DISTRICT COACH ACHIEVES A NATIONAL HONOR

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. COBLE. Mr. Speaker, the Sixth District of North Carolina is proud to congratulate John Ralls, who has been named as the runnerup for the National High School Coach of the Year Award. Ralls, coach of the Ledford High School girls' basketball team, received this honor from the Women's Basketball Coaches Association on April 7th. In addition to this achievement, Ralls earlier was named the Southeast Region Coach of the Year and the North Carolina Coach of the Year.

Mixed in with the good news of these accomplishments was a painful back injury that required surgery. "I was kind of out of it," Ralls told the Greensboro News and Record, "so I didn't pick up on it (the award) for about a week." Ralls's first back surgery was in 1992, his first year of coaching. The more recent surgery was much more serious, however, and Ralls was concerned that he might be unable to attend the ceremony on April 7th. Fortunately, Ralls was well enough to participate as well as perform as the assistant coach for the All-American girls' game in Phoenix, Arizona, where he picked up his award.

Ralls came to be nominated for this national award by one of his opponents. His Ledford team scrimmaged Apex High School, and it was the Apex coach, Scott Campbell, who nominated Ralls for the honor that he received.

During his 15 years as coach Ralls has greatly impacted the basketball program, but more importantly, many young lives. In the last seven seasons, the Ledford Varsity girls' basketball team has won three state championships, as well as appearing in the state finals four times.

On behalf of the citizens of the Sixth District of North Carolina, we congratulate Ledford coach John Ralls for his many accomplishments both on and off the basketball court.

INTRODUCTION OF INTERNET EQUITY AND EDUCATION ACT OF 2001

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. ISAKSON. Mr. Speaker, today I am introducing the Internet Equity and Education Act of 2001.

The Web-Based Education Commission, on which I served as Vice Chairman, set out to discovery how the Internet was being used to enhance learning opportunities for all learners regardless of age. We heard testimony from many experts and witnessed many demonstrations of how successfully to use technology in education. Last fall, the Web-Based Education Commission issued its report, "The Power of the Internet for Learning."

Throughout the report, the Commission makes several recommendations for improving and expanding the use of the Internet so that all learners may have greater access to educational opportunities. One specific recommendation made by the Commission was to "[r]evise outdated regulations that impede innovation and replace them with approaches that embrace anytime, anywhere, any pace learning." The bill I am introducing today addresses this recommendation as it applies to postsecondary education.

The Commission identified specific areas that should be addressed immediately if we truly are to embrace anytime, anywhere and any pace learning. The bill I am introducing today provides a limited expansion of internet-based educational opportunities for students. By the next reauthorization of the Higher Education Act we will know if our efforts at expansion were successful and if greater expansions are warranted.

The first provision addressed in this legislation deals with on-line education programs. As a result of past concerns regarding correspondence education, the Higher Education Act limits the number of courses an institution may offer and the number of students an institution may enroll in such courses and remain eligible to participate in the title IV student aid programs. In addition, the Higher Education Act limits the amount of aid a student enrolled in distance education courses delivered via telecommunications may receive if the institution offers half or more of its courses by correspondence or telecommunications. These provisions hinder innovation and do nothing to promote the concept of anytime, anywhere, any pace learning. However, with modest changes to the law, we can lift these rules and allow greater innovation and flexibility that will undoubtedly expand educational opportunities for all learners, without increasing risks to program integrity. Under the bill I am introducing, postsecondary institutions that are already participating in the federal student loan programs with student loan default rates under 10 percent over the three most recent years would face no limit to the number of courses they can offer over the Internet, or the number of students they can teach through telecommunications.

The second provision addressed in this legislation is the repeal of a regulation known as the 12-hour rule with respect to non-standard term programs. This rule governs the amount of "seat-time" students must spend in class per week, and hinders innovation and flexibility in the offering of academic programs as a result of the enormous and expensive administrative burdens it imposes on colleges and universities. In the case of one university offering a nontraditional, non-standard term program, this rule translates into 370,000 reports each year that must be prepared, approved by faculty and stored in a way that they are available for inspection. These reports fill 20 four-drawer file cabinets every year. Who is going to review and read these mind-numbing reports? My guess is that no one is going to actually review or read these mind-numbing reports? My guess is that no one is going to actually review or read these reports, but the government continues to require that the reports be written and retained. Under these circumstances, why would any college try to offer innovative and flexible academic programs specifically designed to expand educational opportunities? This regulation clearly

fits the Commission's call for revising outdated regulations that impede innovation. It need to be repealed. The bill I am introducing today repeals this outdated regulation and simply treats non-standard term programs the same as standard term programs with respect to the definition of a week of instruction.

The final provision addressed by the legislation would clarify the incentive compensation requirements currently found in the law. This provision would return to postsecondary institutions the ability to reward employees appropriately for their job performance, as long as they are not directly recruiting students.

This legislation provides much needed changes to the Higher Education Act that will allow all learners to take the fullest advantage of what the newest technologies can provide for their education. I thank the Chairman of the subcommittee, Mr. MCKEON, and Ranking Minority Member of the subcommittee, Ms. MINK, for their help in crafting this legislation, and I urge the support of all the members of this body.

MEMORIAL DAY

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. RYUN of Kansas. Mr. Speaker, as we approach Memorial Day, I would like to take a moment to reflect on the sacrifices that our veterans have made to keep us free.

This Freedom does not come without a price. It has been earned through the blood sweat, toil and tears of our military servicemen throughout history. Many of these men and women have paid the ultimate sacrifice on battlefields around the globe.

Now we must fulfill our promises to them. We must fulfill a promise of honor, respect and dignity today as we observe the sacrifices to services members.

I urge every American to pause and recognize that all of our liberties have been earned by thanking a veteran for their sacrifice.

Countless soldiers have died for our peace and stability. They knew the threat to their lives when they answered the call to stand up and fight for liberty.

We owe a huge debt of gratitude to this dedicated group of heroic Americans. Let's honor them by giving them our thanks and praise this weekend.

PERSONAL EXPLANATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. RADANOVICH. Mr. Speaker, my ''yea'' vote (Rollcall No. 144) on May 23, 2001 was recorded in error. I intended to vote ''no'' and would like the RECORD to reflect my position on the Motion to Recommit.

TAX RECONCILIATION CONFERENCE

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. MEEKS of New York. Mr. Speaker, I rise today to express my deep and alarming concerns about the pending Tax Reconciliation Conference Report.

While the Senate, that now distinguished body across the divide, has managed to scale back the size of the tax cut, Mr. Speaker it is still too large. We cannot afford this tax cut!! If we are to meet our obligations to the nation's youth, elderly and impoverished, we must act responsibly.

However you slice it, Mr. Speaker, this is tax cut for the rich. This is a bank account builder for those in our country who least need the boost.

We are basing this tax cut on projected revenues which, even by the most liberal of estimates, may not materialize.

Mr. Speaker, the most irresponsible part of this tax cut is that it relies on, and threatens the Medicare and Social Security Trust Funds. It is an irresponsible tax cut because it totally ignores hundreds of billions of dollars in interests costs. It seeks to line the pockets of the rich while fleecing the poor on energy, education and housing.

Mr. Speaker, I urge my colleagues to continue to expose this tax cut for what it really is, an irresponsible, poorly calculated and skewed to the wealthy budget buster.

TRIBUTE TO JAMES A. HARMON

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. CALLAHAN. Mr. Speaker, I would like to take a moment to recognize the departure of James A. Harmon as Chairman of the Export-Import Bank of the United States and thank him for a job well-done.

I had the pleasure of working closely with Chairman Harmon on a number of Ex-Im Bank issues during my time as Chairman of the Appropriations Committee's Subcommittee on Foreign Operations. I know firsthand what a strong advocate he has been for the agency and its important mission of supporting U.S. jobs through exports. From making Ex-Im Bank financing available in new foreign markets, to making the Bank more customer friendly, Chairman Harmon has done much to make Ex-Im Bank a more effective tool to support U.S. exports and U.S. jobs.

Chairman Harmon brought to Ex-Im Bank nearly 40 years of private sector experience in investment banking. This gave him an acute appreciation of global capital markets and the challenges U.S. exporters face in obtaining financing to transact business in emerging market economies. He put this experience to work at Ex-Im Bank, developing innovative financing structures, implementing marketing programs to better reach out to small businesses and other exporters that cannot access private sources of financing, and streamlining transaction processing.

At the same time, Chairman Harmon has been a responsible steward of taxpayer dollars. He has managed the Bank's portfolio and resources in a responsible manner, including through some difficult times in the global economy. When the Asian economies went into a tailspin early in Chairman Harmon's tenure, Ex-Im Bank was put to the test. He ably steered the Bank through this crisis, keeping losses on its Asian portfolio to a minimum by restructuring problem credits and aggressively pursuing claim recoveries. The Bank was also able to play a constructive role during this crisis by extending new financing to creditworthy Asian businesses that helped restart stalled U.S. export trade with the region. Ex-Im Bank emerged from the crisis having stood by U.S. exporters and prudently managed its assets.

As Ex-Im Bank moves into the 21st Century, it faces new challenges from both competitor export credit agencies and from new emerging markets. Chairman Harmon has put the Bank on firm footing to face these challenges and continue its important mission.

Once again, I'd like to thank Chairman Harmon for his four years of service to Ex-Im Bank and wish him well in his future pursuits.

STATEMENT OF INTRODUCTION FOR BAH REDUCTION LEGISLATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. JONES of North Carolina. Mr. Speaker, I rise today to introduce legislation aimed at improving the quality of life for our military personnel.

Last Year, Congress began funding an important Department of Defense initiative to reduce the out-of-pocket housing costs for service members residing in off-base housing. That program envisioned decreasing the out-of-pocket costs from almost 18.9 percent of housing costs incurred by our servicemen and women in 2000 down to zero in 2005. The average E–6 will receive about $175 more a month in BAH by 2005, while the average E–4 will receive about $111 more, allowing them to seek better housing options.

This is a great initiative that will have real benefits for almost 750,000 military personnel. However, I believe that we can and should do more.

Deputy Under Secretary of Defense for Installations Randall Yim recently testified before the House Military Construction Appropriations Subcommittee that up to 60 percent of all DoD housing is substandard. Two-thirds of this inventory is over 30 years old and requires a substantial annual investment to meet the maintenance requirements. In the barracks, over 50 percent of the inventory is over 30 years old. While we are taking many steps to eliminate this substandard housing through increased funding and several privatization initiatives, it will still be 2010 before most services have eliminated their poor quality housing—2014 for at least one service.

Our men and women in uniform risk their lives to protect the freedoms that we enjoy today. We owe it to those servicemen and women, and their families, to do everything we can to improve their living conditions.

It is for that reason, that I am introducing this legislation today. The legislation is very simple. Rather than waiting five years to buy down the out-of-pocket housing costs of our military personnel, this legislation would reduce out-of-pockets to 7.5 percent by the end of 2002, and zero by the end of 2003. By more rapidly reducing the costs associated with living off-base, more of our military personnel will be able to move into quality housing for them and their families.

I urge my colleague to join me in supporting this important legislation to improve the standard of living for those bravely serving in our Armed Forces.

INTRODUCTION OF INTERNET EQUITY AND EDUCATION ACT OF 2001

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. MCKEON. Mr. Speaker, today I join Representative ISAKSON in introducing the Internet Equity and Education Act of 2001.

The proposed amendments to the Higher Education Act are modest, but will provide an immediate benefit to students and improve the ability of postsecondary institutions to offer instruction over the Internet.

I will focus my comments on the issue of incentive compensation. There has been widespread acknowledgment within the higher education community and at the Department of Education that this provision and the implementing regulation that mimics the statute are unclear and the cause of much confusion with respect to allowable activities. The language included in this legislation attempts to clarify the intent of Congress, while recognizing that this particular provision needs to be regulated in a clear and concise manner with input from all interested parties.

For example, the reference to ''other incentive, non-salary payment'' in this bill clarifies that the statutory prohibition on certain monetary compensations extends only to bonuses, commissions, and similar payments. It does not prohibit setting or prospectively adjusting salary from time to time, based on performance of legitimate job functions.

The reference to payments ''based directly on success'' in securing enrollments clarifies that institutions may compensate admissions personnel based on their performance of legitimate recruiting activities and are commonly undertaken by recruiters on behalf of institutions of higher education prior to enrollment and the start of classes. Such activities and practices include, but are not limited to, recruiting visits to high schools; telephone calls and similar communications (including written letters and e-mail) aimed at recruiting prospective students; personal interviews of prospective students; tours for prospective students; providing various academic and general, school-related information to prospective students; and obtaining certain information from prospective students, including but not limited to applications, transcripts, high school diplomas, and other documentation needed to complete an application to enroll at an institution of higher education.

In addition, the change in language is intended to clarify that employee and owner participation in the profits of an institution is permitted.

The reference to persons or entities ''directly engaged'' in recruiting or awarding financial aid clarifies that the statutory prohibition applies only to those whose primary function is to recruit students or award financial aid. It is not intended to apply to supervisors or higher-level executives who, although they may supervise such persons or be above them in the institution's organizational chart, do not recruit prospective students or award financial aid. In addition, this change clarifies that the statutory prohibition is not intended to apply to contractual arrangements with third parties, such as web services providers marketing companies, or other service providers that have no control or authority over admissions or enrollments at the contracting institution.

Finally, this provision is being deleted from Section 487 and placed in a new Section 484C. It was never the intent of Congress that this provision should be deemed an element or condition of institutional, programmatic, or student eligibility. In changing the placement of the provision, it will give the Secretary the discretion to levy appropriate sanctions, in the event an institution is found to have violated the statutory ban.

I believe this clarification of the incentive compensation provision, along with the provisions addressing the 12-hour rule and correspondence education limitations, will provide postsecondary institutions with much needed relief from ''outdated regulations that impede innovation,'' and will allow the institutions to provide students with approaches to education ''that embrace anytime, anywhere, any pace learning.'' It will do so within the context of maintaining the integrity of our student financial aid programs. I urge my colleagues to support this legislation.

THE BUSH ADMINISTRATION HAS NOT KEPT FAITH WITH OUR NATION'S VETERANS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. EVANS. Mr. Speaker, on Monday we will commemorate Memorial Day. We will pause to humbly and gratefully remember the service and sacrifice of the men and women who have served in uniform and have defended and preserved our shared ideals.

Shamefully, on Memorial Day 2001, hundreds of thousands of disabled veterans and their families continue to wait for action on claims for veterans benefits now pending before the Department of Veterans Affairs (VA). To his credit, the Secretary of Veterans Affairs, Anthony Principi, has been candid with veterans and their advocates about the crisis that exists today in veterans' claims adjudication. Repeatedly, Secretary Principi has stated that addressing the backlog of 513,309 claims currently pending before regional offices of the Department of Veterans Affairs (VA) is his number one priority. In acknowledging the claims adjudication crisis, Secretary Principi recently stated in an interview with the Veterans of Foreign Wars, ''In the short-term, we will train more specialists. The staff will be increased to assist in clearing the backlog.''

Secretary Principi is to be commended for recognizing the size and scope of the problem. He has taken action to authorize the hiring of additional staff needed to begin addressing the claims crisis. He has made known the need for additional resources to resolve this crisis successfully.

However, President Bush and his Office of Management and Budget (OMB) have failed to promptly take actions needed to ameliorate the burgeoning veterans claims adjudication crisis. For its part, OMB established a significant roadblock by refusing to submit to Congress a supplemental funding request for less than $30 million needed to pay for the critically needed additional VA staff Secretary Principi is hiring.

Early this year, VA requested a supplemental appropriation of $29.1 million for this fiscal year to pay for the additional staff needed to address the backlog of compensation, pension and education claims. Despite the evident need for this funding, VA's request has been held hostage to the Bush administration's $1.6 million tax cut proposal. The requested supplemental was denied by OMB. VA was told to try to find the money elsewhere, such as in the budget for health care. As most Members of Congress know, VA has no surplus of funds in its health care budget. Stealing from Peter to pay Paul does not honor the service of America's veterans.

Those who have taken the time to talk with and listen to veterans understand that the time veterans are forced to wait for medical care is long and excessive, especially for certain specialized care from many VA medical facilities. The Committee on Veterans' Affairs submitted a bipartisan request to the Budget Committee pointing to a more than $1 billion shortfall in the Administration's 2002 budget.

Since the Bush administration took office, the backlog of veterans' claims has increased by more than 100,000. The number of claims awaiting a decision for more than 6 months also continues to grow—from 95,680 on January 19, 2001, to 143,777 on May 16, 2001.

A number of factors have caused the increased backlog. The processing of VA claims is a complex and labor intensive job. Recent legislation requires VA to obtain records in the custody of the Federal Government, including military records and medical evidence, before deciding a claim for service-connected compensation. This assistance to veterans supported by President Bush is intended to assure that veterans' claims would be treated with fundamental fairness and result in an accurate and fair decision. I am under no illusion that by bringing in additional staff, the backlog will disappear overnight. Similarly, I understand the backlog of claims will not be

reduced while quality decision-making is maintained and improved unless and until additional resources are made available—resources needed to hire additional personnel and train them appropriately.

Critically needed additional funding must be requested by the Administration. Alternatively, the backlog will continue to increase and the time taken to resolve it will likewise continue to increase. Surely this will not honor our veterans.

The question today is how soon will VA exhaust funds to pay for the costs of needed additional staff? What other programs are being cut to cover the costs of the additional employees desperately needed to adjudicate claims? How many veterans will die while awaiting the adjudication of their claims? This is certainly no way for a grateful nation to honor its veterans.

Mr. Reyes and I have today introduced H.R. 1981. This bill would authorize an emergency supplemental appropriation to provide the funding needed to address the crisis in VA claims adjudication that exists today. I call on President Bush to support this legislation or submit a similar request to the Congress now.

This Memorial Day, our Nation's veterans will be the subject of many finely crafted speeches delivered to honor them. Words, however, are not enough. Our deeds are a better measure of how well we truly honor our veterans. The need for additional resources is real. Claims adjudication is, and will remain for some time, a labor-intensive work. Let our deeds match our words of commemoration and remembrance. Let us provide the critically needed funding to pay for the resources needed to address the backlog and let us do this now.

During the campaign for President, then candidate Bush said, "health care for veterans is a complicated, bureaucratic process involving too many delays and uncertainties in coverage. Disability compensation claims can be an even longer ordeal, taking an average of 165 days to complete. So chaotic is the process there is now a backlog of nearly one-half million claims. This is no way to treat any citizen, much less a veteran of our Armed Forces. The veterans health-care system and the claims process will be modernized, so that claims are handled in a fair and friendly way." Mr. President, I agree and now is the time for you to act.

Candidate Bush also said, "I have great faith in those who serve our nation—in the temper of their will and the quality of their spirit. Our men and women in uniform love their country more than their comfort. They have never failed us, and we must not fail them." Mr. President, we must not fail those who have served and sacrificed. Take action now to request the additional funding so desperately needed for our Nation to keep faith with our veterans. It is time for your words and deeds to be one.

TRIBUTE TO CAPTAIN DAVE WALKER

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. OTTER. Mr. Speaker, I rise today to pay tribute to a great American, Dave Walker, who today will be laid to rest in Arlington Cemetery. Captain Dave Walker served his country on the sea, in the sky, and among the stars.

Captain Walker graduated from the United States Naval academy in 1966, completed his flight training, and became an F–4 Phantom Pilot. He led many combat missions over Vietnam. After returning from Vietnam, Dave became a test pilot and helped the Navy transition from the F–4 to the F–14 Tomcat that is still flown today. During his naval career, he was awarded the Distinguished Flying Cross, six Air Medals, and the Vietnamese Cross of Gallantry, among others.

In 1978 Dave was selected by NASA for astronaut training and graduated in 1979. He served in many important support roles, including chase plane pilot for STS–1, and mission support leader for STS–5 and 6. Dave first went into space aboard the Space Shuttle discovery during Mission STS 51–A in 1984—the first salvage operation completed in space.

Dave Walker returned to space in 1989 as commander of STS–30 aboard the Space Shuttle *Atlantis.* Dave and his crew again contributed to scientific knowledge by launching the Magellan space probe to Venus. He also commanded the Space Shuttles *Discovery* and *Endeavour* on important missions in recent years.

After leaving NASA in 1996 Dave Walker entered the private sector, and he and his wife purchased a home in McCall. Dave quickly advanced as President of the Idaho Aviation Assocaiton and the Idaho Aviation Foundation, and worked tirelessly to promote and protect the aviation community. He was particularly interested in working to reopen Cascade Reservoir Air Strip, one of the most beautiful fields in Idaho.

Sadly, Dave will never get the chance to fly into Cascade Reservoir airstrip again. He was diagnosed with cancer in March and passed away on April 23rd. He is survived by his wife Paige, his children Michael and Mathieson, and a grateful nation. Heroes are buried in Arlington Cemetery, but heroes like Dave Walker will live on in the lives of the people he fought to protect in Vietnam, the knowledge he contributed to space technology and aviation, and the friendships he made in Idaho.

RECOGNITION OF GLENN ROYAL BATTY

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. NETHERCUTT. Mr. Speaker, this coming weekend, the United States will observe Memorial Day and honor the service of America's soldiers, sailors, airmen and marines. As we take time this weekend to reflect on the sacrifices of members of our Armed Forces, I commend to the attention of my colleagues a poem written by a constituent, which I am entering into the CONGRESSIONAL RECORD. Glenn Royal Batty, of Spokane, Washington, has authored a moving poem entitled "The Soldier," which serves as a reminder of both the hardships of military life and the dedication of the American soldier. As Mr. Batty noted in a personal letter introducing his poem, "There can be no greater sacrifice than to give one's life for another but no greater shame than to spend life for less." I urge my colleagues to take a moment from their busy lives and reflect upon the message in this poem.

THE SOLDIER

(By Glenn Royal Batty)

I am one of a chosen few, a warrior of might.
And I will stand or I may fall, but I will join the fight.
I am he who fights for you, throughout history.
While vain men speak of glory, to hide hypocristy.
The captain calls for volunteers, to mount a bold defense,
While shades are drawn and shutters closed with indifference.
And as the ranks are gathered, above the rolling plain.
The soldier takes his courage into battle once again.

Battle is begun, and with it fear's perfume.
When this day is done, we'll see a bloody moon!

As you sing of glory and righteousness of cause,
We march courage six abreast, into the devil's jaws.
There to face our destiny with honor or in shame.
But to face it not, is not a thing we know, or can explain.

You won't feel my deadly steel or taste this fearsome blade,
But it will haunt your dreams at night, until its price is paid.
And you might wish to turn away, before the bugle sounds.
For righteousness is hard to find within a battleground.

Battle is begun! May God be on our side.
We pray a kingdom come, where peace may yet abide.

For fame or notoriety, what is the value there?
For land or grudge, we cannot see. What purpose? I declare!
For names, twice whispered on men's lips or tails of great renown,
We will march to battle, for honor is our crown!

Battle is begun! The day is warm, the wind blows sweet.
It stirs the banners with each breath,
While valiant souls together meet to share ignoble death.

Battle is begun no matter where or when,
We will fight and die. That's how it's always been.

I am one of a chosen few You're not to blame, It's what I do.
And if God's mercy will decree, with hardened heart and strength of will,
Throughout the flow of history, I will be fighting still.

THE CONSERVATION SECURITY ACT

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. THUNE. Mr. Speaker, I would like to thank all Members who joined as original cosponsors of H.R. 1949. A special thank you goes to Ms. KAPTUR of Ohio, the lead cosponsor and Ranking Member of the Agriculture Subcommittee of the House Committee on Appropriations. In this spirit of bipartisanship, we can move forward to address the conservation needs of the farmers in rural America.

The Conservation Security Act (CSA) would create a win-win situation for farmers and the environment. The bill would allow farmers, ranchers and other agricultural producers to participate in a voluntary, incentive-based conservation program. Under this legislation, the farmer or rancher would not have to set aside land. It would give them resources to carry out conservation practices on working lands as they work to make a living off the land.

CSA would allow landowners and operators to enter into contracts and receive payments based on the type of conservation practices they are willing to plan, implement and maintain. Conservation practices may include soil and residue management, contour farming, and cover cropping as well as comprehensive farm plans that take into account all the resource concerns of the agricultural operation.

CSA would establish three tiers of progressive conservation practices, plans and payment levels while allowing for continued participation in other agriculture conservation programs. Under the legislation, a participant may also receive payments based on established practices and for adopting innovative practices and systems, pilot testing, new technologies, and new conservation techniques. The program is voluntary.

I believe CSA is a balanced, responsible approach to encouraging conservation on our agricultural lands. As Congress moves forward on reshaping federal farm policy, conservation, and CSA specifically, will be an important part of the discussion. I hope my colleagues will consider cosponsoring this bill.

TRIBUTE TO COMMANDER JAMES F. STADER

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. HOBSON. Mr. Speaker, I rise today to recognize an outstanding Naval Officer, Commander James Stader, who has served with distinction and dedication for almost two years for the Secretary of the Navy, as the Congressional Liaison Officer for Civil Engineering, Appropriations Matters Office under the Assistant Secretary of the Navy (Financial Management and Comptroller). It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Department of the Navy, the Congress, and our great Nation as a whole.

During his tenure in the Appropriations Matters Office, which began in August of 1999, Commander Stader has provided members of the House Appropriations Committee, Subcommittee on Military Construction as well as our professional and personal staffs with timely and accurate support regarding Department of Navy plans, programs and budget decisions. His valuable contributions have enabled the Subcommittee on Military Construction and the Department of the Navy to strengthen their close working relationship and to ensure the most modern, well trained and well equipped naval forces attainable for the defense of our great nation.

Mr. Speaker, James Stader and his wife Clara have made many sacrifices during his career in the Navy. His distinguished service has exemplified honor, courage and commitment. As they depart the Appropriations Matters Office to embark on yet another great Navy adventure in the service of a grateful nation, I call upon my colleagues to wish them both every success and the traditional Navy send-off "fair winds and following seas."

HELP SCHOOLS HELP PUPILS

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. CONDIT. Mr. Speaker, we hear a lot about the crises in education and the failure of our public schools. Recently, Mr. James Enochs, the Superintendent of Modesto's schools, addressed this issue at a district meeting. I think we can all benefit from the comments and opinions of those who are involved in the front lines of education. I submit Superintendent Enochs' comments for insertion into the CONGRESSIONAL RECORD.

HELP SCHOOLS HELP PUPILS

(By James C. Enochs)

I have been asked to comment briefly on what the schools need. It seemed like an agreeable enough topic. But, as with much of the discussion about education, if the answer is neat and simple, it is probably wrong and misleading.

I am not a great pep-talk speaker. I think it is more important that we all face up to some of the grim realities that confront us. I get a lot of unsolicited advice in my job. Much of it from my friends in business, or as they prefer to call it, the "real world." Our conversations invariably end with my reminding them that they have three distinct and important advantages over schools:

You get to screen your applicants. You can take them or reject them based on the qualifications or lack of qualification they bring to the opening. We can't do that. We are required to take everybody irrespective of their qualifications.

You can pay them to get them to do what you want. We can't do that.

And, of course, if they don't please you, you can fire them. We can't do that, either.

And thank goodness we can't. Because those are hardly solutions to the kind of issues we face. Which is why I have chosen to be very direct and begin by telling you that you probably can't help us very much with the things schools need most. We need—we desperately need: More stable families; fewer abused children; less dope, alcohol and violence in the lives of our students; fewer gangs in the schools and more parents; we need kids who are fed before they come to school; we need more parents with the sense to discipline their children and guts enough to turn off the television; we need young children whose parents have taken the time to read to them; we need fewer fathers—and recently mothers—who think the axis of the earth passes through the 50–yard line; adults, suffering from a prolonged adolescence, who mistakenly believe that Saturday's hero is more important than Monday through Friday's good citizen and scholar; and we need 400–500 fewer pregnant unwed girls every year.

That's what schools need most. And, of course, that is what society needs most. In effect, my problems are yours; I only have to deal with them before you. And they certainly don't yield to something as simple, and unthinking as just don't accept them, or "can" them if they don't shape up. And I do think that an understanding of that—an understanding that not all failure is institutional failure—is a necessary precondition for a genuine partnership between schools and business.

Modesto City Schools, with nearly 35,000 students, is among the 25 largest school districts in California. And one of every eight children in America lives in California. . . Our school enrollment is greater than that of the 24 smallest states combined. And the public needs to understand something about that school population. And if you understand California, you will understand Modesto City Schools.

There is no place on the face of the earth with a more diverse population. Two-thirds of the state's newcomers are foreign-born. In fact, 15 percent of California's population was born in another country; and in the public schools, more than 30 percent of the children are of parents born in a foreign country; and for one-third of the children in California, English is a foreign language.

In Modesto City Schools, we have nearly 7,000 students who speak more than 40 different languages. That's an increase of 157 percent in the past 10 years. While it is hard for some people to accept, Modesto and, as a result, Modesto City Schools has taken on the characteristics of most urban areas in California: A very low educational level of parents. Nearly 30 percent of the parents of MCS children did not graduate from high school; a high percentage of welfare recipient families: nearly 9,000 of our students.

Families constantly on the move: We measure mobility on the number of students who leave or enter school after the first school month: nearly 10,000 students a year. Only 30 percent of the students who start kindergarten with us are still enrolled—by the eighth grade.

And I have mentioned the high and increasing number of children who do not speak or read English as their primary language. Just to translate that into something more manageable, the raw material resulting from these trends and the social disintegration of the family, has turned a typical class of 10th graders into a statistical nightmare in the Golden State:

Eight students will be on public assistance;

Three students will have sexually transmitted diseases;

Four will speak no English—none;

Three will be teen parents;

Three will grow up in public housing;

Two will be victims of child abuse;

Three will be regular drug users;

Three of them will have been born out of wedlock;

And half of them will have experienced at least one divorce in their family.

Now, if you look at that list, it must occur to even the greatest critic of public schools that educators didn't do it—we didn't introduce them to drugs, or break up their families, or force them onto public assistance, or get them pregnant, or any of the other myriad problems they pack with them to school. So, it's no good to say, ''That's your problem, Mr. Superintendent; I pay my taxes and that's enough.'' Well, today's social dynamite piling up in the nation's school is tomorrow's headache for all of us, including the business community.

Among other consequences, the link between the social ills that plague many young children and early school failure, later high school dropouts, and ultimately a functionally illiterate or marginally literate, unskilled work force is an inexorable progression.

And to paraphrase that oil filter commercial, we can deal with it now, or we can deal with it later. But we have a problem. It was captured very nicely about a year ago in a cover article in Time magazine with the rather sharp title, ''A Nation of Finger Pointers.''

The major premise of the article was that we are becoming a nation of passive crybabies. People who absolve themselves of any individual responsibility, sit on their duffs, and assume the status of victims as a result of someone else's incompetence or even malevolence.

I get it from both ends. Some teachers and administrators want to blame it on the absentee parents who are sending us all these undisciplined kids who do not value education and are loaded down with problems created by those parents. It's the ill-prepared raw material argument: ''How can we teach kids like that?''

On the other end of the process, I get it from the business community who says much the same thing, but substitutes ''educators'' for ''parents.'' Educators are sending us all these undisciplined kids who do not value work and are loaded down with problems created by the schools. It's the same ill-prepared raw material argument: ''How can we hire kids like that?''

So, what we have here is a problem in which everyone is either a victim or a scapegoat. If we have a problem, don't join hands anymore, point fingers. What we don't have is that old-fashioned American interdependency, shared responsibility, mutual understanding, the common ground where people meet and solve problems. And that is what this is about today.

We need community people—business people—to support us in our efforts to elevate academic excellence and good character—to convey to the young that we value the qualities we pay lip-service to. We need businesspeople who can stimulate interest in career development and training. Students have heard it all before from teachers and counselors. They need to see it and hear it from the people who will be doing the hiring and firing.

And finally, we just need more adults who will spend time with these kids; kids who haven't had many caring adults in their lives. Someone to read to them, to listen to them read, to treat them like they are somebody.

I can't tell you how many people tell me, ''I feel so sorry for those kids.'' Well, frankly, that's not good enough.

There is a revealing exchange between the great Englishman Samuel Johnson and his friend and biographer James Boswell in the greatest biography ever written. Boswell confesses, ''I have often blamed myself for not feeling for others as sensibly as many say they do.'' Johnson replies, ''Don't be duped by them anymore. You will find these very feeling people are not ready to do any good. They pay only by feeling.''

He's right. When the young have grown to adulthood, they will not think kindly of those adults who have given them sympathy without help.

TRIBUTE TO HOLLI DUNAYER

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mrs. MCCARTHY of New York. Mr. Speaker, I proudly recognize the academic and personal achievements of Holli Dunayer of East Meadow, New York.

Holli is a spirited and dedicated woman who has triumphed through life's continual ups and downs.

Although Holli gave her all to the North Bellmore Hair Salon family business, she always wanted to contribute to the community. While managing the salon, Holli helped the neighborhood's homeless, organizing a benefit for the poor from her store.

But times were difficult for Holli. In the early 1990s, she lost her home, was divorced, and went on public assistance so she could care for her daughter, Samantha, then seven.

But Holli bounced back.

In 1996, she enrolled in Nassau Community College, where she received an Associate's Degree in sociology. Holli was awarded a partial scholarship to Adelphi University, where she received a Bachelor's Degree in social work last year. On Sunday, May 20, 2001, Holli received a Master's Degree in social work from Adelphi University.

While Holli pursued her Master's Degree, she interned in my Hempstead District office. I was impressed by her commitment, and I hired her as a full-time legislative aide to handle education, IRS, grants and passports. I'm excited to have a second social worker on my staff.

Holli is a recipient of a $5,000 Maurice Paprin Memorial Fellowship given to students who demonstrate commitment to social change through past or present work.

Holli calls her employment "poetic justice" since she has gone from the government taking care of her to being a government employee helping others in tough situations. Holli is proof that hard work and dedication is all you need to make your dreams come true.

I congratulate Holli and her daughter, Samantha, now 15, on their achievements and Holli's graduation.

I am honored to have her as a member of my staff and as my friend.

INTERNATIONAL MIGRATORY BIRD DAY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BORSKI. Mr. Speaker, I rise today in recognition of International Migratory Bird Day (IMBD), which was officially celebrated on Saturday, May 12, with hundreds of events across the country including one at Philadelphia Zoo.

International Migratory Bird Day celebrates the annual return of millions of birds from wintering habitats in Latin America and emphasizes that the continued enjoyment of these birds depends upon our actions as consumers, homeowners, and citizens. At least 200 species of birds migrate to, from and through Philadelphia each year.

In addition to the sheer enjoyment of watching them, migratory birds are important biological indicators of ecosystem health as well as sentinels for potential human health risks. Their populations are declining dramatically due to the destruction and degradation of their habitat throughout the Americas. Making small changes to some of our daily habits can contribute to the conservation of migratory birds and their habitats, as well as the planet's overall health.

One small change is drinking shade-grown coffee, which helps protect habitat for migratory birds. According to experts at the U.S. Fish and Wildlife Service, the way coffee is grown can have a direct effect on many of the birds we see in our neighborhoods each spring. Coffee farms or plantations that leave a canopy of shading trees ("shade-grown coffee") benefit migratory birds by providing habitat for their wintering grounds in Mexico, Central and South America, and the Caribbean. The Wilson's warbler, scarlet tanager, northern oriole, indigo bunting, and wood thrush are among the dozens of migratory birds that spend part of their lives in the U.S. and that winter in the coffee-growing regions of Latin America.

Encouraging our local coffee shop or grocery store to carry shade-grown coffee is one way that each of us can make a difference. Another way is becoming more informed about migratory birds and the threats to their habitats through involvement in bird watching and other programs such as those at Philadelphia Zoo. The Zoo's involvement in avian conservation dates to before the opening of its original Bird House in 1916. More recently, scientists at Philadelphia Zoo have played a major role in the conservation of the American bald eagle. Once on the brink of extinction due to the use of the pesticide DDT, which was banned in the 1970s, the bald eagle is a national conservation success story. The Zoo's pair of eagles was brought to the Zoo by wildlife rehabilitators when it became clear that neither could be reintroduced to the wild. Over the years, this pair has bred successfully and, through collaboration with the Pennsylvania Game Commission, their offspring have been placed in the nest of wild eagles. At least two of these offspring successfully fledged from their foster parents, contributing

to the growing population of American bald eagles.

Today, America's First Zoo is building a new Avian Conservation Center that will feature state-of-the-art exhibitions and research facilities illustrating the diversity of the world's bird populations and their varied habitats. A central focus will be the challenges of conservation and preservation of rare species like Micronesian kingfishers, which are extinct in the wild. A key aim of the Center is to increase visitor awareness of avian conservation and issue a ''conservation call to action.''

We can also encourage innovative public-private partnerships such as the bird conservation initiative that was announced at the Zoo, when City and U.S. Fish and Wildlife officials met to formally recognize Philadelphia as the third Migratory Bird Treaty City in the nation.

I applaud the City of Philadelphia, the U.S. Fish and Wildlife Service, and Philadelphia Zoo for their efforts to promote the conservation, habitat restoration, protection and hazard reduction of migratory birds, and all those organizations and individuals celebrating International Migratory Bird Day.

INTRODUCTION OF THE COBRA COVERAGE EXTENSION AND AFFORDABILITY ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. STARK. Mr. Speaker, I rise to join with my dear friend Representative JOE MOAKLEY (D–MA) to introduce the COBRA Coverage Extension and Affordability Act of 2001.

COBRA is the law that allows employees who face a change in their work status—and would otherwise lose their health insurance—to be able to continue that same coverage through their previous employer for a period of generally 18 months and sometimes as much as 36 months depending upon their particular situation. During this continuation period, employees must pay 102% of the cost of their current health insurance plan. That means they pay their previous employer share, their own share, and an extra 2% to make up for any administrative costs faced by their previous employer for maintaining their coverage.

COBRA was created in order to provide a bridge for workers to be able to maintain health benefits for themselves and their families. It has been in place since 1986 and is overdue for remodeling.

The bill we are offering today makes three key improvements to existing COBRA law:

(1) It extends the length of time that COBRA continuation benefits are available for all workers and their families from an average of 18 months to 5 years with workers paying 102% of premiums as required under current law.

(2) It creates a new category of COBRA continuation coverage for people age 55 and over. Anyone age 55 and over is eligible to extend the 5 year limitation on COBRA coverage. They are able to keep their COBRA coverage until they become eligible for Medicare. If they choose to extend this coverage beyond the 5 year limitation, they will be responsible for premium payment of 125% the cost of the employer plan.

(3) It makes all COBRA recipients eligible for a refundable federal tax credit worth 50% of their premium costs.

The attraction of the COBRA program is that it enables people to maintain continuity of coverage when they are between jobs, or temporarily in a job that doesn't offer health benefits. It also usually allows them to maintain much more comprehensive coverage than would be available in the individual health insurance marketplace at a similar cost. Unfortunately, 18 months is often not enough time for someone to obtain a new job with comprehensive health care benefits for themselves and their family.

Our legislation would allow people to maintain the safety net of COBRA for up to five years—which should provide ample time for a new position with solid benefits to be found. Because the worker pays 102% of the premiums, there is no cost to the employee of maintaining them in their group plan.

Our legislation goes even further for people age 55 and older because many people in this age category retire before becoming eligible for Medicare or find themselves ''downsized'' out of a job. These people are the least likely segment of our population to be able to obtain affordable coverage in the individual health insurance marketplace. And, with the aging of the baby boom generation, this is a quickly growing segment of our population. In 1999, there were 23.1 million Americans in this age group. This number is expected to grow to 35 million by 2010 and to 42.5 million by 2020.

For these people, we would enable them to extend COBRA coverage until they become eligible for Medicare. This provision would provide them with stable health insurance until they become covered by Medicare. The bill recognizes the fact that this age group is more expensive to insure and compensates business accordingly by increasing the cost of participation to the worker form 102% of the premium to 125% of the premium cost if they maintain COBRA more than the standard of five years put forth in the first provision of our legislation.

Finally, we are especially excited about the provision that provides a new, refundable tax credit worth 50% of the premium costs. This tax credit is vitally important because health insurance is expensive! We are requiring people to pay 102% of the premium and these are often people with no job—or seriously underemployed for a temporary period of time. Overall premiums for health insurance have an average annual cost of $2400 for an individual and more than $6000 for a family.

The tax credit will defray some of the otherwise potentially unaffordable new cost forced on workers who wish to take advantage of the COBRA continuation option. They will still be responsible for much more of the cost than under a comprehensive employer-provided health plan in which the employer pays 80% and the employer pays 20%. But, this tax credit will enable many more people to take advantage of the opportunity to remain insured until another employer-provided plan becomes available to them.

Many of our colleagues on the other side of the aisle are enamored of a tax credit approach to solve the problem of the uninsured. Unfortunately, those members refuse to create a marketplace where health insurance would be made affordable and be fairly offered. The beauty of attaching a tax credit to COBRA continuation benefits is that you have guaranteed buy-in to a group health plan with comprehensive benefits that does not underwrite the price of the premium based on an individuals'—or their families'—health status.

This bill has something in it for everyone. It builds on the existing COBRA law. It helps people who are between jobs maintain affordable, comprehensive health insurance for themselves and their families. And, it includes the favorite solution put forth by the Republicans to reduce the number of uninsured—a tax credit approach.

Again, we know this bill is no panacea for solving all of the health insurance problems facing our nation. However, it certainly makes dramatic improvements on the status quo.

We look forward to working with our colleagues on both sides of the aisle to enact the COBRA Coverage Extension and Affordability Act and make important strides to help workers maintain affordable, continuous health insurance coverage for themselves and their families.

MEMORIAL TO BOYARSKI FAMILY ESTABLISHED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to commend the law enforcement officers of Luzerne County and other members of the community, including the Hazleton Standard-Speaker, who have worked to establish a memorial to the late Luzerne County Deputy Sheriff Eugene Boyarski and his family.

Deputy Sheriff Boyarski faced threats for doing his job, and when he refused to give in, he and his family were murdered by a firebomb thrown into their home in the middle of the night on February 14, 1976.

The stone memorial will be dedicated next week outside the Luzerne County Courthouse Annex in Hazleton. It will read: ''Deputy Sheriff Eugene Boyarski, his wife Lorraine and his family who tragically died in the intentional fire bombing of their home on Feb. 14, 1976, and all the deputy sheriffs from the Greater Hazleton area and Luzerne County who serve their community and elected sheriff with pride and honor.''

The ceremony will also include the presentation of the Boyarski Memorial Award, which will be given each year to a law enforcement officer. The first recipient of this award will be State Trooper Thomas McAndrew of Troop N in Hazleton ''for his dedication, resourcefulness and tenacity above and beyond the call of duty during the recent Algar/Molina homicide investigation.''

Trooper McAndrew certainly deserves this award for his efforts as the lead investigator, spearheading the intensive probe that led to two arrests and convictions. I am honored to have been asked to participate in this solemn ceremony.

Deputy Sheriff Boyarski's memory will also be perpetuated at the county courthouse in Wilkes-Barre with a plaque and a display of photographs and news clippings. In addition to these memorials and the award, a scholarship in his name will help students to pay for the six-month course at Lackawanna Junior College's branch campus in Hazleton that certifies them to become deputies or police officers.

Every day, our law enforcement officers put their lives on the line to protect our communities. Too often we take their service for granted, and I am pleased that Deputy Sheriff Boyarski's courage will continue to be remembered and honored in Luzerne County.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives these efforts to honor the memory of the Boyarski family, and I commend all those who worked to created this lasting memorial.

CONGRATULATIONS DON AND MARY LOU JACOBS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor Don and Mary Lou Jacobs of Bay City, Michigan, as they prepare to celebrate fifty years of marriage and a life-long commitment to each other and their nine children. The Jacobs' dedication and loving relationship serves as an excellent model for their family, friends and neighbors.

Don and Mary Lou met at LaLonde's Ballroom on Center Avenue in Hampton Township, Michigan. After a year and a half of courtship, Don proposed, and Mary Lou accepted. They were married on the twenty-sixth of May, 1951, and their marriage has been blessed with nine wonderful children: Maureen, Marie, Marlene, Donald, Darrell, Michele, Darin, Duane and Marcia. Mary Lou has devoted her life to raising and nurturing the children and providing a stable and supportive family environment. Don had a long and distinguished career in the automobile industry and, in 1988, retired from the UAW International staff giving him more time to spend with Mary Lou, their children and their grandchildren.

In today's society, it is a rare and praiseworthy occasion for a couple to spend fifty years together. Over the years, Don and Mary Lou have had many good times and much happiness to celebrate. Like any strong relationship, they also depended upon each other and their family to overcome some hardships. Their enduring love helped them make it through those times of strife and only served to deepen and enrich the joy of their partnership.

A good marriage is one of life's greatest covenants because it represents a declaration of love, and, as Paul said in his Letter to the Corinthians, ''Though I speak with the tongues of men and angels, but do not have love, I am nothing.'' Don and Mary Lou exemplify the promises outlined in the marriage pledge that so many others have invoked: through sickness and health, for richer or for poorer, their commitment and their love has remained strong.

Mr. Speaker, I ask my colleagues to join me in congratulating Don and Mary Lou Jacobs for the strength of their commitment to their family and to each other and in wishing them many future years of happiness.

TRIBUTE TO CYRUS M. ''RUSS'' JOLLIVETTE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to a man who has dedicated himself to the advancement of higher education and public service, Cyrus M. Jollivette, who is affectionately known as ''Russ.''

For 24 years, Russ Jollivette has compiled a remarkable record of achievement as the representative of the University of Miami, not only in these halls and in this city, but throughout Florida and the nation. He has announced his decision to leave the University now in further pursuit of his many interests. He leaves at the same time that the University's beloved president, Edward T. Foote, retires after 20 years at this institution. They leave together, two very extraordinary men whose mutual trust, skill, hard work and vision have left a permanent mark on the University and our entire community.

Russ is long-time personal friend and one of the finest men that I know. He has had a remarkable impact on improving the lives of students at U of M and creating new opportunities for dozens of talented students and researchers in fields like biomedical research, international education and development and marine sciences. Through Russ' efforts, the University has secured almost $200 million in federal support for cutting-edge education, training and research objectives. He has worked with me on minority health and education issues, cancer, diabetes and marine research and environmental science issues. His abilities as a problem-solver are legendary. There are very few University representatives who have Russ Jollivette's professionalism, knowledge, commitment judgment and persuasive ability, or who can match his success.

But his achievements do not begin or end with his service to the University. He is a special leader in the world of higher education and public service, and a leader in the African-American community. He understands the meaning of friendship in the truest sense. He comes from a prominent S. Florida family with a long history in our

Russ Jollivette's name is synonymous with academic service and excellence. He holds a Masters in Business Administration and a law degree. At the University of Miami, he served for more than two decades as Vice President for Government Relations, as the Secretary of the University, as Director of Public Affairs, Director of the Foundation and Corporate Relations, and, for many years, as the Executive Assistant to the President. In recognition of this service to the University, Russ was just awarded the 2001 Alumnus of the Year Award. Standing ovations at that ceremony and at meetings of the University's Executive Committee of the Board of Trustees reflect the depth of feeling and respect for him throughout the University.

In Florida, Russ Jollivette's reputation for public service and civic activities go well beyond U of M. Russ helped to shape the Florida Education as its Board Chairman and a Director—a fund dedicated to the advancement of African-American students with special promise to seek advanced degrees in many fields. He has served as a Chairman and Trustee for the Council for the Advancement and Support of Education (CASE) and as a Chairman and Trustee of the Public Health Trust of Miami-Dade County. He serves as Board Member and Secretary-Treasurer of the Miami Coalition for a Safe and Drug-Free Community and a member of the Orange Bowl Committee. He was a Board member of The Dade County Foundation and We Will Rebuild coalition following the devastation of Hurricane Andrew. The list goes on and on.

Mr. Speaker, the University of Miami; the Florida Congressional Delegation and the Congress; the world of higher education and countless young lives have been well-served by Russ Jollivette. I know my colleagues join me in thanking him and wishing him well. We can hardly wait to see what he will accomplish next.

MILITARY PAY

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BALLENGER. Mr. Speaker, today I am introducing a bill to restore a small measure of balance to the way military retired pay is handled during a divorce.

Under the Uniformed Services Former Spouses Protection Act, courts were given the authority to divide military retirement pay as property. This has resulted in certain injustices to many divorced military retirees. Chief among them is the fact that former spouses continue to receive a share of the retired pay even after one or more re-marriages—unlike other federal agency pensions, such as those of the CIA and Foreign Service, which terminate after a spouse remarries. Moreover, since there is no limitation on when former spouses can seek a division of retired pay, some former spouses seek this action many years after the divorce.

My bill has four principal components addressing problems created by the original legislation. First, it would terminate payments made as a division of property from retired pay upon remarriage of the former spouse. Second, it would require computation of the former spouse's portion of retired pay based on the servicemember's rank and year of military service at the time of divorce, not at the time of retirement. Third, it would limit the period of time after divorce in which a former spouse may seek a division of retired pay. Fourth, it would protect any veterans' disability compensation from division with the former

spouse, which was originally intended, but has either been circumvented or ignored.

I urge my colleagues to join me in seeking equity for military retirees by cosponsoring this bill.

MEMORIAL DAY IS A DAY TO REMEMBER THE SACRIFICE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BURTON of Indiana. Mr. Speaker, Memorial Day was established in 1868 to pay tribute to individuals who have made the ultimate sacrifice to the United States and their families. The men and women of the armed services of today and yesterday took an oath to uphold and protect the constitution against all enemies foreign and domestic. Those who served in the Army, Air Force, Navy, Coast Guard, and Marine Corps have been willing to lay their lives on the line to keep this greatest nation on the earth free. We must never forget the importance of this oath and this sacrifice.

Last year, when Public Law No. 106–579 was signed into law, we reaffirmed the importance of remembering and renewing the legacy of Memorial Day. We as a nation need to reclaim memorial Day as the sacred and noble event the day was intended to be. We can do this by taking greater strides to domestic appreciation for those loyal people of the United States whose values, represented by their sacrifices, are critical to the future of the United States. As a Government, we have a responsibility to raise awareness of and respect for the national heritage, and to encourage citizens to dedicate themselves to the values and principles for which those heroes of the United States died.

As part of this reaffirmation, Congress and the President called on the people of the United States to pause at 3:00 p.m. on Memorial Day to observe a National Moment of Remembrance. By doing so we honor the men and women of the United States who died in the pursuit of freedom and peace.

Memorial weekend has become the signal in this country that summer has begun. In Indianapolis this weekend we have the great Indy 500 race and festivities. It is a great weekend for Hoosiers. I hope that each American as we go about our holiday weekend will at the very least remember to take that moment on Monday and pause at 3:00 p.m. for a moment of remembrance through prayer, quiet reflection, or meditation.

We have been blessed this week to have a great media focus on the heroes of our armed services. Last Sunday night the James Keach Movie, ''Submerged'' aired on network television. This movie portrayed the heroics of the submariners of our early Navy and told the true story of raising a submarine and saving many of its crew. This Friday the movie ''Pearl Harbor'' will premier in theaters across the nation. I am pleased that these artists have used their talents and efforts to share with the world the stories that are such a vital component of our nation's history.

I am also pleased that we are preparing a sixty-year remembrance event at Pearl Harbor. We are fortunate in the 107th Congress to have heroes among us. The following are members of the House and Senate who served in the armed services during World War II. From the House of Representatives: CASS BALLENGER, JOHN D. DINGELL, BENJAMIN A. GILMAN, RALPH M. HALL, AMO HOUGHTON, HENRY J. HYDE, JOE MOAKLEY, RALPH REGULA, Norman Sisisky, JOE SKEEN, and BOB STUMP. From the Senate: DANIEL K. AKAKA, JESSE HELMS, ERNEST F. HOLLINGS, DANIEL K. INOUYE, TED STEVENS, STROM THURMOND, and JOHN WARNER.

As we go about remembering those who died in service, I hope we will also remember those who are still with us. Each month over 38,000 World War II veterans die. Our veterans are our nation's heroes. Whether a Private or a General, combat veteran who served on the front lines, a nurse in a MASH unit, or the quartermaster who was stateside during war—our veterans deserve to be remembered and honored by our country and by each of us. We need to make sure every eligible veteran who goes to a Veterans Administration (VA) Hospital or clinic for medical care is treated with compassion and respect and gets good medical care. We also need to make sure that we do a better job with those whose conditions mean their care is palliative and not curative.

During a Government Reform Committee hearing in October 1999, we learned that the VA had an initiative to improve their hospice programs. We heard from such experts as Dr. Ira Byock and Dr. Judith Salerno as well as Dannion Brinkley who founded Compassion in Action—a non-profit foundation that trains hospice volunteers to serve in VA hospitals. I am pleased that in four short years this organization has been able to train 4,000 hospice volunteers who last year provided 27,000 hours of service to veterans.

Americans who volunteer through Compassion in Action, the American Legion, the Paralyzed Veterans Association, and the many other volunteer service organizations at the VA are also our heroes. Many of these volunteers are veterans as well and continue to serve their country as brigades of volunteers without whom our VA hospitals could not function. I am pleased that our President is continuing the legacy of the Thousand Points of Light by rejuvenating the call to volunteerism and compassion through service.

NATIONAL SAFE BOATING WEEK

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Ms. BROWN of Florida. Mr. Speaker, this is National Safe Boating Week. In the year 2000, over 72 million Americans participated in recreational boating activities. However, between 700 and 800 Americans will be killed in recreational boating accidents this year.

It will take a continued effort by State Boating Law Administrators, Manufacturers, boating safety educators, and the many other organizations involved in boating to decrease the number of Americans killed every year on our waterways.

Today, I would like to ask the cellular telephone industry in the United States to join this effort by designating '''CG'' as the emergency response number that boaters can use in an emergency to make free calls to the nearest Coast Guard unit.

Over the past decade, more and more Americans are carrying cellular telephones wherever they are—including on their boat. I am pleased to recognize that companies such as Verizon and Alltel wireless allow many of their customers to call the Coast Guard using *CG. However, the use of *CG is not universal. For example, in Woods Hold, Massachusetts, *CG will reach the Coast Guard if you are using a Verizon phone. However, if you happen to be using a Sprint Cellular phone you reach a recording that says ''invalid code entered''; on Cellular One and Nextel you get ''call cannot be completed as dialed.'' Even within a singular cellular telephone company, designation of *CG for emergency communications is not universal. For example, Verizon has *CG connections in Seattle and Massachusetts, but not in Norfolk, Virginia.

Mr. Speaker, when a boater is in distress they need to be able to reach the local Coast Guard unit as soon as possible. They may not have a VHF radio on board and the only way to reach the Coast Guard is by using their cellular telephone. Time is of the essence, and they can't wait to go through the operator to reach the nearest Coast Guard unit.

Today I would like to call on the U.S. cellular phone industry to designate *CG as the nationwide phone number for boaters to reach the Coast Guard during emergencies using cell phones and to ask them to program their networks to route these calls to the nearest appropriate Coast Guard facility. They too can join the coalition of people in the United States striving to save boaters lives.

The Coast Guard has a template agreement that they have been successfully implemented around the country. Once all of these companies are on board, we can initiate a boating safety campaign to educate the boating public about the universal access to *CG during emergencies.

Please help us save lives by establishing a national *CG system.

Mr. Speaker, I submit for the record an article about Version Wireless use of *CG in the Seattle area.

VERIZON WIRELESS LINKS BOATERS TO COAST GUARD

DON'T CAST OFF WITHOUT YOUR WIRELESS PHONE

SEATTLE, May 2 /PRNewswire/—With the official arrival of a new boating season on May 5, Verizon Wireless reminds boaters that it offers its customers a direct connection to the U.S. or Canadian Coast Guard by dialing *CG (*24) from their Verizon Wireless phone. There is no access fee to use *CG. Airtime is deducted from customers' calling plan bundle.

''While VHF–FM maritime channel 16 should be used as the primary means for reporting an emergency,'' said Kelly DeLaney, Verizon Wireless regional president, ''our extensive marine coverage gives boaters another reliable means of communication while on the water that increases convenience and enhances safety and security. Boaters can use *CG to get help if there is an emergency, or to pass along information

about a navigational hazard that could endanger boats.''

Just as wireless users are encouraged to exercise caution when driving and dialing onshore, boaters should keep safety in mind when navigating and dialing.

To recognize National Safe Boating Week, May 19 through May 25, Verizon Wireless asks all boaters to think ''safety,'' by following these tips:

Safe boating is your first priority. Make sure your phone is positioned where it is easy to see and reach.

Use the speed dialing features on your phone to program frequently called numbers.

Let your wireless network's voice mail pick up your calls when you're unable to answer the phone. If you're heading into a navigational hazard, it's easy to retrieve your messages later.

Use your wireless phone to notify those on shore of your whereabouts and destination.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

Mr. ROGERS. Mr. Speaker, as the father of two young children in the public school system, I have a vested interest in supporting any measures that will further strengthen the current system. Ensuring that our children have access to every educational opportunity necessary to achieve is my top priority in Congress.

The provisions contained in H.R. 1 will give states and local school districts the flexibility and decision-making authority they need to address the individual needs of their students and teachers. Paperwork mandates and regulations force states and local school districts to sacrifice student achievement in order to comply with bureaucracy; thus, taking time away from teaching. Giving state and local officials additional flexibility helps them tailor programs to more closely meet students' unique needs and priorities—whether it be through additional focus on teacher training and professional development or additional funding for technology needs or class size reduction. I firmly believe that local school districts, not Washington, know best what the needs of our children are and although the federal government can and should play an important role in our education system, it should not be the guiding force.

In Michigan and throughout the country, an alarming number of children enter school without the language and literacy foundation necessary to succeed in school. Many children are incapable of deciphering that letters make up words and that words carry meaning. This problem spans all socioeconomic backgrounds and leads to children entering school behind their classmates before they even get started. Therefore, I am extremely pleased by the enormous step forward H.R. 1 takes toward focusing on effective, proven methods of reading instruction and triples federal literacy funding from the present $300 million to $900 million in 2002. Furthermore, this legislation authorizes $5 billion over the next five years on reading programs for children between kindergarten and third grade.

At a time when our economy is slowing and we are facing fiscal restraint here in Washington, our commitment to funding education has never been stronger. H.R. 1 provides for a $4.6 billion increase, which represents an eight percent increase over current year funding for K–12 programs. This is funding that is primarily directed toward the economically disadvantaged. While dollars alone are not the answer, combined with greater local autonomy over how those dollars can be spent, allows for targeted efforts on behalf of every school in my district. This could mean an increase in teacher salaries for the Lansing School District or extra computers for the Saline School District. Ensuring our school districts have the necessary resources to be successful is a positive step in the right direction.

I am voting yes on H.R. 1 because it provides school districts with greater flexibility, a strong focus on reading initiatives and increased funding for quality programs. After listening to the constituents of my district, I am confident that these are reforms that we can all support for the benefit of our children's future.

STAMP HONORING PAUL LEROY ROBESON

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. RUSH. Mr. Speaker, I rise today to introduce House Concurrent Resolution 143, expressing the sense of the Congress that the U.S. Postal Service issue a commemorative postage stamp honoring Paul Leroy Robeson. Sixty-six of my colleagues have joined me in support of this resolution.

Paul Robeson, a famous African-American athlete, singer, actor, and advocate for the civil rights of people around the world was born on April 9, 1898 in Princeton, New Jersey. After receiving his degree from Columbia Law School in 1923, Paul Robeson left the legal profession for a career in the arts. Paul Robeson is well known for his inspiring performances in musicals, such as Show Boat, and theatrical performances, such as Shakespeare's Othello. With his distinctive deep baritone voice, Paul Robeson left audiences around the world captivated.

Paul Robeson's brilliant on-stage performances were second only to his commitment to eradicating racial and social injustice in the United States and around the world. Paul Robeson used his oratory skills and knowledge of 25 languages to combat racial inequality in this country and around the world. Because of his stance, Paul Robeson was ostracized and disparaged by many.

Even at the risk to his own safety and professional stature, Mr. Robeson stood up against racial bigotry during a time when segregation was legal in America and lynching was common place.

Paul Robeson never took the easy road in life. Where he could have easily focused solely on his career, Paul Robeson chose to stand up in defiance of the unjust social practices of his time. Paul Robeson forced America to look into a mirror at itself and confront the racial injustice commonly accepted during his lifetime.

In honor of his undying efforts and enduring personal sacrifice, I have introduced this legislation and urge all of my colleagues to join me in this tribute to Paul Robeson.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BEREUTER. Mr. Speaker, on May 23, 2001, a visit to the Vice President's residence away from Capital Hill caused me to unavoidably miss rollcall vote no. 146 (motion to instruct conferees on H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act). Had I been present I would have voted ''no.''

TRIBUTE TO CHARLES NEWTON COOK OF HOLLYWOOD, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to pay tribute to the long and fruitful life of Mr. Charley Cook, of Hollywood, Alabama, an extraordinary man whose one hundred and five years have been marked by his love of country, family and God.

Mr. Cook was born in Hollywood, Alabama on May 28, 1896. When he was 21, he volunteered for the Navy and served in the Navy during World War I until 1919 making three trips to French waters. He is believed to be the last living WWI Veteran in Alabama. Mr. Cook also served on the Battleship *Utah*, which the Japanese sunk at Pearl Harbor.

Mr. Cook's life reads like a chronicle of this nation's history. He has witnessed Babe Ruth hit his legendary home runs from Yankee Stadium and been in the audience of a vaudeville show starring Eddie Cantor and George Burns. When he finished his service time, he returned to Hollywood, Alabama maintaining his garden until 1995. He voluntarily quit driving at age 99.

I would like to enclose words from his ''Armed Guard Detail'' certificate, ''Members of the Armed Guards . . . may well be proud of this duty. The efficient and courageous performance of this duty, replete with successful encounters with hostile submarines, will insure its indelible inscription in the history of the United States Navy.'' We can never afford to forget the victories and sacrifices of Mr. Cook's generation lest we take for granted the precious freedoms we enjoy every minute of every day.

On behalf of the people of Alabama's Fifth Congressional District, I join them in celebrating the extraordinary life of this brave soldier. I send him and his family my best wishes on this special birthday reception this Sunday at the Veterans Hall in Scottsboro. I wish Mr. Cook a happy and healthy 105th year.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

Mr. UNDERWOOD. Mr. Chairman, I rise today to express my concerns and to urge my colleagues to consider the children who will be left behind on H.R. 1. The President's Education Plan to ''Leave No Child Behind'' is woven into the language of H.R. 1, which is our blueprint for elementary and secondary education in this country. While I support many of the initiatives in this legislation, I must raise again the reality that the children living in U.S. insular areas like Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands will be left behind in this reauthorization bill.

While H.R. 1 addresses the needs of children living in rural areas, the needs of American Indian and Alaska Native children, the needs of children with Limited English Proficiency, the needs of children of military families, it fails to begin addressing the needs of children living in the insular areas. And, although the insular areas have a unique status under Federal law that requires special policies to serve the educational needs of children, there is no Federal education policy that focuses on the specific and unique needs of insular area school systems.

It is difficult for insular area educational systems to compete for Federal funding distributed by competitive grants because schools lack the personnel needed to prepare grant application and the resources to higher specialists in the writing of Federal grant proposals. They are also faced with unique challenges in hiring and retaining qualified administrators and certified school teachers. This is alarmingly the case in American Samoa where 77 percent of school teachers are uncertified.

Children living in insular areas rank among the lowest in the nation in educational achievement. In particular, the jurisdictions of Guam and the Virgin Islands rank among the lowest in the nation in NAEP scores. Consequently, the high school drop out rates of children living in the insular areas are among the highest in the Nation.

Insular area educational systems face other challenges such as geographical barriers, high unemployment rates, shrinking economies, aging buildings which are strained by the acceleration of weathering caused by tropical storms and typhoons, high costs of importing and providing equipment and supplies, and a host of other limited resources.

If the goal is indeed to leave no child behind in education, then Congress and the Federal Government must work to ensure that no child is left behind, whether they reside in the states or the territories. The current language of H.R. 1 neglects to take into account the special needs of children living in the territories and the special challenges insular area educational systems must undergo to provide quality education in the insular areas.

As the Delegate from Guam to the U.S. House of Representatives, and a life-long educator who taught and served in the administration of public high schools and later served as the Academic Vice President of the University of Guam, I have always advocated for improvements in the manner that federal policy is developed by the Federal Government in its treatment of the insular areas.

The insular areas are generally included in most national education programs, but mostly as afterthoughts. As a result, educators in the insular areas must follow a patchwork system of funding arrangements, varying from state shares to special formulas for outlying areas, in order to obtain needed and fair funding of federal program resources.

I am pleased that we will be included in most of the increases, including the President's proposal to increase spending by $5 billion on reading programs for Kindergarten to 3rd grade. And, I am particularly pleased that local school districts will be given greater flexibility to transfer up to 50 percent of the Federal education dollars they receive through ESEA programs. I am also pleased that the bill will help states and local schools with their development of annual reading and math assessments for students in 3rd through 8th grade and that there will not be a uniform ruler to measure all achievement because one size does not fit all. However, I remain concerned that the over-reliance on standardized testing as the only measure of educational success might only lead to failure. In a place like Guam, standardized testing as a single measure can be particularly misleading, therefore, additional measures should be employed.

I have long been an advocate for establishing a Federal educational policy for the insular areas that would help to bring consistency to their treatment throughout H.R. 1. In the absence of such policy, I have worked to develop language and legislation to extend the opportunities provided to all Americans to those living in the insular areas. Thus, I proposed an amendment to H.R. 1 which provides the framework for Federal education policy to the insular areas and calls for the reestablishment of the Territorial Assistance Program to provide teacher training to help students graduate from high schools in the insular areas. Unfortunately, this amendment was struck down along with more than a hundred other amendments proposed for this deliberation today.

I am here before you to urge your consideration of the special needs of children living in the insular areas. The Federal Government has recognized that special attention must be given to the challenging circumstances of insular area educational systems. It is my hope that Congress will work to resolving these longstanding issues which impede the delivery of education to children living in the insular areas. Why should our educators be left to searching for information in footnotes and obscure references to find the policies which apply to them?

We need to work in concert to level the playing field for all American children in the states and in the territories. I hope my colleagues will join in supporting my legislation to ensure that no American child is left behind in our national education programs no matter where they live, and urge support for the inclusion of this policy in any final agreement of H.R. 1.

IN RECOGNITION OF ANTONIO MEUCCI

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. ENGEL. Mr. Speaker, I rise today to bring to the attention of my colleagues the efforts of Professor Basilio Catania of Turin, Italy. Professor Catania is the retired director general of Italy's Central Telecommunications Laboratory, a distinguished scientist, holder of the European Union's first Telecommunications Prize, holder of Italy's internationally acclaimed Marconi Prize. Following years of meticulous research, Professor Catania is now trying to bring to light the merits of Mr. Antonio Meucci, who claimed that he and not Alexander Graham Bell invented the telephone. In October 2000, at New York University, Professor Catania presented ''Antonio Meucci, Inventor of the Telephone: Unearthing the Legal and Scientific Proofs.''

Had Mr. Meucci been able to afford the ten-dollar fee to extend his 1871 caveat from the United States Patent Office beyond 1874, the Bell patents could never have been issued and we would have a very different vocabulary today in discussing telecommunications issues.

The fight over who actually should hold the patent for the telephone and succeeding inventions dates back to the earliest days of the telecommunications industry. The federal government even played a direct roll. In 1885, the Meucci claim was presented before Secretary of Interior Lucius Lamar, who at the time had jurisdiction over the Patent Office. Fifty affidavits and the exhibition of two dozen of Meucci's telephone models were part of the presentation. One of the affidavits was the translation into English of Mr. Meucci's Memorandum Book, in which he kept the notes on his various experiments on the telephone as far back as 1862. A drawing in the Memorandum Book shows that Mr. Meucci had discovered the inductive loading of long distance telephone lines many years before the Bell Company. It was also found that Mr. Meucci should have been credited with other firsts, such as call signaling, the anti-side tone circuit, and the first measures to optimize the structure of telephone lines.

The outcome of the hearings led to a recommendation to proceed against the Bell

Company. Unfortunately, little attention has been paid to this important trial brought by the Department of Justice in January 1887 United States v. Bell Telephone Company and Alexander Graham Bell. This lawsuit was instituted by the federal government against Bell to strip him of his patents for fraud and misrepresentation. Appealed on demurrer to the Supreme Court, it was determined by the High Court that a viable and meritorious contention against Bell had been raised, and the case was remanded for trial. The record of the trial proceeding was never printed and now resides in storage with the National Archives and Records Administration.

Interestingly, the hearings before the Interior Secretary coincided with a lawsuit brought by the Bell Company against Mr. Meucci for patent infringement. Sadly, none of proceedings at Interior were made available during the patent infringement trial.

MUNICIPAL GAS SUPPLY ACT OF 2001

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. COLLINS. Mr. Speaker, I am introducing legislation today to correct a problem created by the IRS that has interfered with the ability of municipal gas systems to enter into long-term prepaid contracts to obtain natural gas for their citizens. I am joined today by 20 of my colleagues who share my great concern for this issue.

The approximately 1,000 publicly owned gas distribution systems in the United States comprise about 5 percent of the market. They are primarily located in small towns and rural communities. In the last 15 years there have been major changes in the natural gas industry that have increased their exposure to the great uncertainties of the natural gas market. In 1985 the Federal Energy Regulatory Commission ''FERC'' began deregulating the delivery of natural gas. In 1993 FERC began requiring that pipelines ''unbundle'' their services to customers. This meant that municipal gas systems could no longer purchase natural gas supplies on a reliable and regulated basis from interstate natural gas pipelines. This fundamental change in the marketplace meant that for the first time municipal gas systems had to acquire reliable gas supplies and transport on their own in a deregulated marketplace. In response, many formed joint action agencies, as contemplated in the FERC restructuring, to acquire and manage the delivery of gas.

In today's natural gas markets, long-term prepaid supply arrangements are the most reliable means for municipal gas systems to obtain an assured supply of natural gas. To fund prepaid supply contracts, the municipality or the joint action agency issues tax-exempt bonds. These contracts contain stiff penalties if the supplier fails to perform making this the most reliable gas supply that municipal gas agencies can purchase. Until August of 1999, joint action agencies entered into prepayment supply contracts with gas suppliers to obtain a long-term (e.g., 10-year) supply of gas.

In August 1999, the IRS published a request for comment that has effectively prevented municipal gas systems from using their tax-exempt borrowing authority to fund the purchase of long-term, prepaid supplies of natural gas for their citizens. The IRS questioned whether the purchase of a commodity, such as natural gas, under a prepaid contract financed by tax-exempt bonds has a principal purpose of earning an investment return, in which case the bonds would run afoul of the arbitrage rules of the Internal Revenue Code. The IRS has not issued any guidance following the August 1999 request for comment.

Under the Internal Revenue Code, tax-exempt bonds may not be used to raise proceeds that are then used to acquire ''investment-type property'' having a higher yield than the bonds. Governmental bonds that violate this arbitrage restriction do not qualify for tax-exempt status. Treasury regulations provide that investment-type property includes certain prepayments for property or services ''if a principal purpose for prepaying is to receive an investment return.'' But, ''a prepayment does not give rise to investment-type property if . . . the prepayment is made for a substantial business purpose other than investment return and the issuer has no commercially reasonable alternative to the prepayment. . ..'' A very similar standard is used to determine whether a prepayment transaction is treated as a loan for purposes of the private loan financing test. If a transaction is considered a private loan financing, the bonds are treated as private activity bonds. Although municipal gas systems clearly have a ''substantial business purpose'' for entering into prepayment transactions and ''no commercially reasonable alternative,'' the failure of the IRS to issue any guidance following its August 1999 request for comment has eliminated the most efficient tool available to public gas systems to secure long term supplies of natural gas.

The IRS has essentially acted against municipal gas systems without going through any of the administrative procedures required for agency action. It has not issued any regulations, ruling or other guidance; it has simply put out a request for comment that has effectively prevented the issuance of any tax-exempt obligations to fund prepaid contracts for natural gas.

The legislation we are introducing today would clarify the law, both with respect to the arbitrage rules and the private loan financing rules, to remove the confusion created by the IRS.

This country is now facing an energy crisis. All across the nation the price of natural gas has been at record levels as purchasers have scrambled to obtain an assured supply. Meanwhile, by requesting comment and then failing to act, the IRS has prevented small communities from using their tax-exempt borrowing authority to obtain a long-term, assured supply of competitively priced natural gas. This problem must be addressed as part of comprehensive energy legislation that Congress will soon consider.

TRIBUTE TO CANDICE A. NEAL OF EVA, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. CRAMER. Mr. Speaker, I submit into the CONGRESSIONAL RECORD the following essay written by a bright young lady from North Alabama, Miss Candice Neal. The essay titled ''The Constitution: A Fantastic Journey'' was recently selected as the winner of the 2001 American Legion National High School Oratorical Contest. I would like to submit her patriotic words for the RECORD.

''THE CONSTITUTION: A FANTASTIC JOURNEY''

Attention time travelers this is your final boarding call for flight U.S. 1–7–8–7. Congratulations you have selected one of our more popular destinations, The Beginning of American Government. Today, you will experience some of the more dramatic events in our nation's history. Flight 1–7–8–7 is a non-stop flight, back in time, to the creation of the U.S. Constitution. The flight crew has requested that you remain seated with your personal liberties securely fastened. When the captain is certain that you are not in danger she will illuminate the ''ratification light'' indicating that you may move about the cabin freely. As we prepare for take-off I will remind you that this is a non-smoking flight, and in keeping with today's destination, federal law prohibits the violation of anyone's inalienable rights.

Please look in the seat back pockets in front of you, to review today's agenda. We begin our journey with a basic knowledge and understanding of the Constitution and how it was created. In the second phase of this adventure, we will learn how to responsibly engage in our constitutional rights. And, finally you will discover what it means to become a part of history, by participating in this government of the people, by the people, and for the people.

We've been cleared for takeoff, so please direct your attention to the windows on the left side of the cabin. You will note instances in recent history, in which rulers and dictators have taken away people's personal freedoms. There's Kosovo, Bosnia and Tianenmen Square.

Make sure your seat belts are securely fastened. We are about to enter a turbulent time in American History—the defense of democracy—There's Desert Storm, now Pearl Harbor and our final stop, the Revolutionary War. This is where our journey begins. . . .

What you might not realize is that the Constitution is actually our third form of government. It was here during the Revolutionary War when our fight for freedom began. The American Colonies were first forced to live under the reign of England. From 1775 until 1783 the American Colonies fought for their independence. Fast forward to 1781. You'll notice that even before the fighting was over, our second form of government, the Articles of Confederation, was adopted. It is obvious to us now, as time travelers, that these young colonies would require much more structure than the Articles of Confederation had to offer. Here we see the lack of a central government to levy taxes and enforce laws. We see states minting their own currency and imposing tariffs on out-of-state goods. We see economic depression and political wandering.

We now move forward to 1787, please do not disturb the 55 men who are meeting in this old Philadelphia state house. They are statesmen, patriots, each with their own ideas about how this new government should be organized. Some of them are states' rights advocates. Many of them are federalists. But you will notice that one man stands out in the crowd. His name? James Madison. And he is presenting the Virginia Plan to his fellow delegates. They will soon refer to the plan as a ''political masterstroke,'' and in the next 5 months, it will serve as the foundation of our Constitution. By 1789, all the states had ratified and approved this new form of government. This unusual document was the first written, national constitutional since ancient times. It was also the first to set up what was called the federal system. Under this system, sovereign power comes from the people, for the good of the people.

The Founders attempted to create a form of government that would be stable, but would also allow for change. You see, in a sense, the Founding Fathers were time travelers too; they were looking to the future, planning ahead, and forming a basic framework to endure for all time. It is a document written for ''we the people'' and that means that ''we the people'' have a job to do!

Fast forward to April 1999. An issue of the USA Today Newsview÷, states that one of the first things that come to mind when Americans are asked what they think about the United States and its government is '''freedom''. Yet according to current public opinion research fewer than 15% of Americans can name the freedom of the press and one of the rights protected under the First Amendment. And little more than half of Americans know that there are three forms of government. You see, time travelers, with freedom also comes responsibility—the responsibility to understand and defend the Constitution.

James Madison once said, ''The people who are the authors of this blessing must also be its guardians.'' Today more than ever before we witness people and organizations testing the bounds of their Constitutional rights. From tabloids that slander high profile figures, to hate groups who use their misunderstanding of freedom to infringe upon other's inalienable rights, we are constantly called upon to defend and uphold our constitution. As such, we must be able to use our privileges responsibility. In words of Benjamin Franklin, ''we have a Republic, only if we can keep it!''

And now, as we make our way back to the, 21st Century, I will remind you that this flight is interactive—meaning it is not enough to simply understand our constitution and to use our rights responsibility. Clearly, this travel back in time has taught us that our duties as citizens also carry the obligation to participate in our government.

Long after out Founding Fathers penned the last words of the Constitution, the amendment process ensured their continued involvement. You will see what I mean, by looking out the windows on the right side of the aircraft: here we see that The Bill Rights was added to the Constitution in 1791. In 1865 the 13th amendment abolished slavery and in 1868 the 14th amendment outlined the rights of all citizens. Meeting the changing needs of a growing country, however, had been known to cause slight turbulence in our return flight. Therefore, in the event that we experience any threat to ourselves and our posterity any one of the 27 amendments, will drop from the overhead compartments to ensure our domestic tranquility.

The amendment process is not the only way that we as citizens can participate in our govenmnent. What we have witnessed today should force us out of complacency and self-centeredness and put us in touch with a greater reality. Robert Kennedy made it popular, but George Bernard Shaw said it long ago: ''Some people see things as they and ask, 'Why?' I prefer to see things as they might be, and ask ''Why not?'' That is what the framers of our constitution had in mind so long ago. Our participation in that process in the 21st Century is essential to ensure that the Constitution continues to withstand the many and varied assaults from those who criticize it, misinterpret it, or challenge it.

We can begin participating in small ways such as reading a daily newspaper or weekly newsmagazine. Then, we will begin participating in bigger ways such as writing letters to public officials, investigating the qualifications of political candidates, and exercising our right to vote, So you see, even in little ways, we must take a more active role in our government—that, time travelers, is the real journey!

Our Founding Fathers, in the words of Justice Hugo Black, ''. . . dreamed of a country where the mind and spirit of man would be free; where there would be no limits to inquiry; where men would be free to explore the unknown and to challenge the most deeply rooted beliefs and principles. . .''

Today, on fight U.S. 1–7–8–7, we have traveled back in time to the formation of The Constitution of the United Sates. Our itinerary included a basic knowledge and understanding of the constitution; and appeal to engage in our rights responsibly; and finally, a call to participate in our government.

Here in the 21st Century, the flight crew tells me that we have been cleared for landing. We have people on hand waiting to assist you in your efforts to continue the good work of our Founding Fathers. Remember what you have experienced today is much more than a fantastic journey in to the past, it is a reminder of your responsibility for the future.

HONORING SAM CAUDILL COMMUNITY CONTRIBUTIONS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize a man that has made numerous contributions to his community as well as the United States as a whole. Mr. Sam Caudill served his country in the Office of Strategic Services (OSS) during World War II, and since has served the community of Aspen, Colorado as a leading architect and historian. For his life of service and adventure, I would now like to take this opportunity to honor him.

Sam started his illustrious career on a mission for the Office of Strategic Services to China in 1945 to teach guerilla warfare to Chinese soldiers so that they would be able to defend themselves if the Japanese attacked. Although Sam did not realize it at the time, this type of work was the beginning of what was to become the most extensive and complex intelligence network in the world—the CIA. At the age of 21 Sam volunteered to be a mule packer for the American guerilla fighters. Already fighting the Japanese, he had no idea that he would be presented with the opportunity to help start a new wave of national defense.

Upon finishing his duty in the army, Sam returned to Cornell University to complete his education. After receiving his degree Sam returned to Colorado to make his mark on the skyline of Aspen. Following the lead of Frank Lloyd Wright, Sam has always strived to create buildings that grow out of the environment. Sam was awarded for his unique design of Aspen High School, which reflects the rolling hill surrounding the school with its rounded shape. He has been commissioned in numerous places throughout the state of Colorado. When people refer to Sam, he is often called ''the dean of Aspen architecture.''

Sam has also made a significant contribution to preserving wildlife in Colorado. He served on the Colorado Wildlife Commission from 1975 to 1983, and was chairman of the commission in 1978. During this time he has been credited with the law that allows Colorado citizens to apportion part of their tax return to the non-game and endangered species program. He also worked on the state's catch and release trout program. Sam still enjoys the outdoors and trys to hike and fish whenever possible.

An interest in local history has spurred Sam's latest contribution to society. For the last twelve years Sam has been interviewing ''old timers'' about their lives logging, mining and wrangling here in Colorado. Sam hopes to compile all these stories and photos he has gathered into a book titled, ''Colorado—the Wild Years.'' His love for the old west and his reputation in the Aspen community suggests that Sam may have been born a century too late.

Mr. Speaker, like so many of us, Sam has fallen in love with the natural beauty of Colorado. He has spent his life trying to preserve that magical quality that the untamed mountains of Colorado exude. For this I and the citizens of Colorado are grateful.

REMEMBERING HAROLD BERKE

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. REYNOLDS. Mr. Speaker, I rise today in remembrance and to pay tribute to Harold Berke of Williamsville, New York.

While Harold Berke is no longer with us, we are blessed that his memory and his achievements live on to this day. Born Harold Berkowitz, he enlisted in the Army Air Corps prior to the start of World War II. Harold achieved the rank of Master Sergeant, and during his service to our nation, invented a device that allowed a single man to lift the tail sections of airplanes for repair and inspection.

Following his graduation from the University at Buffalo, which he attended under the GI Bill, Harold Berke went to work for Bell Aerospace, where, beginning in 1954, he led a group that provided a solution to an engine

problem on the X2 rocket. Harold Berke's leadership and expertise were integral to other projects, such as the Agena Engine, Rascal Missile, Minute Man Missile, and the engine that ensured America's astronauts were returned safely from the moon.

Harold Berke's contributions were not limited to engineering and aerospace. A loving husband and father, Harold Berke married the late Leah Rose in 1949. They were the proud parents of two sons, Ronald and Daniel. Together with his sons, Harold Berke built award-winning show cars, including a series of Corvettes, and a 1968 Camaro that won 30 awards in 10 shows.

Mr. Speaker, I ask that this Congress join me in remembrance of Harold Berke's contributions to American rocketry and aerospace, and that we salute him in memoriam for his ability and leadership.

STARK/MOAKLEY COBRA COVERAGE EXTENSION & AFFORDABILITY ACT OF 2001

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. MOAKLEY. Mr. Speaker, I am very pleased to join with my colleague and good friend PETE STARK (D–CA) today in introducing our legislation the ''COBRA Coverage Extension and Affordability Act of 2001.'' This legislation combines and expands earlier individual legislation that each of us introduced to help extend and improve this provision from the 1986 COBRA bill.

The original COBRA law allows employees who face a covered change in their work status and would otherwise lose their health insurance to continue that same coverage for a period of up to 36 months depending on the situation. Under that law, covered employees would pay up to 102 percent of the cost of their current health insurance plan—the employee and employer costs plus an additional fee to cover administrative expenses. Although the law says the coverage can last up to 36 months in some cases, most coverage is limited to 18 months.

Our bill would change the law in three ways. First, it would allow anyone covered by the COBRA statute to maintain that coverage for up to five years under the existing rules. He or she would still be responsible for the entire cost of the insurance policy plus the 2 percent administrative fee but would not have to face loss of insurance coverage or reduction in benefits while looking for a job with comparable health insurance. Next, it would expand the program to individuals who are over the age of 55 and qualified for COBRA coverage to extend their coverage until they become eligible for Medicare. If they go beyond five years, the cost of the premium would go to 125 percent of the policy to help cover increased health care costs that may occur. Lastly, and perhaps most importantly, the bill provides a 50 percent refundable tax credit of the premium to help offset the cost of this coverage to the individual. This provision will make such coverage far more affordable to those for whom the cost is an economic burden.

In today's changing and challenging job market layoffs and reductions in staffing are becoming increasingly common and employees are forced to change jobs more often. Additionally, many businesses either do not offer health insurance at all, offer coverage that is not as comprehensive as the employee's previous plan, or do not make coverage available until the employee has been on the job for a specified period of time. Furthermore, many job hunters change jobs frequently or take short-term or temporary employment simply to pay the bills while searching for a job that is more suitable to his or her field of expertise. Eighteen months often is not long enough for many individuals to find employment that offers comparable coverage.

However, the cost under this bill, though generally far less that acquiring private health insurance on the open market, can still be a substantial expense or even a roadblock to the employee. The bill's 50 percent tax credit for premium costs would greatly reduce that financial burden. And, most importantly, the individual would be able to continue the same policy with the same coverage. This becomes particularly important if that person or his or her family has a pre-existing condition that needs specific care or anticipates an upcoming medical need such as surgery or pregnancy. Continuity of care can be extremely important and in some cases even life-saving. While the recently enacted Health Insurance Portability Act allows individuals losing their coverage to obtain health insurance without bias with regard to a pre-existing condition, it does not guarantee the same plan coverage and it does not guarantee coverage at a comparable cost. Our bill does.

This bill is not the only solution to our nation's growing number of uninsured Americans. But it will help protect many of our nation's workers who face losing health insurance coverage due to job loss. It is not always possible to know if or when we will need health care either for ourselves or our families. But when we are faced with a debilitating illness, a serious accident, or even a joyous event like an upcoming birth, our main concern shouldn't be the cost and whether or not our insurance will be adequate. Please join with Rep. STARK and me in supporting this legislation.

PEARL HARBOR

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. QUINN. Mr. Speaker, as all Americans prepare to celebrate the Memorial Day weekend, I think it is appropriate for all of us to take some time and reflect on the sacrifice that those men and women, past and present, who served our country have made. This weekend, the movie Pearl Harbor will open throughout the Nation. Once again, Americans of all ages will be reminded of this tragedy, as well as the bravery and courage our service men and women demonstrated.

President Franklin Roosevelt declared it, ''A day that will live in infamy.'' In the pre-dawn hours of December 7, 1941, the United States Pacific Fleet was destroyed by a sneak attack of the Japanese Imperial Army. Nearly 2400 military and civilian lives were lost as a result of the surprise attack and more than 1000 were wounded. The attack forced the United States into World War II, and was the first time the United States had been directly attacked since the War of 1812. It is a moment that is forever frozen in our Nation's consciousness.

I have introduced a bill, H.R. 157, that would designate December 7th as a Federal holiday. This legislation would serve as not only a tribute to those men and women who served and lost their lives at Pearl Harbor, but also all those who defended and fought for our Nation during World War II.

This week, Congress gave final approval to the much-anticipated World War II Memorial on the Mall, and this would be a fitting companion.

I hope all Members will join me in celebrating the memory and sacrifice of these brave Americans by co-sponsoring H.R. 157.

CELEBRATING REVEREND CHARLES W. SPRINKLE

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. TAYLOR of North Carolina. Mr. Speaker, today I rise to commend and celebrate the life and Golden Anniversary Celebration for Reverend Charles W. Sprinkle who has pastored Glady Baptist Church in Candler, North Carolina for fifty years.

Reverend Sprinkle was born and reared in Madison County, North Carolina, son and grandson of pastors. He was the sixth child of fourteen, five of whom are also pastors. Following his graduation from Marshall High School, Reverend Sprinkle completed a tour of duty with the Navy.

He was called to preach in October 1950. New Morgan Hill Baptist Church licensed Reverend Sprinkle on June 20, 1951 and ordained him on July 29, 1951. In May 1951, he was asked by Glady Baptist Church to preach and asked to be their pastor in June of the same year, fully a half a century ago. Reverend Sprinkle remains at Glady Baptist today.

Pastor Sprinkle says that he received his training with his head buried in the Bible while on his knees. During his half-century ministry, five young men have been called to preach under his stewardship. Referring to these men as ''my boys in the gospel,'' he is very proud of the great work they are doing for the Lord.

As the Glady Baptist congregation grew, it became necessary to build a new church building in the early 1970s. Due to Pastor Sprinkle's leadership the new brick church they use today was completely paid for in just one year.

In the past fifty years, Pastor Sprinkle has conducted 102 revivals, performed 98 weddings and 361 funerals. Throughout the joys and sorrows, Pastor Sprinkle notes, ''I have

seen good times and I have seen hard times, but God's grace was always with us. What a great God we serve!''

Reverend Sprinkle credits much of the success of his ministry to his wife, Lois, a faithful teammate for sixty years.

Mr. Speaker, I know that all of my colleagues in the House of Representatives join me in praising Reverend Charles W. Sprinkle for his fifty years of service to Glady Baptist Church and the Lord.

DOMESTIC SPIRITS TAX EQUITY ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. COLLINS. Mr. Speaker, today I am introducing a bill, along with my colleague, Representative RICHARD NEAL, to end the unequal tax treatment imposed on U.S. produced distilled spirits. At a time when other countries adopt tax laws to favor their own domestic industries, it is ironic that current U.S. tax law favors foreign products at the expense of U.S.-made products. Regrettably, that is the case with respect to distilled spirits. As members of the Committee on Ways & Means, both Mr. NEAL and I have worked for sometime to correct this inequitable situation.

Current law allows wholesalers of imported spirits to defer the federal excise tax (''FET'') on such products until they are removed from a custom bonded warehouse for sale to a retailer. In contrast, the FET on U.S. produced spirits is paid ''up front'' by the distiller, and passed along to the wholesaler when he purchases product. Custom bonded warehouses cannot be used for domestic product, only that imported from another country. This means that the FET on U.S. produced spirits must be carried by the wholesaler as part of his inventory for as long as it takes to sell that product out of his warehouse.

Couple this disparity in time of payment with the fact that distilled spirits are the most highly taxed of all products, and you begin to understand the seriousness of the problem. At $13.50 per proof gallon, the FET represents virtually 40 percent of the average wholesaler's inventory cost. To make matters worse, it takes an average of 60 days to sell this inventory to a retailer. The bottom line is that U.S. tax policy favors the sale of imported spirits and creates a significant financial burden for wholesalers of domestic spirits—most of which are small, family-owned businesses operating within a single state.

For the past ten years, the wholesale tier of the licensed beverage industry has advocated a tax law policy change known as ''All-in-Bond.'' Mr. NEAL and I sponsored the Distilled Spirits Tax Simplification Act, or ''All-in-Bond bill'', at the beginning of the 106th Congress. Simply put, it would have extended the custom bonded warehouse concept to all spirits, not just imported product. The result would have been to defer payment of the tax on domestic product—just as we do for imported spirits—until it is removed from the warehouse for sale to a retailer.

Given the obvious inequity of current law, the bill attracted the co-sponsorship of 75 of our colleagues from both sides of the aisle. As a consequence, Mr. NEAL and I were successful in attaching the bill to a major tax reduction measure coming out of the Committee on Ways & Means in 1999, which was subsequently approved by this body.

Subsequently, Treasury/BATF raised unwarranted concerns about changing the point of collection. Additionally, distilled spirits suppliers objected because of concerns about a revenue offset provision which was added to the ''All-in-Bond'' proposal during committee consideration.

In an effort to build a greater consensus, we agreed to drop the provision in conference and go back to the drawing board to develop a better solution to the problem.

The ''Domestic Spirits Tax Equity Act'' is that better solution.

The purpose of this legislation is to compensate wholesalers for the unequal burden imposed on U.S.-produced distilled spirits under current law. We do so by allowing qualified wholesalers of domestic spirits a prepaid tax adjustment, or ''PTA'' which is a credit against their annual federal income tax.

The PTA is determined through a simple formula. It is equal to 40 percent of the amount paid for domestically produced spirits, times the IRS' applicable federal rate over a 60-day period. The PTA was crafted with simplicity in mind. The elements of the formula are easily verifiable and understandable by the wholesaler and the IRS, and the formula results in an accurate overall measure of the unequal float costs. In addition, unlike the ''All-in-Bond'' proposal, this bill does not change the current FET collection system.

Mr. Speaker, I urge my colleagues to join me in this effort to eliminate the unequal tax treatment imposed on U.S. produced distilled spirits. The PTA is a simple and targeted solution, which addresses the problem. I look forward to the passage of this important legislation so that we can ensure our domestic suppliers are not penalized by the tax code.

HONORING THE CAREER OF JERRY BAXTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor a man that has spent much of his life improving the quality of life for others. Mr. Jerry Baxter has spent the last 27 years of his life entertaining the guests at the Bar D Chuckwagon in Durango, Colorado. This year, in the Bar D's 33rd season, Jerry has announced that he will be leaving for a job as a wrangler in Jackson, Wyoming. As he does, I would like to take this opportunity to honor him.

Jerry has contributed to the Durango community his entire life. His friends and family would most likely describe Jerry as a bit of a character. When Jerry was only seventeen he managed to make it on to the Paul Harvey show with his comedic tale of an experience he had as a volunteer firefighter. Jerry gained this honor by starting a fire on his way to fight a fire. On his way to the grass fire in Hermosa, Colorado, Jerry forgot to release the emergency brake, causing the brake pads to catch fire and fall off. This in turn ignited a fire at the Aspen Rose Campground, which exceeded the size of the Hermosa fire, requiring more men to extinguish it.

Jerry will be fondly remembered by the numerous guests who have been privileged to enjoy his show. Jerry's baritone voice is well loved at the chuckwagon and will be greatly missed. The Bar D originally hired Jerry to work in their kitchen, but he quickly became a well-loved voice on the stage. Jerry speaks highly of the community that has shown him such great support over the years. When Jerry's father passed on, and he was brought to tears during his rendition of ''How Great Thou Art,'' the community reached out to this man that they love. While grateful for his friendship, the Durango community will be sorry to see Jerry leave.

Mr. Speaker, the State of Colorado is fortunate to have citizens like Jerry Baxter within one of its communities —someone who is willing to go that extra mile for others. Colleaugues, on behalf of the Western Slope of Colorado, we wish Jerry, his wife LaVerna and his children Justin, Shasta, Kyle and Kolt all the best. The Durango community is fortunate to call Jerry a friend.

HONORING AMERICA'S MOST DECORATED COMBAT VETERAN, LT. COL. MATT URBAN

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. REYNOLDS. Mr. Speaker, as our entire nation pauses to honor its fallen heroes, our Memorial Day Observance has long held a special significance in my Congressional district. That's because, in 1865, the village of Waterloo, New York, became the first community in America to set aside a day of remembrance for those who made the ultimate sacrifice in service to their country, and has since been officially recognized as the birthplace of our modern Memorial Day holiday.

Even with this proud history, this year's Memorial Day will have an even greater significance in our area of the country. That's because on Thursday, May 31, 2001, we will pay special tribute to the most decorated combat veteran in American history, Lt. Col. Matt Urban.

When President Jimmy Carter presented Lt. Col. Urban with the Congressional Medal of Honor, 35 years after his heroic feats in World War II, the President described him as ''The Greatest Soldier in American history.'' Born in August of 1919 in Buffalo, New York, Matt Urban received 29 awards and decorations, including seven purple hearts, and the Silver and Bronze Stars. Matt Urban's bravery and valor earned him virtually every combat medal, as well as the nickname ''the Gray Ghost,'' from the German army.

While there are many stories of Matt Urban's feats, his heroism upon the D-Day Invasion is typical of the battlefield leadership he

exhibited during his time with the 60th Infantry Regiment, 9th Infantry Division. Then-Lieutenant Urban, despite a broken leg suffered during his landing on Omaha Beach, led an attack on German positions from the top of a tank, which not only saved his men trapped on the beach, but also drove the enemy off their positions and off the beach.

Lt. Col. Matt Urban, an American hero, passed away on March 20, 1995, as a result of complications from a collapsed lung brought on by one of his seven war wounds. He was laid to rest in Arlington National Cemetery, a hero's honor, well-deserved.

Mr. Speaker, on Thursday, May 31, 2001, the man once dubbed "The Hero We Nearly Forgot" will be remembered by his hometown of Buffalo, New York, when the Lt. Col. Matt Urban Monument Fund presents a day of activities to honor and remember his bravery, valor and service; and I ask that this Congress, while pausing in memory of all those who have fallen in defense of freedom and liberty, join me in a special salute to our nation's most decorated combat veteran, Lt. Col. Matt Urban.

CONFLICT IN THE MIDDLE EAST

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mrs. DAVIS of California. Mr. Speaker, as we all reflect on the grave situation in the Middle East, I commend to all my colleagues the following OpEd piece published in the May 18, 2001 San Diego Union Tribune.

NEGOTIATIONS CAN STOP BLOODSHED

(By Yuval Rotem)

Since the days of Sir Isaac Newton schoolchildren have been taught that for every action there is a reaction, and that there is an axiomatic distinction between cause and effect. This truth applies both to the world of physics and to today's conflict in the Middle East.

For over eight months, the citizens of Israel have been confronted with a virulent campaign of violence and terror. Israel, like any other nation, has a right and obligation to react in order to protect the lives of its citizens. The legitimacy of self-defense is a foundation of international law and of the United Nations Charter.

That both Israelis and Palestinians have suffered due to the current uprising, there can be no doubt. Yet while it may be easy to assign equal blame to the two sides, there is in truth no equivalence between the actions of Palestinian terrorists and the reaction of the Israelis whom they target.

If Chairman Yasser Arafat and other Palestinian leaders were to call for a cessation of shootings and bombings, an end to the violence would be well within reach. No such calls have been issued, and the Palestinians continue to shoot, and Israel is compelled to react. That anyone is killed is unjustifiable, but sometimes it is forgotten who exactly started the shooting, and who continues to deem indiscriminate killing as a legitimate bargaining chip.

Israel cannot sit idly on the sidelines while its people pay the ultimate price for the Palestinian leadership's opting for confrontation over reconciliation. Palestinian leaders and militias consider violence to be an effective tool in promoting a unilateral solution to a conflict which Israel believes can only be addressed via bilateral negotiation.

Palestinian gunmen purposely select targets with the intention of maximizing carnage and shock value. Suicide bombers and explosive devices containing nails and shrapnel are employed in densely populated civilian areas. Israeli children and adults are maimed and murdered while shopping at the mall or riding on the bus.

Israel, forced to defend itself, undertakes operations designed to hamper further terror, striking only against those actively involved in violence. For the most part, Israeli reprisals against those initiating terror strikes are extremely accurate. However, sometimes unintended consequences have regrettably occurred.

There have even been instances when children have been injured. In the vast majority of cases, this takes place when Palestinian children are intentionally used as human shields serving as buffers for gunmen firing upon Israeli targets. Remember that the Israeli army is no longer deployed in Palestinian populated areas. In order for stone-throwing children to be within close proximity to Israeli forces, they have to be consciously transported to such locations by their elders.

Despite this brutal tactic, Israeli forces do their utmost to prevent casualties. Tragically, a totally innocent child, five-month-old Iman Haju, fell victim last week. She was unintentionally killed in Israeli return fire, which was directed at positions used by a Palestinian mortar crew to bombard an Israeli community just minutes earlier.

The fact is that terrorists have been consistently launching mortars from civilian sites such as school yards and apartment buildings. By contrast, Palestinian militants have routinely and specifically targeted Israeli children. Shalhevet Pass, a 10-month-old Israeli girl, was spotted, fixed and then shot in the head by a Palestinian sniper in March. In the past week, two 13-year-old Israeli boys were brutally stoned to death, and their bodies mutilated by terrorists while hiking in a riverbed close to their homes.

These are not cases of unintentional civilian causalities. These and other Israeli children were slain because their Palestinian executioners found them to be useful targets. Such heinous actions do not arise in a vacuum.

Since the Palestinian rejection of the proposals offered by former Prime Minister Barak and President Clinton, the Palestinian Authority has carefully orchestrated a campaign of hatred and incitement through its official newspapers, television and radio stations, its schools and religious institutions.

Palestinian Authority spokesmen have praised violence and suicide bombings. The Palestinian Authority has freed known terrorists from prison, and official Palestinian police and security forces have joined in attacks upon Israeli civilians with impunity. Palestinians have employed illegal mortars and anti-tank weapons against Israeli communities, and heavy arms such as Katyusha artillery rockets and shoulder-fired anti-aircraft missiles are now being smuggled into Palestinian territory.

The Palestinian leadership is doing nothing to prevent further escalation of violence, and the people of Israel are wondering just exactly what the Palestinians are trying to achieve.

An end to the occupation? Some 98 percent of Palestinians already live under Palestinian control. Statehood and independence? It was offered and rejected. An end to check points? More territory? It was offered and rejected. Not only were all attempts to genuinely settle the conflict rejected out of hand, but the Palestinians responded to them—instead of with counter-proposals for peace—with intifada, jihad and terror.

The current confrontation is one which Israel neither sought nor initiated, and still, there is no desire for punishment and revenge. There is no wish to suppress or repress anyone. What point does it serve?

Negotiation and education for peace are the only means forward, and hopefully a meaningful resumption of dialogue can begin again soon. In the meantime, the Palestinian leadership must be made to understand that terrorism and bloodshed cannot exist side by side with diplomacy.

The path of violence was supposed to have been forever abandoned on Sept. 13, 1993, when Chairman Arafat shook the hand of Israel's late Prime Minister Yitzhak Rabin, and pledged in word and in writing to forswear achieving his goals by the sword. Though that day over seven years ago seems so remote, it must continue to guide all sides even now.

Terror will not bring the Palestinian people what they desire. They will not be able to gain through violence what they could not gain through negotiation. Only a return to talks and moderation can bring a mutually acceptable settlement for both sides.

Rotem is consul general of Israel to the southwestern United States.

HONORING REVEREND DR. J. ALFRED SMITH, JR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Ms. LEE. Mr. Speaker, I rise today to honor and salute Reverend Dr. J. Alfred Smith, Jr. for his many years of service to Allen Temple Baptist Church and the City of Oakland.

As the Co-Pastor of Allen Temple Baptist Church, Reverend Smith Jr. helped lead the Allen Temple Family to new heights with its spiritual, social and economic justice agenda. He has exemplified, in a magnificent way, steady, enlightened and inspirational leadership.

Reverend Smith Jr. has a Bachelor of Arts degree in Social Services and African American Studies from Antioch University. He has also earned his Master in Divinity from the Graduate Theological University and a Doctor of Ministry from San Francisco Theological Seminary.

While pursuing his graduate degrees, he was an instructor at San Francisco State University, U.C. Berkeley, the Pacific School of Religion, and the Allen Temple Leadership Institute. Reverend Smith, Jr. has educated students about Black Religion, Black Philosophy, African American Children and Their Families, the Mission of the Church and Church Administration of Social Justice.

Aside from his role as an educator, he has played a pivotal role in contributing to the betterment of the City of Oakland. He has served

as an Urban Employment Analyst in the Office of Economic Development and Employment; he has worked with the Oakland Crime Prevention Unit; he has served on the advisory board for fair housing; and he has been an advocate for the homeless.

Reverend Smith Jr.'s activism is not bounded by the City of Oakland. He has led a study tour and has participated in peace discussions in Israel and Palestine. He has traveled to London to be a keynote speaker for the Progressive Baptist Churches of the United Kingdom. He has traveled to Western Africa and China on a cultural exchange mission.

Reverend Smith Jr. has received numerous awards and has received worldwide recognition for his advocacy for social, political and economic justice. He has often been quoted by the media for his wisdom on particular issues.

On a personal level, I have relied on Reverend Smith, Jr.'s insights on the major issues confronting the human family for several decades. His clarity, his wisdom and his vision have meant so much to me and my predecessor, Congressman Ronald V. Dellums. It is with a deep sense of gratitude and a profound sense of love and affection for Reverend Smith, Jr., his wife, Mrs. Elaine Smith, and his entire family that I wish him well, good luck and God's blessings as he embarks upon the next chapter of his life.

I proudly join Reverend Smith's family, friends and colleagues in thanking and saluting him for his years of service and commitment to improving the human condition.

Thank you Reverend Dr. J. Alfred Smith, Jr.!

HONORING ROGER P. PETERS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. MCINNIS. Mr. Speaker, I stand before you today to pay respects to a long time professor at Fort Lewis College in Durango, Colorado. Roger Peters passed away on May 13, 2001 from a battle with cancer. Family, friends, students and faculty will truly miss one of Ft. Lewis College's best professors.

Roger was born on October 29, 1943, in Washington, DC. He graduated from the University of Chicago in 1965 with a bachelors degree in political science. After graduation, he volunteered for the Peace Corps and served as a science teacher in Liberia. ''He loved his life. He was a really happy person,'' said Arden Peters, his daughter. ''He taught everyone he knew so much. He was a remarkable friend and the best father.''

For more than a quarter of a century Roger was a psychology professor at Ft. Lewis College. Roger was an enthusiastic teacher who would light his students up with excitement ''Students would be infected with his enthusiasm,'' said Alane Brown, and associate professor of psychology. According to Byron Dare, a friend and fellow professor, Roger was the epitome of a professional and was a multidimensional person with numerous interests.

Roger Peters will be missed by everyone that knew him. He made an impact on his family, friends, and his students. Mr. Speaker, I would like Congress to join me honoring Roger for all he has done for students at Fort Lewis College and his family.

INTRODUCTION OF THE ACT TO LEAVE NO CHILD BEHIND

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to submit to my colleagues in the House the Act to Leave No Child Behind. Today I am joined by the gentlewoman from Connecticut, Ms. DELAURO, and the gentleman from California, Mr. STARK, in announcing its introduction.

An Act to Leave No Child Behind has ambitious but achievable goals: to eliminate child poverty, end child hunger, prepare children to enter school ready to learn, and provide children with health insurance and other vital services necessary for the successful development of America's children. Our bill is a road map for the safe and healthy development of America's children.

America must make a choice when it comes to the future of our neediest children. We must choose whether we will invest in the healthy development of our children or in the richest one percent of taxpayers in this country. We cannot do both. This bill represents a vision and a commitment toward a future where all children have a chance to succeed.

An Act to Leave No Child Behind, combines several pieces of legislation that could be acted upon separately at the appropriate time. Taken together, however, this bill moves us forward on the path where all children have quality health care, educational opportunity, quality child care and safe communities. This legislation provides every child and their parents with health insurance, lifts every child from poverty through tax credits, work supports, and a new minimum wage, and ends child hunger through the expansion of food programs. This bill makes sure every child is ready for school by fully funding quality early learning programs, and offers significant reforms for our system of public education that increases accountability, reduces classroom size, and guarantees that all children will be taught by qualified teachers in modem and safe classrooms. This legislation also addresses the issue of affordable housing and safe communities through sensible environmental protections, gun safety laws, and programs to reduce children's exposure to neglect, abuse, and violence.

I am so proud to have working with me on this legislation, my friend Senator CHRISTOPHER DODD (D–CT) and the Children's Defense Fund. Despite President Bush's use of the term, it was in fact the Children's Defense Fund that trademarked the phrase ''Leave No Child Behind'' in 1994. And it has been justified in using it ever since as it has waged a relentless battle to knock America's political establishment to its senses on behalf of our neediest children. This bill is the real deal—it is the real Act to Leave No Child Behind. It addresses the most important issue facing our country—the children who have been and continue to be left behind. We understand that our bill is asking for a significant commitment in federal resources to help children. But we think that is the right direction for us to take. We also strongly believe that we have the resources for this effort. And, perhaps most important, we understand that the continued neglect of the real needs of children has come at a great price and will continue to cost our society—and these children—dearly.

Mr. Speaker, I urge Members of the House to join me and co-sponsor the Act to Leave No Child Behind.

HONORING FORMER CONGRESSMAN PAUL G. ROGERS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. SHAW. Mr. Speaker, I rise today to recognize former Congressman Paul G. Rogers who will be honored on June 12th by the dedication of the Paul G. Rogers Plaza at the National Institutes of Health. This occasion is a tribute to Paul's accomplishments in the fields of health and the environment.

Paul G. Rogers was elected to Congress in 1954 where he represented South Floridians living in Palm Beach and Broward Counties for twenty-four years. Paul was a well-respected Member of Congress who was known as a man of integrity. He is recognized and has been widely honored for his sponsorship of numerous pieces of legislation in the areas of health and the environment including the National Cancer Acts of 1971 and 1977 and the Clean Air and Water Act. This legislation has saved the lives of countless Americans and improved the quality of life for all Americans.

As Chairman of the House Committee on Health and the Environment, Paul used his broad knowledge and deep understanding of health and environmental issues to build a consensus of opinion in favor of Congressional action in these areas. In fact, he is often referred to as ''Mr. Health.'' Paul was always more interested in results than in partisan politics and therefore was able to move widely supported bipartisan legislation. His accomplishments are a legacy that demonstrates what can be done in Congress if we work together for the public good. Today I have the privilege of representing parts of Paul's district and am trying to follow the trail that he blazed in these important areas.

The Paul G. Rogers Plaza at the National Institutes of Health honors this outstanding American, and my friend, Paul Rogers. I hope that the work done at this Plaza will be worthy of the name it has been given.

SOJOURNER TRUTH

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. SAWYER. Mr. Speaker, on May 29, we will celebrate the legacy of the famed abolitionist and feminist, Sojourner Truth. She was born Isabella Baumfree, as a slave. She escaped slavery and adopted the name Sojourner Truth when she began preaching across the nation.

It was in Akron, Ohio, at the Second Annual Women of Ohio Convention on May 29, 1851, that she delivered her powerful ''Ain't I a Woman?'' speech. It is appropriate to honor her work and her legacy on the 150th anniversary of that remarkable speech. It is especially appropriate to do so in the city where she delivered it.

A friend of mine, the late Faye H. Dambrot, a leading advocate of rights for women, equality, and justice, wrote a testimonial to Sojourner Truth and her famous speech, which I am honored to submit for the RECORD.

Born the slave Isabella Baumfree in 1797 in Ulster County, New York, this articulate woman with her commanding voice and imposing stature began her career by preaching and lecturing against slavery after the New York emancipation laws of 1827 were passed. Deeply religious and mystical, she chose the name Sojourner Truth to reflect her commitment to travel widely and spread the truth to her audiences. During her extensive journeys through the North and Midwest, she spoke of having been beaten, raped, and forcibly separated from her children and other loved ones under slavery.

In addition to her ministry and ardent abolitionism, Sojourner soon embraced the cause of women's rights, knowing well the double yoke of racism and sexism which bound black women. She worked to raise money for the North during the Civil War, helped emancipated blacks find jobs and housing in Washington, D.C., and even struggled against segregation by her insistence on riding public street cars.

She supported herself through the sale of her autobiography, My Narrative, and counted Abraham Lincoln, Lucretia Mott, Susan B. Anthony and Frederick Douglass among her friends. Sojourner Truth continued her life of struggle and agitation until ill health forced her retirement. She died near Battle Creek, Michigan on November 26, 1883.

Sojourner was not a welcome speaker at Akron's Women of Ohio Convention, many women present feared the cause of abolitionism would be detrimentally linked to the suffrage struggle and urged the chairwoman, Frances Gage, to prevent her addressing the crowd. The assembled local clergymen were swaying those present with their declarations about the natural superiority of man, Eve's ''original sin,'' the manhood of Christ, and the deference and privilege owed to women which was being jeopardized by demands for equal rights. But Sojourner was not dissuaded as she solemnly strode forward, laid her old bonnet at her feet, and within moments had, with her eloquence, turned the adverse tide of the meeting to a victory for women's rights.

She intoned, ''Well children, where there is so much racket there must be something out of kilter . . . But what's all this here talking about?

''That man over there say that women needs to be helped into carriages, and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place!''

She drew herself up to her full height, and with a voice like rolling thunder continued. ''And ain't I a women? Look at me! Look at my arm! . . . I have ploughed, and planted and gathered into barns, and no man could head me! And ain't I a woman? I could work as much and eat as much as a man—when I could get it—and bear the lash as well! And ain't I a woman? I have borne 13 children, and seen them most all sold off to slavery, and when I cried out with my mother's grief, none but Jesus hear me! And ain't I a woman . . .?

''That little man in black there, he say women can't have as much rights as men, because Christ wasn't a woman! Where did your Christ come from? From God and a woman! Man had nothing to do with Him.

''If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back, and get it right side up again! . . .''

Frances Gage tells her recollection of the crowd's reaction. She says, ''Amid roars of applause, she returned to her corner, leaving more than one of us with streaming eyes, and hearts beating with gratitude. She had taken us up in her strong arms and carried us safely over the slough of difficulty, turning the whole tide in our favor. I have never in my life seen anything like the magical influence that subdued the mobbish spirit of the day, and turned the sneers and jeers of an excited crowd into notes of respect and admiration. Hundreds rushed up to shake hands with her, and bid her Godspeed on her mission of testifying again concerning the wickedness of this here people.''

Mr. Speaker, in standing up for her beliefs, Sojourner Truth became a role model for all Americans, not just women or people of color. Sojourner Truth was the living embodiment of the basic American tenet that each and every individual has intrinsic worth.

As historian David McCullough reminds us, history didn't have to happen the way it did. History is created by the actions of far-sighted men and women like Sojourner Truth.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Ms. SOLIS. Mr. Speaker, May is the month our nation honors Asian Pacific American Heritage. As the Representative of a very ethnically diverse community, I would like to take this opportunity to recognize those in my Congressional district who come from Asian descent.

About 11 million Americans come from Asian or Pacific Island descent. Many Asian immigrants came to this country as laborers in the agriculture and transportation industries. First enduring harsh working conditions in the earlier part of the nineteenth century, many Asian Pacific Americans have now become successful entrepreneurs, teachers, entertainers, and technological professionals. In fact, our U.S. Congress has been home to 32 elected Members of Asian ancestry since 1903.

I would like to acknowledge the achievements of a specific young woman in my district who has made a great contribution to the United States Air Force, the City of Baldwin Park, and the Filipino community. Lieutenant Venus C. Rivera is the first person from Baldwin Park with Filipino American parents to graduate from the United States Air Force Academy. This Dean's List honor student will be trained as a jet pilot upon her graduation this month. I know she will continue to serve as an inspiration to all young Asian Americans in the United States.

Asian Pacific Americans bring a richness to our culture, adding diversity in language, cuisine, religion, and art. I am proud that our country takes this month to honor the heritage of this particular group. However, the diversity of all races and cultures must be something that we remember and respect every day. This will help promote racial tolerance so future generations can build a world that benefits from the ethnic contributions of all cultures.

TRIBUTE TO WORLD WAR II VETERAN MIKE LUCERO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. McINNIS. Mr. Speaker, I am extremely proud to rise today to honor a very special man—World War II Veteran Mike Lucero, a resident of Montrose, Colorado. During his time with the Armed Forces, Mike was stationed in the South Pacific. And what he didn't know is that he and his fellow soldiers were about to change the course of history. Because of what Mike did during World War II, I would like to thank him for his bravery and courage on behalf of Congress.

On December 1, 1942, at the age of 19, Mike left the small town of Cuba, New Mexico for the open water of the South Pacific. ''My country needed me. I had to go,'' said Mike. At dawn on June 15, 1944, Coxswain Third Class Lucero maneuvered his landing craft along side the USS Livingston, where members of the 2nd Marine Division boarded his LCVP.

They were headed toward Saipan, which is the northernmost of the southern four Islands in the Marianas 3,200 miles northwest of Pearl Harbor and 1,500 miles from Manilla. Over 29,000 Japanese troops waited and guarded the narrow beaches of Saipan. Mike's job was to land Marines on the shore. ''The bullets zipping into the water looked like raindrops hitting a puddle. They were striking on both sides of my boat,'' said the 79-year-old as he recalled

the battle. ''They gave us the order to land over a loud speaker and we headed for shore. There were bodies floating in the water.''

Mike delivered 8,000 Marines on Saipan's beach in less than an hour. It was the beginning of one of the bloodiest fights in the Pacific. On the shore looking at all the Americans coming toward him was the man who pulled the trigger on the surprise attack on Pearl Harbor, Vice Admiral Chuichi Nagumo. After the battle, almost 29,000 Japanese had been killed. The Marines, the 27th Army Infantry and the Navy were victorious. Mr. Speaker, it is with great appreciation that I ask Congress to recognize and honor Mike Lucero for all that he did for this country in World War II. Mike was just a boy when he was thrust into battle, but his bravery and the bravery of those who fought and died for this country will forever be etched in our minds. Mr. Speaker, I proudly salute Mike for all he has done.

HONORING RICHARD A. LUOMA

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Richard A. Luoma upon his retirement from the Hatboro-Horsham School District in Montgomery County, Pennsylvania after 29 years of dedicated service.

Dick graduated from Fitchburg State College where he received a Bachelor of Science degree and went on to an advanced degree from Boston University. He first taught math and science at Groton Middle School in Concord, Massachusetts and later he was promoted to Assistant Principal. Following his move to Montgomery County in 1972, Dick became the principal at Keith Valley Middle School and Loller Middle School. He was promoted to the position of Assistant to the Superintendent in charge of Curriculum and Instruction and finally Assistant Superintendent in Hatboro-Horsham.

He has been a dedicated citizen of his community as well. Dick has been a member of the Horsham Rotary for 28 years and has also served as president and secretary of that organization. He has been active in politics for the Republican Party in Towamencin Township. An avid golfer, Dick was president of the Men's Golf Association at Oak Terrace Country Club and continues to serve on the Board of Directors at the Talamore Golf and Country Club.

I am honored to recognize Richard A. Luoma and his long and productive career dedicated to our children. He has never wavered in his belief that our youth are our future.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. CLEMENT. Mr. Speaker, on rollcall vote No. 146, I was unavoidably detained on official business. Had I been present, I would have voted ''yea''.

PERSONAL EXPLANATION

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. VITTER. Mr. Speaker, due to an airline delay on Monday, May 21, 2001, I was unable to be present for rollcall vote No. 126, the vote on H. Con. Res. 56, expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day. If I were present, I would have voted ''yea''.

THE FEDERALIZATION OF CRIMES UNIFORM STANDARDS (FOCUS) ACT

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. MANZULLO. Mr. Speaker, almost one year ago, to the day, I introduced the Federalization of Crimes Uniform Standards (FOCUS) Act. I rise today, to re-introduce that legislation.

The bill lays out what the appropriate Federal activity—response—is to an offense against the Federal Government. Under the bill, Section 6, an offense, or federal crime, is an activity with respect to which a clear need for uniform Federal law enforcement exists. This includes an activity that involves conduct of an interstate or international nature, or of such magnitude or complexity that a State acting alone cannot carry out effective law enforcement with respect to that conduct; or, that involves conduct of overriding national interest, such as interference with the exercise of constitutional rights. The criminal conduct must be an offense directly against the Federal Government, including an offense directly against an officer, employee, agency or instrumentality of the Federal Government.

The idea behind this is to set a standard definition to what constitutes a federal crime. The current method seems to be that a federal crime is whatever Congress deems it to be, without any true consideration of the constitutional issues involved. Therefore, under the current methods, political will is the only thing that keeps us from federalizing crime. Political weakness in the face of media sound bite criticisms, forces Congress to act again and again to federalize crime—even when there is nothing but rhetoric to suggest that ''something must be done!'' to fight crime.

Sometimes less is better. It's high time that Congress takes a serious look at the federalization of crimes in the United States. The State and Federal Courts together comprise an intertwined system for the administration of justice in the United States. The two courts systems have played different but equally significant roles in the Federal system. However, the State courts have served as the primary tribunals for trials of criminal law cases.

The Federal Courts have a more limited jurisdiction than the State Courts with respect to criminal matters because of the fundamental constitutional principle that the Federal government is a government of delegated power in which the residual power remains with the States. In criminal matters, the jurisdiction of the Federal Courts should compliment, not supplant, that of the State Courts.

The 1999 Year-End Report on the Federal Judiciary shows how its caseload has grown:

> One hundred years ago, there were 108 authorized federal judgeships in the federal judiciary, consisting of 71 district judgeships, 28 appellate judgeships, and 9 Supreme Court Justices. Today, there are over 850—including 655 district judgeships, 179 appellate judgeships and 9 Supreme Court Justices. In 1900, 13,605 cases were filed in federal district courts, and 1,093 in courts of appeals. In 1999, over 320,194 cases were filed in federal district courts, over 54, 6000 in courts of appeals, and over 1,300,000 filings were made in bankruptcy courts alone.

It is apparent that some growth of the federal court system should occur over time due to increases in population. But what also has grown substantially is the scope of federal jurisdiction. Federalization of the states criminal codes is something that politicians, especially here at the federal level, cannot seem to help but engage in from time to time. It has been over time, in response to criminal concerns nationwide, that Congress has again and again federalized crimes in the name of fighting crime and protecting the nation's populace. But, is the federalization of crime really an antidote for our nation's crime problems? Is it really proper to federalize crime so politicians can ''prove'' their effectiveness? These are important questions that must be asked. We all must look in the mirror and ask ourselves whether there is a sound justification for having two parallel justice systems.

Americans should not be subject to different, competing law enforcement systems, different penalties depending on which system brings them to trial, and an ever-lengthening possibility that they might be tried for the same offense more than once.

In 1999, the Senate Government Affairs Committee held hearings on the issue of ''controlling the federalization of crimes that are better left to state laws and courts to handle.'' The hearings were held in part as a response to questions raised by Supreme Court Chief Justice William Rehnquist regarding the federalization of criminal law. The hearings also focused on the American Bar Association's Task Force on the same issue. The Task Force, which was chaired by former Attorney General Edwin Meese, concluded that in order to maintain balance in our Constitutional system of justice, there must be a ''principled recognition by Congress for the long-range damage to real crime control and to the nation's structure caused by inappropriate federalization.''

Some might suggest that this is a Republican's attempt to weaken the laws of the land. My reply is simply that federalization of crime does not make anyone safer. Simply adding more laws to the federal code will not necessarily help the citizenry. On the contrary, it could end up hurting those we want to help.

Consider that increased federalization has caused a significant case backlog in our federal courts. Those people with cases pending in the federal system for things other than criminal purposes are impacted. Their rights to due process for fair hearings on their issues are delayed. The rights of those who are criminal victims are often delayed, too, due to the length of time it takes at the federal level to hear a criminal case. The backlogs are real. The delays are frustrating. Justice is not being served.

Some might say, simply, let's add more money so we can get these cases to trial. Again, my response to that is: why should we have two entirely parallel systems of justice in our country? Money is not the answer. Better utilization of our constitutional system of federalism and separation of powers is a good place to begin.

Let the states work their will. The Federal Government doesn't always have the best answers. We effectively have 50 different constitutional republics that can and do serve as policy laboratories. The electorate in these states are the very same people that elect us all to Congress. They can take control of what is happening in their states and compare outcomes with 49 other state jurisdictions (not to mention the District of Columbia and the territories). With a federal system, will we ultimately move to a single federal criminal code? It would appear that way. It may not happen this year, this decade or even this century. However, over the course of time, the trend indeed is moving that way.

This bill is a common sense approach to checking the Congress' penchant for federalizing crimes. It sets guidelines for Congress, which will certainly debate crime again in the legislative branch. The standards state that no federal criminal legislation shall be enacted unless and until certain criteria are met: the legislation must center on the core functions discussed earlier; the States must be inadequately addressing the perceived need; the Federal Judiciary is able to meet the needs without restructuring and without affecting efficiency; and, the bill includes a federal law enforcement impact statement. We pass bills all the time to address certain needs. Let's put the rhetoric to a test.

The bill also sets up a Commission to Review the Federal Criminal Code. This commission will review, ascertain, evaluate, report, and recommend action to the Congress on the following matters: the Federal criminal code (Title 18) and any other federal crimes as to compliance with the standards in this Act; recommend changes, either through amendment or repeal, to the President and Congress where appropriate to the offenses set forth in said criminal code (Title 18) or otherwise; and such other related matters as the Commission deems appropriate.

Also, for each piece of legislation passed out of congressional committees of jurisdiction that modify or add to federal criminal code, the commission must submit a report to Congress. This report will be called a Federal Crimes Impact Statement that shall be included in the reports filed prior to consideration by the House and Senate.

The membership of the commission is important to consider. The bill calls for 5 appointed members—1 each from both sides of the aisle in the House and Senate, and one appointed by the Chief Justice of the United States, who shall chair the Commission. This will bring a new, and much needed, dimension to the debate. Under the bill, the commission would be charged with obtaining official data directly from any department or agency of the United States necessary for it to carry out this section—unless doing so would threaten the national security, the health or safety of any individual, or the integrity of an ongoing investigation.

Finally, the bill would subject certain legislation to a point of order—if it has not met the conditions set out in the legislation. This would provide additional time for Congress to debate the merits of legislation being considered.

In effect, this bill is about considerate and appropriate debate for federalizing crime. It will help educate Congress to make more informed decisions that impact the daily lives of all of our constituents. It will help take some of the politics out of the important issues that we face with regard to protecting people from crime.

Mr. Speaker, we need to act. The Judiciary has made subtle and not so subtle pleas for Congress to refrain from and restrain its penchant to federalize the criminal code. For example, last year in a decision concerning the Violence Against Women Act, the Chief Justice writes,

> [t]he Constitution requires a distinction between what is truly national and what is truly local, and there is no better example of the police power, which the Founders undeniably left reposed in the States and denied the central government, than the suppression of violent crime and vindication of its victims. Congress therefore may not regulate noneconomic, violent criminal conduct based solely on the conducts' aggregate effect on interstate commerce. [*U.S. v. Morrison et al. decided May 15, 2000 (Syllabus)*]

Clearly, there is a message in those words about the federalization of crime. It is time that Congress heeds it.

I look forward to working with my colleagues to move this important legislation.

TRIBUTE TO PFC BAMBI D. CHASTAIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. McINNIS. Mr. Speaker, I stand before you today to ask Congress to join me in honoring the memory of one of our young soldiers. On May 15, 2001, PFC Bambi D. Chastain passed away at the age of 21. Bambi was an exemplary soldier and a wonderful daughter, sister and friend. She worked hard at her job and took great pride in being a soldier. Although her family and friends will miss her, her memory will live on in those who loved her. Bambi died while on duty in the field training. To her, duty came first.

Bambi was born August 22, 1980 in San Diego, California. She attended Central High School, where she graduated in 1999. In August of that same year she joined the United States Army. She attended the Advanced Individual Training at Fort Sam Houston, Texas. After she finished AIT, Bambi was assigned to Charlie Company, 15th Forward Support Battalion, First Cavalry Division, Fort Hood, Texas. In March of 2000 she began training for a rotation at the National Training Center as part of the Quick Reaction Force. During her time with AIT she was awarded the MOS 91B10 Combat Medic and was posthumously awarded the Good Conduct Medal and the Army Commendation Medal.

Bambi moved to Grand Junction to live with Dave and Verna Murphy, which would become her new family. Recently she visited a group of foster kids in California, to offer hope and to let them know if you join the Army you get a whole new family to love and care for you.

Mr. Speaker, PFC Bambi Chastain displayed great professionalism and selfless service while serving her country. She put herself second chair to her duty. She is a role model for everyone that knew her. For that Mr. Speaker, she deserves and has earned the thanks and praise of Congress.

A TRIBUTE TO JOHN THOMAS THORNTON, JR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BISHOP. Mr. Speaker, last July I had an opportunity to participate in a day of celebration and remembrance of the great contribution to agriculture and the economy in general made by the late John Thomas Thornton, Jr., of the community of Parrott, Georgia. If you are not familiar with the name, you are not alone. Even in the area of southwest Georgia where he lived and farmed most of his life, many people are not fully aware of his contribution, which impacts our lives even today.

J.T. Thornton invented the peanut shaker, a harvesting device that came into common use in the 1940's. His invention revolutionized the peanut industry. By making the harvesting process faster and more efficient, the peanut shaker contributed greatly to the economic growth of our area of Georgia and, in fact, to the country at large.

Mr. Thornton spent some 40 years developing and perfecting his invention. It was a magnificent achievement. The history of this achievement was beautifully presented in an essay written by a student from Parrott, Bonnie West, who won high honors when she entered the paper in the National History Day competition. Her accomplishment helped revive community interest in Mr. Thornton's invention, which he called the ''Victory Peanut Harvester.''

The people of Parrott, including members of the Thornton family, are establishing a museum on the invention of the peanut shaker, and sponsored the day of celebration that included a parade and a number of other events. It was an exciting and enjoyable day, and it helped bring wider recognition of what this native southwest Georgian achieved.

Although farmers did not have any more spare time back then than they do today, J.T.

Thornton somehow found the time to apply his practical knowledge of farming, and his extraordinary grasp of engineering and mechanics, to overcome all of the difficulties he must have encountered until he produced something that raised the quality of life for countless Americans. This is a story we are proud of in southwest Georgia, and that can inspire other Americans, especially our young people. Mr. Speaker, it is, therefore, a story I want to share with our colleagues in Congress.

IN MEMORY OF DENIS NICKEL

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the achievements of Denis Gene Nickel, a man who led a life that we can all admire and emulate. Denis devoted his life to improving the world we live in, and he realized incredible success in his efforts to save our nation's natural resources for future generations. He has left us with a legacy that demonstrates the power of partnerships and stewardship of our natural resources.

Denis gave thirty-four years of dedicated service to the Natural Resource Conservation Service. As an Area Conservationist in Santa Rosa, Denis worked extensively in the North Coast counties that I represent. His leadership in forming a coalition of local, private, state and federal agencies to manage the Mendocino County Tomki Watershed was invaluable in garnering support for such an incredibly important project in the 1st District of California.

In addition, Denis provided tremendous assistance and guidance to those involved in the viticulture industry in Napa and Sonoma counties. He was a pioneer in promoting local stewardship in the development of hillside erosion control methods—these methods are the bedrock of the methods currently used by viticulturists around the nation. The personal integrity that Denis showed in his daily work facilitated building a durable consensus of stakeholders in our nation's natural resources.

Denis was the consummate family man who enjoyed spending his time with a large extended family. He was married to his high school sweetheart, Sandi, for thirty-five years, and he was immensely proud of his three children, Wendy, Warren, and Amy.

His smile and good-natured sense of humor that his family and friends knew so well helped him to establish trusted relationships while working towards the admirable goal of sustaining America's vital resources. Denis worked not only for the benefit of the people of my district, but he has also been recognized across the country for his tremendous contributions, including his term as State Conservationist for the Natural Resources Conservation Service in Rhode Island.

Mr. Speaker, thank you for the opportunity to honor the many invaluable contributions Denis Nickel made to my district and the entire nation. We would be fortunate to have more people of Denis's integrity working towards sustaining our natural resources for future generations.

LEGISLATION TO IMPROVE TRADE RELATIONS IN THE AUTOMOTIVE SECTOR BETWEEN KOREA AND THE U.S.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. KILDEE. Mr. Speaker, as co-chair of the House Auto Caucus with Congressman FRED UPTON, I am introducing on our behalf a concurrent resolution to express this Congress' support for improved trade relations in the automotive sector between Korea and the United States. A companion concurrent resolution is being introduced by the Senate Auto Caucus co-chairs, Senator CARL LEVIN and Senator GEORGE VOINOVICH.

For too long, Korea has kept its market closed to United States automobiles and auto parts. This must change.

Up until 1990, Korea maintained a completely closed market, and it was not until 1999, in the midst of economic crisis, that it opened its market to all manufacturers. However, it has made every effort to continue to restrict foreign motor vehicles. This is best exemplified by the facts. In the year 2000, a total of 1,057,620 motor vehicles were sold in the Republic of Korea, but only 4414 were imported and only 1268 were made in the United States. As a result, American motor vehicles represented a pathetic 0.12 percent of all motor vehicle sales in Korea.

Anticompetitive activities in Korea must stop. Threats of income tax audits on Koreans who purchase foreign automobiles must cease. Underhanded trade barriers must be lowered. Passage of this concurrent resolution will send a clear message to Korea that things must change.

I encourage all of my colleagues to support this effort to ensure fair trade and an open market for American motor vehicles in Korea. I look forward to working with colleagues to ensure its passage.

A TRIBUTE TO MR. JEFFERSON STEPHENS, JR.

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. SCHIFF. Mr. Speaker, I rise today to honor Mr. Jefferson Stephens, Jr., who is retiring after more than twenty years as Headmaster of the Chandler School in Pasadena, California. On June 16th, the school will celebrate Mr. Stephens' career and the impact he has had on the lives of so many.

The Chandler School was founded with a vision to provide young students with innovative, inspired academic programs taught by caring, dedicated faculty and staff. Under Mr. Stephens' guidance, the Chandler School treats each child as an individual and strives to create an environment in which children develop self-esteem and self-discipline, as well as respect for their fellow students. As headmaster, Mr. Stephens, has expected high standards of behavior, courtesy, and academic performance from each child who has come to his school, and has fostered a scholastic atmosphere that encourages curiosity and creativity.

In addition to serving the academic community, Mr. Stephens has served as an associate pastor for the St. George's Episcopal Church. He has also participated in a wide range of civic duties, by assisting as a member of the Tournament of Roses Association and serving on the board of directors for a community housing project.

Our community gives heartfelt thanks to Mr. Stephens for his lifelong commitment to education and his ongoing dedication to public service. He is an asset to our community, and I want to thank Mr. Stephens for his years of hard work and selfless dedication and congratulate him on a well-deserved retirement.

THE WATER ENHANCEMENT SECURITY ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. CONDIT. Mr. Speaker, I join with Mr. CALVERT today in introducing the "Water Enhancement Security Act". This bill is the culmination of almost one decade of work by the Congress and the state Legislature, federal and state agencies and the California business community, agricultural and urban water districts and environmental groups.

For years, the water system in California seems to have been "broken"—our main water system, the Sacramento-San Joaquin River Delta and San Francisco Bay has been in a state of crisis due to conflicts between environmental protection, water use and water quality. In a state where we seem to either feast on water or famine without water, the drought of 1987–92 demonstrated just how vulnerable California is to water shortages, and the flood of 1997 demonstrated how vulnerable we are to the effects of flooding. Frequent conflicts between water quality, fish protection and water supply magnify the problem and demonstrate just how little "give" there is in our current system. With the state's population expected to grow from 34 million today to 59 million in 2040, the need to conserve, to better manage our existing supplies and to attain greater storage capacity is critical.

Despite the years of recognition by most Californians as to the need to attain these goals, no major achievement in our water policy had taken place since the 1960s, when, under Governor Pat Brown's leadership, the State Water Project was conceived. That was, however, until CalFed was formed in 1994.

In response to the water conflicts and the feast or famine predicament that we were under, the state and federal Administrations began talks, known as "CalFed". Over a period of years, 18 state and federal agencies have conducted hundreds of meetings, public hearings and negotiations with stakeholders regarding ways to better manage the Sacramento-San Joaquin River Delta for those who depend upon it, as well as ways to restore the Bay-Delta's ecosystem. It seemed

that there was everything to loose and everything to be gained.—as the hub of California's water supply, the Sacramento-San Joaquin River Delta is an important natural ecosystem that is the source of water for over 22 million Californians and for irrigation for the Central Valley, which produces 45 percent of US fruits and vegetables.

Last year, I worked closely with California Governor Gray Davis and then Secretary of the Interior, Bruce Babbitt on a package that would move the CalFed program forward. Then, in June, 2000, Governor Davis and Secretary of Interior Babbitt announced a historic blueprint—the CalFed Framework for Action, followed by the Record of Decision in July, 2000. The legislation being introduced today is the crucial next step for the program. It authorizes the CalFed program to move forward, and expands this blueprint to other regions of the state.

Balance is the cornerstone of this bill. This bill ensures a long-lasting balanced program with the visionary and innovative approach of linking progress on water supply and water quality with progress to the environment, and with linking environmental progress to improvements in water supply and water quality. This theme of balance is echoed throughout the bill—there is balance in the structure for governance, balance in ecosystem/non-ecosystem programming, balance among the various regions of the state and balance in funding.

The bill is comprehensive and action-oriented. This bill provides real, tangible improvements for the environment, water quality and water supply throughout California. It commits to desperately needed additional surface and groundwater storage by authorizing water supply, water quality and flood control infrastructure improvements for a system that hasn't seen any major improvements in over 30 years. It contains short-term water supply improvements for water users that rely upon Delta exports and that have been disproportionately impacted by federal regulatory requirements. It expands environmental restoration projects in wetlands, the Sacramento-San Joaquin River Bay Delta estuary, and rivers and streams. It expands and funds state-of-the art water recycling and conservation programs throughout California. Each of these program elements is essential to improving the reliability and quality of California's water supply.

We are at a crossroad in California, as well as in most other regions of the country. For decades, we have benefited from the foresight of our predecessors—in their vision of what infrastructure would be necessary to meet our energy needs, our water needs, our transportation needs, our educational needs. I believe that it's time for us to exercise that same leadership, that same vision. I believe that it is time to prepare our generation and the generations that will follow us for the future. In meeting these needs, I believe that we can benefit from the things that we have learned over the last several decades about how to better protect the environment and about how to better conserve, while at the same time, providing for greater economic progress. This bill charts a course for attaining that vision.

I want to thank Mr. CALVERT for his leadership and efforts. I know that he and his staff have worked tirelessly to craft a fair and balanced program. I am committed, and I know that Mr. CALVERT is committed as well, to continue to work with Senator FEINSTEIN on her bill, and with the state and federal agencies and Administrations, and with all stakeholders on refinements to the bill to ensure that its potential benefits are met.

INTERVIEW WITH UKRAINIAN PRESIDENT LEONID KUCHMA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. ENGEL. Mr. Speaker, I rise to call to the attention of my colleagues a recent interview with Ukrainian President Leonid Kuchma which appeared in The International Jerusalem Post on May 11, 2001. This important interview discusses a wide range of matters from Ukraine's cooperation with NATO to its relations with Israel to its current state of economic development. The interview also provides President Kuchma an opportunity to respond to some of the criticism recently leveled against him.

I ask that the article be printed at this point in the CONGRESSIONAL RECORD.

[From the International Jerusalem Post, May 11, 2001]

THE VIEW FROM KIEV

UKRAINIAN PRESIDENT LEONID KUCHMA TALKS ABOUT HIS COUNTRY'S RELATIONSHIP WITH ISRAEL, THE SOMETIMES TROUBLED PAST OF ITS JEWISH COMMUNITY, AND ITS POLITICAL AND ECONOMIC FUTURE

(By Thomas A. Rose)

Mr. President, thank you for agreeing to share your thoughts with our readers. Your administration has come under increasing criticism from opponents who accuse your government of everything from failing to implement meaningful economic reform to suppressing press freedoms and even to charges that you were personally involved in the death of a prominent journalist. As a result, many in the West, particularly the United States, have started to question your country's political stability. How would you respond to these charges and concerns?

Politically, Ukraine is both stable and predictable. Industrial production is up, financial markets are improved, our agricultural sector is showing great promise, and we are beginning to see real progress in our effort to redress social contradictions.

Governmental bodies and the local authorities are functioning normally.

The world must know of the tremendous progress we have made and of the tremendous progress we will make. Our state is only 10 years old. In that short time, we have developed a functioning democracy, a free press, an independent financial system, and have become the first nation in history to voluntarily renounce and destroy its nuclear weapons' capability. These are not small accomplishments.

Regarding the attacks against me personally, I would call it more of an aggravation than a crisis. It is the demonstration and consequence of the situational uniting and stirring up of different forces and particular persons—political outsiders if you will—who are out for revenge and the redistribution of power through unconstitutional means.

Unfortunately, all the attention their outlandish charges are gaining in the West has emboldened them to think that they can threaten even the most considerable achievements of our Ukrainian nation, which are independence and sovereignty. Their ambition is to gain power for themselves. Yet, as you would say, the proof is in the pudding.

Domestically, which with all due respect, is the political realm to which I am responsible, these people cannot find support.

As to the so called ''demonstrations'' which have been well reported in the West, a few thousand paid participants in these protests do not have the key role and do not determine the general frames of mind of the Ukrainian people. In fact, things in this regard seem to have peaked on March 9. This has no doubt frightened the agitators, which is the very reason why they are trying to internationalize their cause.

However, I would be insincere if I do not say that artificial, purposeful, and excess politicization does not weaken our country and its ability to tackle the huge social and economic problems we face.

My office shall never submit to the influence of such provocations and shall not strengthen these pseudo-oppositionists.

Mr. President, the question of NATO membership for your country continues to be a point of friction between NATO, the Russian Federation, and Ukraine. It seems as though your administration has decided to back off from this initiative, at least for now. Does this mean that your country is more interested in improved relations with the Russian Federation, perhaps at the expense of the West?

I strongly object to the way you have raised this question.

Ukraine has always been consistent in its interest in cooperating with NATO. The beginning of the relations' development between Ukraine and the Atlantic alliance was made right after our country achieved its independence. Let me remind you that I signed the charter on special partnerships between Ukraine and NATO in 1997.

Cooperation between Ukraine and NATO has been progressing and covers a wide range of military and defense industries. One of the key elements of the cooperation remains our participation in the joint Ukrainian-Polish battalion and Ukrainian helicopter platoons are acting now within the contingent of peacemaking forces in Kosovo.

Speaking of the possibility of membership of Ukraine in the NATO alliance, my more direct answer to your question is that while we are increasing our cooperation with elements of NATO and the alliance, we are not ready to consider membership yet. Unilateral political announcements about our interest or readiness for implementation would be premature and harmful to the alliance and my country.

We are not reorienting our political outlook as you tried to suggest.

Ukraine looks forward to integrating itself in the European direction as a strategic option, while at the same time maintaining good relations with all our neighboring countries, including those in the East.

You have enjoyed notably good relations with all five of the Israeli prime ministers with whom you have worked. Knowing the troubled history of Ukrainian-Jewish relations, do you view this association as an attempt at national reconciliation or rather as a national strategic interest? In your view, is it necessary for Ukraine to actively pursue reconciliation with Israel and/or the Jewish people?

I am very proud of the excellent relations between our two great countries and my good relations with all of your elected leaders. I had a particularly close relationship with Ytzhak Rabin and I considered it a great honor to attend his funeral.

Earlier this year already I was delighted to receive the president of the State of Israel, Moshe Katsav, who has become my sincere friend. I am confident that President Katsav's visit will result in new understandings between our peoples.

Regarding you new prime minister, I am convinced that the heritage of this great son of the State of Israel will do all he can to help to lead the Middle East region to the peace and stability. Ariel Sharon is known in Ukraine as a experienced statesman and military leader, and as a wise person. He is very highly regarded. I hope that the policy of his government will continue on its path of working to achieve the goal sought by the Jewish people for countless generations—a prosperous, secure, and stable Jewish state at peace with its neighbors.

In my letter of congratulation to then prime minister-elect Sharon I reaffirmed the readiness of Ukraine to follow our two countries' recent tradition of excellent bilateral relations and close cooperation.

Currently, the scope of our cooperation with Israel is quite extensive. I look forward to working with Prime Minister Sharon to even further expand our already expansive commercial relations.

Let's not forget the fact that nearly 400,000 of the roughly one million recent immigrants to Israel from the republics of the former Soviet Union are from Ukraine. This alone is reason for a special relationship between our countries. That so many of our former countrymen have decided to make Israel their new home makes our concern about the political situation in your region more acute. Terrorism and violence that create distrust and hostility are especially dangerous and inadmissible. It is a dead end. I said as much in my recent message to Chairman Arafat, imploring him to do all in his power to curb violent demonstrations and to resume his fight against extremist organizations.

At the request of President Katsav, I have instructed our Foreign Affairs Ministry to take all possible measures to help win the release of the Israeli servicemen kidnapped by Hizbullah.

Our country also recognizes the right of the Palestinian people to an independent state of their own. Yet we believe that his nation can only come into being as a result of negotiations.

Your previous answer would likely come as a surprise to many of our readers. The extent of your country's relationship with Israel, its support for Israel, its commitment to the peace process, these things are largely unknown. Why do you suppose that is? Do you think it may have something to do with the troubled history of our people?

Well, you are probably in a better position to answer that than I am.

Another point to make regards our recent decision, as president of the United Nations Security Council. Our delegation did not support the resolution, subsequently vetoed by the United States, which would have mandated an international ''peacekeeping'' force for deployment in Palestinian areas. We did not believe such a step was wise or helpful.

To the contrary. Recent events have only reinforced the fact that peace can only be achieved by the parties themselves. Solutions cannot be imposed upon them. But Ukraine also recognizes and supports the need to give great weight to the positions expressed by the international community.

After independence, the priority for Ukraine was to consolidate its authority and international recognition and obtain the attributes of statehood. Generally we succeeded. Most important in our view was developing good working relations with the United States and the European Union. This took more effort than that required to establish relations with our eastern neighbors since we have lived and worked with them for centuries. This wasn't the case with Western countries.

This year marks the 60th anniversary of Nazi invasion of Ukraine, then part of the Soviet Union, and the destruction of nearly one million Ukrainian Jews. More than 100,000 of those Jews were murdered not five miles from here at a place called Babi Yar. As this awful date approaches what commemorative events are planned in Ukraine?

Yes, Kiev is the sight of one of the most tragic crimes in the whole history of man. Compounding the enormity of the crime was an attempt on the part of the Soviet authorities who ruled Ukraine until our independence to conceal what really happened here. Early last year, I authorized the establishment of the ''Days of Memory of the Victims of Babi Yar for the year 2001.''

For the 60th anniversary of the tragedy we will be dedicating an edition of The Holocaust Encyclopedia, a book of memories and an album. Under the same perspective the opening performances for the plays of the leading theaters of the country, and the series of TV and radio programs are in their final preparations. We will be publishing speeches of famous writers, cultural and art workers, scientists, and war veterans.

I would like to repeat one more time: We consider it a sacred obligation to respect the memory of the Jewish victims who perished.

Economic development is key to Ukraine's admission to the European Union. However, as you have mentioned, your country is not yet able to attract the amount of foreign investment you say you need. What industries or specific projects are you trying to promote as significant sources of Western capital and/or management? Perhaps, more importantly from the investors' point of view, what kinds of protections can you offer them? What guarantees can you provide regarding legal procedures? What about nationalizations? How can an investor be sure the economic landscape can't or won't change radically?

While not as fast as we would like our economy is still growing. Our high GDP and industrial production growth rates in the last year and in the first months of this year should reassure everyone. They have been very impressive, particularly when contrasted with the Western slowdown.

Increasing foreign investment is critical to our development plans. Our estimates are for investment inflows of at least $30 billion.

To help facilitate this necessary migration of capital, Ukraine is implementing the largest-ever privatization processes in the spheres of power, engineering, communications, and agriculture. this gives our international partners, including those from Israel, wonderful and exciting opportunities. I will dare say that Ukraine is one of the most exciting and opportunity-rich markets on earth.

We have developed special economic zones of priority development with reduced regulatory and tax regimens. The total area of these zones makes up more that 10 percent of our country's territory. Here, investors are granted special tax advantages, including discounts for value added tax, income duties, and other levies. These zones already host more than 400 projects financed by foreign investors. But this is just the beginning.

Opportunities extend to woodworking, pulp and paper, engineering, metalworking, fuels and chemicals, oil and gas, transportation, metallurgy; construction, shipbuilding; the list is quite literally endless. but having said all this, there is one area that calls for special attention and that is agriculture. Owing to the intensive market reforms, almost all our collective and Soviet farms have been restructured into private market businesses.

Our national tax burden has been dramatically reduced to the point where it is now roughly one-fifth of the tax burden found in an OECD country. If these are not competitive advantages, then I don't know what are.

As for your question about nationalization, let me say that foreign investors in Ukraine are as well protected here as anywhere in Eastern Europe. We have binding bilateral agreements to this effect with more than 50 countries, including Israel. Our national legislature includes guarantees on the inviolability of rights and parity conditions of national and foreign investors. In particular, even if some changes are introduced into the present legislation in the course of 10 years, guarantees that were in effect before will be used upon request of the foreign investor. Foreign capital in Ukraine is not subject to nationalization. Furthermore, foreign investors actually have the right to obtain compensation from the state in the event state actions result in financial losses.

For media companies like ours that may consider entering your market, what assurances can you provide regarding press freedom in Ukraine?

The economic advantage I described before are as applicable to foreign media investors as they are to foreign construction engineers.

Today we have more than 10,000 periodicals of all shapes, sizes, and opinions published in Ukraine. Our constitution elevates ideological diversity, forbids censorship, and guarantees free speech and association rights to every citizen.

But you must remember, we are a new country and a new democracy. This actually means we need more help than other, more developed democracies.

When we are talking about press freedom, it is critical to remember that independent publications belong to people and/or companies, some of whom express themselves through clannish, corporate, or private interests and ambitions, which doesn't necessarily benefit anyone other than themselves.

The President's Decree states that a newspaper can only be closed by the person who owns it, founded it, or if our judicial system deems it has broken the law. In other words, in our country, just like yours, we do have laws and we demand that all citizens, private and corporate, adhere to them. Any person or company who obeys the law and pays his taxes has nothing to worry about.

2001 CONGRESSIONAL CLASSROOM

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. MILLER of Florida. Mr. Speaker, I would like to take a minute to recognize the students

of the 2001 Congressional Classroom from my district in Florida. One student from the junior class of each of the participating high schools in my district was selected competitively to participate in the program here in Washington, DC.

Throughout the week, the students had the opportunity to meet with several of my fellow colleagues in the House of Representatives, as well as Florida Senators BOB GRAHAM and BILL NELSON, and Justice Antonin Scalia of the United States Supreme Court. The students also had the opportunity to meet with Dan Goldin, Director of NASA; Elaine Chao, Secretary of Labor; and Dr. Francis Collins, Director of the Human Genome Institute at the National Institutes of Health. The Congressional Classroom program also included an important trip through history with a visit to the National Holocaust Museum.

The Congressional Classroom program is a superb opportunity for young people to learn more about the United States Government, and provides them with a first hand account of the persons and institutions that comprise our government. It is always an honor and a pleasure to share this experience with young people, as it is a learning experience for the students as well as myself. Keeping in touch with the issues that affect the future generations of this nation is crucial to maintaining the spirit and effectiveness of our government.

I would like to thank the teachers, parents, staff, and all of my distinguished colleagues who so generously donated their time and effort to make this program a success. I wish the best of luck to all the students who participated, and that they can continue to have a powerful and positive influence on their communities and the world.

Finally, I would like to congratulate the participants of the 2001 Congressional Classroom:

Will Butler, Saint Stephens School; Brad Chase, Pine View High School; Lisamaris Countinho, Cardinal Mooney, Phil Crouse, Out of Door Academy; Griff Dalrymple, Bayshore High School; Emme Edwards, Palmetto High School; Jim Ganey, Bradenton Academy; Matt Hipps, Lemon Bay; Rebecca Janiak, Port Charlotte High School; Caitlyn Miller, Sarasota High School; Meghan Mills, Riverview High School; Ashley Palmer, Manatee High School; Marc Phillips, Bradenton Christian; Nick Richmond, Southeast High School; Anna Rule, Booker High School; Matt Rzepa, Lakewood Ranch; Nick Sadulski, Venice High School.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Ms. BERKLEY. Mr. Speaker, due to inclement weather, my flight was late which is why I missed rollcall votes No. 126 and No. 127. Had I been present, I would have voted "yea" on No. 126 and "yea" on No. 127.

U.S. DISPLACEMENT FROM THE U.N. HUMAN RIGHTS COMMISSION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. DREIER. Mr. Speaker, I am pleased to take this opportunity to introduce into the RECORD, the following statement to the Canadian Senate by the Honorable Jerry S. Grafstein, Q.C. regarding the United States' displacement from the U.N. Human Rights Commission. Senator Grafstein cochaired the 42nd meeting of the U.S.-Canada Interparliamentary Group held last weekend.

Senator Grafstein's remarks address the important role the United States has played over the last century in the evolution of international rule of law and leadership in projecting a human rights agenda around the world. I hope that my colleagues will take to heart the encouraging comments of Senator Grafstein.

Hon. Jerahmiel S. Grafstein: Honourable Senators, next week Parliament is co-hosting the forty-second annual meeting of the Canada-U.S. Interparliamentary Group in Western Canada. As Canadian co-chair, I have pondered the role of the United States with respect to Canada. Yet who can fail to consider the United States' paramount role in the evolution of international rule of law and American leadership in projecting a human rights agenda around the globe in the last century? Therefore, it came as no small shock when we discovered two weeks ago that the European bloc, led by France, and the Asian bloc, led by China, were successful in displacing the United States as a sitting member of the UN Commission on Human Rights for the first time since its creation in 1947.

Honourable senators may recall that it was due to the efforts of Eleanor Roosevelt that this commission was first established. Now, instead of the United States, we have France, Sweden and Austria representing the North American and European bloc. Other nations, those exemplars of human rights nations, include Algeria, China, Saudi Arabia, Uganda, Armenia, Pakistan, Syria and Vietnam.

It is regrettable that the staunchest promoter of human rights around the globe has been displaced, not because of its failure to promote a human rights agenda but, rather, primarily because it has forced the international community to confront human rights in a way that no other region, block or nation has been prepared to project so singularly and so consistently. Only the United States publishes annually a region-by-region analysis of nations that fall below international human rights norms.

Honourable senators, may I recommend that you read a very short book entitled On The Law of Nations by former U.S. Senator Daniel Moynihan. It gives an extraordinary account of the role that international law has played in the foreign policy of the United States. It is a primer for all those who are interested in the rule of law in international relations.

Returning to the exclusion of the United States from the United Nations Human Rights Commission, I can best sum up by quoting these words from another antique senator that express for me the current situation: O tempora! O mores!

TRIBUTE TO JAMES F. HETTINGER FOR HIS SERVICE TO THE CITIZENS OF GREATER BATTLE CREEK

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Mr. James Hettinger for over 20 years of dedicated service to the citizens of greater Battle Creek, MI.

Today, Thursday, May 24, 2001, the citizens of Battle Creek, MI will gather to pay tribute to a man who's efforts over the past twenty-three years led to the formation and expansion of one of the nation's premier industrial parks, and the economic rebirth of a community.

As Chief Executive Officer of Battle Creek Unlimited, the marketing and economic development arm of the City of Battle Creek, Jim has served as an excellent ambassador for the community, touting the positive attributes of locating facilities in the Cereal City to businesses around the world. To date, his efforts have led to the decision by approximately two dozen international companies to locate in the Fort Custer Industrial Park, resulting in over 3,000 jobs.

Jim has forged cooperative agreements with surrounding communities in an effort to spur economic growth beyond the boundaries of the city. He has been a driving force behind countless critical projects in the area including: the establishment of an inland U.S. Customs Port of Entry and Foreign Trade Zone 43; the retention of hundreds of jobs at the Battle Creek Federal Center; the relocation of the Western Michigan University College of Aviation to Battle Creek, and most recently, the forging of an innovative e-learning agreement with the Canadian province of New Brunswick.

Jim is among the most highly regarded economic development professionals in the country. And with good reason. He holds a Ph.D in Public Administration and Comparative Government and serves as an Adjunct Professor at Western Michigan University. He has published fifteen articles dealing with local government and economic development as well as a book on economic development and Japanese manufacturing investment. His work has been cited in numerous national publications including The Wall Street Journal, Business Week, The New York Times and USA Today. He is a past recipient of the MI Economic Developer of the Year award and the Kiwanis International Person of the Year award, as well as being named to the Oxford Elite Registry of Extraordinary Professionals.

I am honored to recognize Jim Hettinger for his tremendous dedication both to his profession and to his community, and join with the citizens of Battle Creek in congratulating him on this special day.