SENATE—*Thursday, June 21, 2001*

The Senate met at 9:15 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, the Reverend Dr. Priscilla Felisky Whitehead of The Church by the Sea, Bal Harbour, FL.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Good and giving God, we come humbly before You on this new day, first with gratitude: for the gift of life itself, and the gift of another day; for the gift of this great country which strives to become all it can be—a beacon of freedom, hope, compassion, peace, and justice for all; for the gift and privilege of Your call to faithful service in this place, and the opportunities to make a lasting difference.

And then we come before You with humility as we prepare for the tasks before us today, for we know we need wisdom and strength and vision from beyond ourselves.

Give us courage to set aside purely personal or partisan political agendas in favor of what is truly the common good; give us ears attuned to the voices of those who fear they have no voice, whose faith in our country, and us, is a reminder of our sacred obligations; and especially give us open hearts, ever attentive to Your presence and still small voice calling us to do what is right and worthy of people who have already been given so much.

Hear our prayer as gratefully and humbly we offer this day, and ourselves, to You for Your guidance and blessing. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID 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. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 21, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, on behalf of Majority Leader DASCHLE, I announce that the time between now and 9:30 will be evenly divided between the two parties on the motion to proceed to the Patients' Bill of Rights. Following the vote on the motion to proceed, there will be approximately 2 hours for debate equally divided between the two leaders or their designees. At 12 noon, Senator LOTT or his designee will be recognized to offer the first amendment on the Patients' Bill of Rights. We are going to conclude consideration of this bill prior to the Fourth of July recess. We hope we make good progress today. All Senators should expect to work into the evening tonight.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

BIPARTISAN PATIENT PROTECTION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1052, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

The PRESIDING OFFICER. Under the previous order, the time until 9:30 a.m. shall be equally divided between the managers of the bill or their designees.

Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as I understand, the time between 9:20 and 9:30 is evenly divided.

The PRESIDING OFFICER. The Senator is correct. That is the order.

Mr. KENNEDY. I yield myself 5 minutes.

Madam President, this is a very important day in the lives of families across this country. Today we are addressing one of the principal concerns of families from Maine to Florida, from the State of Washington to California, and the heart of the Nation. That is, are we going to make sure that medical decisions, decisions being made by doctors, nurses, and families, are going to be the final decisions in terms of treatment and care for those particular patients? That is what the issue is all about.

As all of us have seen, we have countless examples where those decisions are being overridden by HMOs and bureaucrats and bean counters. They are making medical judgments, effectively practicing medicine, which they are clearly not qualified to do. As we have seen in the Senate with countless illustrations, that just about every Member has shared, they have caused enormous damage to, and sometimes even cost the lives of, these patients.

The protections we stand for are reasonable. They are sensible. They are common sense. When we get to the debate on this issue, we will have a chance to review them.

We have waited 5 long years since this legislation was introduced to come to this day. We have not had the opportunity to the present time. We have had 14 days of hearings. We have the support of more than 800 organizations. There are few, if any, medical organizations which represent children, women, parents, the disabled, or any of the other patients organizations, that do not support the proposal which has been introduced by Senators MCCAIN, EDWARDS, myself, and others. We take heart that we are advocating for the doctors and nurses in America. They have committed themselves to help those in need, and have acquired the skill and training to make a difference in the lives of these patients.

The fact is, this should not be a partisan issue. It is not. It is bipartisan in the Senate, and it is bipartisan in the House. We welcome our friends on the other side to join with us. As was mentioned previously, the essential aspect of this legislation has been supported by 63 Republicans in the House of Representatives. There are important leaders in the Republican Party, including

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

Dr. NORWOOD, who have led this crusade in the House and continue to do so.

This bill is bipartisan, and has the virtual unanimity of the medical professions and patient organizations behind it. It comes with a series of recommendations which are common sense in their nature, and effectively holds the HMOs liable if they take action that is going to cause injury. This is an important formula for good quality health care in America.

As we have said so often, when we have effective accountability and effective liability, these provisions are rarely used. We have seen this in recent examples from California and Texas. What they do reflect is additional quality protections when they are included in the law.

That is what we are interested in. Those of us who are supporting this measure know what it is all about: It is for the care and protection of patients. We have had a chance to examine it. This issue has been studied, restudied, and studied again.

I look forward to a strong vote at the appointed hour.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Madam President, how much time do we have on this side?

The PRESIDING OFFICER. Five minutes.

Mr. FRIST. Madam President, I rise to support the commitment, the vote we will take in a few minutes, to proceed.

As the Senator from Massachusetts said, America is ready for strong patient protections. America is ready to hold HMOs accountable when they are making medical decisions. The debate that will ensue today and will take some time, I believe, is an important one to the American people because all 170 million people who receive their health care through employer-sponsored plans will be affected. All of them are going to pay more money for their premiums because of the legislation on the floor.

These are new rights, new protections. We will see a bill that will be ultimately signed by the President, I am confident of it, if it is a bill that is balanced, that respects this balance which all Americans deserve—the balance between accountability and patients' rights.

We do need to get the HMOs out of the business of practicing medicine. There is no question the pendulum has swung over the last 10 to 15 years to the point that HMOs have gone too far and gotten away from medical decisionmaking, medical decisionmaking being made locally with the doctor-patient relationship. Now it is time to swing that pendulum back.

We need to hold HMOs accountable for decisions they make that are medical decisions. We need to return that decisionmaking back to the doctor-patient relationship. At the same time, we can't unnecessarily pass mandates that don't add protections, that drive the cost of premiums up, that drive the cost of health care up to all 170 million Americans out there unnecessarily because that does drive people to the ranks of the uninsured.

We know if you don't have insurance, you don't have access to as good quality of care. It is that balance that I am very hopeful we can achieve in the Senate.

As the Senator from Massachusetts said, it is not a partisan issue; it should not be. The President of the United States, a Republican, is leading on this issue with the principles he put forth in February. The lead sponsor of the Kennedy bill is a Republican, Senator MCCAIN. The lead sponsor of the Breaux-Frist-Jeffords bill is a Republican. It is a nonpartisan issue, as we reach out to get patients the protections they deserve.

The time element we will be discussing because, although people say we debated this over and over, we have not debated these liability provisions. We did not mark up, so-called mark up, these liability provisions in the Health, Education, Labor, and Pensions Committee. The last hearings we held on patient protection legislation were 2 years ago, and that was on the Jeffords bill that did not have liability or suing HMOs in it at all. What we will have over the next several weeks, for the first time on the floor of the Senate, is a debate on a bill that was introduced last Thursday, beginning the discussion on liability.

Very quickly, let me illustrate what this entails because it is complex, as we go forward.

Madam President, how much time do I have?

The PRESIDING OFFICER. A minute 22 seconds.

Mr. FRIST. This chart is an outline of the McCain-Edwards-Kennedy coverage determination and liability process. I have started to walk through it as it was in the bill introduced last Thursday. As you can see, it is quite complex. We are going to have to go through the internal appeals process, the external appeals process, and march through and see how much liability should be at the Federal level, how much should be at the State level, and should you go back and forth from Federal to State.

Those are the issues we are going to have to debate as we look at how the whole HMO is accountable. I encourage my colleagues to vote in favor of proceeding so we can engage in the debate and improve the underlying bill.

With that, I look forward to the first amendment at about noon today as we go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

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

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

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

[Rollcall Vote No. 193 Leg.]

YEAS—98

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

NOT VOTING—2

Inhofe	McConnell

The motion was agreed to.

Mr. REID. I move to reconsider the vote by which the motion was agreed to.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Madam President, on rollcall vote No. 193, I was unavoidably detained and was unable to cast a vote. If I had been present, I would have voted in the affirmative on the motions to proceed.

BIPARTISAN PATIENT PROTECTION ACT

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement

Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon shall be for debate only, with the time to be equally divided between the two leaders or their designees.

Mr. REID. Madam President, this has been cleared with both the managers of the bill and the two leaders: I ask unanimous consent the first half hour be that of the majority, the second half hour be that of the minority, the third half hour be that of the majority, and the fourth half hour be that of the minority.

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

Mr. REID. That works out almost perfectly. It is almost 10 o'clock now.

Is that order entered?

The PRESIDING OFFICER. The order has been entered.

Who yields time?

Mr. McCAIN. Will the Senator yield?

Mr. KENNEDY. I yield such time as the Senator desires.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, after years of delay—and I want to emphasize years of delay—and blocking of consideration of this legislation, this important issue, the Patients' Bill of Rights, we are now, finally, going to take up this issue. I am very pleased to hear of the new-found commitment on the part of those who had blocked consideration of this legislation to seeing this legislation through to its completion. I point out again, it is long overdue that we address this issue. I am glad we are going to address it in a format where amendments are offered, we have debate, and votes are taken without filibustering and without obfuscation of the issue.

There are important issues, there are important negotiations, and important amendments that need to be discussed and debated. Again, I appreciate the commitment on the part of those who blocked—who blocked—consideration of this legislation for years on the floor of the Senate and am pleased to be bringing this issue to a conclusion. I applaud the majority leader who has stated we will not leave for the Fourth of July recess until we resolve this issue and have a final vote on it. I believe it deserves that attention. I hope all of my colleagues will devote their efforts and good-faith energies towards resolving it.

Our personal health and the health of our loved ones is the most valuable thing we possess. Unfortunately, we often take good health for granted until tragedy strikes and the health or well-being of a family member is jeopardized by disease, accident, or infirmities associated with aging.

When one of us or a loved one becomes ill, the obstacles of daily life become insignificant in comparison to ensuring the best health care services are available to our families.

Unfortunately, too many Americans are powerless when faced with a health care crisis in their personal life. Too many Americans have had important, life-altering medical decisions micromanaged by business people rather than medical professionals. Too many Americans believe they have no access to quality care or cannot receive the necessary medical treatment recommended by their personal physician.

Many Americans work hard and live on strict budgets so they can afford health insurance coverage for their family. But the moment they need it, they are confronted with obstacles limiting which services are available to them. They are confronted by frustrating bureaucratic hoops; and confronted by health plans that provide little, if any, opportunity for patients to redress grievances. This happens too often and can be attributed to several factors.

Our health care system is very complicated and can be attributed to several factors.

Our health care system is very complicated. Its language is comprised of thousands of acronyms and codes. Even its acronyms have acronyms. Our overly complex health insurance system intimidates and confuses many Americans. Many of us fail to fully examine the coverage provided by our health plans until we become ill, and then it is difficult to understand the plan's legalese. Health care has become increasingly depersonalized, focused more on profits than on proper patient care.

I am not embarrassed to admit that I am often overwhelmed by the complexity of the health system. I can certainly relate to the majority of Americans who are overwhelmed by a system which does not meet their basic needs in a simple, efficient and affordable manner.

Over the last few years I had an invaluable opportunity to travel around our great country; meeting and speaking with people from all sectors of life and regions of our nation. No matter how small or large a community I visited or where I held a town hall meeting, I repeatedly heard complaints that people's health plans denied or delayed the appropriate medical care, resulting in injury or even death to a loved one.

This is why I began working with my colleagues on both sides of the aisle over a year ago to craft a bipartisan bill that truly protects the rights of patients in our nation's health care system.

The following are the core principles I insisted be contained in our bipartisan bill:

First, our bill is about getting patients the health care they need and not about promoting lawsuits. We have worked hard to ensure that our bill focuses on getting patients the medical care they need. This is not about promoting frivolous lawsuits that could drive up health care costs and increase the number of uninsured in our country. Our bill provides a fair and independent grievance process in the event an HMO denies or delays medical care. A mother should have options when she is told her son or daughter's cancer treatment is not necessary and will not be covered by her insurance. She must have access to both internal and external appeals processes which are fair and readily available and which use neutral experts who are not selected, or otherwise beholden to the HMO. In life-threatening cases, there must be an expedited process.

Our bipartisan bill puts Americans in charge of their own health care. Patients and their doctors should control health care decisions, not HMOs or Washington bureaucrats. Physicians utilizing the best medical data must make the medical decisions, not insurance companies or trial lawyers. We need to put in place a balanced system that allows managed care companies to reduce costs but also reinvigorates the patient-doctor relationship, the essence of quality health care.

This bill protects employers from liability. We protect employers from being exposed to any liability unless they are directly participating in medical decisions. This bill will not make employers vulnerable for health care decisions they are not directly making and will not cause them to drop health care coverage for their employees out of fear of exposure to frivolous and unlimited liability.

Our bipartisan bill provides all Americans with patient protections. Our compromise includes strong patient protections that will ensure timely access to high quality health care for the millions of Americans with private health insurance coverage either through their employer or through the individual market place. The protections include: access to emergency care, access to specialty care, access to non-formulary drugs, access to clinical trials, direct access to pediatricians and ob-gyns, continuity of care for those with ongoing health care needs, and access to important health plan information. The bill also protects the doctor-patient relationship by ensuring health professionals are free to provide information about a patient's medical treatment options.

Our bipartisan bill empowers states. It allows states to develop their own patient protection laws, and empowers the Governors to certify that they are comparable to federal law. If the State law is comparable to those at the Federal level, the State law will remain in effect. We allow States to enforce their own laws for their citizens while ensuring that a minimum level of protections are available for all Americans.

We want to ensure that a mother in Arizona can take her son directly to a pediatrician in the same way a mom in Texas can.

Our bill allows Americans to seek reasonable relief once all options to receive medical care have been exhausted. I find it incredible that HMOs and their employees are able to avoid responsibility for negligent or harmful medical care. Americans covered by ERISA health plans should have the same right of redress in the courts as those who are enrolled in non-ERISA plans if they are unable to receive a fair resolution through an unbiased appeals process. We must ensure that patients receive the benefits for which they have paid and rightfully deserve. We must also ensure that unscrupulous health plans not go unpunished when they act negligently, resulting in harm or death to a patient.

Out bill protects state laws that allow patients who have been harmed or killed due to the medical decisions of an HMO to seek redress in state court. However, we worked hard to strike a compromise and help employers by allowing contract disputes to be handled in federal court. This will help employers and insurance companies have that offer multi-state plans have uniformity without obviating state laws.

Finally, we must improve access to affordable health care. It is simply disgraceful that 44 million Americans cannot afford health care coverage. This is the largest number of uninsured citizens in over a decade, despite our solid economy and past actions to provide greater access to medical care. We must continue building upon already enacted reforms by expanding medical savings accounts, providing full tax deductibility for self-employed health insurance costs, and allowing tax credits for helping small businesses provide access to health care coverage for their employees.

These provisions continue to be a crucial component of the bipartisan compromise I reached with Senators EDWARDS and KENNEDY. I am working with both of them and my colleagues on both sides of the aisle, including Finance Chairman BAUCUS to ensure that these provisions are addressed as a part of this bill or in the next legislative vehicle that the Senate deliberates.

America has been patiently waiting for far too long for Congress to pass a Patients' Bill of Rights that will grant American families enrolled in health maintenance organizations the health care protections they deserve, including the right to remedy insurance disputes through the courts if all other means are exhausted.

For far too long, this vital reform has been frustrated by political gridlock, principally by trial lawyers who insist on the ability to sue everyone for everything, and by the insurance companies who want to protect their bottom line at the expense of fairness.

If I have ever seen a more living, breathing argument for campaign finance reform, it is in the failure to act on this legislation.

Both sides hope to continue affecting their agenda with ''soft money'' contributions they hand over to the political parties, while neither represents the hopes, expectations, and best interests of the American people.

I have always found the American people to be reliable counsel when Congress attempts to assess the gravity and urgency of a problem affecting the entire nation. I have listened to countless thousands of Americans demand immediate action on a Patients' Bill of Rights. I have heard countless thousands demand a reasonable standard of accountability for health insurers who have too long and too often escaped virtually all accountability. I have heard countless thousands demand, what any American recognizes as basic fairness, that their most precious possession, their health, not be subordinate to profits for insurers or lawyers, or to political advantage of one part or another.

I have heard from very few people who claim that HMOs should continue to be the sole decisionmakers for who gets decent health care and who does not, for who lives and who dies. I have heard very few people defend an HMO's right to escape all accountability for those decisions. I have heard from very few people except those starring in radio and television ads underwritten by insurers who say HMO reform is unnecessary. I have heard from very few people who have claimed that their health, or their child's health is less important to them than the amount of damages they can recover from negligent health insurers.

But in every reliable public survey, and in every conversation I have had with the American people, in groups of ten or crowds of a thousand, everyone recognizes that a Patients' Bill of Rights is an urgent, necessary improvement if America is to have the kind of health care that befits a great and prosperous nation.

Men and women of good will, on both sides of the aisle, in Congress and in the administration, are working to bridge differences between our different remedies to this problem. I am encouraged by that, and pledge my cooperation in any sincere effort to reach fair compromises on the outstanding issues that still divide us. Whether in the amendment process or in discussions with colleagues and members of the administration, the sponsors of this bill want to reach agreement on genuine reform that will be enacted into law. But we cannot compromise on our resolve to return control of health care to medical professionals, and to hold insurers to the same standard of accountability that doctors and nurses are held to. That is all we seek today and all that the American people expect from us, a fair and effective remedy to a grave national problem. I urge all my colleagues to join us.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Madam President, I rise today to speak in support of the Bipartisan Patients' Protection Act. I thank my colleague from Arizona with whom I have worked for many months to help draft this legislation. I also thank my colleague from Massachusetts who has worked on this issue for many years. It is a critically important issue to the American people.

Let me talk a little bit about this issue, what this legislation does, and what this debate is about. We start with a very simple idea. That idea is to put the law on the side of patients, doctors, and health care providers. For many years, the law has given privileged status to HMOs and big health insurance companies in America. They are treated differently than any other group in this country is treated. They can do whatever they want. They can make decisions solely on the basis of cost and money, the bottom line and the profit, and they cannot be held accountable in any way. If they deny coverage for treatment that a child needs, or for a test that someone needs, or a visit to the emergency room by a family who had a true emergency, there is nothing that family can do. There is nothing that child can do. There is nothing that patient can do. They are stuck with whatever decision is made by the HMO. They are privileged citizens.

Not surprisingly, they like their privileged status. They want to stay right where they are. They do not want the law changed. They do not want to be treated like everyone else. They do not want to be treated like others. They do not want to be treated like any other small business or big business in this country.

It is time to change that. It is time to give real rights to patients.

That is what this legislation is about. It is time to put the law on the side of families, patients, and doctors.

We have some very specific protections that are critical in this bill. We start with the simple principle that every American who is covered by health insurance or an HMO is covered by our legislation. If you have HMO coverage, or if you have health insurance coverage in this country, our Bipartisan Patient Protection Act covers you, period.

If a State has a stronger protection law, if a State has a provision that is stronger than the provisions of our bill, that State law will remain in effect. But our law provides the floor below which no State can go. We cover every

single American who has health insurance or HMO coverage.

Second, we also provide that women can be seen by an OB/GYN as their primary care provider. Women across this country have had this issue come up over and over where they have to go through a gatekeeper in order to go see the physician who is, in fact, their primary care provider, an OB/GYN. We eliminate that problem. We provide direct access to specialists.

For example, if a child who has developed cancer needs to be seen not by a general cancer doctor—just a general oncologist—but by a child specialist, a pediatric oncologist, we specifically provide that the child can see the specialist the child's family believes their child needs to see.

That is what we mean when we say we provide direct access to specialists so that people can see the specialist they need.

Emergency room care: If a family has an emergency at home, in an automobile—wherever—and needs to go to the emergency room, the last thing in the world they want to be thinking about is, Do I need to call my insurance company? Do I need to call my HMO before I go to the emergency room to get the treatment I need?

We have eliminated that—no 1–800 numbers; no trying to look through the drawers to figure out where your insurance company is and how to call them. If somebody gets hurt, and they need to go to an emergency room, it is very simple. You go to the nearest emergency room, and you are covered. That is the way it ought to be. Unfortunately, it has not been as it should have been. We protect patients in emergency situations.

These rights: Access to specialists, emergency room care, women being able to be seen by an OB/GYN, access to clinical trials—we specifically provide that if a patient participates in a clinical trial, the costs that are not covered by the sponsor of the trial, the attendant costs, the hospital care or other things, in fact will be covered by the HMO and the insurance company.

Clinical trials are critical, not only to patients for whom they are often the last hope, but they are also critical to our Nation in continuing to lead the way in this world in advancements in medicine. We make sure clinical trials are covered.

In the area of specialist care, clinical trials, access to emergency rooms, and access by women to an OB/GYN, we have real substantive patient protection. But those rights are meaningless unless they are enforceable. It is not a Patients' Bill of Rights unless there are enforcement provisions. Without meaningful strong enforcement, it is not a Patients' Bill of Rights. It is a patients' bill of suggestions.

We want a real Patients' Bill of Rights. That is what our bill is. We have real enforcement. The entire bill is designed to get patients the care, the treatment, and the tests they need and should have gotten to begin with from the very outset.

We want the insurance company and the HMOs to know that if they do something wrong, their decision can be reversed.

The first thing we have is what is called an ''internal review process'' within the HMO. If a child needs a test, and the HMO says they are not paying for it, and the family doctor says the child still needs it and they overrule the doctor—if that occurs, that family has somewhere to go. They go to an internal review process within the HMO. If that is unsuccessful, and for a second time the HMO says no, then the third step is an external independent review. We set up a system, a panel of doctors and experts who have no connection at all with the patient or the doctor involved—no connection at all with the HMO that can then look at the medical facts and determine whether that child needs that test and can reverse the decision of the HMO.

So there are three stages through which the right decision can be made. Hopefully, the HMO will do the right thing to begin with, as on many occasions in the past. If they do not, then they can be reversed by an internal review process. If that is unsuccessful, then you can go to an independent appeal board. This is all before anybody goes to court. You can go to an independent appeal board that can reverse the decision of the HMO.

So we have set up a system designed to make sure the patients get the care they need, and get it as quickly as they possibly can. That is what our whole system is designed for. It is designed to avoid anybody ever having to go to court.

Unfortunately, there will be occasions where that system does not solve the problem—they are rare, but they will occur—and where a patient has been hurt because of some arbitrary or intentional decision by an HMO, where an HMO says: We are not paying for that. We don't care what the doctor said. We don't care what this child needs. We're not paying for it. And a child suffers a serious injury. As a result, those cases can then go to court.

We have heard lots of arguments in the public debates on this issue in relation to the creation of lawsuits. That is not what this legislation is about. This legislation is about real patient protection. It is about a system to reverse a bad decision by an HMO, and then ultimately treating HMOs like everyone else in this country—every other business, every other American.

You and I, when we do something, we are responsible for it. We believe in that in this country. We believe in individual responsibility. When we make a decision or we take some action, we believe we ought to be held accountable for that and we ought to be responsible for it. We believe it all the way down the line.

That is the concept this bill enforces. We take away the special protections HMOs have had in the past, where they can in no way have their decision reversed. If they deny coverage to a family, they are stuck with that decision. It cannot be appealed, cannot be challenged, cannot be taken to court. They are stuck with that decision.

We change all that. Now, under this legislation, they are treated exactly the same. If all the appeals have failed—if an HMO denies coverage, and the internal appeal fails, the external appeal fails, and someone is hurt, then we treat them like anybody else. They have made a medical decision. They have overruled the doctor, who has years of training and experience and who has actually seen the patient. So we put them in the shoes of the doctors. If they want to make medical decisions, they ought to be treated like people who make medical decisions.

For that reason, we send the majority of the cases to State court, which is where doctors and hospitals and businesses go.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. EDWARDS. Yes.

Mr. MCCAIN. Is it true that we have significant protections for employers with regard to liability, including the self-insured? But isn't it also true—because allegations will be made to the contrary—that we are interested in actively pursuing further agreements with all parties to try to address and tighten this language so we can achieve the goal we seek; and that is, to remove employer liability where the employer had no voice in the medical decision and to make sure the self-insured are able to avoid unnecessary lawsuits and be protected as well?

Mr. EDWARDS. I thank the Senator for his question.

The Senator knows, of course, because he and I have worked on this issue over a period of many months, that we both believe very strongly that we ought to protect employers from liability, period. What we have done in our legislation is we have followed the outline of the President's principle. The President has said, in his principle, that he does not want employers held responsible for liability unless they actually make individual medical judgments, which, of course, is extraordinarily rare. Our bill does exactly the same thing. It specifically protects employers unless they make an individual medical decision.

But the Senator is also correct that we start with the idea that we want employers protected, and to the extent our colleagues have ideas on this subject, we welcome those ideas and are willing to talk about this. The Senator

and I have talked about this not only from the outset but over the course of the last several days. So we are more than willing to consider other possible ideas on this subject that will more strongly protect employers from liability.

Basically, the entire legislation is intended to do two things: One, give real rights to patients, so the law does not continue to be just on the side of the big HMOs; and, two, to make those rights enforceable, so that when a patient or family is denied coverage, they can do something about it. It is just about that simple. And it is designed to get the care to the patient as quickly as we possibly can.

My colleague from Arizona just asked a question about employer liability, which we have just talked about. We believe very strongly that employers ought to continue to provide coverage, and we want to protect employers from liability.

Second, there is an argument made that this will result in lots of lawsuits. The truth of the matter is, all we are doing is taking away the shield, the privileged status HMOs have today that makes them different from all the rest of us. We just want them to be treated like every other American, which I think is fair and equitable.

But what we have learned from the three States—Georgia, California, and Texas—that have similar laws, is that almost all claims are resolved either with the internal appeal or the external appeal. In those three States, I think there has been a total of about 17 lawsuits. In the State of Georgia, Senator MILLER indicated yesterday there has been none. And those are three large States.

So the evidence does not support the argument that this is going to result in lots of lawsuits. In fact, we believe that is not true. Senator MCCAIN and I have worked very hard to design this bill to avoid that occurrence. But rarely it will occur. And if it does occur, we just want the HMOs treated like everybody else.

There are real differences between our legislation and the competing legislation. I will not go through the details of those differences, but let me just say they begin from the very outset of the bill and flow to the end.

We make it clear that every American is covered, and their language is less clear about that. We allow patients to have direct access to specialists outside the plan. They allow the HMO to make those decisions. We make clear that people have access to clinical trials, including FDA-approved clinical trials. They do not. We have a clearly independent review process where no one, including the HMO, can be involved in who is on the appeal panel. They do not. We send cases to State court, so HMOs are treated just like the doctors and the hospitals and all the rest of us. They give them special, privileged treatment by sending their cases to Federal court, where they are less likely to get hurt and it is harder for the patient to actually have a determination of their case or their claim.

So in every single case where there is a difference, they favor the HMOs, we favor the patients. That is the reason that the American Medical Association and, I think, over 300 or 400 medical groups in this country support our legislation. Virtually every medical group in the Nation supports our legislation—and consumer groups. There are a handful that support both.

But there is a reason that all those groups favor our legislation. There is a reason the HMOs favor their legislation. The reason is very simple. We have real and strong patient protection. And in every case there is a difference, their bill favors the HMOs, our bill favors the patients.

I would like to tell you a quick story about a patient in North Carolina. He is a young man named Michael Gray Whitt, who is shown in this photograph. Today he is a beautiful, happy 2-year-old little boy. He and his family live in Fleetwood, NC. His parents are Marc and Terri. Unfortunately, at the time he was born, he was not as healthy and happy as he is here shown in this picture.

He was born 4 weeks early at Watauga Medical Center in Boone, NC, because of a blood disorder.

The PRESIDING OFFICER. The 30 minutes controlled by the majority has expired.

Mr. EDWARDS. Madam President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, as long as the opponents of the bill get 5 minutes also.

Mr. EDWARDS. Absolutely.

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

Mr. EDWARDS. I thank my colleagues.

Madam President, when Michael Gray Whitt was born, he suffered from a blood disorder known as RH isoimmunization, which occurs when the mother has one blood type and the baby has another. The mother's body reacts by producing antibodies that attack the baby's blood. It can cause anemia, jaundice, enlargement of the liver and spleen, and it can even cause death.

It is usually prevented by taking a drug, which Michael's mother took, but it did not work in her case.

When baby Michael was born, he was at risk for liver failure, seizures, and brain damage. A newborn medical specialist recommended that he remain in the hospital where he could be watched in case any of these problems developed. He was very much at risk, very much in peril. The doctor specialist who was taking care of him knew he needed to be in the hospital so if anything went wrong they would be able to do something about it. He was right to be worried.

Michael's liver was not working properly, and he was kept in the hospital, in fact, for treatment. You can imagine how his parents Marc and Terri felt when less than 72 hours after he was born the HMO wanted him discharged from the hospital. Luckily for Michael, his doctor refused to follow the HMO's order. But when he showed some marginal, slight signs of improvement after 2 days, the HMO insisted that he be discharged. So he was sent home.

His parents were in shock. Why in the world would their HMO send a sick baby home who everyone knew needed to be watched carefully in case problems developed?

Less than 24 hours after the HMO sent him home, he got sicker than he had ever been. He was lethargic. He had jaundice, and he was eating poorly. Tests showed his liver problems had gotten worse. So less than a day after he was sent home against his doctor's wishes, he was back in the hospital.

I would like to share some words of Michael's dad, Marc Whitt, about his ordeal. This is what he said:

> I could never put into words the amount of stress and anxiety my wife suffered throughout this first week of our child's life.
>
> It was hard to deal with a helpless, sick newborn but impossible to understand and tolerate an insurance company's total disregard for our child's life.
>
> I wonder how many people's lives will be ruined by the actions of an HMO before HMOs are held accountable for their behavior.

That is a good question. How many more children will suffer serious injury or death before we do something about what these HMOs are doing?

A couple of days ago one of the chief spokespeople for the HMOs was quoted in the New York Times as saying: We are prepared to spend whatever is necessary on public relations, on lobbyists, on television ads. But they were not prepared to spend what was necessary for this young child to get the care his doctor knew he needed and his parents knew he needed.

We have a message for the HMOs. Whatever millions of dollars they are willing to spend, whatever the power of their lobbyists here in Washington, we are prepared to stand and fight along with Michael and families like his all around America, as long as is necessary, to ensure that finally in this country HMOs, just like all the rest of us, will be held responsible for what they do.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that the last order entered by the Chair be revised to take the 5 minutes or whatever time the

Senator from North Carolina used from our next 30 minutes. That way we will still be able to start the amendment process at noon. Does the Chair understand the request?

The PRESIDING OFFICER. The Chair does understand. Without objection, it is so ordered.

Mr. REID. I thank the Chair. I knew the Chair would understand, if I made sense in explaining. I wanted to make sure I had done that.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I yield myself 15 minutes.

Madam President, I rise in support of a Patients' Bill of Rights. We need a Patients' Bill of Rights in this country. I spent most of last year working on a conference committee to get a Patients' Bill of Rights. I am told by more senior colleagues that we spent more time meeting as members than on any other bill they could remember. We got that close to having an agreement.

In fact, people could see that we were going to get agreement on a Patients' Bill of Rights. There were some people who chose to have it as an issue instead of a solution. That is why we are back again working on a Patients' Bill of Rights. We do need a Patients' Bill of Rights but not this one, the way it reads.

I will give some rebuttal to a McCain-Kennedy factsheet on protecting employers. The sponsors of the bill distributed a white paper to the Democrat caucus, and I can't let that go unrebutted. This is the assertion: Employers are explicitly protected from liability in almost every case. But that is not what the bill says.

For the record, let me say that you would need a bushel basket of breadcrumbs to weave your way through this bill without getting lost. I tried at first with string, but it got so interwoven I thought it was macrame.

This is going to be extremely hard to follow. It is much easier to give examples, as we just heard of people who have been wronged by the system. We need to clear that up.

It is much more difficult, though, to make sure it reads properly in the details. You will be able to see why the average person is not entirely clear on how this bill fails to meet the assertion that employer-sponsored health care is protected. I am not a lawyer so my explanation may go a little more slowly than the compelling presentation made by my colleagues Senators GREGG and GRAMM on Tuesday. But I can assure you that I will lead you through the language of the McCain-Kennedy bill and show that it clearly sues employers and, therefore, threatens Americans' access to employer-sponsored health care.

I was a small businessman. Small business does not have the experts and specialists to interpret all of this, but they are going to have to abide by this stuff, too. See if you can follow this.

Here's what the bill language in S. 1052 actually says. On page 144 line 18, there is a subparagraph entitled, ''Cause of Action Against Employers and Plan Sponsors Precluded.'' Nice title. This is subparagraph (A). It literally begins with, ''Subject to subparagraph (B).'' In other words, the provision whose title implies that employers are protected from lawsuits begins with an exception to that protection. As you can probably already guess, subparagraph (B) is entitled, ''Certain Causes of Action Permitted,'' which started out with, ''Notwithstanding subparagraph (A),'' which means, despite the protection from lawsuits they just said they were giving employers in the preceding paragraph, here's how ''a cause of action may arise against an employer.'' We're still on page 145 still under subparagraph (B). On line 7, there is a reference back to page 140, where you're sent to paragraph (1), subparagraph (A), which is all captured under a new subsection of ERISA, entitled ''Cause of Action Relating to Provision of Health Benefits.''

This subparagraph first identifies who would be subject to liability, saying: ''In any case in which a person who is a fiduciary of a group health plan''—meaning an employer under ERISA—a health insurance issuer offering health insurance coverage in connection with the plan, or an agent of the plan, issuer or plan sponsor.'' Then the paragraph goes onto page 140 and lists what actions would make that category of employers and health plans liable, saying, ''upon consideration of a claim for benefits of a participant or beneficiary under section 102 of the Act, or upon review of a denial of such claim, fails to exercise ordinary care in making a decision.'' Section 102 captures any consideration of a claim for benefits—whether its written or oral—and section 103 is the entire internal appeals process. Confusing? Intentional?

Then page 140 goes on to list the following actions with respect to making a decision. It reads, ''regarding whether an item or service is covered under the terms and conditions of the plan or coverage; regarding whether an individual is a participant or beneficiary who is enrolled under the terms and conditions of the plan or coverage; as to the application of cost sharing requirements or the application of a specific exclusion or express limitation on the amount, duration, or scope of coverage of items or services under the terms and conditions of the plan or coverage; or, otherwise fails to exercise ordinary care in the performance of a duty under the terms and conditions of the plan with respect to a participant or beneficiary. Then the employer must prove that none of those actions were the ''proximate cause'' of the patient's personal injury. If they can't, then the employer is liable for economic and non-economic damages, and punitive damages of $5 million will be awarded, see page 153, line 23, for ''bad faith and flagrant disregard for the rights of participants.'' I am told that is a fairly high legal standard to meet.

But then I remind myself that there is a band of trial lawyers right now trying to sue health plans under Federal racketeering laws. That is what we use to prosecute mobsters. If I were an employer—particularly a small employer—that kind of zeal by lawyers sure would not make me feel any better, and trying to read this bill would not make me feel any better.

I am running a little low on breadcrumbs, but let me skip back for a minute to the ''liable actions'' listed on page 140. In particular, the last one I mentioned, which refers to ''fails to exercise ordinary care in the performance of a duty under the terms and conditions of the plan.'' This phrase, ''terms and conditions of the plan,'' is defined in the bill on page 122, line 14—another page—as ''to include, with respect to a group health plan or health insurance coverage, requirements imposed under this title with respect to the plan or coverage.''

Well, page 122 falls into title I of the bill. Title I of the bill includes a plan's utilization review activities, which cover everything from disease management to quality-of-care decisions to cost-benefit analysis; all claims-related activity, including internal and external review; all of the patient protections, from allowing patients direct access to the nearest emergency room to paying the cost of an employee's participation in a clinical trial, and on, including nine more separate patient protections; five additional rights for health care providers, including a whistleblower protection provision, which I will take issue with later; and a series of broad new definitions of provider categories and plan functions, coverage of limited scope plans, which are the dental and eye care plans, and a blanket inclusion of any and all new regulations—listen to that; pay attention here because, besides all of the stuff actually in print, you are going to be subject to any and all new regulations that the Secretary, who is completely at will to draft anything in relation to the act.

I would like to note that also included in title I is the overriding of existing State laws that deal with the standards in this bill. I guess that is now also a part of the health plan contract.

Confusing? Intentional? Now, after saying all of that, we need to tie all of these duties, obligations, named functions of the employer which again is voluntarily providing health coverage, back to the original trigger, into the employer liability section of this bill.

If you remember, that is back on page 145. You will notice that it skips around. That is the subpart of subparagraph (B) I mentioned before, starting on line 7, which says the employer is liable to the extent there was direct participation by the employer or other plan sponsor in the decision of the plan under section 102 of the act upon consideration of a claim for benefits or under section 103 of such act upon review of a denial of a claim for benefits, or to the extent there was direct participation by the employer or other plan sponsor in the failure described in clause (ii) of paragraph (1)(A)—paragraph (1)(A), of course, being when a plan ''fails to exercise ordinary care in the performance of a duty under the terms and conditions of the plan.''

Heard that before? You heard me read that definition a moment ago from page 122, line 14, as being essentially everything under the Sun with which an employer has to comply.

OK, we are almost there. So bear with me. We still have a breadcrumb or two left here.

The employer liability provision in the bill goes on to further define direct participation, found on page 145, line 21, as meaning ''in connection with a decision described in clause (i) or a failure described in clause (ii).''

These are the two things I just described to you; remember, it was either the consideration of a claim for benefits or the failure to exercise ordinary care. Direct participation means, ''the actual making of a decision''—we all agree on that—''or the actual exercise of control in making such a decision''—we all agree on that—''or in the conduct constituting the failure.''

We didn't know they were going to increase the decision so much, though. It sounds to me like every activity in this bill legally requires employers to do that which they are already legally bound to do under the fiduciary obligations of ERISA, which under Federal law businesses have to meet, which is now included in this, and it would constitute direct participation and, therefore, exposure to unlimited new liability.

Now, the sponsors have tried to define what direct participation is not. There are a whopping four things, all of which—and this is important—are conditioned by the clause found on page 146, line 12 and line 16, which reads: ''conduct that is merely collateral or precedent to the decision or failure.'' In other words, this so-called employer protection only applies if any ''actual'' action by the employer occurred long before or away from the decision. I read that to mean that if an attorney links any employer activity covered in the four exceptions to the lawsuit against the employer, then the ''exceptions'' do not apply.

But let me tell you what they are anyway. Starting on page 146 and going to 147, they include, an employer's selection of health plan, or third party administrator; an employer engaging in cost-benefit analysis when choosing or maintaining a plan; the employer creation, modification, or termination of the plan; the employer participation in benefit design, and copayments, or limits on benefits. Show me an employer that probably isn't doing all four of those things and I will show you an employer that doesn't have a health plan. You have to do those things; it is a business requirement. If you are going to pick a plan or a third party administrator, you probably have to have some involvement in that. You have to do some cost-benefit analysis. You have to do at least the creation of the health plan, or you don't have a health plan. It sounds like a lot of upfront paperwork as well. That may be what it is all about, too. All other plan administration by an employer is subject to liability. But then so are these functions if we are to apply the ''collateral or precedent'' limitation on the employer protection I just referenced.

I mentioned this to show you that it isn't quite as easy as some might be trying to purport here. This is seriously complicated, and it appears that around every corner in this bill there is an exception that swallows the rule. And the exceptions purported to protect employers are swallowed, too. There is no way anybody is going to convince the American people this bill doesn't sue employers, and for just about anything.

The PRESIDING OFFICER. The Senator has consumed 15 minutes.

Mr. ENZI. I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator is recognized for 1 more minute.

Mr. ENZI. Madam President, I am not a lawyer; I am an accountant, and I can tell you that this adds up to employers scaling back, even dropping the coverage they now provide. Is this how we propose to protect patients? The problem, at the end of the day, is that there is no fairy tale for hard-working Americans who currently receive health care from their employer. Instead, they are left with the nightmare of more expensive care, reduced benefits, or, in the worst case, losing access to care altogether. That is unacceptable for insured Americans. The logical question is, How in creation does this address the problem of uninsured working Americans? I leave my colleagues to mull that over.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I yield myself 15 minutes off of the time of the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. BROWNBACK. Thank you, Madam President. I thank my colleagues for presenting this bill on the floor. I appreciate taking up this topic—the key topic facing the United States, the Government, and the health care industry within this country.

I strongly believe and I strongly urge that this should have gone through a committee process so we could have had amendments taking place and could have had this dealt with in depth in a committee. I think that it did not is regretable, particularly on such a large piece of legislation that affects so many people. But that wasn't the choice of the majority that is running the floor. They decided not to go through that process, and so we are here as we are today.

I hope, since this bill did not go through the normal committee process, we can have an extended amendment process to improve the bill in substantial ways as we proceed through this debate and consideration of this key legislation affecting much of health care delivery in this country. Through a good, strong, open amendment process, we can, hopefully, at the end of the day, vote on this bill and have something with which we are all pleased.

Having made those initial comments, I want to point out legitimate and serious concerns I have about the effects of this legislation on people throughout the country.

Make no mistake about it, I shed no tears for the HMOs. My colleagues have brought to the Senate Chamber for consideration some shocking photographs and anecdotal information of treatment at its worst by the HMOs. Like everybody else who has heard these anecdotes and seen the photographs, it offends my sensibilities.

We need to examine the organization of the health maintenance organizations established by the Congress over the past few decades and how they were established and why they were established.

The truth of the matter is, over the past few decades Congress created and charged the health maintenance organizations with keeping down the cost of health care, and the tool with which we have entrusted them is a bureaucracy.

The truth of the matter is, using a bureaucracy to control a system is inefficient, many times difficult, unwieldy, and certainly not very personal.

The truth of the matter is, patients and physicians are sick and tired of dealing with this unresponsive bureaucracy and its difficult system. We need to make changes to provide personalized decisionmaking in health care. We need to change the system Congress has created. We need to make it work better. We need to do it in such a fashion that it does not drive up the

cost to the point that we start increasing, again, the number of insured in America.

There has pretty much been an iron rule on health care that as we drive up cost, the number of insured goes down, and that is a policy trend we do not want to cause with this bill. There are ways we can amend it to reduce that overall cost factor to limit the drop in the number of insured.

We want people to get insurance. We want people to be insured. We do not want people to be uninsured in this process. We can change HMOs to make it a more personal decisionmaking process between patient and physician so that they are the ones making the choices rather than a large, unresponsive bureaucracy.

As the blues song goes, ''Before you accuse me . . . take a look at yourself.'' HMOs and private sector insurance are not the only ones who rely on a heavy-handed bureaucracy in the health care field. The truth is Medicare, the health insurance we are responsible for administering, has been one of the most difficult bureaucracies in the Federal Government. If you want to talk about bureaucracy, let's talk about PPSs, DRGs, and NSFs. Let's talk about a system that tells physicians: Provide the care, and then we will tell you whether we are going to pay for it or not.

HCFA is a bureaucracy that has gotten so out of control that this administration has wisely decided they cannot reform it, they have to completely remake it and rename it. This is a bureaucracy unto itself that is unresponsive. I get complaints on a regular basis. HCFA is getting right up there with the IRS on complaints, and that is a bureaucracy, which we run, which manages health care in the country, which clearly needs fixing.

For the past several decades, this Nation has relied almost solely on bureaucracies of one type or another, either ones we run or others, to hold down the cost of health care. That is the heart of what we are debating today: health care costs.

Many of us believe the solutions offered by some of my colleagues do not adequately address this problem. We are going to drive that cost up, and the number of insured is going to go down. That is a genuine concern of a number of people.

Who feels this way? Some of my colleagues have stated that the people are saying: You have a bureaucracy that has been unresponsive. Let's make these changes and drive the cost up, not noting they are driving the number of insured down in that process. We need to avoid that result.

I want to read a letter my office received, as well as a number of other offices, on June 15, regarding who feels this way about health care. This is a quote from this letter:

> We urge Congress to oppose this legislation—

That is, the pending bill—

> and avoid the dire consequences it would have on our employer-based health care system.

The letter went on to say that the Kennedy-McCain Patients' Bill of Rights—

> would discourage employers from offering health care coverage and make coverage more difficult for workers to afford.

Who signed that letter? It is interesting, not a single HMO appeared on that letter. The letter came to my office signed by the National Federation of Independent Businesses, U.S. Chamber of Commerce, Associated Builders and Contractors, Printing Industries of America, Business Roundtable, and 14 other business associations representing virtually everyone in this Nation who voluntarily provides health care coverage to their employees and wants to continue to provide that health care coverage. They are saying: Do not change this in such a way that we cannot afford to make these changes and they are going to drive us out of health care; don't do that.

We do not need to do that; we should not do that. We can amend this bill to make it so that does not happen.

I suggest my colleagues follow the Kansas tradition and take these groups at their word.

The nonpartisan Congressional Budget Office has suggested the Kennedy-McCain-Edwards bill will increase premiums for employer-sponsored health plans by an average of 4.2 percent, with a 1.7-percent increase being passed through to workers.

What about the remaining 2.3 percent? CBO says 60 percent of the increase would be offset by, among other things, ''purchasers switching to less expensive plans, cutting back on benefits, or dropping coverage.''

Is that the conclusion we want to produce from this legislation? I certainly do not think the directors and people who are putting forward this bill want that conclusion, and yet that is what CBO is citing.

It is not just the CBO or national business organizations that have this grave concern. On June 6, I received a letter from Harvey Young. Harvey owns Young's Welding, a small welding shop that has been in Chanute, KS, since 1934. Harvey wrote this ''health care legislation would be a disaster for small employers in the Nation.''

In addition, while they do not know it yet, the 3,200 Kansans and nearly 340,000 Americans who could lose some health insurance as a result of this legislation are going to have a big problem with this bill.

We do not need to go there if we amend this legislation to reduce those areas that will drive people from getting health insurance.

I understand it is not the intent of my colleagues to increase the cost of insurance and drive employers and workers out of the health insurance marketplace. My friends are pure in their intentions to address the problems that have arisen from the bureaucratic state of our health care economy.

The cases of denied coverage they bring before the Senate are disturbing to all of us. However, I hope my colleagues will concede that the concerns we raise about the manner in which this bill addresses the problem are just as genuine.

Many are concerned adding new liability and legal cost to an already large cost of health care will create problems in the system. We are worried by reports that 44 insurers have pulled out of Mississippi citing large jury verdicts as the reason. Considering that the cost of health insurance has risen for 7 straight years, and considering that last year the cost of insurance was up a whopping average of 13 percent, I hope supporters of this legislation will understand my concerns.

No Senator has risen in defense of bureaucratic health care either of the United States through HCFA, or health maintenance organizations. None has risen to defend the indefensible actions of some HMOs that have denied necessary coverage to a child; nor shall we, nor should anyone. Rather, we rise to express concern about a bill that could result in more harm than good in driving up the number of uninsureds in America rather than giving more coverage, and actually at the end of the day producing less.

On Tuesday, addressing a rally in front of the Capitol, my colleagues expressed there was room for compromise on this issue. They expressed the hope we could send a bill to the President that the President would be able to sign. I share my colleagues' hope and dream we will be able to do that. Generally, as we saw with the historic education package we passed last week, the bulk of the work reaching compromise is done in the committee process. However, due to the circumstances the Senate now finds itself, the majority has decided that may not be possible. Such is the privilege of the majority. However, it is my hope before we move to final passage, we can work out a bill to address some of the problems our Nation's health care economy is truly facing without wrecking the Nation's health care economy in total, and without driving up the number of uninsureds.

At that point, we will have a bill I can support and I believe the President can sign and, hopefully, we can be proud of in providing more health care coverage to Americans, not less. We are not there yet.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

I listened with great interest to the points made by my friend from Wyoming, Senator ENZI, on the issues regarding employer responsibility. It was a good discussion. I hope he will have an opportunity to read what the President of the United States urged Members to do: Only employers who retain responsibility for making final medical decisions, should be subject to the suit.

I know what he is against; I am not quite sure what he is for.

Here is the principle to which we are committed, and to which the President is committed. If he has some problems, or suggestions on how to achieve it, we welcome that. We strongly support what the President has stated is his objective in terms of employer responsibility. We will have more of an opportunity to address that issue.

I listened to just about every speaker from that side talk about their concern for the growing number of the uninsured. That is mentioned in every speech. I yield to no one in my strong commitment towards getting coverage for the uninsured. However, I remind them of their own priorities. They believe the best way to extend coverage is to try and provide tax credits and tax incentives. I have a real concern about that because the people who don't have that insurance don't pay the level of taxes to benefit from the credits or the deduction.

We can debate that another day. However, 75 to 80 percent of those who do not have insurance will not benefit. It will benefit others who have the insurance, but it will not extend the coverage.

Nonetheless, that is a debatable point. The Republicans had provisions in their budget to extend coverage. They dropped them all. They dropped them all in conference with the House of Representatives. They didn't fight for those provisions. They fought for greater tax breaks for the wealthiest individuals in the country, but they cast those provisions aside. I hope they do not continue raising this issue in the Senate. I wish they had fought for this issue in their conference. They let those provisions go. That bill had anywhere from $60 to $70 billion in provisions to extend coverage when it left, and those provisions were wiped out.

If they were committed to it, we want to know what they intend to do now. It is a nonissue because, as was pointed out yesterday by the Senator from North Carolina and others, when the States have enacted a strong Patient's Bill of Rights, the actual number of the uninsured has gone down. The total number of insured has gone up. That is true in California, that is true in Georgia, and that is true in Texas. They can use whichever argument they want, but they have to get their facts straight. The facts are, even in the States which passed tough HMO bills, there have not been the increases that some expressed concern about. We have seen that expansion of coverage to the uninsured has not been their priority. These are effectively smokestacks. We want to keep focused on the target.

I listened to my good friend, Senator BROWNBACK, talk about the Business Roundtable and their concerns about the legislation. He feels that we ought to heed their concerns. We heard their concerns when we were dealing with the Family and Medical Leave Act. They said it would cost anywhere from $25 to $27 billion; we cannot do it. We will lose; we will have more people laid off; it will be the end of the free enterprise system, they said.

Guess what. It is working. We intend to try and expand it. It has made a big difference. It still has not done all the things many who supported the program desired. There are too many workers who will not take the family and medical leave because they lose their pay. They lose pay because they are always caught between the child who is sick, the parent who is desperately ill, and taking the family and medical leave to tend to that. These are hard-working Americans who need that paycheck every week, and many of them cannot take the leave. Most other industrial nations have paid family and medical leave. We don't.

The Business Roundtable opposed that legislation, but it is working today. I don't hear a single Republican trying to repeal it. They are not out there trying to repeal it. Then we had the Kassebaum-Kennedy bill to provide portability on health insurance for disabled. We heard premiums would go up from 25 percent to 31 percent, and that this would be the end of the employer-based health insurance program. It has not happened. It has gone up 2.7 percent over a 3-year-period, which was the estimate at the time that was used by those who supported the program. The other estimates were widely off base.

Regarding the increase in the minimum wage, the last time we had an increase in the minimum wage they said we would lose 400,000 workers. In the first quarter, we increased employment by 300,000 workers. They were wrong. They said it would add to rates of inflation, and we had the greatest rate of growth in the country. They were wrong. Three for three, they were wrong.

Rather than listening to their theories, look at what is happening in the country today. Look at the States where they have a tough, effective, Patients' Bill of Rights and what has been the result of the employer-based system. We find still that the number of insured or uninsured is not related to this issue. The increase in the numbers covered are primarily a result of the expansion of the CHIP program. It has been a modest change.

Second, there have not been great abuses of employers' liability. The most recent example is the State of California which passed a very good, effective, tough, HMO bill that has been in effect 9 months. There has not been a single case that has actually gone to trial. There have been over 200 cases that have gone to appeal, and they have been decided 65 percent for the HMO, and the rest for the patient. The HMOs, as well as the consumer groups, are incredibly impressed by the way it is working. That is what we want this bill to do.

It is a favored technique around here: If you are opposed, distort it, misrepresent it, exaggerate different provisions on it, draw up all kinds of smokescreens and red herrings. But these distortions won't work because we have practical experiences to draw upon. We can see in the States how this can work, how we can function, and what the impact will be.

I will spend a few minutes talking about what this bill is about. There are efforts to bring the Senate off message on this but it is important to remember what the debate is about. It is not about lawyers. It is not about insurance companies. It is about patients. It is about people who are mothers, daughters, fathers and sons, sisters and brothers. It is about families all over the country who will some day face the challenge of serious illness and deserve the best in health care. They deserve the same care that all Members of the Senate would want for themselves and their loved ones. Too many of those families are denied the care they need and deserve because of the abuses of HMOs and the other insurance companies.

The legislation we are considering today will end those abuses, and, as we enter this debate, I would like to spend a few moments talking about the importance of three of its provisions—access to needed specialty care, access to clinical trials, and access to needed prescription drugs. In each of these areas, needed care has too often been delayed and denied by insurance companies that are more interested in profits than in patients. In each of these areas, the opponents of our bill want to create loopholes that will make these guarantees only an empty promise.

Access to specialty care when serious and complex illnesses strike is a critical element of good health care. Denial of access to needed specialists is also one of the most common abuses in the current system. According to a survey by the University of California School of Public Health, 35,000 patients every day are denied specialty referrals. One of those patients was little Sarah Pederson of San Mateo, California. This is her picture.

Sarah was born with a brain tumor. When she was three, it became clear

that she needed aggressive treatment to save her life, including brain biopsies and chemotherapy. Her neurosurgeon knew that Sarah needed to be seen by a doctor specializing in brain tumors in children—and there was no qualified doctor in the plan. When Sarah's mother, Brenda, a nurse, asked to go outside the network, her HMO said, ''No.'' The HMO told her, ''We're not giving you second best, we're giving you what's on the list.'' After months of fighting with the HMO, it finally agreed to let Brenda see someone qualified to treat her condition.

When Sarah finally got to the right doctor, her chemotherapy began. Everyone knows chemotherapy causes severe nausea and vomiting. The HMO denied Sarah's $54 prescription for antinausea medication, because it was ''too expensive.'' Finally, Sarah's family was able to switch insurance companies and get proper care for their child.

So there you have it. Two parents facing one of the worst nightmares a family can have—a child with a cancer—and instead of being able to focus on dealing with the terrible stress and working to give their child all the comfort and assistance they can—they have to spend their energy fighting with an insurance company simply to get the child to an appropriate specialist. Sarah was lucky, in the sense that the HMO's delays did not kill her. But what a burden for her family to face. What a travesty of common decency. Passage of our legislation will assure that every family with a child who has cancer can get the specialty care they need without dangerous delays.

Women with cancer face special burdens. They must cope with a dread—and often deadly—disease. They need prompt specialty care. And often, their best hope for a cure or precious extra months or years of life is participation in a clinical trial. But, too often, both are lacking.

In one of the many forums we held on the issue of access to specialists for cancer patients, we heard from Dr. Mirtha Casimir, a distinguished Texas oncologist. Dr. Casimir talked about the heartbreaking stories of cancer patients whose HMOs delay and deny access to specialty care—often until it is too late. She said that when she gets a patient whose cancer has progressed substantially from initial diagnosis to the time they are allowed to seek needed specialty care, she often flips to the front of the chart—and nine times out of ten the insurer is an HMO. Every centimeter a cancer grows can mean the difference between a good chance at life—and the likelihood of death. Every centimeter represents potentially devastating—and avoidable—pain, suffering, and death for a patient and a family. Dr. Casimir's message was clear: pass the Patients' Bill of Rights so that more cancer patients will not die needlessly.

Mr. President, I see my colleagues who wish to speak.

I think we have about 15 minutes.

The PRESIDING OFFICER. Twelve minutes.

Mr. KENNEDY. Twelve minutes. I yield 6 minutes to the Senator from California and 6 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. I thank the Chair. I thank Senator KENNEDY for his courageous leadership with Senators EDWARDS and MCCAIN, Senator DASCHLE, and others in fighting for this bipartisan bill.

Mr. President, this is a new day in the Senate. We promised a new day when we saw the leadership change and we meant it. We have this bill in front of us because we want to do something to help the American people. There is no more important issue than this one. The American people have been waiting too long to have their grievances addressed.

Our bill offers real protection to those patients. It is in fact bipartisan. The compromises have been made, and when the President says he will veto it, I say to the people in this country: Do not stand by silently. This bill protects you against the abuses of the HMOs. The President stands with the HMOs. We here pushing for this bill stand with you, the people. And I keep coming back to that because the HMOs oppose our bill and they support the Bush principles.

Let me tell you why it is so important to pass this bill. Every day, 35,000 patients do not have access to the specialty care they need. Every day, the delay results in 10,000 patients being denied the diagnostic tests they need.

Let me talk about a couple of cases in the time I have. One such case is that of Joyce Ching from Agoura, CA.

Mr. President, 5 years ago I told her story—5 years ago when we should have passed this bill. I am going to tell her story again.

In the summer of 1994, Joyce got sick. She suffered from severe abdominal pain. She could not get out of bed to play with her son. She goes to her HMO, and the doctor says: we don't need any tests; change your diet; something is wrong with your diet. So Joyce changes her diet. She is in agony. She calls again and again. The doctor says, oh, just give this diet a chance to work. Still, she begged him for tests. She was afraid maybe something would happen, that she would not be able to have another child.

Finally she receives the referral to a gastroenterologist she had asked for months before, but it was too late. Joyce was in the late stages of colon cancer, and there was nothing anyone could do for her. Thirty-four years old. Why did it happen? If you look at the structure of the HMO, what happened was they capped her monthly expenses at $27.94. Why? Because she was only 34; actuarial tables said she was healthy. And the HMO said to her clinic, if you pay any more than that for that patient a month, you will get ''fined.'' You will have to pay for it at the end of the year. So the effort to keep the costs down cost Joyce her life. It took away a mother from a little boy. This bill will stop that because this bill will allow a referral to a specialist. This bill will allow us to make sure you see the doctor that you need.

How about the story of Sarah Pedersen of San Mateo, CA, born with a brain tumor? When she turned 3 years old, the doctor determined that she needed to see a doctor who had expertise in brain tumors in children. Now, I have to say something. I am a little adult. I am only about 5 feet tall. Some even question if that is exactly accurate. I am not a child, though. A child is different. They are little and they are different. Their bodies are changing and growing. Their hormone levels are different and they need specialized care. So her doctor said she needed the expertise of a doctor who specialized in brain tumors in children.

When Sarah's parents tried to get the appropriate referral, here is what they were told by the HMO: What difference does it make? Cancer is cancer.

And by the way, I had the same incident in another case in San Mateo, a little girl who had a Wilms' tumor, which is a tumor of the kidney, and the HMO again said: We don't have a pediatric surgeon who deals with cancer. Just go see the surgeon who deals with adults.

Had they ever operated on a child before? No. So Sarah's parents tried to get the appropriate referral, and they could not do it. Now, finally after too long a period, this little child with a brain tumor was allowed to see a specialist and her chemotherapy began. And as many of you are aware, my friends, chemotherapy causes severe nausea and vomiting, and the little girl suffered greatly. But when her parents tried to get the medicine to quell the nausea and the vomiting, Sarah was denied a $54 prescription because it was ''too expensive,'' says the HMO. A little girl of 3 years old is vomiting; she is nauseous; she is sick; she cannot get a prescription through the HMO.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I ask unanimous consent that I be given 1 additional minute and Senator NELSON 1 additional minute.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We will give 2 additional minutes to the Republicans.

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

Mrs. BOXER. I thank my friend and I will talk even faster.

This HMO that denied a $54 prescription for a very sick little girl paid its chief executive officer $895 million in a merger.

I ask you, where is the justice and the fairness in this? In her battle with cancer she is denied hope with a $54 prescription.

One time during their battle, Sarah was denied a dose of a common chemotherapy drug, by her HMO because the HMO clerk did not know the computer code for the drug. Do you want people other than doctors making medical decisions about the fate of your loved ones?

Luckily, her parents were able to switch insurance plans in the middle of their daughter's medical crisis. They believe that if they had not had this option that Sarah never would have made it.

Sarah is now eight years old, but she still has a tumor and continues to be monitored.

Or take the story of cancer patient, Ed Mycek of La Quinta, California. In 1997, Ed was diagnosed with prostate cancer. He discussed treatment options with his doctor and together they decided that the best option was a proton and 3–D conformal radiation treatment.

His doctors then contacted the insurer about the treatment. The insurer agreed to pay for the full treatment and said that the authorization was on the way to the facility. But the authorization never arrived. When Ed contacted the insurance company about the delay, he was told that their decision had been reversed because the treatment was experimental.

Patients that undergo this form of radiation treatment have a 98 percent chance of recovery, vs. the 83 percent recovery rate associated with prostate surgery.

After weeks of tossing and turning, Ed decided to pay for the treatment up front in an attempt to save his own life. Ed survived, but he now faces a huge financial burden as a result of his insurance company's unwillingness to pay for his treatment.

The stories I have just relayed to you are just a few examples of the tragedies that my constituents have endured as a result of healthcare in this country. They are strong reminders of why this nation needs a Patients' Bill of Rights now more than ever.

I believe that the McCain-Edwards bill offers the best possible option for preventing these kinds of senseless tragedies from occurring in the future.

The McCain-Edwards bill would provide coverage to 190 million Americans, including those in state and local government-sponsored plans and church plans.

McCain-Edwards provides access to specialists even if such care isn't covered by a patient's plan.

It also provides patients with other essential protections, like access to specialty care, women's health care services, emergency care—including emergency ambulance services, needed drugs, and clinical trials.

The bill bans the use of financial incentives to health care providers to limit medically necessary services.

It also prohibits plans from providing compensation to employees for encouraging denials.

It holds HMOs accountable, and permits a patient to sue in state and federal court without preempting those states with laws regarding caps on damages.

The bill allows a participant to designate a pediatrician as the primary care provider for a child.

It allows a woman to obtain gynecological and pregnancy related care from an OB/GYN without requiring a referral or authorization by a primary care doctor.

McCain-Edwards provides for inpatient hospital care for a patient following a mastectomy, lumpectomy or lymph node dissection for the treatment of breast cancer.

It bans health care plans from prohibiting or restricting medical providers from freely communicating with their patients regarding their medical care and treatment.

The McCain-Edwards bill requires the prompt payment of claims with respect to covered benefits and contains important whistleblower protections.

Nearly every doctors' and nurses' association and patients' rights group in the country supports a strong, enforceable Patients' Bill of Rights.

S. 1052 is supported by some 300 consumer and health care provider advocates.

It has garnered this support precisely because it represents a balanced and even-handed approach and because it will ensure patient safety and health plan accountability without significantly raising employer costs or health plan premiums.

In conclusion, the American people have waited far too long for a Patients' Bill of Rights. We have been debating this issue for 5 years. And far too many of our people are suffering as a result.

I'm all for having a fair and open debate here in the Senate on this issue. The American people expect no less of us.

But what the American people do not deserve and will not tolerate is an unnecessarily protracted debate cluttered with offers of ''poison pill'' provisions intended to cripple passage of this critically needed legislation. Unfortunately, I fear that this is exactly what will happen—a filibuster by amendment, as amendment after amendment after amendment is offered in an attempt to kill this bill, while its opponents talk about compromise.

In reality, this bill is already a compromise. A balanced and fair compromise. Here's why:

It strengthens protections for employers, ensuring that they are not liable unless they have participated directly in a health plan decision; it increases a state's flexibility, allowing it to maintain or develop its own patient protection laws if they are substantially equivalent to those in S. 1052; and it protects a patient's right to sue for damages in State and federal court, while including key compromises on liability.

The American people not only deserve a strong, enforceable Patient's Bill of Rights. They deserve this bill to be passed as swiftly and as fairly as possible.

Today is truly a new day in the Senate because today we have the opportunity to deliver on a promise—a promise to help our people live longer, healthier lives free from the horrors of red tape and litigation. A promise to make it a little easier for Americans to get the help they need from their doctors at the times when they need it the most.

Today we have a chance not only to deliver on the promise that we have made to our constituents—our promise to take up this bill—but a chance to restore the promise of health care in this country.

I say to my friend in the chair, who is such a fighter, that this is about why we are here, who we are, whom we represent, for whom we fight, and in whom we believe.

Let's pass this bipartisan bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I rise today in strong support of this bipartisan Patients' Bill of Rights. I rise on behalf of thousands of Florida consumers who would like to see control over their medical care returned to their doctors.

As the former elected insurance commissioner in Florida, I have talked with many of these consumers. And I've seen first-hand what some of the big insurance companies will do to them, if you let them.

For too long, these same insurers have killed efforts in the Congress to hold them accountable.

These lobbying efforts would merely be tiresome, if it were not for the real life horror stories that prove the industry's claims that this is a bad bill are false claims.

Over the last two days, all of us have heard the horror stories from many of these consumers—stories of HMOs denying care to sick patients; stories of accountants, not doctors, making decisions about medical treatment.

Some of these stories involve injury, harm, and even death.

Let me tell you about a couple of examples from Florida.

One 62-year-old south Florida woman began complaining of headaches and

was referred to a neurologist, who ordered a CT scan and MRI of her brain.

The HMO refused the request.

The doctor persisted, but to no avail.

The appeals went on for 6 weeks, until the woman was admitted into the hospital paralyzed on her left side.

There, she underwent a CT scan that revealed a tumor the size of an orange. She was immediately taken into surgery. She remains paralyzed. Two days after the surgery, her HMO finally approved the procedures requested by her doctor.

Sadly, current law only allows this patient to sue her HMO for the cost of the scan. She has no other legal recourse.

I will give you another example. A Pensacola woman was told by her HMO that she must see a network physician for a referral to a special hospital that could treat her rare cancer.

After switching to this new doctor, who concurred with the need for treatment, the HMO again denied her coverage.

Her medical bills are expected to reach $180,000. And despite her life-threatening illness, her HMO continues to deny full coverage.

The newspapers are full of such stories. And the common denominator seems to be that none of these patients have any recourse against their HMO.

This is unacceptable.

Medical decisions should be made by doctors, not accountants. HMO accountants are making life-threatening decisions, and the patients are suffering the consequences.

These stories from Florida illustrate the need for Federal legislation.

We must stop the practice of denying care, denying claims and putting profits ahead of patients.

The legislation we are finally debating lets people and their doctors—not HMO accountants—decide on the best medical treatments, not the cheapest.

Sick patients should not have to battle an illness and their HMO at the same time.

The issue before us in this debate is simple: either you are for protecting patients, or you are for maintaining the status quo, which protects HMOs.

I support this legislation because it provides patients with the protections they currently lack. This bill guarantees access to necessary medical care.

It puts the decisionmaking back in the hands of doctors.

Under this legislation, patients can participate more easily in life-saving clinical trials.

Chronically ill patients can receive the care they need because doctors will determine what is necessary medical treatment.

Patients will be able to change doctors without facing delays because they will have more choices.

Under this bill, patients will receive prescription drugs on a timely basis.

Doctors and patients won't be bound by red tape, and patients will get the drugs prescribed by their physicians, not their HMO accountants.

Patients also will be able to designate a specialist as a primary care provider. This means that a cancer patient could use a radiologist as a primary care physician.

For sick patients, this makes sense.

This Patients' Bill of Rights also allows someone to seek emergency room care, without first contacting their health plan.

This bill also addresses another critical issue; that is, financial rewards for doctors.

HMOs will no longer be able to offer financial incentives to doctors who limit care.

This legislation also prevents HMOs from punishing doctors who advocate on behalf of their patients. By putting the medical decisions back in the doctor's hands, this bill protects the doctor-patient relationship.

As expected, insurance companies and managed-care companies are lining up against the proposal that consumers should be able to sue them for harmful treatment.

Insurers say the McCain-Edwards-Kennedy bill will drive up premiums, increase the number of people without insurance and cause employers to drop coverage for their employees.

In Texas, where a right-to-sue law has been in effect since 1997, it's been reported that premiums actually declined last year.

Further, the Congressional Budget Office says that under this reform legislation, litigation costs related to the patients' right to sue would increase less than 1 percent during 5 years.

I ask the assistant Democratic leader if there is any chance for any additional time so I can complete my statement.

Mr. REID. I say to my friend, we need to get to the amendment process. How much more time do you need?

Mr. NELSON of Florida. I think I can conclude in 1½ minutes.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Florida be extended another 2 minutes, and the minority be extended 2 minutes, which will give them an extra 4 minutes.

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

Mr. NELSON of Florida. I thank the Democratic leader.

Mr. President, I end by saying our health care delivery system is failing, and it is failing doctors and nurses and providers as well as the patients.

Only recently I learned of a doctor in Boca Raton who has started charging his existing patients a $1,500 annual membership fee in order to continue his patients' medical care. This is outrageous, and it is symptomatic of the need for reform of the entire health insurance system.

Clearly, we need reform. This Patients' Bill of Rights is just a first step, but a necessary step, toward health care reform. We cannot afford to miss the opportunity. We cannot allow the special interests to stall and delay any longer. We must act now. The people deserve no less.

I thank you, Mr. President, for your indulgence, and I thank the Democratic leader very much for the additional time so I could conclude my statement on this very important piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask that I be yielded 10 minutes of the time of the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, we have been involved now all week—and, I am sure, will be involved for some time longer—on the Patients' Bill of Rights. It is an issue that is very broad. Quite frankly, there are different points of view. I cringe a little bit when I constantly hear from the other side of the aisle that special interests are what is guiding it. I have to tell you, if there are special interests on one side, there are special interests on both sides. But I really do not think that.

There are different points of view as to how we best help deliver health services. I am getting a little weary of this special interest idea, when it is perfectly legitimate for us to have different ideas about how we do it. That is what this is all about. I think we ought to maybe go back to some basics and talk about it a little bit.

I do not think it ought to be a political issue. I do not think people on this side, who are concerned about driving up the costs or who are concerned about having an excess of litigation, are driven by special interests. They have views on that. I respect that. And I respect it on both sides.

We have been dealing with a very complicated issue. In fact, this issue has been around the Senate now at least for 3 years. We have passed bills very similar, as a matter of fact, to what we are talking about now. We have tried to put them together with bills over in the House and have not succeeded in doing that.

So there are differences of view in how you do it. It seems to me that it might be useful for us to take a little bit of time to go back to some fairly basic things and, I guess, examine, more than anything else, what our goals are, what it is, when this is over, we want to have accomplished.

I get concerned sometimes that we get so involved in the details of everything, and get argumentative about this and about that, when really the purpose ought to be to achieve certain goals when we are through. I think

from time to time we should go back and sort of refresh ourselves as to what our goal is. That would be very important. Everybody in this body wants to promote and provide for better health service. Is there a question about that? Of course not. Everybody wants to do that.

I argue a little bit with the idea that our health care is not good. I think our health care is quite good, as a matter of fact. Could it be better? Of course. Should we have a Patients' Bill of Rights? Of course. We ought to ensure that people receive what they are entitled to receive.

Everybody wants patients to be treated by medical providers and not by accountants. We agree on that, certainly. Everybody wants to pass a bill that will improve the fairness and ensure that patients receive what they are entitled to under their health contract. I say ''contract'' because I want to remind ourselves that those of us who have insurance buy a service. That service is defined, and what we should expect to receive is the service that we have purchased, the service that is in that contract.

From the conversation that goes on in this Chamber, sometimes I get the notion that if this bill passes everything in health care will be provided. That is not the case. What this does is seek to ensure that what you are entitled to under your insurance is provided, and the definitions are made by medical providers and not by attorneys. I think all of us would support that.

There are quite different views, of course. Indeed, that is legitimate. That is why we have debate. That is why we have discussion.

Yesterday we had a little back and forth on whether we were holding this bill up. I do not think it has been held up at all. It is a very complicated issue. We talked about it all day. We should talk about it. We need to know what is in the bill. The newest bill was only put in the RECORD on Tuesday. So it is quite a healthy bill and, in fact, needs to be reviewed. That is what we are doing. Should we stall it? Of course not. But we should have a thorough discussion about it.

What are our goals? I guess one of the obvious ones, as I mentioned, is to ensure, to the best of our ability, that whatever you are entitled to in your insurance coverage is made available to you. I think, along with that, we ought to say: made available to you as quickly as possible. This idea that somehow you feel as if you are being held up by some other decision, that you have to go to court to figure it out—I can tell you what, it may be a long time before you come to that decision, so there needs to be a method and methodology, of course, for coming to a nonbiased third party decision before you go to court. I think that should be one of them.

What are some of the techniques that we ought to have? That is what we are really talking about. Are we talking about an independent medical appeal? It seems to me that makes a lot of sense. Or do we continue to talk about the fact that you have to go to court? Court is not a very satisfactory remedy for some kind of an argument in terms of health benefits. You usually need those resolved more quickly than would come from that.

I think we have to talk a little about the costs. We talk all the time about the cost of insurance going up. We had what we called a series of 20/20 meetings in Wyoming, trying to get a vision of where we wanted to be over time, so that the decisions we make in the interim could help, hopefully, to get us there.

I recall in one of the meetings—one of the last meetings we had in Casper, WY—the big emphasis was on small employers that couldn't afford insurance. Part of that is insurance. Part of that is the cost of health care, of course.

So I guess my point is, health care can be the best in the world, but if we can't afford it, and it is out of our reach because it is unaffordable, then we have not accomplished a great deal.

One of our goals ought to be to find ways to keep the costs of health care within a manageable range so that people can indeed take advantage and participate. We need to ensure that the insurance coverage used by many people—maybe most people—comes from their employer, that it is part of their job benefits. There are some disadvantages to that, of course. That is one of the reasons we find ourselves where we are with HMOs to some extent. The employees do not normally have much input into what kind of coverage they have. If the coverage is not what they choose, then that is something between them and the employer.

But we need to make sure that we don't price, particularly small businesses, out of that coverage that people have become accustomed to and, indeed, is really a better way to provide it. The more we can bring people together, large employers, makes insurance coverage easier. The idea of health insurance was to bring together a number of people into a group so that those who are healthy and those who are a little less healthy could share the costs.

Again, in my experience, I remember the Farm Bureau in Wyoming started Blue Cross. And after a little bit, we found that generally agricultural people were a little older and the costs that we had were higher. Our least expensive participants were finding cheaper insurance somewhere else and were selecting against us. That didn't work. So you need to have larger groups that employers help provide.

These are some of the things that are part of this. We act like it doesn't matter what the system is, that we can make these changes and they will fix it. We do have to be a little more aware of how this thing is handled and what is going on.

Again, we want employers to continue to provide insurance, but we have to ensure that they are not subject to all kinds of litigation, all kinds of liability. That is not clear in the bill. We hear from one side that it is one way; we hear from the other side that it is another way. What is our goal? Is our goal that we should, to the extent possible, eliminate the liability from employers in terms of them carrying and providing insurance? It seems to me that ought to be one of the results we seek.

There are lots of pretty basic issues that we need to address and then take a look at the details to see if, in fact, those details are going to produce the kinds of a outcomes for which we are looking.

Again, we ought to try to make certain that every patient, every covered person gets those things they are entitled to under their contract. Certainly that is what we need to do. We need to find the simplest, easiest, least expensive technique for ensuring that that is the way that it is done. We need, along with that, to ensure that we do not have an excessive cost which causes people to stop providing insurance and that we have a higher number of uninsureds than we now have.

In order to do that, we have to make sure that unless there is an involvement in that decision with regard to the contract, employers should not be liable.

Those are the kinds of things we hear from the sponsors of each of these bills. I appreciate the opportunity to talk on it. I hope we will move forward. I hope we end up with a bill that will provide the provisions we seek.

The PRESIDING OFFICER. The Senator has used his 10 minutes.

Mr. THOMAS. 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. GREGG. 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. CAMPBELL. Mr. President, the Senate has begun to consider sweeping legislation which, if passed and enacted, will have significant consequences for all Americans and our health care system. This is an unprecedented opportunity to frame the debate for improving the quality of health care in this country.

As most Americans know, we here in America have the best medical care in the world. The question is how to make that excellent care accessible and affordable for all Americans.

We have an excellent health care system in our Nation, yet there are those who are not able to get good care when they need it. And, there are many in our Nation who tax and over-use the system. Somewhere between the excellence of our medical procedures and the demands placed upon them, we have a problem with delivery.

In the debate now underway, we will be grappling with big questions. How do we make that excellent care available to everyone? Who gets the care? Who pays? Who is accountable? Those are the questions that need to be answered. Common sense demands we act reasonably in answering those questions.

The debate is about the American right to have access to the best health care available. It is not a Republican or Democrat issue. It is a national issue as important as any we face, and to keep score now does not address our Nation's best interest.

Let me be very clear: the best thing we can do for Americans is to ensure, and when possible, expand their access to quality, affordable health care. Let's use the debate on the differing proposals pending before us to work toward this goal.

Mr. JOHNSON. Mr. President, this week the Senate began discussion of the Patients' Bill of Rights, a long overdue bill which patient advocates have fought to pass for nearly 5 years. I am disappointed that we were not able to move directly to a full discussion of the bill earlier this week as Majority Leader DASCHLE attempted to do, but I am pleased that we finally began this critically important discussion. I also want to commend the distinguished Senate Majority Leader DASCHLE for his leadership in bringing this crucial legislation to the floor and making this top priority legislation his first directive as Senate Majority Leader.

The Senate begins debate of a bipartisan bill that was introduced in both the House and Senate which covers all Americans and holds HMOs accountable when they make medical decisions. I am proud to be cosponsoring the Senate Bipartisan Patient Protection Act which is sponsored by Senators MCCAIN, EDWARDS, and KENNEDY. Approximately 500 provider and patients' rights groups have endorsed this bipartisan legislation which achieves overwhelming support because it represents a balanced approach to ensuring patient safety and health plan accountability without significantly raising health plan premiums or employer costs.

The last time the Senate debated this legislation was in July of 1999. At that time, the Senate ended up passing a much weaker patient protection bill while the House passed a strong bipartisan patients' bill of rights by a vote of 275 to 151. The McCain-Edwards-Kennedy bill that we will be debating this week and next is a carefully, crafted bipartisan compromise and the only patients' rights legislation currently under consideration that assures patients the protections they need.

Although penetration of HMOs in South Dakota is not all that prevalent as it is in other parts of the country, South Dakotans still deserve the same patient protections as individuals living in New York, Washington or California.

The Bipartisan Patient Protection Act will guarantee access to essential prescription drugs; allow access to needed health care specialists; ensure patients can access emergency room care where and when the need arises; require continuity of care protections so that patients will not have to change doctors in the middle of their treatment; provide access to a fair, unbiased, and timely internal and independent external appeals process to address health plan grievances; assure that doctors and patients can openly discuss treatment options; and includes an enforcement mechanism that ensures these rights are real.

Also, the McCain-Edwards bill ensures that States have flexibility while protecting all Americans in all health plans. This compromise legislation clarifies that in the case of a State that has enacted protections that are ''substantially equivalent,'' the State may seek certification from the Department of Health and Human Services to use its standard rather than the Federal one. The standards for certifying State laws that meet or exceed the Federal minimum standard ensure than only more protective State laws will replace the Federal standards while providing for strong oversight.

The McCain-Edwards-Kennedy bill is a true bipartisan compromise and should not be watered down or weakened before passage. The McCain-Edwards-Kennedy bill builds on the progress made by the Norwood-Dingell bill—which had the votes of approximately 60 Republicans in the House—on a number of key provisions, including strengthening protections for employers to ensure that they are not liable unless they have directly participated in a health plan decision; compromising on liability and placing suits based on administrative plan decisions in Federal court to ensure that insurers have uniform standards; and increasing State flexibility and allowing them to keep their own patient protections if they are substantially equivalent.

I am concerned that opponents of this bill will want to load up the bill with proposals that will weigh down its chances for passage. They will propose inefficient tax credits that do little to expand health insurance coverage, medical savings accounts, and association health plans and include other tax cuts to try and make it a tax-break Christmas tree for the special interests. I hope that we can avoid parliamentary maneuvers that serve only to sink this long-overdue legislation. I believe that Americans deserve a bill that assures them the patient protections they need.

Nearly every doctors' association, every nurses' association, and every patients' rights group in America agrees that we need a strong, enforceable, Patients' Bill of Rights now. Recent polls indicate overwhelming support for this legislation. As the Washington Post reported today, ''Patients' Rights Debate Opens On Angry Note,'' June 20, 2001, a recent Pew Research Center said that 77 percent of those surveyed favored passage of a bill giving patients the right to sue HMOs, with overwhelming support across all party lines. We need to put people's interests ahead of the special interest here on Capitol Hill and move forward with passage of this critical legislation. I am looking forward to an open and fair debate and the passage of a real Patients' Bill of Rights that will truly strengthen our health care system, protect South Dakota families, and enrich our Nation for the 21st century.

Mr. GREGG. Mr. President, I will continue the discussion we have been having over the last few days about some of the concerns relative to the McCain bill in the area of liability, especially as it relates to employers ending up being sued. It is important to put it in context.

We continue to hear a lot of anecdotal stories which are compelling about people who have been maltreated by their HMOs or by their insurers. It is important to remember that there has not yet been a story related on the floor, as compelling as they are, that would not have been addressed not only by the McCain bill but by the Breaux-Frist-Jeffords bill or by the Nickles bill which was on the floor last year.

So those are not the issue. We all intend to introduce a bill that makes sure that people have adequate recourse when they are treated improperly by HMOs or by their health insurer. The problem we have with the McCain bill is that it is essentially a gross expansion of the ability to sue. It is a bill that was designed for the purpose of allowing lawsuits against employers at a rate which has never been conceived of under present law or in other bills being considered.

The bill creates all sorts of new causes of action and new opportunities for these lawsuits. As a result of the expansion and explosion of lawsuits, you are going to see employers dropping insurance and people being left without insurance. So instead of being a Patients' Bill of Rights, it is going to be a bill that creates employees who have no insurance.

It would be just the opposite result that we should be looking toward. In fact, CBO has scored the McCain bill as being a bill that will cost 1.3 million Americans their insurance, because it will be dropped by their employers. The reason is simple: The bill just was written for lawyers by lawyers and of lawyers—trial lawyers.

For example, it allows forum shopping, one of the age-old games that is played in the legal community. I used to be a lawyer and we used to forum shop when I was doing trial work. It allows forum shopping, which is something that should not be allowed and is not allowed today because ERISA controls this area, and the Federal courts are responsible. But under this bill you can go to Federal court or State court, depending on where you think you are going to get the most recovery. Some States have no compensation caps, no liability caps, and punitive damages are available in State courts; sometimes you may pick the State court and other times the Federal court, depending on the judge and the type of jury you expect to get. Forum shopping allows the employer, as I have talked about, to be sued for minor offenses that are administrative. Literally hundreds of new causes of actions are created under this bill—hundreds—where the employer can be sued in private causes of action. It allows employers to be sued for unlimited compensatory damages, and for punitive damages, which is something that cannot occur today under Federal law.

It has a new title—''special assessments,'' I think, is the term in Federal court—with a $5 million cap. Today, you can't sue for punitive damages. But that is really irrelevant to the cap because you can get around the cap by going to State court with the forum shopping opportunities. So punitive damages are there.

Punitive damages is one of the things that worries employers the most. Most employers accept the risk of punitive damages if it is for a product they produce. If I am an employer and I am making desktops, I accept the risk that I make a good desk top and I sell it. If something goes wrong with that, I accept the risk that I should be subject to liability. But what we are talking about here is making the employer liable for medical treatment that his or her employee gets because the employer presented his or her employee, as part of employment, health insurance.

The employer doesn't have any control over a doctor that acts poorly or an HMO that acts irresponsibly, but under this bill an employer can be subject to punitive liability. That is something most employers find totally unacceptable—and they should. That is why you will have employers walking away from the insurance concepts and from giving insurance if this bill passes. That is why you will have more people uninsured. It permits a lawsuit right out of the box. You do not have to go through the administrative appeals process.

Now, the great strength of both the Frist bill and the Nickles bill is that they try to avoid lawsuits while still giving the person who has been injured redress. The way they do that is through an administrative appeals process that has independent doctors, independent reviewers, people who have nothing to do with the HMO, nothing to do with the employer, reviewing the situation when you think you have been maltreated or poorly treated by your HMO or your doctor, and they are totally independent and you get a fair and honest evaluation. That is called the external appeals process. That is an important reform and an important right for patients—a huge right and an important right for patients.

But what the McCain bill does is say you don't have to go through that stuff. You can go directly to court and bypass the external appeals process. This is a huge loophole for the purpose of creating more lawsuits. Any good lawyer is going to be able to skip the external appeals process and go directly to court and sue not only the HMO and the doctor—potentially, but also sue the employer. Under this bill, the lawyer would be committing malpractice if they didn't sue the employer. So that is another area where you have this huge expansion of lawsuits. Not only that, but you undermine what is true reform. True reform is destroyed by that proposal.

Another area where the plaintiff's trial lawyer language and fingerprints are all over this bill is that there basically is no time limit for when you can bring the action. If, after the 180-day appeals process has expired, you decide you have a cause of injury, you can claim a cause of injury and you toll the statute of limitations. You could be 10 years out under this bill and still energize an action against the HMO, the insurance company, and the employer. It is basically open-ended. It is lawsuits to infinity.

In addition, of course, it allows for simultaneous lawsuits. Not only do you have forum shopping, you can sue in all the forums, all the time, altogether. You might have some employer who is running a small restaurant, with maybe 30, 40 employees, or who has a small startup business, with maybe 20 or 30 employees, or a few gas stations that he operates, or a repair station with 20, 30, 50 employees; they can suddenly find themselves defending a case on literally hundreds of different causes of action in two different forums within one State, in the Federal court and the State court. This could be so multiplied that they would have to hire 16 law firms to defend themselves. And the cost is extraordinary.

The average cost of defending a malpractice issue is $77,000. That is more than the profits of many small businesses in America today. And they all can be drawn into these lawsuits. It won't be the insurance companies they will have to defend—they will, too, but the employer will also have to defend under this bill. So you can have consecutive and simultaneous claims both in State and Federal court. Plus you can have multiple and duplicative class action lawsuits.

Class action lawsuits are not allowed under present law. I do not think they are allowed under the Nickles bill. I am pretty sure they are not allowed under the Frist-Breaux bill, and they are not allowed in present law under ERISA. Under this bill one can have multiple class action suits under ERISA and under RICO for the same violation.

That is why, because of all these different opportunities to sue, I have called it the ''Lawyers Who Want to be Millionaires Act.'' That is why this bill generates such a huge loss of insurance to people. Of course, our goal should be to cause people to be insured, not to become uninsured, but the result of this bill is that the people become uninsured instead of being insured to the tune of at least 1.3 million people, according to CBO's estimate. That is extraordinarily low, by my estimate, but that is still a huge number.

Some want to increase the number of uninsured because they see that as the vehicle of putting more pressure on the Federal Government to step in and insure everyone through some nationalized system. But I think we have seen from the experiences of our neighbors in Canada and our friends in England that a nationalized system is not the solution. It produces a huge penalty, and it means that health care deteriorates, it is rationed, and that research and movement into new types of treatments are significantly limited and severely impaired.

This bill which creates all these new uninsured, creates all these new lawsuits, and which puts the employer at risk, is off in the wrong direction. We have proposals which do address the needs of patients. They have been proposed by Senators JEFFORDS, FRIST, and BREAUX. They have been proposed by Senator NICKLES. They are good proposals, and they address the needs of Americans who interface with their HMOs or their other insurers and do not get fair treatment. We are very strongly supportive of those, but we cannot support a bill which, in the name of patients' rights, actually puts more people out on the street and makes more people uninsured, so actually reduces rates. I believe my time has expired.

The PRESIDING OFFICER (Mr. CARPER). The Senator from New Hampshire has 6½ minutes remaining.

Mr. GREGG. I reserve that time.

The PRESIDING OFFICER. The Senator reserves his time. Who yields time?

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, it is my understanding that amendments are now in order and the Republican side will have the first opportunity. I call up amendment No.——

Mr. GREGG. If the Senator will yield, I yield back the remainder of my time.

The PRESIDING OFFICER. By yielding back the remainder of time, the Senate can now proceed to amendments. The Senator from Arkansas is recognized.

AMENDMENT NO. 807

Mr. HUTCHINSON. Mr. President, I call up amendment No. 807, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] for himself and Mr. BOND, proposes an amendment numbered 807.

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

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to provide a deduction for 100 percent of health insurance costs of self-employed individuals)

At the end, add the following:

SEC. ___. DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.''.

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows: ''Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Mr. HUTCHINSON. Mr. President, earlier this morning as I left the Chamber after the vote to proceed to the Patients' Bill of Rights, I was approached by a reporter who said: Senator HUTCHINSON, what do you have to say about all of these terrible stories, these horror stories that are being presented on the floor of the Senate?

My response was: They are true; they are right. We are all horrified by some of the abuses that have occurred and the need for patient protection.

I went on to say: Whether it is the Nickles bill from last year on which many worked so hard, whether it is the Frist-Jeffords bill this year, or whether it is the Kennedy-McCain bill, all of them have agreed upon basic patient protections; that every one of these stories that have been graphically portrayed in the Senate will have been addressed by these pieces of legislation. Whether it is access to the closest emergency room, whether it is direct access to an OB/GYN, or any of the basic protections, all of these bills address those concerns.

The biggest point of contention, I went on to comment, is on whether or not there is going to be an open-ended right to sue that will cost millions of Americans health insurance coverage. Are we going to have a bill that is so prone to lawsuits that those lawsuits will increase the cost of premiums and, as a result, employers are either going to drop their insurance or increase the copays and, as a result, we are going to see millions more lose their health insurance? That is the debate.

We are talking about people in need. We need not just focus upon those terrible stories where an insurance company may have overruled a medical decision of a doctor. We need to address that, but there is a consensus on that. What we need to remember is we must not in this legislation do such harm to our system that we actually have a cure that is worse than the malady.

We have to keep in mind the whole issue of access, and the amendment that Senator BOND and I offer today addresses specifically how we can decrease the number of uninsured in this country instead of exacerbating a situation that is growing worse year by year.

The Kennedy-McCain bill before us, I am afraid, will, without question, increase premiums, CBO says, by 4.2 percent. That surely is a conservative estimate. But even with the 4.2 percent, we will see 300,000 new uninsured for every percentage point of increase in health care premiums. We are going to see well over a million, 1.3 million, lose their health care benefits. I think it will be far more than that.

This is of deep concern to me. Forty-three million Americans are currently uninsured, and in my home State of Arkansas, there are almost a half million people who do not have health insurance. Twenty-two percent of the State population is uninsured.

We must not, I believe, in our zeal to have new patient protections open the door to increases in premiums that are going to result in hundreds of thousands of people losing their health insurance.

Roughly half of employers, 46 percent, reported ''they likely would get out of the business of providing health care coverage if exposed to increased liability.'' And that is what we are confronted with in the Kennedy-McCain bill: increased liability.

Similarly, 48 percent said expanded liability would hinder care, and 80 percent said it would increase consumer costs.

I know that as the American people become more familiar with the Kennedy-McCain bill and what its liability provisions are, they are going to be less and less enamored by the Kennedy-McCain version of the Patients' Bill of Rights.

We are going to pass, I believe with all my heart, a Patients' Bill of Rights. It is my hope we will pass one that will not add to the ranks of the uninsured.

According to the Urban Institute, medical malpractice claims take an average of 60 months to file, 25 months to resolve, and 5 years to receive payment.

With increased liability, we are not talking about increased health care for patients, we are talking about increased dollars for trial lawyers.

The Kennedy-McCain bill allows unlimited economic damages, unlimited noneconomic damages, unlimited punitive damages, both in State court and Federal court, taking two bites out of the apple. This whole issue of access is what concerns me.

Our amendment will provide an immediate 100-percent deductibility for the self-employed. The Senate has taken a position on this in the past. This bill that Senator BOND has courageously taken the lead on for years had 52 cosponsors in the Senate, so we know where the Senate stands on this issue. It is one of equity, it is one of fairness, it is one of decreasing the number of uninsured in this country.

As current law stands, self-employed individuals are only allowed to deduct 60 percent of their health insurance costs this year, 70 percent next year, and only in the year 2003 will the self-insured be allowed to deduct 100 percent of health insurance costs.

Corporations are allowed 100-percent deduction for their health insurance costs right now. Employees receive 100-percent exclusion for their health insurance paid by their employers right now. However, to the self-employed individual, we have said: We know it is unfair, we know there is a disparity, we know there is an inequity. You wait. You have waited years, wait 2 more years. In 2003 we will finally give you equal treatment.

There is no excuse as we deal with this Patients' Bill of Rights legislation, not to make that 100-percent deductibility immediate. Under this amendment, beginning January 1 of next year, there is a 100-percent deductibility allowed.

This is an appropriate step to take. Self-employed individuals under this amendment are allowed to deduct 100

percent of the costs of health insurance for themselves and their families beginning next year. This is one small step, and a very important and significant step, in turning back the direction of this legislation, which is to increase the number of uninsured.

It also corrects the disparity under current law that prohibits a self-employed individual from deducting his or her health care costs if he or she is simply eligible to participate in another health insurance plan, whether offered through a second job or by a spouse's employer. The Hutchinson-Bond amendment addresses this by disallowing the deduction only if the self-employed individual actually participates in another health insurance plan.

The question might be asked, and should be asked, Who are the self-employed? I received an e-mail from one of our small self-employed businesses in Arkansas. I will read but the pertinent aspect:

Patrick Burnett, PB& J Creative Communications, Little Rock, Arkansas.

Senator HUTCHINSON: The main issues plaguing those of us who decide to work independently are unaffordable and nontax deductible health insurance. I have no insurance right now because I can't afford it.

The bill before the Senate, unless we address some of these issues, will only make that situation worse. Who are these people? Of the 12.5 million self-employed individuals in this country, 3.1 percent are uninsured. These self-employed, almost one out of four, cannot afford to buy insurance. Almost one out of four of the self-employed in this country could write exactly the e-mail I received in which he said, ''I can't afford to buy insurance.'' One-hundred-percent deductibility helps relieve that.

Who are these people? Nearly 70 percent of these individuals earn less than $50,000 annually. Some might say: Self-employed equates to affluent, high income. Why should we provide 100-percent deductibility for those who can afford it?

The fact is, one out of four self-employed are not insured because they cannot afford it, because 70 percent of these individuals earn less than $50,000 annually. When you count the number of family members a self-employed family has, 21.6 million Americans benefit from the Hutchinson-Bond amendment, including—and I emphasize this to my colleague—including 6.4 million children, of whom 1 million are currently not insured at all.

If we want to talk about caring about people, if we want to display emotional, heart-rending pictures in the Senate that tear at the very heart of all who care about those who are hurting and vulnerable in our society, think about those 1 million children today in the homes of the self-employed who are uninsured because—at least in part—because we have not given them treatment equal to that of the large corporations. We have not given them the 100-percent deductibility.

The purpose of this amendment is simple. Increasing the deductibility of health insurance for the self-employed is an important step toward equalizing the Tax Code treatment of health insurance and increasing its affordability.

What difference will it make? The tax savings will be substantial. If a self-employed individual trying to buy health insurance finds out the premiums are $6,000 per year—not unlikely; it could well be higher than that; perhaps they have insurance and they are paying that $6,000 per year—current law allows the current deduction, 60 percent for the self-employed.

If they are in the 27-percent tax bracket, they currently have tax savings at that 27-percent tax bracket of $972. Under the Hutchinson-Bond amendment, under the 100-percent deduction that we allow, that $3,600 they can deduct currently increases to $6,000 and the $972 in savings increases to $1,620. That means an additional savings from this amendment for that self-employed individual of $648. That is very significant, very meaningful. It may well be the difference for literally millions and whether they have the ability to purchase that insurance or whether they stay in the ranks of the uninsured or join the ranks of the uninsured.

The Joint Committee on Taxation estimates this amendment reduces revenues by $214 million in fiscal year 2002, $642 million in fiscal year 2003, for a total of $856 over 10 years, and that minimal revenue loss is easily accommodated under the budget resolution.

I am very pleased the first amendment on this Patients' Bill of Rights is one that will deal with the issue of access and is going to reduce the number of uninsured and try, in so doing, to improve this bill.

I am pleased to be joined in cosponsoring this amendment with a man who has led this fight for years and deserves enormous credit for the progress that has been made on this issue.

I ask unanimous consent to add Senator COLLINS and Senator ALLEN as cosponsors of the amendment.

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

Mr. KENNEDY. I inquire of the Senators, would they be interested in entering into a time agreement for this amendment?

Mr. HUTCHINSON. This is at the very heart of this bill on access, and I think we need a lot of time to talk about this.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I commend my colleague and neighbor from Arkansas for offering this amendment which will fulfill the promise we have been making to the self-employed in America for a long time.

Small business owners, farmers, and others have suffered. Their families have been denied health insurance because the Tax Code has unfairly discriminated against those who are self-employed.

They say if you work for a large organization, if it is a taxable organization, it deducts all of the health insurance premiums paid by that organization. The recipient, the employee, does not have to report that health insurance as income. Therefore, there is an incentive to provide health care coverage.

I have been involved in debate on health care coverage in this body almost since I came here. We have talked about how we can make sure that every American is covered. What the Senator from Arkansas is doing today in offering this amendment is saying now is the time, we are going to provide 100-percent deductibility for those who are self-employed.

Over the years—and I will talk about it later—we have gradually moved up the deductibility. But when I go home and I talk to a group of farmers or small business owners who have come together to ask what the U.S. Government is doing for them or to them, I say: Well, if you can just hold off until the end of 2003 to get sick, we will allow you to have 100-percent deductibility. They say: Well, I want to ensure that neither I nor my family suffers an illness that requires us to get health care. And what the Senator from Arkansas is doing today is saying if we are going to debate a significant bill on health care that focuses on the patients, let us make sure we cover those who need to be covered.

Access to health care is one of the greatest challenges we face.

Yesterday I discussed a number of serious problems I have with the McCain-Kennedy bill. Today as we start the long and arduous process of actually working on the bill, as we should have in committee—we are going to have to mark up the bill in the Chamber—we all hold in our hearts the high goal, the high hope that we will pass patient protection legislation that works, that gets health care coverage, that provides the patients the protection from health care organizations, HMOs or insurance companies, that want to put their bottom line profits ahead of the well-being of patients.

In its zeal, however, to provide patient protections, the McCain-Kennedy bill adds significantly to the cost of health care. The end result? More than 170 million Americans will pay more for health care. The lucky ones will pay more. The unlucky ones will actually lose their insurance.

The CBO tells us that McCain-Kennedy increases costs on average by 4.2

percent. When you use the general rule of thumb that a 1-percentage-point increase in premiums means a loss of insurance for 300,000 people, this means the McCain-Kennedy bill will cost 1.25 million Americans their health care coverage. But we can be a little more specific.

Yesterday I pointed out that we had had phone calls, faxes, letters from small businesses in Missouri telling us what they would do if they were subjected to the potential liabilities of the McCain-Kennedy bill. Yesterday we had 1,042 Missouri citizens who would stand to lose their coverage. Today I want to read a letter from a woman with a small convenience store in a rural part of Missouri. She says:

> About 2 years ago we started carrying a group health insurance plan for our employees. We currently have 6 employees and 4 dependents on this plan. We pay 100 percent of the employees costs and make payroll deductions for the dependents. None of our employees had any major illnesses or hospital stays in the previous year, but we had a 22 percent increase in our premiums anyway. This year one of our employees was diagnosed with breast cancer. She's had surgery and has completed chemotherapy. She now has to go through radiation therapy for 6 weeks and then reconstruction surgery. She told me that had she not had insurance she would have died because there was no way she could have afforded this treatment and surgery. She is 42 years old. I am very concerned about ever-increasing costs of health care, but I am personally afraid not to carry it. If expanded liability were to pass, we would definitely have to drop our group coverage because we could not financially put ourselves at risk if workers were allowed to sue their employers as well as HMOs, if they felt like they had been denied some coverage.

So today, Mr. President, I give you an update on the numbers. It is now 1,287 people who will lose their health care coverage from the expanded liability of the McCain-Kennedy bill.

I would point out that the woman who wrote me that letter is self-employed. She only gets to deduct a portion of her health care coverage. This amendment offered by the Senator from Arkansas would increase to 100 percent the deductibility of her health care coverage. So it obviously would enhance her ability to continue to pay for herself and her family. But with the expanded liability of the McCain-Kennedy bill, there would be another 10 people denied health care coverage in Missouri.

Apparently the proponents of this piece of legislation before us think that is worth it—enriching trial lawyers is important enough that they place a higher priority on them than on coverage for almost 1.3 million Americans. Is this a Patients' Bill of Rights or a lawyers' bill of rights?

If we are going to do something, however, that threatens to reduce coverage, should we not at least do something that makes sense at the same time to try to increase coverage and access to health insurance? Apparently some on the other side would say no. With this bill, they say we are going to take coverage away from more than 1 million Americans but we are not going to do a single thing to help people who are not covered get the coverage they deserve.

This first amendment offered by the Senator from Arkansas tries to correct this callous approach. I am sure there will be a variety of attempts to increase access to coverage during this debate. This route focuses on the 21.6 million Americans who are self-employed or in families headed by a self-employed individual.

On January 22 of this year I introduced S. 29, the Self-Employed Health Insurance Fairness Act of 2001. I am pleased that the Senator from Illinois, Mr. DURBIN, is the lead cosponsor out of the 52 cosponsors who have joined this bill so far. Obviously, this is important to many Members of this body.

During the time I have served as chairman of the Senate Committee on Small Business—and now as its ranking member—one of my top priorities has been to ensure full deductibility of health insurance for the self-employed, and to provide it now.

Today, while the self-employed can deduct 60 percent of their health insurance costs, they are still not on a level playing field with large businesses which can deduct 100 percent. While the self-employed are slated to have full deductibility in 2003, these small business owners and their families should not have to wait any longer to get sick.

With only partial deductibility, it comes as no surprise that a quarter of the self-employed still do not have health insurance. In fact, 4.8 million Americans live in families headed by a self-employed individual, and those families include more than a million children who lack adequate health insurance coverage due at least in part to our failure to provide full deductibility for their health insurance costs.

Coverage of these self-employed individuals and their children through the self-employed health insurance deduction will enable the private sector to address the health care needs of these individuals rather than an expensive and intrusive Government program.

Full deductibility has been on the must-do list of the national small business groups for too long. I know the farm groups and the Farm Bureau and other groups have long argued for this.

Last year when I convened the National Women's Small Business Summit in Kansas City, having full deductibility of health insurance for the self-employed was one of their top goals. I assured them at the time that we would bring this to the attention of our colleagues in this body, and I do so again today.

In the 107th Congress we have a tremendous opportunity to see this goal achieved in a bipartisan manner to the benefit of all the country's self-employed individuals. We have had bipartisan support for this proposition in the past, and I expect we will do so today.

For some of you who may not remember or may not have been here or probably have just forgotten, this battle has been going on in this body for a long time.

In 1995, I offered an amendment to the Balanced Budget Act which would have increased the health insurance deduction to the self-employed to 50 percent. I thought this was a great start. Unfortunately, President Clinton vetoed it.

In 1996, I worked with Senator Kassebaum to include in the Health Insurance Portability and Accountability Act an increase in the self-employed health insurance deduction incrementally to 80 percent over 10 years.

In 1997, provisions of my Home-Based Business Fairness Act were included in the Taxpayer Relief Act of 1997 to finally increase the deduction to 100 percent, with full deductibility occurring in 2007. The Taxpayer Relief Act also accelerated the phase-in over then existing laws.

In 1998, as part of the omnibus appropriations bill, I worked to see that the phase-in of 100-percent deductibility was accelerated from 2007 to 2003. We also succeeded in substantially increasing the deduction in the intervening years. Under that measure, the deduction was raised to 60 percent for 1999, 2000, and 2001, to 70 percent for 2002, and to 100 percent in 2003. These were increases of 10 to 20 percent.

In 1999, I worked to include in the Taxpayer Refund and Relief Act 100-percent deductibility in 2000. Unfortunately, former President Clinton vetoed that bill. Had he not done so, the self-employed in America would be enjoying full deductibility of health insurance costs today.

In 2000, I worked to provide immediate full deductibility in the minimum wage tax package, the Patients' Bill of Rights legislation, and the year-end small business tax package. There is no surprise to say that the veto threats from the Clinton administration derailed those bills, and, once again, the self-employed were denied full deductibility.

This year, the Finance Committee, on a bipartisan basis, was good enough to provide immediate full deductibility in the package that was brought to the Senate floor and which passed the full Senate. Thank you, leaders of the Finance Committee, Senator GRASSLEY and Senator BAUCUS. Unfortunately, I must tell you that the provision was removed in the conference and did not pass into law with the rest of the President's tax cut package.

The bottom line, immediate full deductibility for the self-employed has

overwhelming bipartisan support. It was passed by the Senate Finance Committee and the full Senate multiple times in the past.

As my colleague from Arkansas has pointed out, according to the Joint Committee on Taxation, the amendment is expected to cost $214 million in 2002 and $641 million in 2003.

As a result, the 5- and 10-year costs of the amendment is really only the first 2 years when we get to 100-percent deductibility, and that total cost is $855 million. That is within the budget parameters that we adopted and under which we operate.

In summary, let me say that after waiting for too long we now have another chance to see that self-employed Americans get health insurance by passing this important provision. Our chance to pass it is on a bill that desperately needs to deal with the problem of insurance coverage and insurance access.

As we look to protect patients, we must be expanding—not limiting—access to care. We will have further amendments that deal with some of the problems that could substantially limit access to care, could drive out small businesses—such as the small businesses that have already told me that, without change in the liability provisions of the McCain-Kennedy bill, they will have to cut off health care to 1,287 Missouri citizens.

This is just the beginning, good friends. Wait until you start hearing from small businesses in your State that I believe will tell you they will not be able to continue to provide health care coverage for their employees if they are going to be subjected to liability whenever there is a problem with their health insurance coverage.

We believe more than 1 million Americans will lose their coverage as a result of the increased costs and the expanded liability of the McCain-Kennedy bill.

This amendment offered by my good friend and colleague from Arkansas is our chance to mitigate that approach by trying to help more Americans get coverage.

I urge my colleagues to support the Hutchinson-Bond amendment. I believe it is a most important step for us to take as we begin debate on this bill and work to see that more and not less Americans get the health insurance coverage we want to see all of them have.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield?

Mr. BOND. I am finished and happy to yield.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Is this the tax deductibility amendment that the Senator from Missouri and I cosponsored previously?

Mr. BOND. Mr. President, the Senator from South Carolina has been a very active sponsor. I mentioned Senator DURBIN. During my period in the Senate, I have had great support from the Senator from South Carolina and others on both sides of the aisle.

Mr. HOLLINGS. If the distinguished Senator pleases, I hate to demur at this particular point. But I don't think this particular bill is appropriate on a matter of procedure. So I didn't want to be associated with the amendment on this particular bill. This is not a tax bill, obviously. I wish to withdraw my name as a cosponsor because I have to vote against the amendment.

Mr. BOND. Mr. President, we have not included the distinguished Senator from South Carolina as a cosponsor of the bill. We know his heart is with us. We are sorry his vote is not with us.

I think you will find before this bill is over with that there will be many issues in the jurisdiction of the Finance Committee, and what we should be talking about on this bill is making sure that we protect patients, we protect Americans who must have health care coverage. This bill goes in the wrong direction. We will have an opportunity for all Senators to express themselves on whether they believe the self-employed and their families deserve to have 100-percent deductibility. I hope we will have the same bipartisan support, maybe with one exception that we have had in the past because the self-employed, the farmers, the truck drivers, the daycare operators, the mom-and-pop operations, the 21.2 million Americans who own small businesses who are taxed under individual rates will have full benefits.

Again, the principle is very important. I don't think the American people are going to care much about procedure when this bill really turns into a bill with significant Finance Committee implications. We ought to take a look at what is going to make a difference to the self-employed, and the Hutchinson-Bond amendment will help us get coverage to many who are now not covered.

I thank the Chair.

Mr. GRASSLEY. Mr. President, I want to discuss my vote on the Hutchinson-Bond amendment. I commend Senators HUTCHINSON and BOND for raising the issue of accelerating full deductibility for the self-employed. I support, and have always supported, this important effort and wish to see it realized. I am confident that with the leadership of Senators HUTCHINSON and BOND it will become reality.

However, as the recent experience with the $1.35 trillion tax relief bill has shown, it is critical that tax legislation be first considered by the Finance Committee as part of a tax bill.

I have sought and have received agreement from the chairman of the Finance Committee that this measure and similar health tax related matters will be subject to a markup in the Finance Committee in the near future. I look forward to pursuing this issue at that time.

Mrs. CARNAHAN. Mr. President, I am a cosponsor of the bill by Senator BOND that is identical to this amendment. This proposal will provide a vital acceleration of the phase in of full tax deductibility for the health insurance costs of the self-employed. This is a much-needed change to provide relief and level the playing field for small businesses, farmers, and independent contractors.

I voted for this provision when it was included as part of the Senate's $1.35 trillion tax cut bill and was disappointed that it was not included in the Conference Report.

Although I strongly support Senator BOND's legislation, I regret that I cannot support this amendment to the Patients' Bill of Rights. First, the tax cuts in the amendment are not offset and therefore would increase the national debt. Now that the $1.35 trillion tax cut has been adopted, we need to exercise restraint when considering additional tax cuts. Furthermore, I do not believe the amendment is an appropriate addition to the Patients' Bill of Rights.

We need to pass a Patients' Bill of Rights to improve patient care and hold HMOs accountable for their health care decisions. Reducing the number of Americans that lack health coverage is a vitally important subject, but one that should be addressed separately from the Patients' Bill of Rights.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, may I first express my appreciation to the distinguished Senator from Missouri for his leadership, not only on the issue of 100-percent deductibility for the self-employed but for his strong advocacy for small business. He has been one of the great champions for small business in this country, and he continues to be as the cosponsor of the amendment. I am pleased to be associated with him on this important effort.

If I might say in response to the concerns of my good friend, the distinguished Senator from South Carolina, about the Finance Committee's jurisdiction, in fact, no Senate committee ever reviewed S. 1052 before we proceeded to it on the floor of the Senate.

While it is true that there have been other Patients' Bill of Rights legislation debated in the past, the fact is that this bill contains several provisions within the jurisdiction of the Finance Committee, including customs user fees, Medicare payment shifts, Social Security transfers—all of which come under the jurisdiction of the Finance Committee, which has never marked up this bill.

In fact, this amendment is most appropriate for this bill because the concern of many on this side of the aisle—

and I think many on the other side of the aisle—has been that the Kennedy-McCain version of the Patients' Bill of Rights, because of the liability provisions and some of the other concerns in it, but particularly the liability provisions—the wide open right to sue provisions, the ability to circumvent the internal and external appeals process and go straight to court, and the impact that liability will have upon increasing premiums, increasing costs of health care, and increasing, in fact, the number of uninsured—that dealing with an access amendment is the most appropriate way we could start the amendment process on the Patients' Bill of Rights.

This is the most germane, most appropriate amendment with which we could begin. There are going to be many very important amendments and a lot of important issues addressed, but what could be more important than ensuring that there are going to be literally millions more people who will be able to get insurance because we are giving 100-percent deductibility a year sooner than they would get under current law?

So the Senate has spoken, saying this is a matter of fairness. We have voted in the past in favor of 100-percent deductibility. There is no need for us to phase that in, particularly in light of a bill that promises to increase the number of uninsured.

I want us to put a human face on those people. We talk about a 1-percent increase in premiums. That is 300,000 more uninsured; 4.2 percent. That is 1.3 million more people who lose their insurance. If you think about the number—1.3 million—it becomes very impersonal, but every one is a human being. And those are people who currently have health insurance, currently are covered, currently have the assurance and the confidence each day that when they get up, if something happens—if an illness strikes—they are covered, protected in this employer-based health insurance system. And they are not going to have it when we pass the Kennedy-McCain bill. We need to keep that in mind. We need to keep the focus upon those uninsured.

I would like to share with my colleagues an important statement of administration policy which was just issued today. I have just been handed this. This is a June 21 ''Statement of Administration Policy'' regarding the Kennedy-McCain Patients' Bill of Rights. All who have followed this issue know the President wants to sign a good Patients' Bill of Rights. He signed a bill in Texas. He campaigned in support of a Patients' Bill of Rights. He outlined his principles. He is on record as not only supporting this, but enthusiastically believing we need to do it. But he has expressed deep concerns about this Kennedy-McCain bill. The ''Statement of Administration Policy'' reads as follows:

The President strongly supports passage of a patients' bill of rights this year and has been working with members of both parties since the first week of the Administration to forge a compromise. Congress has been divided on this issue for far too long at the expense of patients and their families. The President strongly urges Congress to pass a strong patients' bill of rights this year that provides meaningful protections for patients, not a windfall for trial lawyers or a threat to Americans' ability to obtain and afford quality health care. On February 7, 2001, the President transmitted to Congress his principles for a bipartisan patients' bill of rights and urged Congress to move quickly on this important issue.

The President's principles called for passage of a patients' bill of rights that ensures all Americans enjoy strong patient protections, including: access to emergency room and specialty care; direct access to obstetricians, gynecologists, and pediatricians; access to needed prescription drugs and approved clinical trials; access to health plan information; a prohibition of ''gag clauses''; consumer choice provisions; and continuity of care protections. The President also recognizes, however, that many States have passed strong patient protection laws already, some of which have been in force for over a decade. To the extent possible, a Federal patients' bill of rights should give deference to these effective State laws.

The President's principles emphasized the importance of providing patients who have been denied medical care with the right to a fair, prompt, and independent medical review, which will ensure that disputes are resolved quickly and inexpensively and that patients receive the quality care they deserve.

The President stated that only after this independent review decision is rendered should we resort to the costlier, time-consuming remedy of litigation in Federal courts to ensure that health plans are held liable for wrongful decisions.

The President's principles also reminded Congress of the necessity of avoiding unnecessary and frivolous lawsuits, which will only serve to drive up costs and leave more individuals without insurance coverage. S. 1052—

That is the Kennedy-McCain bill.

will significantly increase health insurance premiums and the number of uninsured. According to the Congressional Budget Office, health insurance premiums under S. 1052 as originally drafted would increase by over 4%. If the effects of litigation risk on the practice of medicine and of the reduced ability of health plans to negotiate lower rates were included, CBO's estimated cost impact could be much higher, by 4–5% or more. This is in addition to the estimated 10–12% premium increases employers are already facing in 2001. Further, leading economists have predicted that employers drop coverage for approximately 500,000 individuals when health care premiums increase by 1%. According to these estimates, S. 1052 could cause at least 4–6 million Americans to lose health coverage provided by their employers.

The President is encouraged by efforts in the Senate, Like those of Senators Frist, Breaux, and Jeffords, to develop a common sense compromise that forges a middle ground on this issue and meets the President's principles.

While the President strongly supports a comprehensive and enforceable patients' bill of rights and has been working with members of both parties to enact legislation this year, he believes that S. 1052 would encourage costly and unnecessary litigation that would seriously jeopardize the ability of many Americans to afford health care coverage.

The President objects to the liability provisions of S. 1052. The President will veto the bill unless significant changes are made to address his major concerns. In particular, the serious flaws in S. 1052 include:

S. 1052 circumvents the independent medical review process in favor of litigation. The President believes that patients should be given care first—litigation should be the last resort. Patients should exhaust the medical review process first, allowing doctors, not trial lawyers, to make decisions about medical care.

S. 1052 jeopardizes health care coverage for workers and their families by failing to avoid costly litigation. S. 1052 overturns more than 25 years of Federal law that provides uniformity and certainty for employers who voluntarily offer health care benefits for millions of Americans across the country. The liability provisions of S. 1052 would, for the first time, expose employers and unions to at least 50 different, inconsistent State-law standards. The result will inevitably be that employers and unions will be forced to pay for different benefits from State to State, even within a particular State, based on varying precedents set in State courts and leading to inconsistent standards of care of patients. Further, S. 1052 imposes no limitations on State court damages, and it is not clear whether existing State-law caps would apply to the broad, new causes of action in State courts that S. 1052 creates.

S. 1052 also would allow causes of action in Federal court for a violation of any duty under the plan, creating open-ended and unpredictable lawsuits against employers for administrative errors. These new Federal claims do not have any limitations on the amount of noneconomic damages, creating virtually unrestrained damage awards that are limited only by an excessive $5 million cap on punitive damages.

Moreover, S. 1052 would subject employers and unions to frequent litigation in State and Federal court under a vague ''direct participation'' standard, which would require employers and unions to defend themselves in court in virtually every case against allegations that they ''directly participated'' in a denial of benefits decision. Because such determinations are inherently fact-specific, any such allegation will force a costly and time-consuming court process and result in varying State interpretations of ''direct participation,'' forcing employers to adhere to different standards in every State.

S. 1052 fails to provide a fair and comprehensive remedy to all patients. The President believes the new Federal law should establish a comprehensive set of rights and remedies for patients. S. 1052 instead encourages costly litigation by providing no effective limitations on frivolous class action suits and allows trial lawyers to go on fishing expeditions to seek remedies under other Federal statutes.

S. 1052 subjects physicians and all health care professionals to great liability risk. S. 1052 would expand liability for physicians and all health care professionals in State courts well beyond traditional medical malpractice by permitting new, undefined causes of action in State courts for denials of medical benefits. This expanded litigation against physicians and all health professionals will create an opportunity to circumvent State medical malpractice caps

that may not apply to these new causes of action.

Extraneous User Fee Provision. The Administration objects to inclusion in S. 1052 of an extraneous revenue-raising provision (section 502), which extends for multiple years Customs charges on transportation, passengers, and merchandise arriving in the country.

PAY-AS-YOU-GO-SCORING

S. 1052 would affect direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of the bill is under development.

Just before I yield the floor to our distinguished deputy minority leader, I will re-cite the President's Statement of Administration Policy in which the President says he will veto the bill unless significant changes are made to address his major concerns.

The amendment before us, providing 100-percent deductibility, is one step in addressing the concerns of our President, by increasing the availability and affordability of health insurance to those who have faced an inequitable Tax Code in the past.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my friend and colleague from Arkansas for this amendment. I ask unanimous consent to be listed as a cosponsor.

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

Mr. NICKLES. Mr. President, I also thank my colleague, Senator BOND from Missouri. He and I and the Senator from Arkansas have been fighting for this provision for years, and we are going to get it done.

This provision is basic tax equity. Why in the world wouldn't we allow self-employed individuals to deduct 100 percent of their health care premiums if we allow corporations to do so?

I used to be self-employed. I used to run a corporation. Corporations get to deduct 100 percent. Every corporation in the country, if they want to provide health care for their employees, gets to deduct 100 percent of the expense of that health care. They get to deduct it. A self-employed person this year gets to deduct 60 percent. That is not fair. That is not right. It needs to be changed. It can be changed in this bill.

You might ask, why are we changing this bill? There are a lot of reasons. Unfortunately, the bill we have before us, the so-called McCain-Kennedy bill, will increase the number of uninsured in the millions. Some have estimated 1 million, some 2, 3, 4 million. I think it is a higher figure, but millions of people will lose their insurance if we don't improve the bill.

Last year when Congress passed a Patients' Bill of Rights, we called it the Patients' Bill of Rights Plus. Not only did we have patient protections, but we also put in some very positive provisions to help people buy health care. So we would increase access, and we would increase the number of people who have insurance. This amendment was one part of that—a small part but a vital part, an important part.

Some of the people who are going to be hit the hardest under this bill are self-employed individuals, people who own their own business, people who are very small employers from a variety of different businesses. Many of these are new businesses, not the old, established ones that have been around for decades. These are new businesses that were just created. And many of them are asking what kind of compensation package do we have for our employees. They are adding health care or they hope to add health care. Then when they find out they only get to deduct 60 percent of the cost, they realize that is not fair—not when General Motors gets to deduct 100 percent, not when every corporation in America gets to deduct 100 percent. So many times their compensation package for their employees will not include health care.

They might say: We will pay your salary and we hope that you will buy health care. It might be a hope. It might be a wish, but it is not a reality because the Tax Code discriminates against self-employed individuals.

We can change that. The amendment of the Senator from Arkansas would change that. This Congress has passed this amendment. We passed it last year when we passed the Patients' Bill of Rights Plus. We passed it last year when we passed the minimum wage bill. We added this provision as well.

We are going to give everybody a chance to pass it in this bill. I compliment my friend and colleague. If we have a bill that increases the number of uninsured and directly hits a lot of people who are self-employed, let's do something to help the self-employed. If we want to help the self-employed individual, this is one amendment that can do so.

Not only that, it is basic equity. Why in the world would we have a policy where we allow corporations to deduct 100 percent and the self-employed 60 percent, next year 70 percent. It is not right. It is not fair.

Somebody asked, what does this amendment really boil down to? It boils down to the difference in deducting 60 percent versus 100 percent. For an individual who has health care costs of about $6,000, it means deducting $1,600 instead of about $1,000, a difference of $600 savings in taxes for self-employed individuals.

This amendment is a serious amendment. This amendment is an amendment that should be adopted. I hope this amendment will be adopted overwhelmingly.

Other people have said we shouldn't be doing taxes on this bill. This is not a Finance Committee bill. This bill never went through the Finance Committee. That is correct, but it is also correct that the bill never went through the labor committee. This bill never went through the Judiciary Committee. It has a whole new tort section that creates new sections of legal action against employers and medical health care providers, HMOs, and so on, all new legal actions, tort cases, but it didn't go through the Judiciary Committee. This bill never went through the Labor Committee, and it didn't go through the Finance Committee.

This bill also has sections in it that deal with the Finance Committee. I happen to be a member of that committee. I was kind of surprised to find out that there is language in here extending custom user fees for 8 years. What does that have to do with the Patients' Bill of Rights? At least the amendment of the Senator from Arkansas says we want to help people buy health care. We want to help those people who are targeted by this bill. Self-employed people who may not be able to afford insurance because of this bill, let's help them a little bit.

The amendment of the Senator from Arkansas is pretty relevant. I don't know what custom fees have to do with a Patients' Bill of Rights. I don't know what doing some jiggling with Social Security trust funds and Medicare payments—there is a little tinkering going on with those provisions. I am not sure why they are in here. Maybe it is because CBO estimates that there will be billions of dollars less in the Social Security and Medicare trust funds as a result of this bill. Maybe those trust funds have some problems because there is not as much money going into it.

You might ask, why is there less money going into the trust funds. Because CBO says if you greatly increase people's premiums, they are going to get less payment in wages. This is not my estimate. It is CBO's estimate. They estimated $56 billion less in wages over the next 10 years as a result of this bill; a reduction in Social Security payments of about $7 billion less going into the trust fund as a result of this legislation.

Maybe that is what this is. I haven't quite figured out what the purpose is. Maybe I will ask the authors of the legislation who I don't believe are members of the Finance Committee, but I am sure there is a method in their madness. I will not cast any aspersions, but I do know it deals with the Finance Committee. I do know it deals with taxes. I do know we have a tax increase in extending custom user fees. I don't know how relevant those are to patients, but I do know the Hutchinson amendment is very relevant because he is trying to help self-employed people be able to afford insurance.

This bill will greatly increase the cost of insurance for the self-employed

and all employers and all employees. I say ''all employees'' because a lot of employers are going to be passing the additional cost on to their employees.

I have heard some people say: It is only 50 cents. It is only a dollar. It is only a Big Mac. That is being pretty loose with the expenses and costs. Maybe people aren't figuring the cost of health care nationwide is about $7,000 per family. That is the total cost. Employers maybe pay all of it in some cases; maybe they pay half of it in other cases. If they are paying all of it, that means the employee is getting less in wages because the employer is expending that amount.

Maybe it is some kind of copay. More and more employers and employees have cost sharing. Or maybe the employer is picking up 70 or 80 percent, and the employee picks up the balance. Those are all very legitimate ways of paying for health care; the point being, this bill is going to greatly increase health care costs on both the employer and the employee. If they are paying 20 or 30 percent of the health care costs, they are going to be paying more. They may have a higher deductible. They may have a higher copay.

The total cost of the bill will go up. How much will it go up? CBO says 4.2 percent; 4.2 percent on $7,000 is about $300 per family. It is interesting, that is the size of the tax cut for a lot of Americans. Well, we gave Americans a tax cut they will be receiving in July and August and September of this year. That is great. We are going to take it away with this bill.

I think that estimate of 4.2 percent is grossly underestimated. I notice the administration does, too. They said if the effects of litigation risk on the practice of medicine and the reduced ability of health plans to negotiate lower rates were included, CBO's estimated cost impact would be much higher, by 4 or 5 percent more. So instead of increasing the cost of health care by 4 percent, it is probably 8 or 9 percent. Clearly, when you add 8 or 9 percent on health care costs that are already rising at 12 percent in some cases, in most cases, 20 percent, you are looking at astronomical price increases for your health care costs. A lot of people won't be able to afford it. They will drop their health care as a result. Or they will say, employees, you pick up a greater share. Or they will say, employees, we can't provide this with the extended liability we now have on us and, therefore, we will give you the money. We hope you will purchase health care on the individual market.

It might be more expensive for them to do it in the individual market. Some would do it and many would not. So it is this threat of liability that would greatly increase health care costs and greatly increase the number of uninsured—not to mention the fact that it would increase defensive medicine costs because plans would have to go through an appeals process. Employers might say: Wait a minute, it is cheaper to pay for the coverage even though it is not a contractual benefit, and we will do it because it is cheaper than to go through the appeals process. Maybe you will have some situations where people will say: Let's pay for it because we don't want a threat of liability.

So everything is covered whether it is in the contract or not. You would have a lot of defensive medicine and a lot of people, because of the threat or the scare of liability, who would say: Let's just pay for the coverage.

So health care costs will be rising, and rising dramatically—I believe, like the administration, much more so than 4 percent, probably a lot closer to 8 or 10 percent. The net result will be a disaster—a special disaster on the small businessperson. I was a small businessperson. I used to have a janitor service. We didn't provide health care for our employees. It was a business I started in college. If I would have maintained it longer, I probably would have. But I would not—if somebody said, ''Oh, Mr. Janitorial Service, you could be liable for anything you have ever gotten or ever will have under a bill that the Congress just passed,'' I would say, ''Hey, I don't have to provide this health care'' and, no, I don't think I would.

A lot of people would not be doing it if they knew they could be subject to unlimited punitive damages in State court and unlimited noneconomic damages in State or Federal court. That is in this bill. I have heard some people say that the McCain-Edwards bill has a $5 million cap on damages. It has a $5 million on punitive damages in Federal Court. It doesn't have any cap, any damage limit whatsoever on noneconomic damages, which is pain and suffering. That is where the big jury awards are. We already have jury awards in the millions of dollars. Some want to do class action suits in the billions. This bill encourages class action suits.

Boy, there are trial lawyers just licking their chops just thinking they are going to have a chance to get after that. Who are they going to go after? The big bad HMOs? The people who are going to really get hit are the small, self-employed individuals who want to provide health care to employees and they can't afford it. Those big bad HMOs, are they really going to be hit? Whatever they get hit for, they will pass it on. They won't pay a dime. Maybe their profits will be a little less, but they are going to pass it on in the form of higher rates, and employees and employers are both going to pay for it.

The reason I say ''employees'' is employers can't pay for it out of nothing, so therefore it comes out of the employee as lost wages, or as the wage increases they might have received, or higher copays.

So employees of America, this is not a bill that is going to be expanding your protection; this is going to be cutting your wages. This is going to be taking money away from employees' paychecks because they won't get the increases they hoped to get because employers will be saddled with exorbitant increases in health care costs.

We can help alleviate that by making some changes in this bill. It is very much my intention to pass a positive Patients' Bill of Rights. This bill we have before us is not that. This bill is a disaster for employers and employees across the country. This bill is a recipe for litigation. This is a trial lawyer's right to bill, not a Patients' Bill of Rights. It is a trial lawyer's right to bill, and the net result is you are going to have a lot of litigation, a lot less health care, and decisions being made in the courtroom instead of by doctors.

We don't have to go this route. We can pass something like we passed last year. We can pass something, as Dr. FRIST proposed, that has a real appeals process—an internal and external review process that is binding. Under this bill, you don't even have to go through the review process; you can bypass it. You need not apply. Don't bother. In 181 days, you can sue for all they have. You don't have to mess with the appeals and have doctors make the decisions. Let's just go to court where you can get big awards.

This bill would be a mistake. Let's not pass this bill. We are going to work over the next number of days to improve this bill. I think the amendment of the Senator from Arkansas is a small step in the right direction. It will make health care more affordable and accessible for self-employed individuals. I congratulate him and compliment him and I am happy to cosponsor his effort. I hope our entire Senate will join in this effort to pass this.

I have consulted with Members in the House of Representatives and they are going to have provisions that are in the Tax Code to encourage individuals to pay for health care, and the Senate should do likewise. Some might say, wait a minute; this is a tax measure. Let's wait for the House. If it has tax measures in it now, let's go ahead and make a good tax measure, not just an increase. Let's do something to help self-employed individuals, as my colleague from Arkansas has advocated.

I urge my colleagues to vote in favor of this amendment. It is a positive amendment and a step in the right direction to improving a bill that, in my opinion, is fatally flawed. We hope to have many improvements by the time this debate is concluded.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, I thank the Senator from Oklahoma for his fine statement and, even more, I express my gratitude for the leadership he has demonstrated over the last 2 or 3 years on the issue of the patients' rights legislation. It was a privilege to serve on the conference committee on the Patients' Bill of Rights. I saw the Senator from Oklahoma work day and night as he chaired that conference committee. He worked arduously in trying to forge a compromise that was acceptable to the various interests and factions to ensure that millions and millions of Americans who do not currently have protections under managed care organizations and insurance plans would receive that. I know many of us regret that we didn't achieve that ultimate goal. It is not because of any lack of effort on the part of the distinguished Senator from Oklahoma.

Madam President, previously in my remarks, I quoted from the statement of the administration policy regarding S. 1052, the Kennedy-McCain legislation, and I ask unanimous consent to have that statement of administration policy printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY

S. 1052—BIPARTISAN PATIENT PROTECTION ACT

The President strongly supports passage of a patients' bill of rights this year and has been working with members of both parties since the first week of the Administration to forge a compromise. Congress has been divided on this issue for far too long at the expense of patients and their families. The President strongly urges Congress to pass a strong patients' bill of rights this year that provides meaningful protections for patients, not a windfall for trial lawyers or a threat to Americans' ability to obtain and afford quality health care. On February 7, 2001, the President transmitted to Congress his principles for a bipartisan patients' bill of rights and urged Congress to move quickly on this important issue.

The President's principles called for passage of a patients' bill of rights that ensures all Americans enjoy strong patient protections, including: access to emergency room and specialty care; direct access to obstetricians, gynecologists, and pediatricians; access to needed prescription drugs and approved clinical trials; access to health plan information; a prohibition of ''gag clauses''; consumer choice provisions; and continuity of care protections. The President also recognizes, however, that many States have passed strong patient protection laws already, some of which have been in force for over a decade. To the extent possible, a Federal patients' bill of rights should give deference to these effective State laws.

The President's principles emphasized the importance of providing patients who have been denied medical care with the right to a fair, prompt, and independent medical review, which will ensure that disputes are resolved quickly and inexpensively and that patients receive the quality care they deserve.

The President stated that only after this independent review decision is rendered should we resort to the costlier, time-consuming remedy of litigation in Federal courts to ensure that health plans are held liable for wrongful decisions.

The President's principles also reminded Congress of the necessity of avoiding unnecessary and frivolous lawsuits, which will only serve to drive up costs and leave more individuals without insurance coverage. S. 1052 will significantly increase health insurance premiums and the number of uninsured. According to the Congressional Budget Office, health insurance premiums under S. 1052 as originally drafted would increase by over 4%. If the effects of litigation risk on the practice of medicine and of the reduced ability of health plans to negotiate lower rates were included, CBO's estimated cost impact could be much higher, by 4–5% or more. This is in addition to the estimated 10–12% premium increases employers are already facing in 2001. Further, leading economists have predicted that employers drop coverage for approximately 500,000 individuals when health care premiums increase by 1%. According to these estimates, S. 1052 could cause at least 4–6 million Americans to lose health coverage provided by their employers.

The President is encouraged by efforts in the Senate, like those of Senators Frist, Breaux, and Jeffords, to develop a common sense compromise that forges a middle ground on this issue and meets the President's principles.

While the President strongly supports a comprehensive and enforceable patients' bill of rights and has been working with members of both parties to enact legislation this year, he believes that S. 1052 would encourage costly and unnecessary litigation that would seriously jeopardize the ability of many American to afford health care coverage.

The President objects to the liability provisions of S. 1052. The President will veto the bill unless significant changes are made to address his major concerns. In particular, the serious flaws in S. 1052 include:

S. 1052 circumvents the independent medical review process in favor of litigation. The President believes that patients should be given care first—litigation should be the last resort. Patients should exhaust the medical review process first, allowing doctors, not trial lawyers, to make decisions about medical care.

S. 1052 jeopardizes health care coverage for workers and their families by failing to avoid costly litigation. S. 1052 overturns more than 25 years of Federal law that provides uniformity and certainty for employers who voluntarily offer health care benefits for millions of Americans across the country. The liability provisions of S. 1052 would, for the first time, expose employers and unions to at least 50 different, inconsistent State-law standards. The result will inevitably be that employers and unions will be forced to pay for different benefits from State to State, even within a particular State, based on varying precedents set in State courts and leading to inconsistent standards of care for patients. Further, S. 1052 imposes no limitations on State court damages, and it is not clear whether existing State-law caps would apply to the broad, new causes of action in State courts that S. 1052 creates.

S. 1052 also would allow causes of action in Federal court for violation of any duty under the plan, creating open-ended and unpredictable lawsuits against employers for administrative errors. These new Federal claims do not have any limitations on the amount of noneconomic damages, creating virtually unrestrained damage awards that are limited only by an excessive $5 million cap on punitive damages.

Moreover, S. 1052 would subject employers and unions to frequent litigation in State and Federal court under a vague ''direct participation'' standard, which would require employers and unions to defend themselves in court in virtually every case against allegations that they ''directly participated'' in a denial of benefits decision. Because such determinations are inherently fact-specific, any such allegation will force a costly and time-consuming court process and result in varying State interpretations of ''direct participation,'' forcing employers to adhere to different standards in every State.

S. 1052 fails to provide a fair and comprehensive remedy to all patients. The President believes the new Federal law should establish a comprehensive set of rights and remedies for patients. S. 1052 instead encourages costly litigation by providing no effective limitations on frivolous class action suits and allows trial lawyers to go on fishing expeditions to seek remedies under other Federal statutes.

S. 1052 subjects physicians and all health care professionals to greater liability risk. S. 1052 would expand liability for physicians and all health care professionals in State courts well beyond traditional medical malpractice by permitting new, undefined causes of action in State courts for denials of medical benefits. This expanded litigation against physicians and all health professionals will create an opportunity to circumvent State medical malpractice caps that may not apply to these new causes of action.

Extraneous User Fee Provision. The Administration objects to inclusion in S. 1052 of an extraneous revenue-raising provision (section 502), which extends for multiple years Customs charges on transportation, passengers, and merchandise arriving in the country.

Pay-As-You-Go Scoring. S. 1052 would affect direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of the bill is under development.

Mr. HUTCHINSON. As the Senator from Oklahoma very rightly said, this amendment provides 100-percent deductibility for the self-employed beginning in January of next year, and accelerating that 100-percent deductibility, which the Senate has been on record in support of, is very germane and relevant to this bill.

I think at the heart of this bill is the question of access. At the heart of this bill is, are we doing more damage than we are good? In our efforts to provide patient protection, are we increasing by millions the number who have no patient protections because they have no health insurance? That is, to me, a core fundamental question in this debate. I believe this amendment that I have offered with Senator BOND is a significant step—though far from all that is needed—in improving access. It is something we should do and indeed we must do.

Sometimes, as we deal with the issue of liability, we forget exactly what kind of impact that liability will have. The President, in his statement of administration policy, really homed in on

the impact of a wide-open lawsuit provision such as he believes and I believe exists in the Kennedy-McCain bill, what impact it would have on the uninsured. I think he cites very accurate numbers as to the millions of people who could well lose their health insurance were the Kennedy-McCain bill to pass as it currently exists.

One survey found that roughly half of employers reported that they would likely get out of the business of providing health care coverage if exposed to increased liability. Some people say these employers aren't going to do that. How can they do that? This is essential to offer that benefit. You have to offer that to employees if you are going to be competitive.

Well, many small businesses in particular and, for that matter, large corporations who are self-insuring today and are providing good health benefits to employees or their associates, when faced with the prospect of going to Federal court or State court on a host of actions, costly actions, are going to question seriously, understandably, whether they can operate in that kind of environment. Similarly, this study found that 48 percent said that expanded liability would hinder care management, and 80 percent said it would increase consumer costs.

The point is that even those employers who are able to continue to offer health insurance are going to find their costs going up and those costs—they are not going to be able to absorb all of those costs, and they are going to be passed on to employees and consumers. That is going to have a detrimental impact upon, I believe, the health care system in this country.

Sometimes cartoons can simplify a very complex issue down to something that is quite understandable to the average American or to the average Senator. Today, in our statewide newspaper in the State of Arkansas, the Arkansas Democratic Gazette, this cartoon appeared. It is a Vic Harville cartoon. It sums up the concern a lot of us have about the liability provisions in the Kennedy-McCain bill: ''Who will benefit the most from a Patients' Bill of Rights?'' There is a gleeful, happy attorney with a nameplate: Will Cheat 'Em Attorney At Law.

There are going to be a lot of smiling attorneys, I am afraid, with the Kennedy-McCain bill, as it is currently framed. I have a number of concerns with the liability impact. The McCain-Edwards-Kennedy bill has been called the Trial Lawyers' Bill Of Opportunities. We all want a Patients' Bill of Rights. The President, in the Statement of Administration Policy, outlines specifically the patient protections he believes are essential that we provide millions of Americans. I think we would have a 100–0 vote on those patient protections.

That is not good enough. Instead of finding a consensus bill that will provide patient protections for millions who do not have those kinds of protections today, we have a bill that has a liability provision, a right to sue not at the end of the road where there is an insurance company that has abused their clients, but at any point circumventing the internal-external appeal, the ability to go right into court after 180 days and tie up not only the court system, but spend literally hundreds of millions of dollars in the defense of those suits, whether they are meritorious or not.

This chart expresses some of my concerns with liability. It bypasses external review and brings lawsuits at any time. It allows forum shopping between State courts. So while there is agreement—I certainly believe a right to sue should be included at some point. When an employee believes the insurance company has not treated them properly or has overridden a proper medical decision by that doctor, that individual ought to have a right of appeal. They should have an internal appeal that is accelerated, expedited.

If at that point they are not satisfied, they should be able to go outside the insurance company, have an expert independent review to look at the issue and make a determination. If at that point the insurance company says, we are going to ignore it, we are still not going to comply with the decision of the external reviewer, at that point I think it is certainly appropriate there be a remedy.

The McCain-Edwards-Kennedy bill allows lawsuits in Federal and State courts relating to the same injury; it allows forum shopping; it allows frivolous suits against employers for merely offering health insurance to their employees; that is, an employer is willing to take the risk of providing health insurance, is willing to invest the cost, some 60 percent, some 75 percent, some paying entirely for those premiums. What do they get for their willingness to provide that benefit? They get the possibility of frivolous lawsuits.

Frivolous? Yes, because they need not go through the internal-external appeals process. If they are willing to wait 180 days after they discover the injury, they can go into court and leverage those frivolous suits for some kind of negotiated agreement. Those settlements will benefit trial lawyers. This is a bill of opportunities for trial lawyers. They collect large contingency fees on unlimited noneconomic and punitive damages. There is no limit; the sky is the limit. Whatever a good trial lawyer can convince a jury should be the damages and the sky is the limit on that.

It abuses the class action lawsuits because there is no limit on class action lawsuits in the McCain-Edwards-Kennedy bill. All of these are great concerns to me.

Americans will pay for trial lawyers' opportunities. It is not a Patients' Bill of Rights so much as it is a lawyer's right to sue. At least 1.2 million Americans will lose their health insurance. We have heard that figure 1.2, 1.3. That figure is based upon very conservative estimates by the Congressional Budget Office. Their estimate is that the McCain-Edwards-Kennedy bill will increase premiums by 4.2 percent.

The President in his Statement of Administration Policy said he believes they are overly conservative. I believe they are overly conservative. The impact is going to be far greater.

At least 1.2 million Americans will lose their health insurance at a time the number of uninsured has been increasing. The 43 million number goes up, and that is a huge number of Americans who are uninsured.

Perhaps that is what some want. Maybe some want to increase the uninsured with a separate agenda to come back with radical changes in a health care system that I believe is the envy of the world. The evidence is people from all over the world come here to get the best quality health care. Millions of Americans will lose their health insurance.

The average American family will pay at least $300 more in annual premiums. The Senate, in its wisdom, collectively and on a bipartisan basis, just passed a tax relief bill, only the third time since World War II in the sixties under President Kennedy, the eighties under President Reagan, and now under President George W. Bush we passed tax relief for the American people. We are going to give a rebate check. This $300 increase in the annual premium will quickly eat that up. It will consume that little bit of tax rebate we were able to give in the tax package this year.

Americans will pay $200 billion more in extra premium costs over 10 years. Over half of America's employers will increase health plan deductibles and copays. It is not only that we are going to have 1.2 million or more lose health coverage altogether, but those who are able to stay insured are going to find their copays will increase; they are going to find their premiums will increase; that those are going to be passed on; their deductibles are going to be higher; and then the result of this legislation will be thousands of new lawsuits clogging our already overcrowded courts.

This is often the case. If we have an unlimited, unbridled right to sue, the result will be that creative trial lawyers will find a way to get a case into court.

Our goal should not be to go to court. Our goal should be to ensure patients are protected, forgetting quality health care. We do not have to have a circumvention of the appeals process, the review process to assure that.

The gaping flaw in the Kennedy-McCain bill is that it allows thousands

of new lawsuits to be filed in State court and Federal court without an exhaustion of the appeals process. Unlimited liability could bankrupt small businesses or force them to drop health coverage altogether.

Those are, in fact, some of my deep concerns about this legislation, and those concerns should drive us to amendments such as the one Senator BOND and I have proposed. The Hutchinson-Bond amendment provides 100-percent deductibility beginning next year, not in 2003, and will save small employers, self-employed individuals millions of dollars. There is no justification for us continuing to delay what we have recognized in this body on a bipartisan basis is an issue of equity.

The Wall Street Journal sometime back in one of their editorials wrote:

> In the 18th century, doctors believed they could cure patients by bleeding them with cuts or leeches. Modern equipment is politicians who want to improve American health care by unleashing the trial lawyers.

I note that not because anybody would be surprised that the Wall Street Journal editorial page would have this, but the analogy is not far off. My concern is we would pass a Patients' Bill of Rights. Ask the American people that broad question, Do you favor a Patients' Bill of Rights? and you will get an overwhelming yes. Probably three-quarters of Americans would say yes.

Who could be against rights? Who could be against patients? But it's different when asked, If you knew your employer would have to raise your copay, your premium, your deductible, are you still for that Patients' Bill of Rights? if you knew your employer might not be able to continue to provide health insurance coverage, are you still for that Patients' Bill of Rights?

My concern is we would pass a bill they say ''cures'' the problem of patients in health care plans with their rights not being protected, and the reality is we have made the malady worse. The problem we have created in exacerbating the problem of the uninsured is worse than the problem we are trying to address.

I believe the biggest hoax perpetrated in the course of the debate over the last couple of years on a Patients' Bill of Rights is that a bill such as the Kennedy-McCain bill covers all Americans. To those who have argued most States have enacted patient protection laws and we should provide proper deference to those State patient bills of rights, those States and situations are different. We have argued our proper responsibility is to address the ERISA plans, the self-insured plans that States cannot touch. States cannot provide protections for those. People in those plans are left unprotected unless we do something. The response on the other side has been, you are leaving millions out, you are not protecting them.

The great hoax has been to say that the Kennedy-McCain bill covers all Americans. It doesn't cover all Americans. It surely does not cover the 43 million Americans who do not have insurance today. They don't get a thing out of the Patients' Bill of Rights except less chance they will be able to receive health insurance.

I quoted the Wall Street Journal, and one might expect their sentiments on this subject. But listeners may be interested to know that last month the Washington Post wrote on this subject:

> Our instinct has been and remains that increasing access to the courts should be a last resort, that Congress should first try in this bill to create a credible and mainly medical appellate system short of the courts for adjudicating the denial of care. To the extent it can be avoided, it seems to us not in the national interest to have the practice of medicine governed by the fear of lawsuits. It will add to the cost of care, though how much is in question. It is not clear to us that it will add comparably to the quality. The higher the costs, the larger the number of uninsured.

From the Washington Post to the Wall Street Journal, they are right:

> The liability provisions in the Kennedy-McCain bill will result in thousands of new lawsuits, higher costs on premiums, higher costs on copay and deductibles for consumers, and millions more people in the ranks of the uninsured.

The Washington Post is right, we should have a remedy that is mainly a medical appellate system, short of the courts, for adjudicating denial of care. It is in the national interest to avoid having the practice of medicine governed by the fear of lawsuit.

They go on to say it will add to the cost. They are absolutely right.

Imagine—under the Kennedy-McCain bill one is allowed after 180 days, at the 181st day, to go straight to court. You are not required to appeal internally whatever the question is you are contesting—the decision of the insurance company to not provide coverage. Perhaps the insurance company says the contract is clear and that is not covered, or perhaps the insurance company does say it is not medically justified. As a patient and as an insuree, you object to that. You question that, but you don't bother to appeal it. And you wait. You don't use the internal appeals process, which most managed care companies have already established and which by law we would, under the Patients' Bill of Rights, establish. They never bother to go through the external appeals court, even though under the proposed bills that would be expedited. You would get quick care, a quick decision on the external appeals. They don't do that. Instead, they wait. And they wait.

After 180 days, a very creative, very enterprising lawyer talks to that patient and says: Haven't you just discovered that you were wronged? Without any requirement under this legislation to go through the appeals process, that individual, with his creative, enterprising lawyer, can go straight to court.

One would think if they were wronged, they would have a remedy, even after 6 months, a year, or 10 years, because there is no limit when that individual can file the lawsuit after disregarding the appeals process. One would think perhaps after that long length of time they could have a remedy.

As I have said before, studies indicate medical malpractice claims take an average of 16 months to file. Even after the 6 months of waiting, on the 181st day the lawsuit is processed, you have another long period of time—on average, 16 months—to have the lawsuit filed. On average, it requires 25 months to resolve the lawsuit. That is another 2 years. And then after there is a decision made of a lawsuit, it requires on average another 5 years to receive payment. That is what we are doing in the Kennedy-McCain bill. In the open-ended lawsuit provision, we are in the end going to reward the process and the lawyers.

The tort system returns less than 50 cents on the dollar to the very people it is designed to help and less than 25 cents on the dollar for actual economic loss. Even if one figures 50 cents on the dollar, months, years, you file it, years more to get to court, decisions rendered, years more to collect the payment—what, I ask my colleagues, what does that have to do with quality health care? What does that have to do with ensuring that a patient is getting the best possible health care provision under their insurance policy? I suggest it has very little, if anything. The right to sue should exist. But it should only exist after the appeals process has been exhausted.

When we talk about this being an opportunity for trial lawyers, it is exactly that. It is the trial lawyers who are the big winners.

I offer this amendment today to address this access issue. There will be other amendments that will address more clearly the liability concerns I have expressed. Because the liability alone, we know, and the CBO says, it is the second leading component increasing costs in the Kennedy-McCain legislation. This is the big contributor to increased premium costs, the big contributor to loss of insurance by hundreds of thousands of Americans.

The amendment I have offered providing 100-percent deductibility helps address this access issue and the concern about the uninsured.

I reiterate, because I think it is very important as we look at the amendment and consider how important it is, who are the self-employed? Who are the people to whom we are trying to provide relief? We know there are a lot of them. According to the Employee Benefit Research Institute, there are 12.5

million self-employed individuals in this country and 3.1 million of those self-employed individuals are uninsured. That means they don't have a spouse who is employed somewhere with an insurance plan. It means they aren't working part-time. They are simply uninsured. They are unprotected.

That is almost one out of four in this pool of self-employed individuals. Nearly 70 percent of these individuals earn less than $50,000 annually. I think that is an important point to make because many think of self-employed and equate self-employed with business people, and they are usually. They think of those business people as being affluent, wealthy individuals. According to the Congressional Research Service, based on the 1998 current population survey, 70 percent of these self-employed individuals are hardly high income. They make less than $50,000 a year. So think about those who can't afford the insurance. Think about people who make less than $35,000 a year not receiving equal treatment for what they can deduct on their health care premiums and one out of four of them cannot afford to buy to really get the picture.

To understand the importance of this amendment, you have to look not just at the 3.1 million who are uninsured but you have to look at their family members. When you count the number of family members with self-employed family heads, we are now talking about 21.6 million Americans who would benefit from the Hutchinson-Bond amendment, including 6.4 million children. Now, of those 6.4 million children who are going to benefit because you get 100 percent deductibility, currently 1 million are uninsured.

So I ask my colleagues to think about 1 million children who are without insurance today whose parents would perhaps be able to purchase that insurance under the 100 percent deductibility provision. So I think it is critically important that be adopted.

Madam President, I have one correction to make in my remarks. I referred earlier to a cartoon that appeared in a Statewide newspaper. It was from the Don Rey Media, not the Democratic Gazette. I give a plug for the Gazette, but, in fact, the cartoon was in the Don Rey Media, and it did very well portray what faces us today. If you are paying $6,000 a year in premiums, and you are able to deduct 60 percent of your premiums, that is $3,600, and you will have a savings of $972. If this amendment that is pending before the Senate right now passes, instead of $972, 100 percent deductibility will turn that into $1,620 and that will be an additional savings of $648. At least for the self-employed, that will offset the additional costs that the Kennedy-McCain bill will have upon premiums. So it is worth supporting from the standpoint that it has been a battle fought for years. It has been something recognized for a long time; that we have unfairness; we have a disparity, an inequity in the Tax Code.

Senator BOND, to his credit, and Senator NICKLES worked and worked to clip away at that disparity, and we got 60 percent of the way there. There is no reason, there is no excuse for us not to immediately go to the 100 percent deductibility and in so doing save millions of dollars for those who are out there trying to keep this economy going. I know that there has been broad support for this concept in the past. I believe there will be broad support as this amendment is debated. I talked to a number of my colleagues on the floor about the importance of this amendment.

I believe that access is going to be the center of debate as we go through the Kennedy-McCain bill. If we cannot address the access issue, if we cannot address a wide-open lawsuit issue and put some real restraints in what is currently an unbridled prospect for thousands of new lawsuits, then we will have done a disservice and we really have been disingenuous with the American people. We will have passed a bill saying it is a Patients' Bill of Rights without a real understanding by the American people of what the impact is going to be on their day-to-day lives. Nothing illustrates that more than the kind of push polls that have been done in which the questions have been posed in terms of raising premiums, raising the cost of health insurance, the possibility of losing health insurance and how that affects attitude towards a Patients' Bill of Rights.

So access to emergency rooms, I will agree on that. The President has supported that. The McCain-Kennedy bill has emergency room access provisions. The Nickles bill last year had emergency room access provisions. The Frist legislation covers that concern.

Many of the stories that have been portrayed in this Chamber have dealt with the horrors of those who were denied immediate access to an emergency room. We have heard examples about tragedies that have occurred because of that. These tragedies would be addressed in any one of the patients' bill of rights. That is not the core of the debate before us. Access to pediatricians, access to OB/GYNs—the President listed those commonly agreed upon patient protection provisions.

That is not what is at issue. That is not what is at debate in this Chamber. What is at debate is not access to ERs, access to pediatricians or OB/GYNs. The debate is access to health insurance.

I am determined, and I know my colleagues are as well, that we not lose focus of what an ill-conceived patients' bill of rights is, which is the Kennedy-McCain bill as it is currently constructed, and what it would do to access to health insurance. We are going to keep the focus upon not only the 43 million who do not have it now but the millions more who would lose their health insurance were this bill to pass in its current form.

My colleague from Oklahoma pointed out some of the provisions in this Kennedy-McCain bill that address issues that come before the Finance Committee. The Senator from South Carolina expressed that, while being a previous cosponsor of the 100 percent deductibility, he could not support this amendment because of the jurisdictional issue. Perhaps there are other Senators who share that concern. So I want to remind my colleagues on both sides of the aisle, those who are members of the HELP Committee, as I am, and those who are members of the Finance Committee, that there are a number of provisions within the jurisdiction of the Finance Committee that are already in the bill. The provisions were never debated before the Finance Committee, but they are in the bill. It is kind of disingenuous when you have something that is going to benefit taxpayers, going to provide full deductibility for the self-employed, to say we don't want that in the bill when there are already a horde of provisions in the bill that come under the jurisdiction of the Finance Committee.

I am sure at some point there is going to be an explanation as to why custom user fees is in this Patients' Bill of Rights, why the custom user fees, Medicare payment shifts, and Social Security transfers are included. We talk a lot about the sanctity of the Social Security trust fund. There are some issues regarding Social Security. All of those come under the jurisdiction of the Finance Committee and were never debated by the committee. There were no witnesses, no hearings, no people to come in and explain why they are going to be in this hugely important bill, but they are there.

And so for those who may be concerned that we have a provision that would normally go to the Finance Committee, I say, well, let's take a look at all of these. At least this one is going to increase access, not decrease it; at least this one is going to ensure that more people are going to buy more health insurance and those million people who are currently in households in which the head of the household is self-employed that is not eligible for the 100 percent deductibility is going to be addressed.

Now, the bill reduces revenues. I have alluded to that. And some may question about having those kinds of provisions in the bill. In fact, the McCain-Kennedy bill reduces the Social Security tax revenues by nearly $7 billion over 10 years. So it is going to have a pretty significant impact upon revenues—$7 billion in Social Security.

That is the estimated impact of passing this bill. If you pass this bill, that is the impact it will have upon payments into the Social Security System. It ought to concern us if it is going to have that kind of impact upon employment in this country.

So we have a bill that we have to work on. We are going to have a lot of amendments in the days to come, and we have a good one to start with, one that will provide that 100 percent deductibility and increase accessibility.

I see my colleague from the State of Kentucky has come to the floor, and I know he has expressed interest in this amendment. He has been a long-time supporter of small business and of providing 100 percent deductibility as quickly as is possible for these who have been treated unfairly in our Tax Code. He has expressed interest not only in supporting it but speaking in behalf of the amendment. I yield for the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, first of all, my good friend from Arkansas has been a champion of full deductibility for health care for the uninsured and the self-employed for a long time. I also supported that in the House of Representatives on the Ways and Means Committee, and since I have arrived here in the Senate.

Even more important than just the deductibility for the self-employed, I would like to talk generally on the Patients' Bill of Rights and the two competing bills we have before us today.

Rarely is there a piece of legislation that so directly affects the American people's health and well-being as the debate we are having right now.

It's important right at the start to point out that every Senator here agrees about one thing—patients come first.

We all have the same goals here—making sure that patients get the care they need without interference from their insurers and without driving up costs.

But the competing bills before us take two different approaches.

In writing a Patients' Bill of Rights, we're trying to strike a balance, and the Kennedy-McCain bill fails that test.

As we debate this health care bill, it's important to keep some perspective and to remember how we got to this point because recent congressional health care debates set the stage for the legislation before us today.

Over the past decade, Congress has wrestled with health care insurance legislation a number of times.

In the late 1980s, there was the Medicare catastrophic bill that we passed and then the next year we repealed it.

There was the Clinton health care bill that failed. Then we worked on the Kassebaum portability bill.

Now the latest version of the fight comes on the Patients' Bill of Rights.

Some of my colleagues on the other side of the aisle now say they're interested in ''improving'' the private employer-provided health care system that we currently enjoy in this country.

But I have to admit that I am more than a little bit skeptical about that. Many of my friends who now claim to want to improve our current system were just a few years ago trying to get rid of it altogether with the Clinton bill.

And many of them still openly admit that their ultimate goal is single-payor, government-run health care—a Washington-mandated, one-size-fits-all health care system.

Now many of us have the same fear that the Kennedy-McCain bill is just the first step down the regulatory path to socialized medicine.

We still remember the nightmare of the Clinton health care bill.

Many of us thought that was a trojan horse that was set up on purpose to fail in order to help make it easier for many of my Democrat friends to reach their final goal—to step in with a government-run, single payor health care program.

The words surrounding the debate about that bill sounded good, just like some of the rhetoric we hear today about Kennedy-McCain.

The Clinton health bill was going to be the best thing since sliced bread. It was going to provide all Americans access to health care at an affordable cost.

But it was a bad bill. It was drafted behind closed doors by a secret task force. There were no hearings. No input from the public, until a federal court ordered it.

In fact, the reason that they were hiding it for so long was that it was just another old-fashioned liberal social program in disguise.

Now we are hearing the claims that the Kennedy-McCain bill is going to do all of these great things for patients—guaranteed treatments, clinical trials for cancer patients, access to specialists.

But the bill before us today hasn't ever been before a Senate committee for a hearing, and it's been two years since the Senate last debated it.

In fact, the latest version of the Kennedy-McCain bill was only introduced last Thursday night. Now we're being told that we have to pass it immediately and that the Democrats think it's so good that it doesn't even need to be amended.

I think I have heard this song before.

Thanks to the good judgment of Congress in 1994, we were able to defeat a national health insurance proposal.

But today I am afraid that many of my friends who support socialized medicine are still trying to reach their goal, just by different means.

So I think we need to take a long hard look at this bill so that every Senator understands exactly what's in it.

From what I have seen so far, it is not very good.

There are a number of problems with the bill.

First we know Kennedy-McCain is going to raise costs. The neutral experts at the Congressional Budget Office tell us its going to increase costs by 4.2 percent above inflation.

Health care experts tell us that for every 1 percent increase in costs, 300,000 Americans will lose their health coverage.

That means that if Kennedy-McCain passes, over 1.2 million Americans are going to lose their health insurance.

I just do no understand why those who support this bill, who usually argue that we need to cover more of the uninsured and hold the line on costs, now are pushing so hard for a bill that does just the opposite.

Another troubling part of the Kennedy-McCain bill is its reliance on lawsuits as a means to promote better health care.

It is just common sense: lawsuits don't lead to better medical care. Getting the lawyers involved isn't going to drive down costs, or deliver care faster.

I can understand in outrageous situations that the threat of a lawsuit might be needed as a last report. But in Kennedy-McCain, they are the first option.

In fact, the most troubling part about Kennedy-McCain is that it could in fact lead to lawsuits by employees against employers over health coverage. That is the last thing we need and could eventually lead to the end of our current employer-based health insurance system.

I know that sounds drastic, but it is just common sense.

If any employee can sue their employer because they are unhappy with their health coverage, the employer is going to do one of two things: drop the coverage and simply give the employee cash to buy their own insurance—or worse just drop the benefit altogether.

Recent news reports tell us what happens to health care when lawsuits flourish. For instance, in Mississippi, where there has recently been a dramatic increase in forum shopping by plaintiffs' lawyers, 44 insurers have left the state.

Recent studies by the General Accounting Office show that the average medical malpractice claim takes 33 months to resolve. Most patients can't wait that long. I don't see how making it easier for them to sue is going to help anyone except the lawyers.

Usually here in Congress we try to make laws simpler, and to cut down on lawsuits, not to encourage more. Making it easier to sue might sound good to those who are angry about their

health care, but it's only a knee-jerk, feel-good reaction that isn't going to help anybody get medical care any faster.

Finally, if Kennedy-McCain is so good, why doesn't it apply to everyone? Millions of Americans aren't covered by it. Medicare and Medicaid recipients, and all of those who get coverage from their unions through collective bargaining agreements, they are not covered.

While I admit that I don't want Kennedy-McCain to pass, I have to admit that I am surprised that my friends who support the bill, who tell us what a good effort it is, don't want it to apply to every single American.

Instead of the Kennedy-McCain bill, I hope my colleagues take a good long, hard look at the Breaux-Frist proposal. The heart of Breaux-Frist is a new impartial medical review to make sure that patients get the care they need quickly, without getting bogged down in courts and lawsuits. Patients are guaranteed access to independent medical review to ensure that doctors, not HMOs, are making medical decisions. Breaux-Frist gives States flexibility. While providing new Federal rights. The legislation stays out of the way of States that have already made progress in protecting patients. It creates a floor, not a ceiling, when it comes to protecting patients' rights.

Breaux-Frist also guarantees access to care through comprehensive patient protections. It guarantees emergency room coverage under the prudent layperson standard, and direct access to OB–GYNs for women and pediatricians for children. Best of all, Breaux-Frist ensures that employers are not going to be held liable for health decisions. And Breaux-Frist covers everyone—all 170 million Americans who get their coverage through private health plans.

For health plans that fail to comply with these independent reviews, patients will be able, as a last resort, to sue in Federal court. It provides a clear-cut, sensible process that will help patients get care and hold HMOs accountable.

Most importantly, we know that the President will sign Breaux-Frist into law. He won't sign Kennedy-McCain. If the supporters of Kennedy-McCain really want to pass a bill that becomes law, they will help us to amend it and improve it. If they do not, we will just continue to talk in Congress without getting anything done.

I would like to conclude by telling my colleagues about what will happen if we end up passing Kennedy-McCain. Seven years ago, in Kentucky, we passed a version of the Clinton health bill. It promised better care to patients through increased regulation and lawsuits. But guess what happened. Health care in Kentucky went downhill. For starters, all of the private insurers left the State. We used to have 60. After the Clinton-Lite bill passed, we had two. The number of uninsured Kentuckians rose. Costs increased. Medical care became more expensive and harder to get. Ever since then we have been trying to fix our health care laws, and we have managed to get back to five different insurers who will now offer coverage in Kentucky.

Employer-provided coverage in Kentucky nearly collapsed. Passing McCain-Kennedy could be the first step down this road for the Nation, and I can tell my friends it is a path we don't want to take.

Republicans want a bill. Democrats want a bill. If we work together, I think we can get one. But Kennedy-McCain is not the answer. It has to be changed or nothing else is going to change. And the patients will lose.

Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I see my friend from Arizona is in the Chamber.

Does the Senator wish to seek recognition?

Mr. McCAIN. For about a minute.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I understand the amendment that is being proposed. It contains provisions, as I understand it, that were dropped in conference on the tax bill we passed not long ago. I think the Senator from Texas would confirm that. Is that right?

Mr. GRAMM. I do not know. I was trying to find out.

Mr. McCAIN. It was, I believe, not accepted in conference. Obviously, we would like to do everything we can to encourage employers and employees to be able to obtain health care plans.

What I am concerned about is the possibility that this would open up other tax provisions that might be added to the bill. Also, there is the blue slip problem that would apply because it is a revenue issue that does not originate in the other body. Again, I think the Senator from Texas would recognize that is a problem that we face in this amendment.

So I wonder if the proponents of the amendment would agree to a unanimous consent request, which I will state now and explain as follows: That the time between now and 5:30 be equally divided between Senator HUTCHINSON and Senator KENNEDY, or their designees, for debate on the pending amendment; that no second-degree amendments be in order to the amendment; and that at 5:30 the amendment be agreed to, and that there be no further revenue or blue slip material amendments in order to this bill; further, that when S. 1052 is read a third time, it be laid aside and the Senate immediately turn to the consideration of Calendar No. 69, H.R. 10; that all after the enacting clause be stricken, and the text of S. 1052 be substituted in lieu thereof; the bill be read a third time, and the Senate proceed to vote on final passage of the bill; that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

What I mean by this unanimous consent request is that in order to avoid the so-called ''blue slip'' problem, that this amendment would be adopted, but when the bill is laid aside for the first time, we would take up a House revenue bill which is pending here in the Senate on the calendar, and add that provision to the bill, thereby avoiding the problem of it being negated.

I note the Senator from Oklahoma is in the Chamber as well. I would be glad to discuss this unanimous consent request with my colleagues to see if they would give it some consideration, so we could discuss getting it done.

Mr. GREGG. Reserving the right to object.

Mr. GRAMM. Reserving the right to object.

The PRESIDING OFFICER. Is the Senator propounding a unanimous consent request?

Mr. McCAIN. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Madam President, reserving the right to object, let me first say that obviously Members can only answer for themselves.

I would have no objection to trying to deal with a potential blue slip problem through unanimous consent. The House bill will almost certainly contain a provision related to access to health care, and so the two bills would be conformable in that way. Nor do I have any concern about taking up a House measure which would be a further guarantee against the blue slip problem. If we put in a quorum call and worked this out or had debate while we worked it out, all that could be worked out.

Where I think we might run into problems is that there are two problems in terms of access to health care. One is the self-employed who have to pay both parts of their health care coverage. The other is very low income people who don't get health insurance through their jobs. You then have a very small—and I know the Senator is aware—you have a very small revenue component in medical savings accounts. I would not want to limit our ability to at least debate the other two parts of the problem. But within the constraints of those problems, I think there might be room to debate it. I don't want to preclude our ability to offer, for example, a medical savings account amendment because I think that is very important as part of this access.

I understand this amendment. I very strongly support it. I want to be sure we have a chance, if we fix it for the self-employed, that we fix it for very low income people who don't get health insurance through their jobs. I can assure the Senator that for my part—and I am sure on behalf of every Republican—we are not trying to create a technical ''gotcha'' problem here. We can work together to fix that problem, if that would make this amendment more acceptable.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I believe the bill already has a blue slip problem. There is already a tax increase in the bill, section 502, that extends customs user fees from the year 2003 to the year 2011. That is blue slip material. It is already there.

Mr. MCCAIN. I don't agree. I don't agree. We will be glad to debate that and have a parliamentary decision on it.

Mr. NICKLES. I am informing my colleague, there are revenue measures in the bill right now. I don't think whether there is an additional amendment or not would have any additional impact on blue slip. I am perfectly willing, as the Senator from Texas said, to set up a way of taking up a House-passed bill and substituting the entire text of whatever we pass to avoid that. I am happy to cooperate in doing that at some point. I will be happy to work with my friend from Arizona to do that.

Mr. MCCAIN. I thank the Senators.

I guess the Senator from New Hampshire had also a reservation.

Mr. GREGG. The point I was concerned about was, there are parts of this unanimous consent with which I could agree, but the two points the Senator from Texas and the Senator from Oklahoma have made are equally of concern to me. Maybe there is a way to work this out, but in its present form I have a serious reservation about it.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, I would object. I would like to also ask that our staffs sit down together to see if we can work these problems out. I reiterate, we are not trying to create a technical problem here. We are worried about people losing their health insurance. We want to be sure we are doing other things to promote it. If the Senator is willing to work with us, we will try to work out the problem he has raised to everybody's satisfaction, and then perhaps later today or tomorrow we could do a unanimous consent request on a bipartisan basis to which we could agree.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona retains the floor.

Mr. MCCAIN. Mr. President, I thank my friends from Texas as well as from Oklahoma and New Hampshire. We would like to sit down and see if we can work this out. Whether the Senator from Texas intends there to be a problem or not, there is a problem on passage of this amendment. So I appreciate the intentions of all involved here, but the fact is, there will be a technical problem because of raising revenue. I would like to work that out, and we will sit down and begin conversations about it.

Mr. GREGG. If the Senator will yield on that point.

Mr. MCCAIN. I am glad to yield.

Mr. GREGG. I do believe that problem can be worked out. Actually, the language for working it out is in this unanimous consent request. It is just that the unanimous consent request goes significantly further than that. That is where I think we have to sit down and see if we can't reach some accommodation.

Mr. MCCAIN. I understand. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, may I proceed for 30 seconds?

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

Mr. KENNEDY. Mr. President, in response to the Senator from Oklahoma, we have been assured, from the Budget Committee, the Finance Committee, and the Ways and Means Committee, that there is no blue slip problem. Anyone can raise this and challenge those authorities, and maybe they will. At least we want to give assurances to the membership that we did anticipate this issue. We have received those assurances from the leaders. I believe we received them in a bipartisan way as well.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have been on this amendment now for 2 hours. The debate has been good. We are arriving at a point where we might be able to offer a unanimous consent agreement as to when we would terminate this debate.

I say to everyone: We do not intend to arbitrarily cut off debate on any amendments. But we should also understand that it is up to the people who oppose the Patients' Bill of Rights to offer the amendments they believe will improve the bill. We have today; that includes the evening hours. We have part of the day tomorrow. As had been announced by the two leaders some time ago, there will be no activity in the Senate in the way of votes on Monday. There could be some debate taking place. We have Tuesday, Wednesday, and Thursday to finish the bill, if we are going to go to the Fourth of July recess as has been planned. That is to begin on Friday.

Again, Senator DASCHLE, the majority leader, has said if we do not finish this Thursday night, we are going to work Friday, Saturday, Sunday, Monday, Tuesday, take Wednesday off, which is the Fourth of July, and come back on Thursday and begin the bill again. We are going to finish.

Mr. GREGG. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. GREGG. I believe there is a unanimous consent to which this side is agreeable which has been circulated from your side, and we are willing to proceed with that at this time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time on the pending amendment prior to a vote in relation to the amendment at 5:30 be divided as follows: Senator KENNEDY or his designee to control 30 minutes of debate; Senator HUTCHINSON or his designee to control the remaining time, including the last 15 minutes prior to the vote; that at 5:30 the Senate vote in relation to the Hutchinson amendment; that upon completion of the vote at 5:30, Senator MCCAIN be recognized to offer a sense-of-the-Senate amendment regarding clinical trials; the amendment be debated this evening; and then when the Senate resumes consideration of the bill tomorrow at 9:30, the time prior to 11 a.m. be divided between Senator MCCAIN and Senator GREGG or their designees; and then a vote in relation to the McCain amendment occur at 11 a.m.; and then following the disposition of the McCain amendment, Senator GREGG or his designee be recognized to offer an amendment; that no second-degree amendments be in order to either the Hutchinson or McCain amendments.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. It is not my intention to object. I haven't seen the McCain amendment. Would it be possible for us to get a copy of that amendment?

Mr. KENNEDY. Yes. While the Senator was asking, we never received the Hutchinson amendment until it was offered either. As we proceed, what we would like to try to do, for the benefit of the Members, is to at least have the two or three amendments on either side so that the Members are familiar with the material and would have knowledge as to what those amendments are. I think that might save a good deal of time in terms of the explanation of the amendments and the disposition of them. We will make every effort to make those available. And we hope—if I may have the Senator's attention—that that would be reciprocal and we might have the amendment you also intend to offer tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. I seek recognition under Senator KENNEDY's time.

Mr. KENNEDY. I yield 10 minutes to the Senator.

Mr. DURBIN. Mr. President, I stand in opposition to the amendment offered by Senators HUTCHINSON and BOND. At the outset, this is an issue I have worked on as long as I have been in Congress—extending the tax deductibility of health insurance premiums for self-employed people in this country.

What we face in this country today is a terrible situation where those in small business and family farms cannot deduct their health insurance premiums as those who work for major corporations can. At a time when more and more people are losing health insurance, this is certainly a policy change that needs to take place.

Yet I rise today in opposition to this amendment. Let me tell you why I do. Only a month ago on this floor of the Senate, I offered an amendment to the tax bill which would have provided the self-employed with a full 100-percent tax deduction. That was a month ago when we were considering a tax bill where we were providing benefits to individuals and families.

What happened to my amendment? Well, my amendment was accepted by my Republican colleagues. They put it in the bill in the Senate, and they killed it in the conference. That is right. They said they accepted it on the floor, and when it went to conference committee on the tax bill, they yanked it out and eliminated it. It is the same provision being offered today on the Republican side as part of this bill that was eliminated by the Republican majority in the conference committee on this tax bill. The tax bill had $1.3 trillion in benefits it could provide over a 10-year period of time, and the Republican majority could not find $2 billion to provide the very tax deduction they are asking for today.

It raises an important question. If this issue was important enough for us to include it in the tax bill, why did they eliminate it when they went to conference committee? Second, why is it being offered today?

The second question, I think, bears some exposition here. That is obvious. This is a Patients' Bill of Rights. This is a bill which the health insurance industry opposes. They oppose it because it will eat into their profits and instead is going to empower families and businesses and individuals across America, when it comes to their health insurance, to finally stand up and say that doctors should make medical decisions, not insurance companies.

On the Republican side, they are offering killer amendments in an effort to scuttle and stop this bill. They know that if they can put a tax amendment on this bill, it is over. So they come in and say they want to offer tax deductibility for the self-employed people when it comes to health insurance premiums—the very position they eliminated when they had a chance to pass it a few weeks ago on the tax bill.

It wasn't good enough for the tax bill, but it is the very first thing they want to offer when it comes to the Patients' Bill of Rights. Excuse me if I question whether or not their strategy reflects their sincerity. If they were sincere about helping self-employed people, they would have included it in a $1.3 trillion tax bill and not put it in the Patients' Bill of Rights in an effort to kill this important legislation.

We have waited 5 years for this bill. We have worked out a bipartisan compromise with Senator JOHN MCCAIN, Senator JOHN EDWARDS of North Carolina and, of course, Senator KENNEDY from Massachusetts, who has been a leader on this issue.

The other side, the opponents, are desperate to kill this bill. They understand that every health professional organization in America that has taken a position has supported the bipartisan legislation we have on the floor. They are desperate to find a strategy and a tactic to stop the bill, nevertheless.

The health insurance industry wants the bill to die, and now they want to kill it with kindness—the kindness of a tax break for the self-employed. Where was that kindness a month ago when the conference committee met on the tax bill? It wasn't there. You could not put it in the bill that really counted. You want to put it on this bill to put an end to the debate.

We are not going to fall for that. Those who have supported this provision throughout our careers are not going to let you kill the Patients' Bill of Rights by putting on a provision which you rejected in your own tax bill just a few weeks ago. I urge my colleagues to join me in continuing to fight for the deductibility of health insurance premiums for the self-employed, but don't do it at the expense of this important legislation that gives individuals and families and businesses across America the protection they deserve when it comes to their health insurance.

Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. Yes.

Mr. REID. I came to Washington with the Senator from Illinois. I can't remember a session of Congress where he didn't promote this issue. The Senator's fingerprints are all over this legislation. The Senator has certainly portrayed what is happening with this bill. They are taking the Senator's amendment and putting their name on it and trying to kill this bill. I am anxious to see what the next one is going to be. It will be someone else's amendment that they have killed in the past to try to kill this Patients' Bill of Rights.

The Senator from Illinois has said it so well. Here is legislation that has been yours for almost 20 years. It was put in a tax bill, and now I read in the paper it is not $1.3 trillion, it is $1.8 trillion—and for a speck of that, they eliminated the Senator's provision. I don't know if they planned that, to come back and do it here, or if it is something they picked up recently. But I know the Senator from Illinois will be forced to vote against his own amendment. I have always joined him in his efforts to pass the legislation. I will join the Senator from Illinois because we cannot fall for, in my words, this cheap trick.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. KENNEDY. How much time does he have left?

The PRESIDING OFFICER. The Senator has 3 minutes 40 seconds remaining.

Mr. KENNEDY. Does the Senator not find this somewhat disingenuous that the administration had made the recommendation on the Durbin amendment for the business community, for the self-employed, and these Republicans dropped it, put it aside; they didn't make it a priority for their tax break? The administration came up with $60 billion to try to help the uncovered with insurance, and they dropped that. And now two of the principal reasons they give from this side are that they are not taking care of business and they are not taking care of the uninsured. I mean, if this was such a big priority on their side, why didn't they fight for it when they had the opportunity? Does that not lead one to believe that rather than being serious about getting these achievements and providing some relief, they basically want to sink this bill?

Mr. DURBIN. The Senator from Massachusetts is correct. The Republicans and those supporting their positions cannot come to this floor and argue, I think, with a straight face that American families don't need protection when it comes to their own health insurance. They are not standing here and arguing that, really, health insurance clerks should make decisions, not doctors.

So they have come in with a new strategy. A month ago, this idea of providing the deductibility of health insurance premiums for the self-employed was good enough to adopt on the Senate floor and kill in conference on their tax bill. Now they are coming back and saying that really is the highest priority. We have to go back to that old argument, to that old position. Well, I think people can see through it.

You had your chance, you had your tax bill. This was the bill that was supposed to help families across America. We know what happened. Forty percent of all the benefits in that tax bill went to people making over $300,000 a year. Instead of finding even $2 billion out of $1.8 trillion to help those small businesses and family farmers, no, the highest priority was the wealthiest 1 percent of America. Well, that was your decision. That was your tax bill. I voted against it. I will vote against it again if you come back with it.

Instead, let's vote for something and say that after 5 years we are going to pass a bipartisan bill that for the first time will hold health insurance companies accountable for their actions like every other business in America. I know that is a dagger in the heart of the health insurance industry. They want to continue to be a special privileged class that never has to answer when they make decisions which deny basic medical treatment to families and individuals. Those days are numbered.

I urge my colleagues in the Senate to reject this amendment for what it is. This is an effort to derail an important piece of legislation. Let us stick with and support the Patients' Bill of Rights. Let us not fall for this ploy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Boy, I have to smile. I am sincere about this, and I resent it being portrayed as, I believe, a ''cheap trick.'' It was called a ploy, an effort to derail. It is none of that. It is a sincere concern about those who are self-employed and who do not get equal treatment. It is a sincere concern that this legislation does not empower anybody but trial lawyers, and that the big issue in this whole debate is access.

I am sincerely trying to address an issue about which I have been concerned, and I know the Senator from Illinois has, but it is no effort to derail. If I had been on the conference committee, I assure the Senator from Illinois I would have fought as hard as I could have with every fiber of my being to ensure this very important provision was included in the tax bill. Unfortunately, I was not on the tax conference committee, and so my alternative was to come to this Chamber and try to do the right thing. I assure the Senator from Illinois that is what I am trying to do.

I also remind him that every Patients' Bill of Rights that has ever passed the House of Representatives has included tax incentives for health care. Every Patients' Bill of Rights that has ever passed the Senate has included tax incentives for health care. The bill the House of Representatives is likely to pass within the next few weeks will undoubtedly, will with a certainty contain tax access provisions, as it should.

If the Senate does not adopt its own tax incentives and access provisions, we will be at a distinct disadvantage as we go into the House conference on this legislation.

If the Senator wants to face the American people and explain that he opposed this on the basis of a blue slip problem, please, I am sure, they are going to appreciate that explanation. This is something that has had broad support in the past. It is without question something we should do. We have an opportunity to do it, and we should.

I yield to the distinguished Senator from Maine who has been such an advocate for small business in this country and has fought hard for full deductibility for the self-employed.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I commend my friend and colleague from Arkansas for offering this important amendment. It will allow self-employed Americans to deduct the full amount of their health insurance premiums.

As we proceed with consideration of legislation to protect patients' rights, legislation I believe every Member of this body, in one form or another, wants to see passed, we should also be considering ways to expand access to health insurance coverage for millions more Americans by making health insurance more affordable.

We know that at a time of almost unprecedented prosperity in this country, we have 43 million Americans who lack health insurance. Just think of the impact of an economic downturn and escalating increases in health insurance costs. It will only expand the number of uninsured or underinsured Americans. That is why I support the amendment that has been offered by the Senator from Arkansas.

As President Clinton's own Advisory Commission on Consumer Protection and Quality noted in its report: ''Costs matter—health coverage is the best consumer protection.''

Simply put, the biggest single obstacle to expanded health care coverage in the United States is costs. While American employers everywhere are facing huge hikes in their health insurance premiums, these rising costs are particularly problematic for small businesses, and they are most problematic for self-employed individuals who have to purchase health insurance on their own without a subsidy from an employer and without the benefit of a group health plan rate.

Since most Americans get their health insurance through the workplace, it is a common assumption that people without health insurance are unemployed, but the fact is that most uninsured Americans are members of families with at least one full-time worker. Eighty-five percent of Americans who do not have health insurance live in a family with a full-time worker. Most of these uninsured workers are self-employed or they work for very small businesses that simply cannot afford to provide health insurance as much as they would like.

Our amendment will help make health insurance more affordable for these Americans by allowing those who are self-employed to deduct 100 percent of the cost of their health insurance premiums. Since some 35 million Americans are in families headed by self-employed individuals, this will be of enormous help to them. Five million of those 35 million are uninsured.

Establishing parity in the tax treatment of health insurance costs between self-employed individuals and those working for large businesses is also a matter of equity. I have never thought it was fair that a corporation can deduct 100 percent of its share of the health insurance premiums that it pays for its employees, but a person who works for himself or herself can only deduct a portion of that cost.

This is a matter of equity, but it would also help to reduce the number of uninsured but working Americans. Our amendment will help make health insurance more affordable for the 82,000 people in my home State of Maine who are self-employed. They include our lobstermen, fishermen, farmers, hairdressers, electricians, plumbers, and the owners of many of the small shops that dot communities throughout our State.

We are a State of self-reliant people. We are a State where there is a large number of self-employed, and they deserve to deduct the cost of their health insurance premium just as a large corporation can write off that cost.

This is a particularly important amendment when we are looking at a bill that by every estimate is going to drive up the cost of health insurance. This is just a modest effort to provide some assistance to help offset the escalation in health insurance rates that this bill, unfortunately, will produce. This is a reasonable amendment. It deserves bipartisan support.

Finally, I am a bit puzzled by some of the statements that have been made by those on the other side of the aisle. During consideration of the budget resolution earlier this year, I offered an amendment to make sure we set aside funds in the budget resolution to provide for 100-percent deductibility for health insurance for the self-employed and also to help our small businesses that are struggling with the cost of health insurance by giving them a tax credit.

That amendment was opposed by my colleagues on the other side of the aisle. Had it been accepted—it was narrowly defeated by only one vote—we would have had a better chance of holding those important provisions in the tax bill when we went to conference, but it was opposed by my friends from the other side of the aisle.

I find it ironic to hear today the argument that we should have done it earlier, we should have done it on a different bill when, in fact, our attempts to do so were defeated during the course of the budget resolution.

This is an excellent amendment. I am puzzled why there would be any opposition to it. Surely we ought to be able to agree that self-employed individuals, those hard-working men and women across America, should be able to deduct the full cost of their health insurance. It is the right policy, it is the fair policy, and it would help expand access to needed health insurance for millions of American families. I hope there will be a strong bipartisan vote for this very important amendment.

Again, I commend my friend from Arkansas for his leadership in bringing forth this very important amendment on this bill.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the distinguished Senator from Maine for her excellent statement, for her cosponsorship of this amendment, for her leadership in advocacy for small business in this country.

I now yield to the Senator from New Hampshire for such time as he might need.

Mr. SMITH of New Hampshire. Mr. President, I support my colleagues' amendment wholeheartedly and I ask unanimous consent my name be added as an original cosponsor.

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

Mr. SMITH of New Hampshire. I compliment my colleague from Maine for the eloquent statement she made regarding those independent business people who do not have the fallback or the luxury of the assets of the giant corporation. There are thousands in Maine and thousands in our neighboring State of New Hampshire. It is hard to see them without the ability to have the 100-percent deduction. It is a struggle to provide those benefits. They do provide them. In spite of the fact they don't have the deductibility, they still provide insurance. It is a tremendous burden.

I hope our colleagues will see how important this amendment is.

I rise today to make a few general comments about health care in America and about this legislation specifically as we move forward in this debate. We have gone full circle on the health care debate. We started in the early 1990s with an attempt to nationalize all health care in America, which would have been a disaster. We then swung over to HMOs, and now we are back somewhere in the middle. This bill is now moving back toward the national trend.

We have a vision for America. This debate is about what vision is accepted. Is the vision you accept one of government control of health care? One of government control of who your doctor is? One of government control of who has access to health care and who does not?

Talk to some of our friends to the north in Canada and ask them how that triple or quadruple-tiered system works there.

The other vision is what I believe our country stands for. That is a vision of America of limited government, an America of individual freedom and choice and personal responsibility. These are the principles that helped make America the greatest Nation in history. When we talk about these principles in other areas—whether it be regarding business or any area regarding individual responsibility where government does not take a peek at your private life—one cannot isolate health care. We have to say health care is very much a part of the whole concept of America of individual freedom, personal responsibility, and choice.

Access to affordable, quality health care is an issue, a health issue that we as a government and society should promote and encourage. It is a shame the Senator from Arkansas has to have an amendment like this. It should be part of the Tax Code to begin with.

We achieve this access to affordable health care using the strengths of our system, not accenting weaknesses. The strength of our system is free market, quality care, consumer choice. All Members agree we need health care reform. The question is, What health care reform? The question is, How do we reach this goal?

I ask my colleagues, is increased regulation more government control over your life? If it is a problem with the HMOs over what doctor to see or over a health procedure to be used, which is a legitimate concern, how would you like the Federal Government making those decisions? How would you like to deal with the bureaucracy of the Federal Government, as constituents have to deal with, calling each day asking to please help them get the Social Security that, after the Government declared them dead 2 months ago, they have not received for 2 months?

Is that who you want to control your access to health care? Is that who you want to go through for a decision on your medical condition, or to see a doctor? Do you want the lawyers in America to run the health care system? That is what is happening in this bill. The trial lawyers will run it.

There are no comments made about the trial lawyers on this side of the aisle. We know the reason: The American people do not want a government-run health care system. We want reforms. We want access to our doctors. We want doctors and patients to make the decisions. That is what we want. We don't want anybody in between. There should not be anybody in between. To have the Federal Government in there is a serious error.

The question should be, Should patients have recourse if they are harmed by a decision made by their HMO? Of course they should. Better yet, let's have a procedure set up so there is nobody getting in the way to begin with, so that the doctor and the patient make the decision about which medical procedure should be used.

I urge both sides to put aside the gamesmanship and partisan rhetoric and work toward real patient protection. We all know this is about politics. We know the political argument: Bash the HMOs, bash the Republicans. The Republicans don't want consumers to have choice. Or the other side: The Federal Government will run the health care system.

That is not the issue. We all should work together to help people who need access to health care. Consumers don't want drastic increases in premiums. I haven't found any yet who want premiums increased. I have not found anybody yet who wants a maze of legal wrangling to achieve benefits they are already owed. Do you want to have to go through ten levels of government bureaucracy to get something owed you? I have not found anybody yet who wants to do that. If they are out there, they have not written to me.

The President is concerned about patient protection. He worked on it hard as a Governor of Texas and showed a willingness to work in a bipartisan way to improve the insurance system. He extended his hand in this way. I hope the other side will take advantage of it. This is an extraordinary opportunity to achieve reform. It will make a real difference for the people of this country. This is what this debate should be about. I am afraid it is not what it is about.

Sure, we can pass a bill right now that bashes the HMO industry, hikes premiums, and delays benefits to patients. Let's look at them one by one.

Bash the HMO: Does that make you feel good? Maybe. Does it help you get better benefits, better access to your doctors? I don't think so.

Hiked premiums: Anyone want to raise the premiums higher, make it more difficult to receive the health care you are now trying to get? Do you want to delay your benefits to the patients? I don't know anybody who wants that. I don't think anyone wants premium hikes or delays, but such a bill would be vetoed and the status quo preserved. If we have a bill that bashes HMOs and raises premiums, President Bush will veto it, as well he should. Why pass it?

President Bush made it clear he will veto this bill in its current form. Why not work here, roll up our sleeves, do what we are paid to do by the taxpayers in this country, and work together to get a bill that will be signed

by the President. Why wait for him to veto?

If my colleagues are dissatisfied with the status quo, do not want it to continue, and are concerned about constituents who are patients, they need to understand we need to make improvements in this bill. The Senator from Arkansas has made a very good improvement in this bill. We should not even be talking about it. It should be unanimously approved. Instead, it is debated hotly and unfairly on the Senate floor.

I don't think the current system is perfect. It is the best system in the world, though. For all the criticisms, does anybody want to go to Pakistan to have heart surgery, or North Korea? It is the best system in the world, with all its blemishes. As Winston Churchill used to say about democracy: It is not perfect, but it is the best thing out there. Remember that when we get to the bashing of the health care system in the country. We have the best doctors, the best nurses, the best hospitals in the world, the best pharmaceutical companies that get bashed on the floor day in and day out.

They have made tremendous progress in such diseases as cancer and AIDS and all kinds of disease that impacts us as a people.

We have seen how expensive and inefficient health care programs run by the Federal Government can be. I address my colleagues in the spirit of bipartisanship. I think some of my colleagues can admit that on the Environment and Public Works Committee, which I used to chair, I reached out on a lot of issues, specifically brownfields and Everglades, and we had bipartisan bills, two of them, both big issues that passed overwhelmingly, 99–0 on one, and 85 on the other. It can be done, but it should not be done out here. People on the respective committees ought to roll up their sleeves and accept reality and quit trying to score political points.

You ought to say if President Bush is going to veto this bill, that here are the reasons he is going to veto it. Let's sit down and see if we can address those reasons. If you can't, then fine. We will move forward.

But stop trying to score political points by trying to paint the picture that somehow all of us on this side are somehow opposed to having consumers get good health care. It is not true. It is a cheap shot, frankly, to do it.

We shouldn't let the heavy hand of Government further aggravate the problems that plague our private health care system. We should reform it. We can increase choices for the employers and the individuals and foster innovation with market-driven ideas and competition.

I have tried for a year and a half to get the attention of colleagues on my side of the aisle on a prescription drug plan that reduces premiums and provides more coverage. But I can't get any attention to it—I guess because I am not the guy who is supposed to be bringing it up. I do not know. But I encourage people to take a look at it because it works.

If we are talking about reducing premiums, then here is a way to reduce premiums on just those prescription drugs. We ought to discourage frivolous lawsuits while ensuring that patients who are truly harmed have a recourse. That is what we should be doing. If this legislation passes, it will make lawyers wealthy. They are going to do real well.

We ought to emphasize what works, get rid of what doesn't, and stop bashing what is good in our health care system, as if it is the worst in the world rather than the best.

We ought to cut down on the health insurance fraud. Barry Mawn, head of the FBI in New York, has called health and medical insurance fraud America's No. 1 white-collar crime costing billions of dollars.

We should eliminate the fraud and put those dollars to the consumers—to the people who really could use some help. How much new technology could we put into place? How many new medical breakthroughs could we make, if we could take those billions of dollars that we waste in fraud and put it into cancer research, or AIDS research, or multiple sclerosis, or muscular dystrophy, or any other disease? That would be a good step. We could do that, too, on the floor of the Senate today, if we wanted to do it.

We ought to offer a clear and compelling vision of how patient empowerment in truly free markets can give Americans a better health system.

I ask you: Would we have the breakthroughs that we have in some of the miracle drugs we have on the market today if the Federal Government had been responsible for doing it? I ask anyone to answer that question, other than to say no.

Mr. DURBIN. Mr. President, will the Senator yield on that question?

Mr. SMITH of New Hampshire. Yes. Of course.

Mr. DURBIN. Is the Senator aware of the National Institutes of Health's basic research and medical——

Mr. SMITH of New Hampshire. I think the Senator knows I am aware of that.

Mr. DURBIN. Research that leads to these drugs and this medical equipment funded by American taxpayers?

Mr. SMITH of New Hampshire. Yes. I am very much aware of it. In terms of licensing medicines and doing the research, you know where it is happening. It is happening in the private sector. We can't shut it down.

I want health care for Americans, and my constituents want real choice and control over their own decisions. We should not reform something or change something in the name of reform that causes the Federal Government to get in the way of the doctor providing services to the patient.

My friend from Missouri pointed out earlier that thousands, if not millions, of Americans could lose their insurance under this bill as it is currently drafted. Is that really what the intent is—to have millions of Americans lose their insurance? I hope not.

Over the next few days we could discuss amendments to this bill that will make those badly needed improvements, such as the Senator from Arkansas has just done. I urge my colleagues to cross the partisan divide, enact responsible and reasonable health care, stop the attacks on each other, roll up your sleeves and do something good for the American people. We can do it.

I think if we do that we would get the thanks of the American people, rather than this partisan rhetoric that gets nowhere.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Who yields time? The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, might I inquire as to the time remaining on each side?

The PRESIDING OFFICER. The Senator from Arkansas has 144½ minutes remaining.

Mr. HUTCHINSON. I yield to the Senator from Texas such time as he might require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank our dear colleague from Arkansas. I thank him for his leadership on this very important amendment.

I hope all of my colleagues, no matter where they stand on this important issue, will vote for this amendment.

I was asked earlier today: Why should this amendment be the first amendment? This amendment is the first amendment because this is an amendment that is aimed at helping expand coverage in America so more Americans have access to health care.

It is one thing to talk about patients' rights. But what good are these rights if you do not have health insurance? What good are all these rights we are guaranteeing if you do not have access to the system?

This first amendment basically says that for the mom-and-pop little businesses where people have to buy their own health insurance because they work for themselves—they are self-employed—they ought to get the same tax treatment that General Motors gets.

Why is this important in this bill? This is important in this bill because the Congressional Budget Office estimates that, at an absolute minimum, 1.2 million people will lose their health insurance because of the cost of this bill.

It seems to me that it is perfectly logical that our first amendment ought to be trying to do something about that problem to assure people have the most basic freedom, which is freedom to get into the health care market with health insurance. I thank my colleague.

Mr. DURBIN. Mr. President, will the Senator from Texas yield for a question?

Mr. GRAMM. I am not going to yield. I am going to speak. When I am finished, I might be willing to yield.

I wish to begin by thanking our colleague from Arkansas for his leadership on this issue.

I want to cover a lot of issues today. I would like to begin with the issue of finishing the bill. Let me say that I believe we have the capacity in the Senate to reach a compromise.

I believe we can write a Patients' Bill of Rights that will not cause millions of people to lose their health insurance. I believe we can write a Patients' Bill of Rights that will keep the sanctity of contracts. I think we can write a Patients' Bill of Rights that doesn't trample States that already have good, viable, working programs. I think we can write a Patients' Bill of Rights that will do for people who are under employer-sponsored plans what States such as Texas and other States have done for people who have their health insurance purchased directly through private health insurance.

I don't know whether we will do that or not, but I believe we have the capacity to do it. One of the issues that has been raised here is the implicit threat that we are going to have to finish this bill by certain dates or that we are going to call off the Fourth of July, or we are going to call off Christmas, or whatever these threats may be.

I would like to say this: I don't have any interest in preventing us from making decisions on substantive issues. But as people hear what I have to say on this bill, they are going to hear that I feel very strongly about this bill. I believe the future of health care in America, the quality of care in America, and the freedom we have to choose our own doctors and our own hospitals—all of those things—are threatened by this bill, if we do it wrong.

I am willing to work with the majority leader and with the majority, but we are not going to be stampeded. We may very well be here over the Fourth of July, and we may be here over the Christmas holidays. But being here is one thing and being stampeded is another. And that is not going to happen.

Let me start sort of at the beginning. Why are we so concerned on this side of the aisle—and I hope some people on the other side of the aisle—about people losing their health insurance? Part of the reason we are concerned is that national polls show, in overwhelming numbers, that small businesspeople say if they can be sued—and they can be sued under the bill that is before us—they are going to drop their health insurance.

We do not have a law that requires your employer to provide health insurance. That is a decision the employer makes based on negotiating with the employee and what the employer believes is in his best interest.

The great majority of employers try to provide health insurance because, they care about their employees. They want to keep good employees. But there is no law that says your employer, large or small, has to provide health insurance. They can cancel it.

In national poll after national poll, we know that businesses, in overwhelming numbers—especially small businesses—say that if you expand this liability, and if they can be sued, or if the contract can be rewritten, causing costs to explode, they are going to cancel their insurance policies. What that means is, millions of people who have health insurance today will not have health insurance.

Why are we so concerned about it? Let me talk about a little history because I think it is important for people who are coming in, in the middle of this debate to understand how we got here. I want to begin with 1989.

In 1989, we had 33 million Americans who did not have private health insurance. When President Clinton was elected, he sent to Congress a bill, which I have at my desk, the Clinton health care bill. The argument of that bill was very simple, and that was that the problem America faced, with about 34 million people who did not have private health insurance was so overwhelming that we had to take extraordinary action. And that extraordinary action was contained in this bill which came to the Congress in 1993.

What the bill said was: Covering these 34 million-plus people was more important than patients' rights, so that what we ought to do was make every person join an HMO that would be established as a Government monopoly in each part of the country, and it would be run by a panel of local leaders and local citizens and local health care providers, and that panel would set a policy for that region, and there would be national coordination.

In this context, there was not talk of a patients' rights such as we are debating today. The bill before us today requires that even an employer who has two employees has to provide an option, what is called a point-of-service option, to people who may not want to go to an HMO. That is provided in this bill.

I want to remind my colleagues that in 1993 President Clinton, and those who supported him, were so concerned about 34 million people not having health insurance that they gave no point-of-service option. In fact, their bill, that was in this Senate Chamber in 1993 and 1994, said that if a physician in this health care purchasing collective provided medical care that the Federal Government and these local commissions believed was inappropriate, that physician could be fined $10,000. And if the physician took a payment from the person receiving the health care, for care they thought they needed and their doctor thought they needed, the physician could be sent to prison for 5 years.

We talk about liability in this bill. This bill has, for all practical purposes, unlimited ability to sue in State and Federal court. The only limit in the bill—which I do not think the media has ever gotten right in anything written—is a limit on contract disputes in Federal courts on punitive damages of $5 million.

I am not aware of punitive damages being granted on any kind of regular basis in a contract dispute anywhere in any State in the Union. This bill has unlimited liability in the name of patients' rights.

I remind my colleagues, and the American people, that in 1993 and in 1994, many of the same people who are for this bill had severe limits on the ability to sue, had caps on lawyers' fees, because they were worried about 34 million people not having health insurance.

We are now 7 years later. What has happened in the ensuing 7 years? What has happened is that now 42.6 million people do not have private health insurance. Yet today we have before us a bill that, even by the Congressional Budget Office estimates, will drive up the cost of health care by over 4 percent and will cost 1.2 million people private health insurance.

So why am I concerned about people not having health insurance? I am concerned really for two reasons. No. 1, the number of people keeps growing. This bill, if it is adopted, will make the problem far worse. No. 2, if many of the people for this bill 7 years ago were willing to argue the Government ought to take over the health care system, and deny health care freedom to everybody because 34 million people did not have health insurance—when 42.6 million do not have it now, and we are looking at at least 44 million or so not having it after this bill passes—does anybody doubt that some of these same people are going to be back here next year, or the next year, saying: My God, we have a crisis in the number of people who do not have health insurance?

Maybe we ought to get back out the old Clinton health care bill and have the Government take over and run the health care system. I do not believe that this is an idle concern.

I ask my colleagues, and anybody trying to follow this debate, to look at this chart because, to me, this chart is startling and frightening.

What this chart does is, it shows the right people have to make health care decisions. This chart basically takes the seven richest and most developed countries in the world, and it asks the question: What percentage of the population get their health care from Government-run programs? And what percentage of the population get their health care through programs they control and they purchased and they negotiated?

These seven developed countries are Canada, Italy, Japan, the United Kingdom, France, Germany, and the United States. As you can see by looking at this chart, by far the freest country in the world, in terms of the right of a free people to choose their own health care, is the United States of America.

Sixty-seven percent of health care in America is controlled by private citizens; 33 percent of health care in America is controlled by Government.

The point I want to make is the following: What is the second freest country in the world in terms of people having the ability to choose their own health care? The next freest developed country in the world is Germany, where Government controls 92 percent of the health care purchased.

So I think, when you look at every other developed country in the world, that one of the things you have to be concerned about is America, by far and away, has the freest health care system in the world, where people make decisions for themselves, and the next freest country in the world has Government running 92 percent of their health care.

With the exploding cost of health insurance through the proliferation of lawsuits and frivolous litigation and through rising health care costs costing people their health insurance, there is every reason in the world to be concerned about it because we have a lot of freedom to lose. And we, quite frankly, are unique among all the developed countries in the world in that we have a private health care system. Of all the other developed countries in the world, Canada, Italy, Japan, and the United Kingdom have a 100-percent government system. In the United Kingdom, you can go outside the system and you have to pay for health care twice. In France, government dominates 99 percent; in Germany, 92 percent; in the United States, 67 percent of health care decisions are private.

I am worried about this bill and its cost, the litigation and the trampling on States that already have workable programs, because I don't want to live in a country where government controls 92 or 99 or 100 percent of health care.

As I said when we debated the Clinton health care bill 7 years ago, when my momma is sick, I want her to talk to a doctor and not some government bureaucrat. I still want that.

Now let me talk about this bill and the problems it has. Let me make it clear to begin with that I believe these problems can be fixed if we work in good will. I will pick out several problems with this bill, and I want to go through them in detail because I don't want there to be any doubt about what I am talking about.

What I think we have in this bill is a tremendous amount of what I call ''bait and switch'' provisions. What do I mean by that? I mean that where the bill says one thing in one place, where it appears that a policy is set, and yet when you look further, you find that in fact that policy is not set and the bill does exactly what it claims it does not do.

I will give you three examples. I have blown it up because I want to be sure everybody is just looking at the language of the bill. The first has to do with something that is very hotly debated in America, where, as the public listens to both sides of the debate, they get the idea that both sides are on their side. I want to start with the issue of whether or not you can sue an employer.

What is the role of the employer here? The role of the employer has to do with buying health insurance. Sometimes the employer buys it. Sometimes the employer enters into a partnership with the employee and they buy it together. But the question is, Should you be able to sue an employer whose role in the process is buying health insurance?

Many of our colleagues here who support the bill that is before us, the McCain-Kennedy-Edwards bill, say it is like Texas. This bill is like Texas. Let me read to you what Texas law says on this issue. Texas law says:

> This chapter does not create any liability on the part of an employer, an employer group purchasing organization, or a pharmacy licensed by the State Board of Pharmacy that purchases coverage or assumes risk on behalf of its employees.

In other words, the Texas law, which proponents of this bill say that they think is wonderful and they want at the Federal level, has an outright total exemption of employers under the Texas law. Under no circumstance can you sue the employer.

Why did Texas do this? Texas did this because they did not want employers, especially small employers, to cancel health insurance. What does the bill before us do? If you listen to the proponents, it is just like the Texas bill. And if you listen to them, you can't sue employers. Let's just go through the language.

This is the language on page 144: ''Exclusion of employers and other plan sponsors.'' Boy, that sounds good. And then it says: ''Causes of action against employers and plan sponsors precluded.'' Great. Great. They have precluded causes of action against employers and plan sponsors. Read on.

> Subject to subparagraph (B)—

That ought to make you suspicious right there—

> paragraph (1)(A) does not authorize a cause of action against an employer or other plan sponsor maintaining the plan (or against an employee of such an employer or sponsor acting within the scope of employment).

Hallelujah. Just like the Texas plan. There is only one problem. It does not stop there. It goes on to the next paragraph. You get to this paragraph (B), on which I said you had better watch out because there is already a caveat. What does paragraph (B) say? Paragraph (B) says:

> Certain causes of action permitted—Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor. . . .

And then it goes on for several pages talking about when you can and can't sue an employer.

Compare that with what is done in Texas. In Texas you can't sue the employer. Here we have a classic case of bait and switch. The bait is, they say you can't sue the employer. And then they say, notwithstanding that you can't sue the employer, you can sue the employer. This bill is full of these bait-and-switch provisions.

Let me give another example. I want to make it clear this is not just an outlier where I just found one little provision of the bill that looks very suspicious. The next one has to do with exhaustion of external review.

What is the question here? The question is, Have you ever seen anybody get healed in a courthouse? I have seen people healed in hospitals, doctors' offices, clinics. I have even seen people healed in tent revivals. But I have never, ever seen anybody healed in a courthouse. I have never seen a lawyer heal anybody. I am sure they have. They may have become a doctor and done it.

But what is this issue about? This issue is the following: We have set up in both bills—everybody agrees, or they say they agree—that you ought to have an external appeal where you say, No, I think I need this service; and then your doctor looks at it and says yes or no; and then if you don't agree, you get to go before a doctor panel that is made up of doctors who are independent of the HMO, and then they make a decision; and if you are still dissatisfied, then you can go to the courthouse.

But everybody claims that they want to have you go through this appeals process at the hospital before you go to try to get cured at the courthouse. And we have all kinds of provisions that say, if you are really sick, this external review process has to occur, in some cases, immediately.

Now the proponents of this bill say you have to go through external review. That is what they say. And sure enough, if you look at their bill on page 150, it sure looks as if they say it.

They say ''Requirement of Exhaustion''—sounds like exhaustion. You have to go through the process. ''In General''—notice right away you get the key:

In General.—Except as provided in this paragraph, a cause of action may not be brought under paragraph (1) in connection with any denial of a claim for benefits of any individual until all administrative processes under sections 102 and 103 of the Bipartisan Patient Protection Act of 2001 (if applicable) have been exhausted.

In other words, they are saying here on page 150 that you have to go through internal and external review; no ifs, ands, or buts about it. Right? Well, no, it is not right. It is right on page 150. But then on page 151, they say:

In General.—The requirements of subparagraph (A)—

That is this exhaustion paragraph—

shall not apply in any case . . .

And then they go on and set up a circumstance whereby you do not have to go through external review. Now, I raised this a week ago and they changed it, but they still didn't fix it.

Here is the point. I understand part of what we do here is score points in debating, but how do you defend a bill that, on page 150, says you have to go through external review before you go to the courthouse; and then on page 151 it says the requirements of subparagraph (A) shall not apply, and then it goes into the circumstance whereby you can go to court and make various claims?

Now, it doesn't end there. Here is another one. Boy, this is as fundamental as you can be in health care. The question is a simple question. I have a standard option Blue Cross/Blue Shield policy, and 40 million people have the same policy I have. I could have gotten a better policy. I could have gotten the upscale Blue Cross/Blue Shield, but I and my family are pretty healthy, and I looked at the cost of the Blue Cross/Blue Shield premium policy, and I looked at the standard option policy, and I looked at the low option policy, and I decided standard option is what I want. That is what I paid for, and Blue Cross/Blue Shield gave me a contract. Now, that contract is binding today.

But there is a question here. Is the contract binding in the bill that is before us? If you have listened to our colleagues who are for this bill, they say it is binding. Contracts are binding in court—binding under law. When you sign a contract, the contract is binding. Sure enough, if you look at their bill on page 35, it sure looks like contracts are binding. It says: ''No Coverage For Excluded Benefits.''

In other words, if your contract says we only pay for 60 days in the hospital for mental illness, then if you are in the hospital the 61st day, you have to pay for it. I have all kinds of provisions like that in my Blue Cross/Blue Shield standard option plan.

Then under this wonderful headline, you read:

No Coverage For Excluded Benefits.—Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan, or health insurance issuer offering health insurance coverage, provide coverage for items or services for which benefits are specifically excluded or expressly limited under the plan or coverage in the plain language of the plan document.

That sounds about as clear as it can be. If your plan says you only get 60 days for mental illness in the hospital, or if your plan says we don't cover heart and lung transplants, then this language is as clear as the morning sun that they are not covered. But read on. After having said:

Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan, or health insurance issuer offering health insurance coverage, provide coverage for items or services for which benefits are specifically excluded or expressly limited . . .

It then goes on to say:

. . . except to the extent that the application or interpretation of the exclusion or limitation involves a determination described in paragraph (2).

Where is paragraph (2)? Paragraph (2), as it turns out, is 2 pages back. In fact, I want to be sure the Presiding Officer, among others, hears this. Let me do it one more time. On page 35 of this bill, it says in language as clear as the morning sun: ''No coverage for excluded benefits.'' In other words, your contract excludes more than 60 days in the hospital for mental illness, or it says it doesn't cover heart and lung transplants. It is excluded. It goes down here and says:

Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan, or health insurance issuer offering health insurance coverage, provide coverage for items or services for which benefits are specifically excluded or expressly limited under the plan or coverage in plain language of the plan document . . .

Then it has the big word, ''except''.

. . . except to the extent that the application or interpretation of the exclusion or limitation involves a determination described in paragraph (2).

Where is paragraph (2)? As it turns out, paragraph (2) is on page 33. Paragraph (2), on page 33, has ''Medically Reviewable Decisions.'' So you can't require them to provide services beyond those enumerated in the contract, except where you have got a medically reviewable decision.

The second part of paragraph (2) is ''Denials Based On Medical Necessity and Appropriateness.'' In other words, what this bill does, in the clearest possible way, is a bait and switch. The bait and switch is on line 14 of page 35, where it tells you contracts are binding. And then you get to the ''except.'' When you go to look at the exception, it is anything that is medically reviewable and anything that the panel decides is medically necessary.

Now, why does that matter? Don't we really want people to be in the hospital longer than 60 days if they need to be? Or if they need a heart or long transplant, don't we want them to have it? Here is the point. When I negotiated my standard option Blue Cross/Blue Shield, I got the policy that I thought best suited me based on my family's needs and my ability to pay.

Now, if you are going to come back and say that Blue Cross/Blue Shield has to provide me services even if they are excluded in the contract and if a medical reviewer decides that I need them, what is that going to do to the cost of the standard option Blue Cross/Blue Shield policy?

The cost of health insurance is going to explode in America because contracts do not mean anything, and when contracts do not mean anything we all have to pay higher prices, and some people lose their health insurance. I am not going to lose my health insurance. I am a Senator. My wife is successful and works. I am not going to have to give up my health insurance. So when my policy goes up $1,000 or $2,000, I am not going to lose my health insurance. But how many people working in America are going to lose their health insurance? What happens to cost when contracts are not binding, when medical reviewers can say: I know your contract said that you have only 60 days for mental care, but this patient needs more. And so they have to provide it. That is wonderful for that patient, but what it means is we all have to pay higher prices, and some people lose their health insurance.

I do not want to stretch the analogy too far. This is not the Clinton health care bill that is before us. I personally believe we can work these things out and fix them, but there is one element where this bill is like the Kennedy health care bill we debated 7 years ago.

The Kennedy health care bill was immensely popular. There were 77 cosponsors. It looked about as certain as Christmas was going to come or we were going to be off for the Fourth of July recess that the Clinton health care bill was going to become law. Guess what happened. We debated it about 2 weeks and people discovered what was in it, and they decided they did not want it.

This bill is full of provisions that were written by clever lawyers that appear to do things they do not do. We could go a long way toward working out a compromise by simply saying: Do we mean contracts to be binding or not? If we do, take all that language out and say contracts are binding. If we mean you ought to be able to sue employers, say you can sue employers. If you do not think you ought to sue them, say you should not be able to sue them, but do not try to have it both ways.

I want to talk now about preempting States. I have never been one who believed States were perfect. People have this habit of thinking because I am from Texas and Texas was involved in the Civil War on what some people call a States rights issue—there were a lot of other issues involved, several of which we were just flat wrong on. There were some elements of States rights, but, look, just because I am from Texas and from the South does not mean I believe States are right on everything and the Federal Government is wrong on everything. I pick and choose based on what I think works best.

There is something in this bill that is terribly unworkable and egotistical. This bill says it does not matter if Arkansas, Nevada, Nebraska, and Texas have written programs for a Patients' Bill of Rights, and most States have. It does not matter how well their system is working. It does not matter how happy they are with it. In fact, proponents of this bill constantly say look how great the program is working in Texas. It is just great. Then they say their bill is the same. I think I have demonstrated it is not the same. Even if it was, they then would say: Wait a minute. We think it is great, but we want our program to override it. This is my point: Do we really believe we know what is better for Texas than they know for themselves?

What I want to do is, if States have adopted their own program and it is working well for them, their legislature, and their Governor, look at our program and look at theirs and say: Ours is working well; we like our provision to guarantee people, for example, on the right to sue employers; we like our provision that says you cannot sue them instead of your provision that says you cannot but you can.

What I want to do somewhere during this debate is say if the States are happy, if they have adopted a plan—it does not have to be exactly the same as the Federal Government as long as it is a comprehensive program and they are satisfied with it—why can't Texas say to the Federal Government, why can't Nebraska say to the Federal Government: We really appreciate you looking out after us, but we have already done it ourselves. We want to do our plan. Our plan is different in three of the 10 different areas, but it is a comprehensive plan and we want to have our own plan.

Why can't Nebraska do that? Why can't Texas do it? Why does there have to be one size fits all? I do not think there has to be, but if you look at this bill, they claim in this bill that States can operate their own program, but the only way they can operate their own program is for the legislature to go back and adopt this bill as State law. So is that their program? I do not think so.

This is forcing States to do it our way when, quite frankly, in my State—I cannot speak for Nebraska or Arkansas—but in my State, I know in my State our plan is better than the bill that is before us. I want States to have the right to opt to do it themselves, to opt out. That is very important.

There are a lot of other issues in here, and I am afraid there has been so much focus on liability, so much focus on lawsuits and, boy, there is reason to be concerned about them, that people forget all these other issues.

I want to pick out one more. I have spoken a long time, but this is an important bill. I want to talk about something that just does not look too bad on the surface, but when you get right down to it, it is bad.

There is a provision in this bill which has been in every Patients' Bill of Rights that has been considered in Congress, and that is a provision that is a prudent layperson standard. If I believe I am sick and I might die or I might be permanently hurt, I have the right to go to the hospital, and they have to treat me and my HMO has to pay for it.

Needless to say, since these bills started passing in the States, what do you think has happened with the willingness of hospitals to negotiate in advance with HMOs about paying for emergency care? Do you think they have negotiated more or less?

This headline is from an article from the American Medical Association, Medical News, ''Patients Bypassing Primary Doctors for Emergency Care.''

The article says:

> With the growth of prudent layperson laws and other pressures, health plans are backing off from strict limits on visits to emergency departments.

It goes on to explain it is six times as expensive to provide health care in the emergency room as it is in the doctors office, outpatient clinic, or hospital, and that we are having an explosion of the use of emergency rooms.

In this bill, not only do we have the prudent layperson standard which no one opposes, but we have a brand new provision which has been pushed by emergency room physicians who have lobbied for this provision, and in a bill that is supposed to be about patients, we have a great big special interest provision.

The provision basically says that if I, as a prudent layperson, go to the emergency room, I have to be treated. These hospitals have stopped negotiating in advance with HMOs because they know they will get paid whatever they charge.

But this bill goes one step further. It is living proof of how everything ultimately gets infected with special interests. In addition to treating the patient for the emergency room problem, this bill has a provision that allows the emergency room to give poststabilization care. Then it has a trigger that says, if, within an hour, the HMO does not get back to the emergency room to give the direction as to whether the person having now been treated for the emergency problem should go to the doctor's office, go to the hospital, go to outpatient care, or go back into their HMO, then the emergency room poststabilization care can be provided.

Why in the world would we want to put poststabilization care into the emergency room when costs are skyrocketing and it is six times as expensive in the emergency room as it is anywhere else? Why would such a provision be in a bill? It is in the bill because emergency room doctors wanted it in the bill.

When we debated the Clinton health care bill, one of the big arguments was they were going to get medical care out of the emergency room. So they got all kinds of restrictions where the health care purchasing collectives are going to decide what is really emergency room care. That was then.

Now we have a requirement that says an HMO or a health plan has to pay not just for emergency care but poststabilization care potentially in the emergency room. That provision ought to come out. That makes no sense. That is not in the public interest.

To sum up, we want an opportunity, and we will insist on an opportunity to debate every one of these issues. It may be we decide we want to put more health care in the emergency room and drive up health insurance costs and let the chips fall where they may and let millions of people lose health insurance. But we are going to vote on it. It may be that we decide we want to be able to force people to provide health care that is specifically excluded, enumerated, in their contract that is not covered. But we are going to debate it and we are going to vote on it. It may be we decide we want to sue employers—I cannot imagine why we would want to do that, and this bill does it—and we may decide we want to do it, but we are going to vote on it.

Everybody who says they think the Texas plan is so great, we will give them a chance to vote on the Texas plan of exempting employers and doing it in a lot of different ways.

I believe if we asked the American people if they were for a Patient's Bill of Rights, they would say yes. In fact, they have them in most States in the Union in an overwhelming number. If we asked, in my State, would they rather stay under the Texas plan or come under the national plan, I think the great majority of our people would say: We are doing great; leave us alone.

If people knew what was in this bill, I think they would not be for it. There was a reason the Founding Fathers established the Senate under the rules

they did. Some may remember when the Constitution was written, Jefferson was in France. He was Minister to France. When he came back, he went to Mount Vernon. The Constitution had been written. He came home from France and went to Mount Vernon and he met with Washington. He asked Washington: What is the Senate for?

The purpose of the House was clear. But why two bodies? Washington used the example of pouring tea into the cup and pouring it into the saucer to cool and pouring it back in the cup and drinking. He said there will be the heat of passion that will catch up the House of Representatives, and under their structure, elected every 2 years, that passion will react to the public passion. But the Senate will be the saucer in which the cold logic of reason will prevail.

One of the reasons we are not going to be stampeded is that I am absolutely convinced, when examined in the cold light of day, when people look at the logic of this bill, they are going to decide this bill needs to be improved. The good news is it can be improved. The good news is we could write a bill for which 90 Members of the Senate could vote. But we are not going to write such a bill until we get every part of it out in the open, until people understand it, until we know these provisions mean exactly what they say. And we are going to have to make fundamental decisions. There will be a lot of heartburn.

Some people are going to want to sue employers, but they will want people to think they are exempting employers. We are not going to have it both ways. Members have to decide. There will be some who want to say in Texas, Nebraska—we will let you have your own program; on the other hand, they want to vote for a bill that makes you go under the government program. You cannot do it both ways. We will have a vote. Members have to make that fundamental decision.

That is what this debate is about.

Mr. DURBIN. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. DURBIN. I thank the Senator for his statement.

The Senator is speaking on behalf of the Hutchinson-Bond amendment which allows deductibility of health insurance premiums for self-employed people. I ask the Senator if the CONGRESSIONAL RECORD is correct, the RECORD of May 23, 2001, in which it announces the Senator from Texas, Mr. PHIL GRAMM, is one of the conferees on the tax bill that was recently considered and passed, the conference committee which removed the same provision we are now debating from the bill? In other words, the amendment the Senator has spoken on, you were on the conference that removed that protection from the tax bill. For the record, was the Senator one of those conferees who removed that?

Mr. GRAMM. Let me reclaim my time and say not only, for the record, was I one of the people who put the provision into the bill, I was a conferee. I was for the House provision that lowered the marginal rate to 33 percent. One might ask why I voted for a bill that lowered it only to 35 percent? I was for numerous provisions that did not get into the final bill. How did that happen? How that happened was we had $1.35 trillion. The House had a bill, $1.6 trillion. I wanted $1.6 trillion. The Senator from Illinois voted against it. As a result, we had to make decisions about how to live within the budget we had.

Now, I am for this provision. I can show the Senator on record a dozen times I voted for it.

The point is, are we for it or are we against it? I will state right now, unless God pauses my hand, I will vote for it. If I am a conferee, I will vote to keep it in this bill.

I don't know how the Senator will vote on this amendment. How is the Senator going to vote?

Mr. DURBIN. I thank the Senator for asking that question because my amendment that was offered to the tax bill, adopted in the Senate, and then the conference committee the Senator from Texas sat on, removed my amendment, the same one being offered today on the bill.

When the bill was $1.3 trillion in tax relief, as a member of the conference, you couldn't find $2 billion to help the people we are talking about today. Instead, you are offering a Patients' Bill of Rights.

I think that raises an interesting question.

Mr. GRAMM. How is the Senator going to vote on this amendment?

Mr. DURBIN. I will vote on the Patients' Bill of Rights. And we know this amendment should not be in it because it is a tax provision.

Mr. GRAMM. Mr. President, I am a little bit confused listening to the Senator. He sound as if he is for the provision. It is kind of bait and switch. He seems to be chiding me in that I was not the dictator of the conference and I couldn't do everything exactly as I wanted. Thank God, we are going to have another chance at 5:30 to make this right. I am going to vote on the right side. I want everybody to know I am for this amendment. We need this amendment because the bill before us is one that costs, at a minimum, 1.2 million people their health insurance. Shouldn't we be trying to help more people get health insurance?

One final point, and then I will stop.

We use this cost figure of 4.2 percent that the bill before us is going to impose on everybody who owns health insurance. Where does that number come from? The plain truth is, that number is made up by the Congressional Budget Office. Here is what they assumed.

They assumed that 60 percent of the cost of health care going up will be borne by the employer; that they will just pay it, absorb it, and will not respond to it. Then 40 percent will be borne by the employees, who will end up getting lower wages. In fact, in this bill receipts to Social Security fall off because wages fall off by $55 billion.

The plain truth is the Congressional Budget Office, in adding up the cost of this bill, basically assumed that no employer will cancel health insurance because of this rising cost.

When you ask the Congressional Budget Office, When you were doing this estimate, did you happen to see this language where actually things that are excluded in the contract could be covered and the insurance company could be forced to pay for it, did you note that? guess what. They didn't see it.

When you ask them, On the question of excluding employers, you probably saw the big headline that said they couldn't be sued, but did you read on and see, ''Notwithstanding subparagraph A, a cause of action may arise against an employer''? guess what? Nowhere in their estimate did they show that they caught the bait and switch.

Here is my point. We are talking about a 4.2-percent increase in costs. We are taking a national figure—not from the Congressional Budget Office—that 300,000 people per 1 percent are losing their health insurance. But all of that is assuming that businesses—especially small businesses—don't just cancel their health insurance because they are worried about being sued.

One of the things I am fearful of—and it never does you much good around here to say I told you so, and, quite frankly, I don't like to do it—but I am afraid that 3 or 4 years from now millions of people will have lost their health insurance because of this bill if we don't fix it.

One of the ways to start fixing it is this amendment by the Senator from Arkansas. If you are for it, if you think self-employed people ought to be able to buy their insurance with pretax dollars just as General Motors does, then you are going to vote for this amendment. If you do not think so, you are going to vote against it. I think so. And I am for it.

I thank the Chair for the Chair's tolerance.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the amendment.

I asked the Senator from Texas if he was on the conference because it raises an interesting point. The amendment which has been filed on the floor today would allow individuals to deduct the cost of their health insurance if they are self-employed—small businesses and family farmers—100-percent deductibility. It is something that is not

only right and fair, but it is something that is already available if you work for a corporation.

It is a position I have supported throughout my congressional career in the House and in the Senate. It is a provision I feel so strongly about that I offered it as an amendment to the tax bill a month ago at a time when we had $1.3 trillion to give away in tax breaks. I said, For goodness' sake, let's do something about health insurance for the self-employed, for small businesses, and for farmers. It was adopted on the floor of the Senate. It then went into this misty world of a conference committee, of which the Senator from Texas was a nominal conferee. I don't know if he was at this meeting when it got into the room and was controlled by the Republicans. This same provision was removed from the tax bill.

The Senator from Texas said there just wasn't enough money to go around. The tax bill gave 40 percent of its benefits to people making over $300,000 a year. They are arguing today that they didn't have enough money to help a small businessman trying to pay for insurance for himself and his spouse and for his employees. They did not have enough money to take care of every family farmer struggling to pay their health insurance.

It raises a question of credibility, for you see what happened was this: This amendment before us today has been filed in the Senate. This is the amendment which was filed on the tax bill. It is identical. What did the Republican majority do with this amendment on the tax bill? They filed it as well. That was the end of that amendment.

Now they come to us today and say this is what health care is really all about. A month ago they weren't for it. A month ago, when they were in control of the situation with $1.3 trillion, they couldn't find $2 billion to take care of this problem. But today they have religion. Today they bring us the amendment. Why this conversion? Why this newfound faith in this issue?

Let's get down to the bottom line. What is this debate really about?

This Patients' Bill of Rights has been buried in a committee by the health insurance industry. They do not want it to come to the floor. They don't want it to pass. They do not want to say that doctors and nurses and hospitals make medical decisions. The health insurance industry wants to continue to make the decisions. And it was buried in committee until 2 weeks ago when control of the Senate Chamber changed.

When TOM DASCHLE became majority leader, he announced that the first item on the agenda for the Democrats was to bring this bill out of committee, put it on the floor, debate it, and vote on it. That wasn't even on the Republican agenda. Now it is before us, and they are trying to find everything under God's heaven to stop this bill. So they have come up with this.

They want to put a tax provision in this bill—a provision which they canned in conference just a month ago. Now they want to revive it and stick it on this bill, hoping it will bog down with budgetary objections and bog down in the Finance Committee and in the Ways and Means Committee which has jurisdiction. They want to stop this bill. They cannot stand the thought that these health insurance companies might lose. They are arguing that it really isn't about the rights of individuals under health insurance, it is really about deductibility of health insurance premiums on our taxes. Well, it isn't.

That is an important issue. It is one I have believed in for as long as I have been in Congress.

This debate is equally if not more important. It is a question about whether or not your doctor can make medical decisions for you and your family or whether his or her decision will be overridden by an insurance company clerk with a high school education 1,000 miles away.

That is the real world, my friends. That is what is happening across America. I can give you chapter and verse in Illinois. Every one of my colleagues can join me.

The second issue is one that really strikes at the heart of it. The Republicans can't stand the thought and the possibility that health insurance companies will be held accountable for their misconduct. We are held accountable. Individuals, families, businesses, and corporations in America can be brought into court if they are guilty of wrongdoing. But there is one privileged class in America. There is one special royalty in America—that business, HMOs and health insurance.

When they deny you coverage under your health insurance policy, when they do not let you in the hospital and they are wrong, and you come away permanently disabled, or someone in your family dies, they cannot be hauled into court and held accountable.

This bipartisan bill which we support would bring them to court and hold them accountable, as every other business in America is held accountable. And the Republicans can't stand it. So they have come with this amendment to the floor. They want to divert our attention from things they forgot about a month ago. They know better.

We ought to defeat this amendment and pass this legislation.

Mr. REID. Mr. President, how much time is left under Senator KENNEDY's designation?

The PRESIDING OFFICER. Fifteen minutes.

Mr. REID. Mr. President, I ask unanimous consent that the vote in the morning be scheduled at 10:30 a.m. rather than 11 a.m. pursuant to the previous unanimous consent agreement.

Mr. President, I further ask unanimous consent—Senator HUTCHINSON has the last 15 minutes of the debate—that Senator MCCAIN have 7 minutes prior to his 15 minutes prior to the 5:30 vote.

The PRESIDING OFFICER. Is that time to come from Senator MCCAIN's time or Senator KENNEDY's time?

Mr. REID. The time controlled by Senator DASCHLE.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I think it is unfortunate if we allow the debate—legitimate debate on legitimate issues—on this bill to degenerate into finger pointing and partisan accusations that one party or another does not favor patients' rights, does not care about people, that there is some insidious plot to bury a Patients' Bill of Rights.

The reality is, over the last 2 years there have been over 20 votes in this Senate Chamber on versions of the Patients' Bill of Rights. There has been plenty of debate and scores of votes.

So to say that somehow this Patients' Bill of Rights legislation has been hidden, buried in a committee and not been allowed to have free and open debate on it and to be amended and debated in this Senate Chamber is simply to mislead the American people and to mislead the Senate.

We have debated this. I have spent a year myself on the conference committee trying diligently to reach a consensus, at least a compromise, so we could have a Patients' Bill of Rights that would serve the American people.

I think it is very unfortunate when we start judging motivations and judging individuals as to what they want to do. I know the Presiding Officer has his own concerns about portions of the Kennedy-McCain bill. Those are legitimate concerns. People may agree or disagree on various aspects, but to point the finger and say that there is some kind of partisan plot to bury a bill or to be the ally of any particular industry—I will speak for one Senator; and I think I speak for a lot on my side of the aisle—I want a Patients' Bill of Rights. I want a good one. I want one that will provide protections for those who do not have those protections today. I want to have respect for States that have already acted upon it, but I believe we have a responsibility to act on the Federal level.

I hope we have a bill, but I do not want to pass a bill that, in the words of the Senator from Texas, plays a bait-and-switch game, where it says it is doing one thing and then has an exception, where it says here is the rule and

then comes back with an exception to the rule that consumes the rule itself. So let's have an honest debate. Let's avoid judging one another's motivations. At least I hope that will characterize more of the remaining debate.

My colleagues seem to equate accountability with getting to court, that the only way an insurance company can be held accountable is if you have the right to sue them, and sue them immediately. There are those of us who think—and I am one of them—lawsuits are not necessarily the best way to resolve a dispute. That is why an internal appeal is an appropriate step, an external appeal is a right process, and that only at the point that those appeals are exhausted should there be a right to go to court to redress a wrong. I think if we have that kind of restrained appeals process, we will minimize the amount of lawsuits that are necessary.

This is a legitimate debate, but we need not say that anyone is using cheap tricks, ploys, or that there is some kind of insidious effort to derail the Patients' Bill of Rights.

One of the critical issues in this bill is how much we are going to increase costs and how many people are going to lose their insurance. How many small businesses are going to say: I can't afford to do it anymore? Exactly how many people are going to join the ranks of the uninsured? What kind of impact is it going to have? Those are real questions.

So there can be no amendment more relevant than the amendment that is before us; and that is one that, most assuredly, by all who assess its impact, will decrease the number of the uninsured, will take those who are currently in the ranks of the self-employed who cannot afford to buy insurance and enable them to do it.

This is very relevant. This whole blue slip statement, in my opinion, is a red herring. You are either for it or not. You are either for giving 100-percent deductibility or you are not. You say we should have done it in the tax bill. I would have liked us to have done a lot more things in that tax bill.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. HUTCHINSON. No. I am giving a statement right now. I ask the Senator, is this for a UC?

Mr. KENNEDY. No, just for a question.

Mr. HUTCHINSON. I am glad to yield.

Mr. KENNEDY. I listened to the Senator talk about the increased costs and how that would translate——

Mr. HUTCHINSON. Mr. President, I yield on the Senator's time.

Mr. KENNEDY. I yield myself 1½ minutes.

You say with the increased costs there is an increasing number of people who will lose their health insurance.

Last year there was a 9-percent increase in premiums. I would like to ask the Senator: Where was the decrease in the number of the uninsured? To the contrary, the figures show there are more people who are uninsured. So I have difficulty in accepting that.

This year the HMOs have already said the premiums are going up 10 percent, even without this. So under that assumption, that would mean 5 million more people who will be uninsured. There were 4 million last year; 5 million now.

I do not see where the facts are to support your position.

Mr. HUTCHINSON. Reclaiming my time, I say to Senator KENNEDY, you are not arguing with me; you are arguing with objective studies that indicate that with every 1 percent——

Mr. KENNEDY. Not CBO.

Mr. HUTCHINSON. Every 1-percent increase in insurance premium costs equates to about 300,000 people losing their insurance.

Mr. KENNEDY. If I could have 15 seconds of my own time, that is not what CBO or OMB have said. In fact, in specifically studying the costs of this, they have indicated, where you are going to have these kinds of protections, you might have greater numbers of people covered, rather than less.

Now, you may be able to find some economist someplace who can cook some numbers, but according to OMB and CBO—which we use around here—they do not support the Senator's statement.

Mr. HUTCHINSON. Mr. President, reclaiming my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. It is the Lewin study that came out with those statistics. I think it has been borne out over time that, in fact, as premiums go up, the rates of the uninsured go up. While you may find a slight blip of it going down over the past year, if you look back over the course of the last 5 years, the last 10 years, the number of uninsured have dramatically increased in this country as premiums have increased.

I think it defies logic—I do not believe it is going to sell with the American people—that increased costs are not going to result in more people being in the ranks of the uninsured. That, to me, not only is borne out by studies, but is borne out by practical experience. As costs go up, more people are unable to afford insurance. And it is the Congressional Budget Office that has said the Kennedy-McCain bill will, at the least, increase premiums by an additional 4.2 percent, in addition to premium increases that are occurring naturally with medical care inflation.

So I will leave that to my colleagues to make their own conclusions as to whether higher prices on premiums, higher prices on insurance, will not, in fact, result in more people going into the ranks of the uninsured.

Mr. President, I ask unanimous consent to add Senator CONRAD BURNS as a cosponsor of the amendment.

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

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. HUTCHINSON. I am glad to yield.

Mr. REID. Since we entered the agreement, I have had a number of requests on this side. We have 13½ minutes left on this side prior to the debate that will begin with your final remarks.

So I ask unanimous consent that the 13½ minutes, rather than the 7 minutes, prior to your 15 minutes, be the time that the Democrats will use to close their phase of this debate.

Mr. HUTCHINSON. I have no objection.

The PRESIDING OFFICER. The Senator from Massachusetts has 13 minutes 13 seconds.

Mr. REID. But he was given 1½ minutes. So 15 minutes, minus 1½ minutes, is 13½ minutes. But anyway, whatever, we would give Senator KENNEDY that final time. We would go 2 minutes to Senator KENNEDY, 2 to Senator DURBIN, and 2½ minutes, or whatever is remaining, for Senator EDWARDS.

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

Mr. REID. Thank you, Mr. President. I thank Senator HUTCHINSON.

Mr. HUTCHINSON. Mr. President, I know on our side we have a number of other Senators who want to speak on this amendment. I will be glad to yield to them as they come to the floor. I believe Senator VOINOVICH will be in the Chamber in a few moments.

But let me just pick up on a few points that Mr. GRAMM, the Senator from Texas, made during his speech. I think what we need, during the course of the debate on this bill, is the kind of careful analysis that Professor GRAMM brings to this issue. I think as Members of the Senate actually read this bill, as the American people hear the contents of the bill and hear the kind of passionate expression and concern for a Patients' Bill of Rights in general, it will give way to concern about the impact that the bill itself would have.

So the Senator from Texas called it bait and switch. It could also be called the exceptions swallow the rule.

Let me review some of those examples where the exception swallows the rule. On page 35 of the bill, paragraph (C), ''No coverage for excluded benefits.'' The point in that very plain statement is that the contract is to be sacred. It is to be honored. The contract means what it says. That statement, though, doesn't mean what it says, ''no coverage for excluded benefits.'' If you turn to page 36, at the top

of the page, it says, ''except to the extent that the application or interpretation of the exclusion or limitation involves a determination described in paragraph (2).'' So this is one of the examples in the area of excluded benefits.

Paragraph (2) on page 33 includes anything that is a medically reviewable decision. So, in fact, the exception does swallow up the rule. Anything that is a medically reviewable decision—in other words, when you go to the independent review panel, they have virtually carte blanche in overturning the very provisions of the contract. If you don't have a binding contract, how in the world can you make projections, how in the world can anybody provide health care plans with any assurance of what costs are going to be?

Another example is on page 144 in this rather lengthy Patients' Bill of Rights legislation. On line 16, it says: ''Exclusion of employers and other plan sponsors. Causes of action against employers and plan sponsors precluded.'' That sounds good. That is a concern a lot of us who have questions about this legislation have raised. Are you going to be able to sue your employer? Are employees going to have a means by which they can sue their employer? What impact is that going to have on an employer's willingness and ability to provide health insurance? The statement sounds good: ''Causes of action against employers and plan sponsors precluded.''

But if you turn over to the next page, you find in section (B) and (C), ''Certain causes of action permitted.'' Then it goes on and talks about direct participation, another example of exceptions swallowing the rule. You can't sue your employer, except there are some suits that are permitted.

Then another example of the exception swallowing the rule is on page 122. On line 19 of page 122, it says: ''Preemption; State flexibility. Continued applicability of State law with respect to health insurance issuers.''

That sounds good. At least it sounds good to me. I know a lot of States have done very good work in the area of patient protections. So the clear statement is: State law with respect to health insurance issuers will be continued and will be applicable. That sounds very good until you find that the rule is, once again, swallowed up by the exception. That was page 122.

Turn to page 123. On line 4 it says: ''Except to the extent that such standard or requirement prevents the application of a requirement of this title.''

In other words, it is going to be the Federal patient prescriptions that are going to supersede any State laws, and to the extent they are not in compliance with and follow very prescriptively the Federal standard, they then will be null and void. They will be superseded by Federal.

''Application of substantially equivalent State laws''—that is a standard that undermines what the States have already done in this area. So we find, once again, that the exception swallows up the rule.

The same thing is true on the appeals process. The rule claims all appeals must be exhausted. It is very clear the way it states that. Those procedures that are put in place on internal/external must be honored. You must exhaust those. But then you find exceptions that allow going straight to court for dollars even if the appeal has not been filed, if the injury first appears after the time has elapsed for filing an appeal. Go straight to court for dollars if immediate irreparable harm prior to completion of appeals process, if you allege that, allow the 180 days to run and go straight to court without having used the appeals process. You really don't have an exhaustion of appeals.

I find example after example of where there is a bait-and-switch occurring. There is a rule that is being swallowed up by the exception to the rule.

Another point the distinguished Senator from Texas made—a point that needs to be thoroughly debated on the Kennedy-McCain bill—is the area of scope. I read that wonderful title where it says State laws will apply and then, unfortunately, there is the clear exception that really swallows up that rule.

The Kennedy-McCain bill would allow the Federal Government to overturn patient protection laws in every State. The States have done, quite frankly, a lot. Here is all of our 50 States, various areas of patient protections, emergency medical care. You can see Arkansas has that, Arizona, State after State. Very few States have not acted upon emergency medical care. They may do it in a different way than we would do it. Are they less concerned than we are? Are we the only ones who can establish the precise standard for emergency medical care?

These patient protections have been enacted by State legislatures all over the country. Access to OB/GYNs, once again, you can see overwhelmingly the States have already acted. They have already provided patient protections. Continuity of care, gag provisions, almost every State in the Union, with the exception of Mississippi, have acted upon the gag provisions. Formulary exceptions, clinical trials, a number of States have decided they are not going to mandate clinical trials. They have legitimate reasons why that should or should not be included in a State action on a Patients' Bill of Rights.

On the internal appeals, virtually every State in the Nation, all 50 of them, now have an internal appeals process that has been mandated in State patient protections. Forty-one States have an external appeals requirement. Why should we have the right to go beyond what is clearly our responsibility on the ERISA plans, the federally unprotected plans right now, but to go beyond that and go back to all of the States that have, through their own legislatures, enacted patient protection laws and overrule them? I think that is an error.

In the State of Arkansas, the following protection laws would be superseded by this Patients' Bill of Rights: the emergency room provision, the point-of-service provision, the access to OB/GYNs, continuity of care, the gag prohibition, drug formulary exceptions, patient information, all of those would be preempted by this Federal legislation. That is why the National Association of Insurance Commissioners have written us as a Congress expressing their opposition to what we are about to do if we enact this McCain-Kennedy bill as currently drafted.

They wrote to us:

> States have faced the challenges and have produced laws that balance the two-part objectives of protecting consumer rights and preserving the availability and affordability of coverage. For the federal government to unilaterally impose its one-size-fits-all standards on the states could be devastating to state insurance markets.

That is a very legitimate concern they have expressed. And the President, in his statement from the administration on their position on this bill, expressed similar concern about not showing proper deference to what States have already done.

Under Kennedy-McCain, at least 297 patient protection laws that are already on the books would be potentially erased leaving millions of patients unprotected as the States have enacted them. Forty-four ER laws, 20 point-of-service laws, 37 OB/GYN laws, 48 gag clause laws, 26 drug formulary laws, 12 clinical trial laws, 47 prompt payment laws, 30 financial incentive laws, all of these potentially would be erased by the one sweeping action in the Kennedy-McCain bill.

Kennedy-McCain would further force States with minimal or no managed care penetration to adopt Federal standards, or else HCFA would come into those States and take over the regulation of health insurance. Managed care penetration in a number of States is minimal. Alaska is 0 percent. In Wyoming, my good friend from Wyoming, Senator ENZI, has been concerned about this kind of blanket takeover, when there is only 1.2 percent penetration in Wyoming. In Arkansas, it is 11.8 percent. In Idaho, it is 6.3 percent.

The point is that these States vary. They are widely different in the impact of managed care. For us to have a one-size-fits-all approach, I think, is ill-conceived and is something that we need to reconsider. Of the six States which haven't enacted emergency room legislation, five of these have less than 10-percent managed care penetration.

So there is a reason why they have not acted upon them. I think we should show proper respect for the wisdom of some of these State legislatures for having real reasons for not acting on some of these patient protections.

At least 11 States have rejected clinical trial mandates, California being one of them, with Florida, Indiana, Massachusetts. At least five States have rejected access to specialist mandates. At least eight States have rejected drug formulary exception mandates, including Florida, Hawaii, Illinois, Massachusetts, Minnesota, North Dakota, Utah, and West Virginia. Kennedy-McCain would force these States to adopt these provisions even if they rejected them in their State legislatures for good reason. I hope my colleagues will think about what we are doing in this preemption of State laws in this very important area.

The amendment that I have offered is a small step in expanding access. My concern about Kennedy-McCain is that it is going to shrink access to insurance, that we are going to have an awful lot of people, families and children, who are not going to be able to access health care insurance because of the impact of this legislation on premium costs. I have offered this amendment that would provide 100-percent deductibility for the self-employed. I think apart from raising extraneous issues that are really germane to the value of this amendment and to what it will do, this amendment has support. Support has been indicated in the past in this body. This is an opportunity for us to do it. And to say it should have been in the tax bill—every time the House of Representatives produced a Patients' Bill of Rights—they passed one that had access provisions, to expand access, and they are going to do that again when this passes in a few weeks, or sooner, and I hope they will. We can be as certain as you can be that it will have tax provisions in it.

It is a red herring to say we are not going to pass this—because we believe it is equitable, it is going to right a wrong—because of a blue-slip potential. I think that is going to be hard to explain to people.

One of my constituents in Arkansas wrote me and my colleague in Arkansas. I think this really expresses why this amendment is important. It says:

> I am a small business owner in Springdale, AR.
>
> Our company has always made an effort to provide, at no expense to our employees, full family health insurance coverage.

Again, they have made the effort to provide it at no expense to employees. So they are paying 100 percent of the health insurance premiums for their employees for full family health insurance coverage—and not just for the employee, but the family receives the benefits. That is something we ought to encourage, something that is good. He goes on:

> A couple of months ago, we were forced to begin sharing some of the cost of the health plan with the employees because of 40 percent plus increases.

Those who would argue that somehow there is no relationship between increased insurance premiums and availability of insurance to people in this country, that somehow increasing premiums is not going to increase the number of uninsured—we have seen a lot of examples on the floor. We have heard stories and anecdotes told. Here is a prime case in my State:

> . . . we were forced to begin sharing some of the cost of the health plan with the employees because of 40 percent plus increases. The monthly cost climbed to over $4,000 a month for our relatively young group. I fear passing [Kennedy-McCain] because it will not only cause greater increases, but subject our company to possible legal actions because of our offering health insurance. We could be at the mercy of whoever decides to pay a claim or not—and open the door for the company to be liable.
>
> I think this bill has a lot of danger in it.

I take that concern very seriously. I think this person who took time to e-mail us from Springdale, AR, is typical of a lot of small businesses that are struggling, that have a few employees, that are trying to pay insurance for those employees and are facing a very large increase in premiums. We are going to exacerbate that, I believe, if we have this bill with all of its liability provisions included in it. This is one small thing we can do to make it a little easier for the self-employed—give them 100-percent deductibility, and give it to them now, not wait until 2003.

I ask unanimous consent to have this e-mail printed in the RECORD.

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

> SPRINGDALE, AZ.
>
> DEAR ARKANSAS SENATORS LINCOLN AND HUTCHINSON: I am a small business owner in Springdale, AZ. Our company employs 8 very fine people.
>
> Our company has always made an effort to provide, at no expense to our employees, full family health insurance coverage.
>
> A couple of months ago we were forced to begin sharing some of the cost of the health plan with the employees because of 40% plus increases. The monthly cost climbed to over $4,000.00 a month for our relatively young group. I fear passing the S–238 bill will not only cause greater increases but subject our company to possible legal actions because of our offering health insurance. We could be at the mercy of whoever decides to pay a claim or not—and open the door for the company to be liable.
>
> I think this bill has a lot of danger in it. I urge both of our Arkansas Senators to do all in your power to defeat this bill. I urge you to vote against ''cloture'' thus limiting the truth to be brought out on the floor.
>
> On behalf of myself, my partner and our employees, thank you in advance for lodging this request.
>
> JOHN W. HAYES,
>
> P.S. Your voting records are the proof of your loyalty to the people of the Great State of Arkansas.

Mr. HUTCHINSON. Then I received this letter from a different kind of employer. This is McKee Foods Corporation, a large company that is not headquartered in Arkansas. It is in Tennessee, I think, but they are a large employer in Arkansas, in Gentry, AR. I think they employ about 1,400. It is not an insignificant employer.

They write:

> Dear Senator HUTCHINSON: The Senate will soon consider a proposal that will give Americans the right to use their insurance provider in state and federal court for coverage decisions. As a business owner, this prospect has me worried. McKee Foods has voluntarily sponsored its own health plan for more than 30 years. All of our employees and their families have the option to take part in our group coverage, including the 1,420 employees who work at our Gentry, Ark., manufacturing facility. In 2000, McKee Foods and its employees spent $25 million to provide health care benefits for all 6,100 of our employees and their families. The company directly paid for more than 75 percent of this amount.
>
> Over the last two years our group insurance benefit costs are up about 26 percent and our prescription drug benefit cost has nearly doubled. The company has absorbed most of the cost increases, but employee premiums have also risen by 10 percent.

That is what the employees are paying and we are going to make that worse if we open this to unbridled lawsuits.

> It's important to note that none of the proposals presently under consideration have protections in place to protect the health care purchaser, whether individual or company, from the increased cost of coverage due to insurer liability. A health care bill containing additional costs will simply compound the problem of rising costs.
>
> Our health plan, which is governed by ERISA, is self-insured, self-funded, and self-administered. Maintaining an ERISA plan allows McKee Foods to provide uniform health care benefits to our employees in all contiguous 48 states. We've reviewed the various proposals put forth by both the Senate and the House of Representatives and have come to conclusion that McKee Foods can be sued for voluntary providing health care benefits. Each of the major bills under consideration contains language that defines the liability trigger as ''direct participation'' or ''discretionary authority'' over the decision. This standard directly implicates ERISA's fiduciary responsibility duty. For employers who offer a health plan governed by ERISA, liability is real.
>
> I believe that legislation containing liability for companies will certainly lead to more uninsured Americans. I also believe that many employers want to offer health care benefits because this type of benefit helps us attract and retain high quality employees. Please remember that the voluntary employer-based health care system in our country provides coverage for more than 172 million Americans.
>
> I'm asking you to support a health care bill that sets up a strong system for binding external review instead of lawsuits. Let's get patients the medical treatment they need, when they need it. Reaching a conclusion later in a court only benefits the attorneys.

Then he asks for opposition to this bill.

Are they greedy? Are they an uncaring company; they do not care

about their employees and their welfare? I suggest that 30 years have put the lie to any such allegation. This company for 30 years has paid 75 percent of the premiums for their employees and their families, and they write not out of a spirit of greed or lost profits. I suspect it will not affect their profit line. What this legislation will affect is their ability to provide affordable health insurance for their employees.

So many times we do the right thing in the wrong way when we pass legislation in the Senate. We have the greatest motivations. Patients' Bill of Rights—we hear these heartrending stories. They are real and there is a need for legislation, but then trial lawyers get into it, the clever attorneys who can write a rule and write an exception bigger than the rule, and the goal of providing legitimate patients protection suddenly is lost and its impact raises insurance premiums, causing employers to question whether they can even afford to offer that benefit to their employees.

I hope as we continue to debate we will address these issues and we will also adopt this amendment which will help provide greater access.

I did not realize Senator VOINOVICH has been patiently waiting. I could not see behind this chart. I extend my apology for going over the time. I thank Senator VOINOVICH, the distinguished Senator from Ohio, for his strong commitment to better health care in this country, for patient protections, and for also ensuring access is there and that it is affordable. I appreciate his support of this amendment.

I yield such time as he might require.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I thank the Senator from Arkansas. He does have my support for his amendment. It is well taken, and it will go a long way to help provide more health care for the citizens of our country.

The quality of health care in the United States has long been the envy of the world. If I happen to fall ill when I am home in Cleveland, I know that I can go to any of the hospitals in the community and receive quality care unparalleled around the globe.

However, I also think that more can be done to improve the overall status of health care in America. In fact, I believe Congress must do more to expand health care coverage for more individuals, keep health care costs down and maintain the rights of each individual patient to make decisions affecting their own health.

Five years ago, Congress realized that one arena in which the Federal Government has an obligation is protection for those Americans covered under self-insured ERISA plans because the Federal Government has the sole authority to do so.

There are 56 million Americans who are in health care plans that are self-insured, which are regulated under Federal law. The Federal Government, unfortunately, has been slow in creating consumer protection standards for these 56 million Americans, and I agree with my colleagues that patient protections should be established for these ERISA plans.

In 1999 and 2000, this body passed patient protections legislation that filled the hole in ERISA protections. These absolute and comprehensive patient protections, included:

Access to emergency care;
A point-of-service option;
A continuity of care provision;
Access to prescription drugs that are not covered in plan formularies;
Access to specialist;
A prohibition of gag rules;
Access to clinical trials;
Provider nondiscrimination;
A strong internal and external review process;
A genetic nondiscrimination provision; and
Provisions that would increase access to health insurance, such as increasing the availability of medical savings accounts, full deduction of health insurance for the self-employed and long term care insurance.

I am encouraged that the McCain-Kennedy bill, in spirit, has the same core patient protections that the Senate passed in 1999 and again in 2000. However, while the McCain-Kennedy bill contains these provisions, I cannot support the McCain-Kennedy bill as currently written for two significant reasons.

First, the bill represents an inappropriate preemption of state law. Ohio and the vast majority of other states have already enacted strong patient protection laws that provide their citizens with quality health care.

My colleagues on the other side of this debate want the public to believe that all Americans need to be covered under a Federal patient protections bill or else the quality of their health care will come under jeopardy. The fact of the matter is that the majority of Americans are already covered under very good, very comprehensive State health care laws.

The proponents of this legislation believe we need to pass a bill that will wipe clean the hard work the States have done.

I could not disagree more.

A Federal Patient's Bill of Rights should not preempt the work that has already been done by the States. State regulation of the insurance industry has been very effective for more than 50 years. There are more than 117 million Americans who are covered under fully insured plans, governmental plans and individual policies, which are all regulated under State law.

My colleagues supporting the McCain-Kennedy legislation believe that the Federal mandates in the bill should apply not only to ERISA plans, but also to those 117 million Americans in State-regulated health plans. Apparently, they do not think that the states, which have already acted and are already protecting millions of Americans, are competent enough to do the job. Instead, they think that the Federal Government will do a much better job.

Mr. President, do you know to whom the Federal Government will turn to enforce the law? The Health Care Financing Administration.

The fact is, HCFA already has its hands full. Administering and regulating Medicare, Medicaid and the SCHIP program has already overburdened this administration. Think about it. HCFA already has under its purview over 70 million Americans through these Federal programs. Now my colleagues want to place the health care of an additional 170 million Americans on HCFA's shoulders.

Under the McCain-Kennedy bill, States will now have to report to HCFA on the status of the health care plans in their States. It has been pointed out to me numerous times that the regulations that only govern Medicare are three times what the Federal Tax Code is.

Imagine the regulatory nightmare that will occur when Congress hands over regulation of the private insurance market to the Federal Government. The simple fact of the matter is that HCFA cannot handle the burden this bill would bestow.

However, even if HCFA had the ability to enforce uniform consumer protection standards across the country, it would still not be the right decision. Different regions have different problems against which they need to guard.

A ''one-size-fits-all'' approach from Washington will not work any better for health regulation than for other centralized approaches to problems, such as education. All wisdom does not reside in Washington—local people understand their own local needs, and they elect representatives to serve those needs.

On the Federal level, if we in Congress want to mandate certain health care changes with respect to Federal coverage, then it is well within our ability to do so. And in certain instances, it may be necessary to do so.

But why should Congress intrude on the States and mandate sweeping, across-the-board changes on how they regulate the health care industry in their States? We should let the States decide what is best for their citizens, but there seems to be a feeling here in this town that the States just will not do the right thing.

If you observe what the States have accomplished, you will see that the States have been and will continue to be at the forefront of the nation's efforts to improve the quality and efficiency of our health care system.

In fact, the States have been on the vanguard of health care services, and

because of this, many ERISA plans have followed suit voluntarily.

It should be pointed out that the majority of ERISA plans have already taken upon themselves to provide quality patient protections, taking notice from what their States have done. They have mirrored in their insurance plans what the States have already done. However, by seizing and usurping the great works the States have accomplished, the Federal Government is once again stating a one-size-fits-all approach.

It will not work. The majority of States, including Ohio, have moved aggressively, certainly more quickly than the Federal Government, to reduce health care inflation, expand access for the working poor, enhance consumer protections, and bring greater accountability to the system. In fact, if the States waited for the Federal Government to step up to the plate to provide patient protections, 117 million Americans would not have the patient protections they currently enjoy. The simple truth is, the States have been in front of the Federal Government in providing sound protections for their citizens.

The following facts prove it: 50 States have mandated strong patient information provisions; 50 States already have internal appeals processes, and 41 States have included external processes; 48 States already enforce consumer protections regarding gag clauses on doctor-patient communications; 47 States have regulations regarding prompt payment; 42 States have already enacted a comprehensive Patients' Bill of Rights; and 44 States have already enforced consumer protections for access to emergency care services.

As a former Governor of Ohio, I have been on the front lines in the fight to give working men and women in Ohio real health care choices. As Governor, I signed into law five legislative measures and pushed through several administrative improvements to protect families who relied on State-regulated plans for their health care coverage. Now I am in the Senate to try to give those Ohioans who are covered by the Federal ERISA law those same benefits.

I believe the legislation the Senate approved in 1999 and 2000 went a long way to ensuring that Ohioans covered under ERISA are given the health care protections they deserve. The bills passed in this body are nearly identical to those protections passed in Ohio for State-regulated plans, many of which I fought for as Governor. The bills passed by the Senate in 1999 and 2000 extend emergency care coverage under the prudent layperson standard. Ohio enacted that protection in 1997. The Senate passed bills included a ban on gag clauses. Ohio enacted that protection in 1997. The Senate passed bills included strong internal and independent external appeals. Ohio enacted those provisions in 1999. The Senate passed bills allowed a woman to designate an OB/GYN as her primary care provider. Ohio enacted a standing referral provision in 1997, and then direct access in 1999.

The Senate passed bills provide patients the right to accurate, easy-to-understand information about their health plan. Ohio's law requires that all beneficiaries have an I.D. card and access to health care information on a 24-hour, 7-day-a-week basis via a toll-free number. The Senate passed bills ensure that patients may go out of a network if the plan does not have an appropriate provider within its network. That is already Ohio law.

Additionally, Ohio already has enacted a prompt payment provision and a prescription drug formulary exception. Ohio has already put into place a mandatory 48-hour maternity hospital stay benefit for new mothers. We were the first State to eliminate the drive-through baby, 24-hour situation we had several years ago. Prior to the State's action, in a number of instances, women were being discharged sometimes within hours of giving birth. Now all women in Ohio know that when they give birth, they will have the peace of mind that they and their baby will have access to medical care, if only for observation, for at least 48 hours.

In Ohio, we also allowed for the creation of insurance pools for companies who wanted to be able to provide insurance for their employees but could not afford to do it by themselves. Now, Ohio has one of the most successful examples of an insurance pool in the entire country—the Council of Smaller Enterprises, COSE. COSE provides health insurance to more than 200,000 people and represents more than 16,000 small businesses in Ohio. Without the ability to pool together, many of these businesses would not be able to offer their employees health insurance, and therefore, many more Ohioans would be uninsured.

The second reason that I cannot support McCain-Kennedy as it is currently written is because the bill will encourage frivolous lawsuits, leading employers to question whether or not providing health insurance is worth the cost. A great deal has been said about the options available to a patient who has somehow been wronged by a particular health care plan.

Proponents of the McCain-Kennedy legislation have indicated that the only way patients can ensure that they will be able to obtain relief from being denied benefits is if they maintain the ability to sue their health plans.

They further contend that if they can sue their health plans, it should follow that they can sue their employers. They base this on the belief that employers maintain a fiduciary responsibility to monitor health plan quality, making it impossible to completely delegate responsibility for the health benefit plan's decisions.

I believe such a provision would open a virtual Pandora's box of potential lawsuits and would force any employer who provides health insurance to cover every health claim or risk being sued over those that are not.

Proponents of the McCain-Kennedy legislation believe they have carved out employers, stating only those employers that ''directly participate'' in medically reviewable decisions can be held liable.

However, for all these claims of employer carve-outs, the fact remains, employers can still be sued. Lawsuits can still be brought against the employer for a number of reasons. For instance, the phrase ''actual exercise of control'' broadens the avenue for a lawsuit to come against an employer, although the employer had no ''direct participation'' in a medically reviewable decision. If, during negotiations with a health plan, an employer agrees to the definition of a certain contractual phrase used by the plan for a decisionmaking process, this could be a cause of action for a lawsuit.

Additionally, although proponents of McCain-Kennedy believe they have properly excluded employers, the phrase ''conduct constituting failure'' to perform plan terms and conditions provides a clean sheet for any personal injury lawyer to claw at any alleged failure of an employer. This could be as minor as a simple administrative error in notifying individuals about the availability of continued health coverage after they leave employment.

And as a practical matter, do my colleagues think a personal injury lawyer will not attempt to test the defense of the ''no direct participation'' standard? If I were a savvy personal injury lawyer and saw before my eyes unlimited punitive damages and a new Federal cause of action with a cap of $5 million, I certainly would test the defense laid out in the McCain-Kennedy bill. Unfortunately, this is what it has come down to: the ability of personal injury lawyers to dictate health care in America.

Whom will this ultimately hurt? It will hurt those individuals and families at the margins who are working hard to take responsibility for themselves. I am thinking about the families to whom that employer protection is provided. The fact is, health insurance is a benefit that employers have provided. It is a voluntary benefit they provide because they care about their workers. Approximately two-thirds of insured Americans under 65 receive their health insurance through employer-sponsored plans.

I point out for senior citizens who are retired, half of their Medicare Supplemental for Part B is paid for under the

employer plan—half of it. We want employers to stay in this business. It is important to the country.

According to a Gallup poll conducted last September, the vast majority of Americans, 70 percent, are satisfied with their health insurance provided by their employer. If the McCain-Kennedy bill passes with its current liability provision, I cannot honestly see employers continuing this benefit. As a matter of fact, employers have already told me they will drop their health care insurance.

These liability provisions, the unlimited punitive damages in state courts on top of the $5 million damages that can be awarded in Federal court, will hang like a cloud over employers. Even if a lawsuit was never filed, a prudent employer would place in his budget the possibility of this occurrence.

Therefore, the costs associated with retaining legal counsel, as well as the insurance premium paid against the possibility of a large award would be budgeted annually, which of course, would be passed along in higher premiums to the employees.

Employers, if they decide to continue providing coverage, will then place on employees a higher participation of the financial burden for health insurance.

And what if one state jury finds an employer liable and grants a multimillion dollar award? Well, I can tell you what will happen. Employer-based insurance will tumble like a house of cards. Employers will see the writing on the wall and say, Good-bye! Although I care a great deal about each and every one of you, my employees, I cannot afford to be subjugated to this kind of liability. Here's my contribution of what I pay for your health insurance: good luck finding the same coverage at a fraction what you had previously paid.

The proponents of McCain-Kennedy say that the State of Texas has enacted a similar bill that has not caused the collapse of employer based insurance in Texas. What my colleagues are not saying is that Texas specifically carved-out all employer liability.

The provision in Texas law reads as follows, and I quote, ''This chapter does not create any liability on the part of an employer, an employer group purchasing organization, or a pharmacy licensed by the State Board of Pharmacy that purchases coverage or assumes risk on behalf of its employees.''

That is what any Federal law ought to state.

It really is amazing to me that the United States Senate is contemplating opening up employers to lawsuits. Through these actions, we are sending a mixed signal to the American people.

Out of one side of our mouth, we say there are too many uninsured people in the United States. And, in fact, I think there are.

However, out of the other side of our mouth, we say that the United States Senate may allow legislation to move forward that will increase health care premiums by at least 4.2 percent. This is on top of the hyper health care inflation that the country's employers are currently facing—between 18 to 22 percent increases in the State of Ohio over the past year alone.

Indeed, it is estimated that if the McCain-Kennedy bill went into effect as is, over 1.4 million Americans will lose their health coverage—nearly 30,000 in my state of Ohio. (Based on CBO numbers).

What's more, according to a study conducted by the U.S. Chamber of Commerce, 57 percent of small employers said they would likely drop health benefits for their employees if the McCain-Kennedy liability provision was the law of the land.

In addition, at least 1,000 larger employers across the nation—including many Fortune 500 companies—have expressed opposition to the McCain-Kennedy liability provision.

The implementation of a liability standard would not only have a devastating impact on many families in America, but I don't believe it will have the intended purpose of providing restitution to patients.

Most Americans don't realize that 70 percent of all health care liability claims filed in our courts are resolved with absolutely no payment to the patient. Zero dollars.

In cases where a payment is made to a patient who sues, the patient receives, on average, only 43 percent of the damage award. Forty-three percent! The other 57 percent goes right into the pockets of the personal injury lawyers and their expert witnesses.

In addition, achieving a final resolution to these claims is not a speedy process. The average medical malpractice case takes over 2 years, 25 months, to resolve. In many instances, that is long after the patient has suffered permanent damage, or even death.

What we need to do is focus our attention on getting patients treated quickly and accurately and not concentrating on getting them a pay-out that may never come.

I would like to have an opportunity to support a bill that truly utilizes the internal and independent external review process. Towards that goal, I believe we should revisit the legislation that the Senate passed in 2000.

In the Senate-passed bill for which I voted last year, if the group health plan makes a determination to deny coverage and notifies the enrollee and health care professional, the enrollee or the doctor would be able to request an internal review of the coverage decision. That review must be completed within 30 days for a routine determination, or 72 hours for an expedited determination.

If an enrollee is denied after an internal review, he or she can request an independent, external review. An independent medical expert, utilizing valid, relevant scientific and clinical evidence, including peer reviewed medical literature, would then make an objective determination based on the medical exigencies of the case, within 30 days. The decision of the external reviewer would be binding on the plan.

If the external reviewer rules in favor of the enrollee, the plan must notify the enrollee of their decision to cover the benefit with ordinary care. If the plan refuses to follow the decision of the expert reviewer, the enrollee could then sue in Federal court for unlimited economic damages and capped non-economic damages.

If the court ruled for the enrollee, then the court: one, would require the plan to cover the service; two, assess a $10,000 penalty for failing to comply with the agreed upon time frame; three, additionally assess a penalty of $10,000, payable to the enrollee, for failure to comply with the decision of the medical reviewer; four, award attorneys' fees; and five, provide non-economic damages of up to $350,000.

I think we should offer patients an opportunity to obtain timely coverage of legitimate health services before permanent damage is done to them. Unfortunately, the McCain-Kennedy bill offers patients faint hope that, well into the future, after the damage is already done, they may recover less than half of a damage award.

Our main goal in this debate must be to provide quality health consumer protections while maintaining the ability for America's families to obtain their insurance through their employers. We should not enact massive changes to our health care system which will irreparably harm the ability of millions of Americans to obtain affordable, quality health care.

I hope that my colleagues and I can work to pass a real Patients' Bill of Rights: one that will not impede on the progress the states have made, and one that provides health care to patients, not money to personal injury lawyers.

Regrettably, I do not believe that the McCain-Kennedy bill will accomplish these goals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the Senator from Ohio for his work in the State of Ohio and for his work in the U.S. Senate.

I yield to my cosponsor, Mr. BOND, the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my lead sponsor of this amendment.

I say to my good friend from Ohio, and a fellow former Governor, that I recognize the work he did as Governor

to assure access to the working men and women of Ohio. I think his comments and his views are very important in this debate. We appreciate the good judgment he brought based on his experience.

I want to take just a couple of minutes before we get into the closing to respond to a couple of points that have been made on the other side.

Some who are proponents of this bill and who are opponents of this amendment have offered two arguments.

First, they say if we—meaning Republicans—somehow wanted employee-supported deductibility for the self-employed, it would have been included in the final tax package that was passed a month ago.

Second, they contend that this issue is unrelated to patients' rights and that we are trying to kill the patients' protection bill.

Let me deal with those two points.

First, regarding the tax bill, it is regrettable and, in my view, very regrettable that the conference committee did not include this provision in the final package. This provision reflected an amendment that I offered and an amendment that the Senator from Illinois, Mr. DURBIN, offered. We both offered amendments.

As I mentioned in my earlier statements on this measure, I had provided over the last 6 or 7 years a continuing string of amendments to achieve 100-percent deductibility. Senator DURBIN in recent years has joined.

When the bill went to the conference committee, there were a lot of interests that had to be accommodated. The Senate had a much lower figure than the House had originally. They had to accommodate as many interests as possible. The House of Representatives had a very important voice in what the final package included.

As a matter of fact, Democrats on the conference had a voice. I wasn't at the conference. I have talked to some Members who were there. They tell me that the Democrats did not raise objection to excluding the full deductibility. This was a conference committee of Republicans and Democrats from both the Senate and the House.

I regret that they did not get the job done. Is that an argument that we should not do it now? Obviously not.

When you ask the American people—the men and women, the farm families, the families of people who own a restaurant, a mom-and-pop grocery store, or who operate a daycare center—do they really care whether full deductibility is in a tax package or whether it is in the Patients' Bill of Rights, I can tell you that overwhelmingly they are going to say we just need the full deductibility for our health insurance costs. They want to see the job done. They are not much impressed with the argument that it didn't stay in an earlier bill we passed. They want us to pass it. We want to see it passed. That is what Senator HUTCHINSON and I are doing. To blame us for the failure of a conference to include it I believe is a bit of a stretch.

Second, they are saying that this amendment is being used to kill the patients' protection bill. If we wanted to kill a bill completely, why would we put something on that is so important to the people in our States and the people in America? I think that is laughable. It would be laughable, if it weren't such a serious, unwarranted charge.

Every patient protection bill that has passed either the House or the Senate in the last few years has included tax incentives for health care of some kind or another.

The House patient protection bill that we expect to see passed in the next 2 or 3 weeks will almost certainly include tax provisions as well. As a matter of fact, I notice that in the statement of administration policy they are objecting to a user fee provision. They call it an extraneous user fee provision that is already included in S. 1052, extending for multiple years customs charges on transportation, passengers, and merchandise. It has a little tax measure in there already. This is a tax reduction or tax deductibility.

Contrary to what our colleagues who are supporting the measure and opposing this amendment say, if there are no tax provisions in this bill when it finally comes out, it will be an absolute first. I will buy somebody a soda if they pass a bill that has no tax provisions in it.

Including tax provisions in the bill does not hinder its passage. Frankly, I think it makes it better because this amendment is not about killing the bill. I want to vote for a bill that helps all Americans have good health care coverage. That means getting rid of the bait-and-switch provisions in this bill. That means taking out the provisions that force employers to drop their plans because of employer liability. That means taking out the provisions that rewrite the contracts that HMOs, insurers, write with those they wish to cover.

I just want to mention very briefly an article by Mort Kondracke in today's Roll Call. In it he says:

> A debilitating civil war is under way in the American health care industry and Congress will make it worse by passing the Kennedy-McCain patients' rights bill and inviting trial lawyers to enter the fray.
>
> Kennedy-McCain is the medical profession's effort to counterattack its enemy, the insurance industry, using expensive lawsuits as a weapon. But innocent ''civilians,'' i.e. patients, will pay the ultimate price.

He goes on to say:

> Doctors surely should have more say in medical decisions than insurance clerks. . . .

He says: The Breaux-Frist bill does it.

He says:

> Instead of increasing the ranks of the uninsured, Congress and Bush should be helping lower-income workers afford health insurance.

That is what we are trying to do.

He concludes by saying:

> . . . Congress should observe the famous rule: First do no harm. Kennedy-McCain violates that maxim.

I urge my colleagues to support the Hutchinson-Bond amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I thank my colleague from Missouri for his excellent statement.

I yield such time as we have remaining to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, may I inquire as to the amount of time left on our side?

The PRESIDING OFFICER. Twenty-four minutes thirty seconds, of which fifteen is reserved for the Senator from Arkansas.

Mr. ENSIGN. Mr. President, I want to start by talking on this amendment, and then I want to conclude my remarks by speaking on the underlying bill in general.

Deductibility for the self-employed is absolutely critical to anybody who has ever been in business on their own. My brother-in-law is a tile contractor in Las Vegas, NV. When he first started his business, he was in his late twenties. I remember talking to him about having health insurance.

He said: I'm young. I'm healthy. I'm not going to get sick.

He said: Besides, I really can't afford it. When I am looking at my monthly expenses, I look around, and it just doesn't pencil out for me.

That is the kind of person we want to be covered under health insurance.

The way health insurance works is if we spread the risk out, especially amongst the younger, healthier people, it costs all of us less money. So what we want to do is have people, like my brother-in-law, to buy health insurance. If we give the self-employed—which he is—full deductibility, it will make financial sense for more of them to purchase health insurance.

It does not matter what vehicle—whether it is a tax plan or whether it is the Patients' Bill of Rights—we use to provide this deductibility. We have been talking about it for years, and we ought to finally make this policy a reality.

Let me shift now and talk about the Patients' Bill of Rights. If you listen to the media, it almost sounds like the Democrats and Senator MCCAIN are for a Patients' Bill of Rights and the Republicans are against one. That is not so. Almost everybody in this Chamber is for a Patients' Bill of Rights. As a matter of fact, the two major competing bills are 90 percent the same.

Another 5 percent of each bill I think we agree, conceptually, on the language; and then on the other 5 percent there is true disagreement.

Let me go through these divisions just briefly. The 90 percent where there is agreement has to do with things that we have heard about for the last several years that most of the States have already enacted. They have to do with emergency room access, no gag clauses for doctors, and allowing OB/GYNs and pediatricians to be considered primary care doctors. There is a whole list of things that both bills address and to which everybody agrees.

The place where we have conceptual agreement—and I want to applaud Senator MCCAIN for his willingness to work with us to try to come up with some language that will work for both sides—deals with, how are we actually going to protect employers from getting sued? Everybody I have heard from agrees that the employer should not be sued for this very simple fact: If you allow employers to be sued, they will look at this risk and say that they cannot afford it. Consequently, they will give their employees a voucher, calculating, for example, that it would cost $5,000 to $6,000 per employee per year for health coverage, and the employee will go out and buy their own health insurance.

However, a lot of employees who are young and healthy will say: I'm healthy. I'm young. I would rather have this $6,000 to do something else with.

As a result, those people will not have health insurance. And because those people are no longer in the overall insurance pool, everybody else's insurance rates will go up. Consequently, when those insurance rates go up, more people become uninsured because they can no longer afford coverage.

One of the biggest problems we have in this country is the number of uninsured. This is the reason why it is so critical that we come together on this language to protect the employers.

As I have learned—I was only in the House of Representatives for 4 years; and I have only been in the Senate for 6 months—the devil truly is in the details. When we are looking at the legal language, lawyers from one side can say the employers are protected, and the lawyers for the employer groups can say absolutely under the McCain-Kennedy bill they are not protected. A good lawyer, I think, can take the language in the McCain-Kennedy bill and absolutely get lawsuits against employers.

That is why it is important for us, if we agree on the concept—which we seem to do—to come together with tight language that does not allow employers to be sued, especially if they are not involved in actually denying health care that they did not pay for in the first place.

The other thing that I think is conceptual language that we agree on is that the appeals process is important for us to go through first. All of us agree this whole thing is about getting health care to the patient. Do we really want just access to a courtroom? Or do we want access to the emergency room and to the hospital and to health care providers?

The appeals process is set up with a short time frame to guarantee that people will get the health care they have paid for in a timely fashion. That is really what this whole debate should be about—getting people the health care they deserve.

We all know the movie, ''As Good As It Gets,'' where everybody cheered when the HMOs—I cannot use the language the way they described the HMOs—were described in not so favorable terms when they denied health care to the child that had asthma. That is a perfect example of what we are trying to fix with a Patients' Bill of Rights—greater access to quality health care.

The appeals process will help us get children like that the health care they need. That is really a lot of what this debate is supposed to be about.

On the 5 percent where we truly have disagreement is where we are going to have to sit down and compromise. This has to do with whether a person goes to State court or goes to Federal court with their health care liability suit. Neither side is going to get, I think, everything they want in this. We are going to have to come down to some kind of compromise.

The second area of major disagreement deals with the liability provisions. Basically, it has to do with whether we are going to cap punitive damages and noneconomic damages. Are we going to put some reasonable limits on some of the liability provisions so we do not end up with these outrageous lawsuits?

The two sides are going to have to come together and realize that a compromise is going to be the only way we can get a bill passed through the Senate, passed through the House, and signed into law by the President. Otherwise, we are just making political hay. Otherwise, all this exercise is about is: Can we use this in the 2002 elections?

If that is what we are about, then I don't believe we should be here as United States Senators. We should be here to do the right thing for the American people. We were sent here by our individual States to stand up and do what is right. If people want to make political hay, then they can do that on a purely individual level. If they truly want to get a good Patients' Bill of Rights passed, then we have to sit down behind the scenes where the cameras aren't, where the news media isn't, and say: Let's compromise on some of these things that we disagree on and come up with language that protects employers, makes sure the appeals process is exhausted, and then shake hands on the parts we agree to.

If we can do those procedures, I truly believe this Senate will pass a very good Patients' Bill of Rights which will help the type of kid that was in ''As Good As It Gets'' get the kind of health care he or she deserves.

I thank the sponsor of the amendment for helping out the self-employed. I think it is an important amendment that I will be voting for and encourage all of the rest of the Senators to do the same. I look forward to working with the authors of the Patients' Bill of Rights, Senators EDWARDS, KENNEDY, and MCCAIN. Hopefully, we can come up with some compromise on the rest of this language.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I commend the Senator from Nevada for his excellent statement, that spirit of cooperation that will ensure we really can get a good Patients' Bill of Rights passed and enacted into law this year.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, on the first day of debate on the floor of the Senate on the Bipartisan Patient Protection Act, supported by a majority of the Senate, a majority of the House of Representatives, and virtually every health care group in America, what was the response of the President of the United States? A written veto threat on patient protection legislation. In fact, this written veto threat could very easily have been written by the big HMOs. It duplicates what we have been hearing from the big HMOs from the very outset of the fight for patients and doctors to give them real and meaningful rights.

It reminds me a great deal of what was said to the New York Times by a consultant for the big HMOs. When brought to his attention that they were spending millions of dollars to fight against patients and against doctors, millions of dollars on lobbyists, broadcast television ads and public relations, this was his response:

> We'll spend whatever it takes.

The HMOs of America are prepared to do whatever is necessary and to spend whatever it takes to make sure that the patients of this country and the families of this country never get the protection they deserve.

We have a message for the big HMOs of this country. We are prepared to fight as long and as hard as is necessary to ensure that finally the big HMOs no longer have their privileged status, that the families and patients of America are protected. That is what this debate is about.

We welcome the participation of the President. We would love to have his involvement in standing with patients and doctors instead of standing with the big HMOs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, throughout this debate we have heard the same tired old refrain. It is the same refrain we hear whenever we confront a powerful vested interest on behalf of the American people: Costs will go through the roof; people will lose their jobs or their health insurance; gloom and doom will envelop the Nation.

We heard it on the minimum wage. We heard it on the family and medical leave bill. We heard it on the Kennedy-Kassebaum insurance reform bill. Every time the special interests launched a massive disinformation campaign, and every time they were wrong.

Six hundred organizations of doctors, nurses, patients, from the American Medical Association to the American Nurses Association to the American Cancer Society, support our bill—virtually the entire medical and patient community. Do the opponents really expect the American people to believe that doctors, nurses, and patients would support legislation that would cause people to lose their insurance? Do they?

We heard an eloquent statement this morning from Senator ZELL MILLER. All these claims were made in Georgia and all of them proved to be false. I hope we can move beyond these false charges and get back to the business of protecting patients.

On this amendment, I support providing full deductibility for the self-employed. This can pass the Senate any time. It has passed the Senate before. But on this bill, it is a poison pill. It kills the bill. Anyone who votes for this amendment is voting against patient protections. I urge its rejection.

During the course of the afternoon, we heard those on the other side talking about the importance of the premium. It was pointed out that the increase over 5 years will be 4.2 percent, a little less than under the bill of the President, which is 2.9, a point difference.

Look what the CEO of United Health Group received last year: $54 million in annual compensation and $357 million in stock options. That particular payment amounts to $4.31 a month. Ours is $1.19 a month. If you want to do something, there are 7 million employees here. This one individual raises the cost of the premium by $4.13. Ours, in order to protect and grant greater patient protections, is $1.19.

Let's get serious about these facts. Let's get serious about the figures. Let's not just read the HMO script sheets. Let's debate the real issues and protect American patients.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, according to an article in Business Week on February 19, 2001:

> So far, though, Texans have filed only about 15 suits under the new law, and few are predicting a barrage of cases, according to the State Attorney General John Cornyn, a Republican. Similarly, experts say that at most only a couple of suits have been filed in the other six states with such laws. The reason: Appeals procedures settle most cases before they get to the lawsuit stage. Except for Maine, all states with right-to-sue laws require patients to complete an external review before going to court.

That is exactly what this legislation calls for.

We heard from a number of people, not about the pending amendment, which is unfortunate, but with a lot of very strong allegations.

Senator ZELL MILLER is a former and rather successful Governor of the State of Georgia where the law was passed. According to a media report:

> Miller took the Senate floor and quoted from the president's ''principles'' for patients rights, released in February.
>
> ''Only employers who retain responsibility for and make final medical decisions should be subject to suit,'' Miller read from the White House letter to Congress which became a favorite quotation during the day.
>
> Miller also said that a Georgia patients' protection law passed two years ago should answer any concerns about a flood of lawsuits.
>
> ''When the Georgia Legislature debated this law, there were critics, critics who made the same arguments we're hearing in Washington today,'' Miller said.
>
> ''In Georgia, they paid for ads saying the law would drive up premiums and cause more people to lose coverage,'' he said. ''The critics paid for ads claiming employers would be held liable for HMO mistakes.

Sound familiar, Mr. President?

> They paid for ads predicting—

I love this alliteration—

> a flurry of frivolous lawsuits.
>
> Oh, there was hissing and moaning. But you know what? None of those dire predictions has come true.''
>
> Miller said that the law is ''working well'' and that no patient has filed a lawsuit yet.

That comes from the former Governor of the State of Georgia who strongly supports this legislation.

Mr. President, I have tried very hard—how much time remains?

The PRESIDING OFFICER. Five minutes 5 seconds.

Mr. MCCAIN. Mr. President, I have tried very hard to negotiate a unanimous consent agreement concerning this pending amendment. I think it is a good amendment. Yes, it was passed before and it was dropped in conference by the Republican leadership as they negotiated the tax bill out. That is a fact. But it is still a good amendment and it is still a good thing to have deductibility for people who have to pay for health care insurance. I think it is a good one.

So in my negotiations with the opponents of this bill, I asked that we go ahead and accept this, and maybe even two others, as long as it stayed under the window of money that is available under this legislation, which is called for in order to pay for the cost of this legislation. Unfortunately, we were unable to get an agreement. I am very disappointed because I think we could have included this. But we had to do it in a constitutional fashion. In other words, I called for an agreement that we would accept the amendment, and perhaps even two others, and then we would, under unanimous consent, call up a revenue bill that would be pending at the desk from the other body so as to satisfy the blue slip concerns.

Look, if this amendment is passed and it goes to the House, the bill is immediately killed. That may be the intent of the opponents of our legislation; I don't know. But let the RECORD be clear that I want this amendment accepted, and I want us to accept even others that could reduce the cost of health care to American citizens. But we have to do it in a constitutional fashion because we all know that a revenue-raising amendment can only originate in the other body. So I will repeat my unanimous consent request as follows:

I ask unanimous consent that at 5:30 today the amendment be agreed to and that there be no further revenue or blue slip material amendments in order to this bill; further, that when S. 1052 is read a third time, it be laid aside and the Senate immediately turn to the consideration of Calendar No. 69, H.R. 10; that all after the enacting clause be stricken and the text of S. 1052 be substituted in lieu thereof, the bill be read the third time, and the Senate proceed to vote on final passage of the bill; and that the Senate request a conference with the House and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object——

Mr. MCCAIN. I ask unanimous consent that my time not be used by this reservation.

Mr. GREGG. Then I will simply object. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Obviously, that is objected to.

I ask unanimous consent that at 5:30 today the amendment be agreed to and that there be no further revenue or blue slip material amendments in order to this bill, except for three revenue amendments to be offered by each leader or his designee and that each be considered under the regular order with no points of order being waived; further, that when S. 1052 is read the third

time, it be laid aside and the Senate immediately turn to the consideration of Calendar No. 69, H.R. 10; that all after the enacting clause be stricken and the text of S. 1052 be substituted in lieu thereof, the bill be read a third time, and the Senate proceed to vote on final passage of the bill; that the Senate request a conference with the House, and the Chair be authorized to appoint conferees.

Mr. GREGG. Reserving the right to object, I will take 30 seconds off our time to make my reservation.

Regarding the unanimous consent request, as he knows, we said we are willing to talk about this. Due to the timing, we are not going to be able to resolve it. I would be willing to suggest that we take out the first part of that unanimous consent request and go with the language which at least cleans this amendment up relative to blue slip language, so that the unanimous consent would instead read as follows: That when S. 1052 is read the third time, it be laid aside and the Senate immediately proceed to the consideration of Calendar No. 69, H.R. 10, and that all after the enacting clause be stricken, and the text of S. 1052, as amended, be substituted in lieu thereof, and the bill then be read the third time, and the Senate proceed to a vote on final passage of the bill.

The practical effect of that would be that at least as to this amendment, until we can clear the other issues, we would have avoided the blue slip matter. Would the Senator accept that as an amendment to the request?

Mr. McCAIN. Mr. President, of course not, because we——

Mr. GREGG. This is not on my time anymore.

Mr. McCAIN. We would not know how many bills—I think three revenue bills is reasonable. This is not a revenue bill, Mr. President. This is not a tax bill. This is a Patients' Bill of Rights bill. I think it is perfectly reasonable to say that three, as long as they fit under the window, would be appropriate. I went from one to three.

I kept asking the Senator from New Hampshire if we could reach agreement on numbers of amendments. No. We have a lot of amendments. Well, that is not what the bill is all about. I am willing to agree to three. I think that is reasonable. So, obviously, I cannot agree to something which is basically open ended.

Mr. GREGG. Reserving the right to object, off my time, I say that we are willing to talk about the number and, unfortunately, in the timeframe to get to the vote we were not able to reach a conclusion because there are a lot of Members who have issues that at least marginally affect this question.

I do think if blue slip is an issue, we can correct it right here with the language I have proposed. I can understand that the Senator will not accept that. I cannot accept his amendment in its present context. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN. I thank the Senator. I hope we can reach agreement. In the meantime, so this doesn't become just a tax bill, I hope we can agree on three and they would fit under the window of the revenue that is generated according to this legislation, and, by the way, the Frist-Breaux proposal has no way of raising the money in their legislation for that. So I hope we can work this out because I think it is a worthwhile amendment that would be very helpful to low-income Americans.

Mr. President, I ask unanimous consent that all first-degree amendments be filed by 2 p.m. this Monday.

Mr. GREGG. Reserving the right to object, again, that would be very difficult to do at this time. Obviously, there are a large number of Members who have first-degree amendments. It is fairly late in the week, and some are actually on the move, as I understand it. We would have to object to that.

The PRESIDING OFFICER. Objection is heard.

The time of the Senator from Arizona has expired.

Mr. HUTCHINSON. I yield such time as he might require to the Senator from New Hampshire. How much time remains?

The PRESIDING OFFICER. The Senator has 13 minutes 28 seconds.

Mr. GREGG. Mr. President, I ask unanimous consent that the unanimous consent I propounded earlier be accepted. I will review it:

That when S. 1052 is read a third time, it be laid aside and the Senate immediately proceed to the consideration of Calendar No. 69, H.R. 10, and that all after the enacting clause be stricken and the text of S. 1052, as amended, if amended, be substituted in lieu thereof, and the bill then be read the third time, and the Senate proceed to a vote on final passage of the bill.

The purpose of this amendment is to make it absolutely clear that if we want to, there is no blue slip issue relative to this bill, this amendment, because there is a bill sitting at the desk that can be dealt with now by this unanimous consent, or at the end of the day, or when we get to the end of the bill.

The fact is that the blue slip issue is truly not an issue because we have a vehicle available to us. I ask unanimous consent for that request to be accepted.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Objection.

Mr. McCAIN. Reserving the right to object.

Mr. BAUCUS. I will withdraw the objection if the Senator from Arizona wishes to speak.

Mr. McCAIN. Reserving the right to object.

Mr. GREGG. On what time is the Senator speaking?

The PRESIDING OFFICER. The time of the Senator from New Hampshire.

Mr. McCAIN. I will not make my reservation long in deference to the Senator from New Hampshire.

Mr. President, I will object. The point is, we need to have a finite number of amendments that we can accept, and we need to have it under the window of revenue that would be allowed according to the legislation. I hope we can work that out. But we cannot allow this simply to turn into a tax bill. We have already spent time on that. So I will object.

Mr. GREGG. Mr. President, it is clear from this last exchange that the blue slip issue is a red herring to throw a few more colors on the table. The fact is, if we want to address the blue slip issue as a Senate, we can clearly do that. This amendment should not be defeated on the basis of a technicality which is clearly correctable.

This is a good amendment. This is an amendment which gets to one of the core issues in this bill, which is the fact the bill, as proposed by Senator McCAIN and Senator KENNEDY, is a bill that will create more uninsured individuals. I still do not understand how we can call it a Patients' Bill of Rights when this bill creates 1.3 million people who will not have insurance. To me it is not giving rights but taking away their capacity to get health insurance.

At least if this type of bill is going to pass, we ought to expand access to health insurance in other ways. What the Senator from Arkansas has proposed is a very appropriate way to do it. It is something that passed the Senate a number of times before and should be passed at this time.

I want to make a couple of points because there were a couple points made as we have come down to the line. There was a representation made that we are representing the special interests. Let me tell my colleagues, those 1.3 million people are going to lose their insurance are the people I am representing. The small employer who runs a restaurant or a gas station or a little business starting out is going to have to drop health insurance because of this bill. Those are the people I am representing.

We can make the representation on our side when you look at the drafting of this bill that it was put together with certain interests, such as trial lawyers, because it so grossly expands the opportunity for lawsuits, creating new causes of action, creating multiple forum choices, creating no punitive damage caps, creating no noneconomic damage caps, allowing people to escape the external appeals process at will.

We have not said that. It is really inappropriate for the other side to be making these types of representations.

The fact is, as has been represented on the other side that this bill costs 4.2

percent over 5 years—this bill costs 4.2 percent every year in added costs, and that point should be made because that is a lot of new money that is going to have to be borne by the employers.

Those two points needed to be cleared up. I reserve the remainder of time for the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Eight minutes forty-one seconds.

Mr. HUTCHINSON. I thank the Chair, and I thank the Senator from New Hampshire for his good statement regarding the blue slip issue. He called it a red herring. It is a red herring. It is clear, if we want to adopt this, we can. If we want to enact this, we can. The whole blue slip smokescreen is a distraction from the reality.

This is something we should do. Most of us know we should do it. It is something we can do. It is not an effort to subvert or derail this bill. It is an effort to improve it. It is most definitely relevant to this legislation because this legislation will increase the uninsured. It is going to do that. I do not think there is any doubt about that.

The CBO says it is going to increase costs and, as a result of that 4.2 percent increase in cost in premiums, at least on top of the inflation that is already occurring in the health care industry, we are going to see at least 1.3 million more uninsured.

Any effort we can make in this legislation to reduce the uninsured is most relevant. This legislation will do that.

The National Association of Manufacturers is going to key vote this. I do not blame them. This is a key vote. This is an important vote. This is one that deals directly with access to health care.

I remind my colleagues as well, every bill the House of Representatives has passed dealing with a Patients' Bill of Rights has had a tax provision. This is a figleaf that is being held up on a blue slip, and I do not believe the American people will buy that.

Current law discriminates against the self-employed. Corporations are allowed 100-percent deduction. Employees receive 100-percent exclusion for health insurance paid by their employers, but self-employed individuals still are not treated equally.

We can, with a very modest expense, very low expense, move this up a year, give them 100-percent deductibility beginning January of next year. We should do so.

We heard a lot about the liability concerns in this legislation. They are very legitimate concerns. These are not special interests talking:

Chicago Tribune:

> Better to put teeth in administrative review than allow malpractice lawyers to tear the entire health insurance system to shreds.

The Arizona Republic:

> The cost of these reforms is uncertain, but it will be borne by businesses that provide health care coverage perhaps by their employees in the form of higher deductibles or copayments and by employees who may find themselves uninsured if their employer no longer provides coverage as a result of increasing costs.

The Washington Post:

> The threat of a lawsuit should not be what governs health care in this country. To the extent Congress can avoid or contain that awful possibility, we think it should.

Those are not special interests. Those are legitimate concerns about what this bill will do to lawsuits and litigation across the board.

Who are the self-employed we want to help? There are 12.5 million self-employed, and 3.1 million of them are uninsured. We want to minimize the impact on the insured. This is one way we can do it. One out of four of those self-employed in this country are uninsured, almost one out of four. This will make insurance closer to a reality for those people. Seventy percent of these individuals earn less than $50,000. More than two-thirds of those who are self-employed are not affluent, are not rich. They are making less than $50,000 a year.

Then I want my colleagues to think as they vote on this amendment not just about the 3.1 million who are uninsured, who are self-employed, but I want them to think about their children, those who are family heads.

The Hutchinson-Bond amendment will provide the possibility of insurance not only for 6.4 million children who are going to have their situation made better, but for the 1 million children absolutely uninsured right now. That I know is a concern of every Member of this body. This is a means by which we can help that situation. I ask my colleagues to join in an overwhelming vote in support of this amendment. Do not pretend that a technicality somehow justifies a ''no'' vote. This is a sincere effort to access more people to insurance.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HUTCHINSON. I yield back any time.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Montana, the chairman of the Finance Committee, be recognized for 2 minutes, and the Senator from New Hampshire be recognized for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana.

Mr. BAUCUS. Mr. President, I oppose the pending amendment for several reasons. One, the bill before us is a Patients' Bill of Rights; it is not a tax bill. We have already passed a tax bill. It was a big one, $1.35 trillion, just a short while ago. There could be an opportunity later to examine tax issues, but this is not the time to do it nor do I submit this is the place to do it.

I oppose this amendment on jurisdictional grounds because the Finance Committee is the committee responsible for tax issues, and we will take up similar legislation at a later date, but this is not the time or the place for a tax provision.

Also, Senator GRASSLEY, the ranking member of the committee, agrees—I have discussed this with him—this is not the time and place to include this legislation. The place is in the Finance Committee. That is the committee of jurisdiction over tax legislation. Senator GRASSLEY, as do I, has a strong interest in addressing health care-related tax cuts, but rather in the context of the Finance Committee. He and I strongly urge the Senate to reject this amendment. This is not the time and place to offer tax amendments.

When all time expires, I will make a point of order against the pending amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I am going to yield our time to the Senator from Missouri, but I want to make the point very clear. If my colleagues vote for the point of order against the amendment, they will be voting against people's ability to fully deduct their health insurance.

I yield to Senator BOND.

Mr. BOND. Mr. President, I thank my colleague from Arkansas, Senator HUTCHINSON, for making this the first amendment. My thanks to the Senator from New Hampshire for explaining very carefully. We can talk about the procedure we want, but very simply stated, this has been agreed to by the Finance Committee before. This is a bill that will have tax-related provisions in it. This is a bill that already does. We have heard from both the Senator from Arizona, one of the principal sponsors, and the Senator from New Hampshire, how we assure that this bill is not blue-slipped.

I urge colleagues to support this amendment regardless of the procedural basis on which it is challenged. The underlying purpose is to assure every self-employed businessperson in this Nation and their families that they will get full deductibility of health care. We want to do something good for patients. This is a first step.

I urge my colleagues to support the Hutchinson-Bond amendment and help take a positive step to begin what will be a very important and significant debate on how we protect patients. Cut through the procedure. The question before my colleagues is: Do you want to see self-employed individuals have full deductibility for health care?

Mr. BAUCUS. I make a constitutional point of order against the Hutchinson amendment on the grounds that the amendment would affect revenues on a bill that is not a House-originated revenue bill.

I urge Senators to vote aye on the point of order.

Mr. GREGG. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. If I wish to support allowing people to deduct their health insurance, do I vote no on this amendment?

Mr. REID. Yes, you vote no.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. It takes an affirmative vote to sustain the point of order.

Is there a sufficient second on the request for the yeas and nays? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the precedents and practices of the Senate, the Chair has no power or authority to pass on such a point of order. The Chair, therefore, under the precedents of the Senate, submits the question to the Senate. Is the point of order well taken?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) is necessarily absent.

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

[Rollcall Vote No. 194 Leg.]

YEAS—52

Akaka	Dodd	Lieberman
Baucus	Dorgan	Lincoln
Bayh	Durbin	McCain
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Graham	Nelson (NE)
Byrd	Grassley	Reed
Cantwell	Harkin	Reid
Carnahan	Hollings	Rockefeller
Carper	Inouye	Sarbanes
Chafee	Johnson	Schumer
Cleland	Kennedy	Stabenow
Clinton	Kerry	Torricelli
Conrad	Kohl	Wellstone
Corzine	Landrieu	Wyden
Daschle	Leahy	
Dayton	Levin	

NAYS—45

Allard	Domenici	Kyl
Allen	Ensign	Lott
Bennett	Enzi	Lugar
Bond	Fitzgerald	McConnell
Brownback	Frist	Murkowski
Bunning	Gramm	Nickles
Burns	Gregg	Roberts
Campbell	Hagel	Santorum
Cochran	Hatch	Shelby
Collins	Helms	Smith (NH)
Craig	Hutchinson	Smith (OR)
Crapo	Hutchison	Snowe
DeWine	Inhofe	Specter
Stevens	Thompson	Voinovich
Thomas	Thurmond	Warner

NOT VOTING—3

Jeffords	Miller	Sessions

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 45. The point of order is sustained and the amendment falls.

Mr. KENNEDY. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I voted to sustain the Constitutional Point of Order made against the Hutchinson-Bond amendment to the Patients' Bill of Rights legislation. While I have in the past supported and continue to support full deductibility of health insurance for the self-employed, I oppose this amendment to this bill for several reasons. Firstly, the Constitution states that tax legislation must originate in the House of Representatives. Attaching this amendment to this bill would create parliamentary burdens for the Patients' Bill of Rights legislation which would be very difficult to overcome. This is precisely the reason that opponents of this bipartisan legislation are proposing to attach this amendment at this time and why Senator MCCAIN, Senator KENNEDY, and Senator EDWARDS, the authors of the bipartisan Patients' Bill of Rights oppose this amendment. Secondly, the full phase-in of premium deductibility is already scheduled to occur in 2003. Congress has already speeded up the phase-in twice since passing the 1996 Health Insurance Portability and Accountability Act. Because I strongly support the Patients' Bill of Rights, I do not want to see language added to the bill which will interfere with its becoming law.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I think, under the previous agreement, there is going to be recognition of the Senator from Arizona. We have a very important amendment now that will be offered by the Senator from Arizona. We will only have an hour of debate time in the morning. We will come in at 9:30. There will be a half hour on each side to debate this. But this is very important.

I hope our colleagues will pay close attention to the Senator and those who address this issue tonight. We look forward to having a good debate and discussion on this measure.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized to offer an amendment.

AMENDMENT NO. 809

(Purpose: To express the sense of the Senate with respect to the opportunity to participate in approved clinical trials and access to specialty care)

Mr. MCCAIN. Madam President, on behalf of myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 809.

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE WITH RESPECT TO PARTICIPATION IN CLINICAL TRIALS AND ACCESS TO SPECIALTY CARE.

(a) FINDINGS.—The Senate finds the following:

(1) Breast cancer is the most common form of cancer among women, excluding skin cancers.

(2) During 2001, 182,800 new cases of female invasive breast cancer will be diagnosed, and 40,800 women will die from the disease.

(3) In addition, 1,400 male breast cancer cases are projected to be diagnosed, and 400 men will die from the disease.

(4) Breast cancer is the second leading cause of cancer death among all women and the leading cause of cancer death among women between ages 40 and 55.

(5) This year 8,600 children are expected to be diagnosed with cancer.

(6) 1,500 children are expected to die from cancer this year.

(7) There are approximately 333,000 people diagnosed with multiple sclerosis in the United States and 200 more cases are diagnosed each week.

(8) Parkinson's disease is a progressive disorder of the central nervous system affecting 1,000,000 in the United States.

(9) An estimated 198,100 men will be diagnosed with prostate cancer this year.

(10) 31,500 men will die from prostate cancer this year. It is the second leading cause of cancer in men.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) men and women battling life-threatening, deadly diseases, including advanced breast or ovarian cancer, should have the opportunity to participate in a Federally approved or funded clinical trial recommended by their physician;

(2) an individual should have the opportunity to participate in a Federally approved or funded clinical trial recommended by their physician if—

(A) that individual—

(i) has a life-threatening or serious illness for which no standard treatment is effective;

(ii) is eligible to participate in a Federally approved or funded clinical trial according to the trial protocol with respect to treatment of the illness;

(B) that individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual; and

(C) either—

(i) the referring physician is a participating health care professional and has concluded that the individual's participation in the trial would be appropriate, based upon the individual meeting the conditions described in subparagraph (A); or

(ii) the participant, beneficiary, or enrollee provides medical and scientific information establishing that the individual's participation in the trial would be appropriate, based

upon the individual meeting the conditions described in subparagraph (A);

(3) a child with a life-threatening illness, including cancer, should be allowed to participate in a Federally approved or funded clinical trial if that participation meets the requirement of paragraph 2;

(4) a child with a rare cancer should be allowed to go to a cancer center capable of providing high quality care for that disease; and

(5) a health maintenance organization's decision that an in-network physician without the necessary expertise can provide care for a seriously ill patient, including a woman battling cancer, should be appealable to an independent, impartial body, and that this same right should be available to all Americans in need of access to high quality specialty care.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment is not a complicated one. In fact, it is very simple and straightforward. It simply reiterates the Senate's strong support for providing strong patient protections to Americans who are battling deadly and life-threatening illnesses.

The reason I offer this sense-of-the-Senate amendment is that there has been a great deal of discussion about the difference, according to the Congressional Budget Office, between the cost of the so-called Breaux-Frist proposal and the pending legislation.

At the outset, so there is no misunderstanding, this sense of the Senate does not in any way tell the HMOs what they should cover and what they should not cover. That is not the point. The point is that when these are covered, there are obviously increased costs, but the reasons for covering them are compelling. The reason I just had the resolution read is the really compelling statistics: 182,800 women this year will be diagnosed with invasive breast cancer; 40,800 women will die from the disease; 1,500 children are expected to die from cancer this year; an estimated 198,100 American men will be diagnosed with prostate cancer; 31,500 men will die from prostate cancer this year.

What I am trying to say is that we think there are additional costs associated with coverage for a disease that affects literally millions of Americans.

The CBO, the Congressional Budget Office, scored the Frist-Breaux proposal as increasing premiums by 2.9 percent. They scored our proposal as being a 4.2-percent increase in premium cost. This is the estimated ultimate effect of the Bipartisan Patients' Bill of Rights on premiums for employer-sponsored health insurance in percent.

I point out that the Congressional Budget Office costs out in lawsuits and damages an increase in premiums under the Breaux-Frist bill of .4 percent; our bill, .8 percent. So there is a .4 percent difference in their estimate—and we argue with that estimate—in costs associated with the provisions for litigation or remedies, lawsuits and damages, in this bill. I want to emphasize, .4 percent.

The overall difference, according to CBO, is 1.3 percent, the difference between 2.9 and 4.2. But the difference associated with lawsuits and damages is .4 percent.

Where do the other differences, according to CBO, occur? Well, timely access to specialists. They believe it would increase premiums by .1 percent and ours .3 percent. On charges for individuals participating in approved clinical trials, they say it would increase costs by .5 percent and ours by .8 percent. The right to hold health plans accountable—that is, the review of health care plans—the Breaux-Frist bill increases cost by .8 percent and ours by 1.2 percent, which is a difference of .4 percent—adding up to an overall additional cost in premiums, the Breaux-Frist proposal of 2.9 percent, and ours, the pending legislation, of 4.2 percent.

My point is, as we have already seen, the majority of the debate has been centered around the allegation that there will be an explosion of litigation and lawsuits. That is not according to our view nor that of the former Governor, Senator ZELL MILLER, who spoke this morning of his experience as Governor of the State of Georgia, nor is it true in the CBO estimates.

I happen to personally believe that clinical trials are important and should be part of health maintenance organization coverage, but that is up to the HMO. I happen to believe that treatment for breast cancer should be part of an HMO's coverage, but I also believe that that is up to the health maintenance organization.

What I am trying to do here is put the Senate on record of being in favor of trying to address these illnesses which affect so many Americans, and it is our view, as a body, that these causes of death—breast cancer is the second leading cause of cancer death among all women and the leading cause of cancer death among women between ages 40 and 55—that there are protections that all Americans should receive under HMOs.

I stress again, we are not in any way mandating that those should be covered. We are entitled, as a body, to express our opinion and our sense. That is why it is a sense-of-the-Senate resolution and not any mandate that would be in the form of another amendment.

This does not encourage excessive new mandates for health plans. It simply says that if the plan provides certain benefits, such as cancer care, then that plan cannot stop a qualified patient from participating in an approved or funded clinical trial.

So I hope my colleagues will agree on this amendment.

I have a letter from the American Cancer Society in support of increased access to clinical trials, prompt and direct access to medical specialists, and strong, independent, and timely external grievance and appeals procedures.

I ask unanimous consent that the letter be printed in the RECORD.

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

AMERICAN CANCER SOCIETY,
Washington, DC, June 13, 2001.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the American Cancer Society and its 28 million supporters, I am writing to respectfully request that you allow debate on the Patients' Bill of Rights to move forward and that you support S. 283/S. 872, the ''Bipartisan Patient Protection Act of 2001.'' As the largest voluntary health organization dedicated to improving cancer care, the Society has set the enactment of a patients' bill of rights that provides strong, comprehensive protections to all patients in managed care plans as one of its top legislative priorities for this session of Congress.

While the Society does not have a position on health plan liability, we have identified several other provisions that are critical to cancer patients. Specifically, we advocate patient protection legislation that provides all insured patients with:

Increased access to clinical trials—assuring that cancer patients who need access to the often lift-saving treatments provided in both federally and privately-funded or approved high-quality, peer-reviewed clinical trials have the same coverage for routine patient care costs (e.g., physician visits, blood work, etc.) as patients receiving standard care.

Prompt and direct access to medical specialists. Patients facing serious or life threatening illnesses, such as cancer, need continuity of care, the option of designating their specialist as their primary care provider, and the ability to have a standing referral to their specialist for ongoing care.

Strong, independent, and timely external grievance and appeals procedures.

As of today, the ''Bipartisan Patient Protection Act of 2001'' (S. 283/S. 872) is the only bill under consideration by the Senate that fully meets these criteria.

We are particularly pleased that S. 283/S. 872 includes a strong clinical trials provision that provides access for cancer patients and others with serious and life threatening diseases to both federally and privately-sponsored high-quality, peer-reviewed trials. Clinical trials are a critical treatment option for current cancer patients and are also essential in our nation's efforts to win the War Against Cancer. Without clinical trials, new or improved treatments would languish in the laboratory, never reaching the patients who need them. Unfortunately, only three percent of cancer patients currently enroll in clinical trials. Part of the problem is that many health insurers refuse coverage for a patient's routine care costs if the patient enrolls in a clinical trial—effectively denying access to possibly life-saving treatment.

S. 283/S. 872 would remove this financial barrier by requiring health insurance plans to cover the same routine patient care costs that they would cover if the patient were receiving standard therapy. It is important to note that the legislation would not require the health plans to cover new costs—they

would not be required to cover the research-related costs or even the cost of the actual drug.

The Society also strongly supports the clinical trials provision because it offers patients access to a broad range of clinical trials—including new drug trials approved by the Food & Drug Administration (FDA)—helping to ensure that no one is left behind as we march forward in our fight against cancer. The recently FDA-approved oral anti-cancer drug Gleevec is a prime example of the important role privately-funded trials play in our War Against Cancer. This revolutionary new drug, developed by the pharmaceutical industry, has offered hope to many patients suffering from chronic myelogenous leukemia (CML). Just as the Society believes that health insurance plans should cover the same routine patient care costs that they would cover if the patient were receiving standard therapy, we also believe that this requirement should be the same regardless of who is funding the trial. Patients continue to pay premiums for this care and should not be forced to go through burdensome administrative hurdles solely because their best treatment option is being developed by the private instead of the public sector. As a result, the Society feels very strongly that any clinical trials provision adopted by Congress must include the innovative treatments being developed in FDA-approved trials.

While we appreciate the efforts of Senators Frist and Breaux to include a clinical trials provision in their alternative bill, S. 889, the provision falls far short of the protections needed by cancer patients. Specifically, the Frist-Breaux proposal would exclude many new drug trials that are approved by the FDA—trials that are essential to providing quality cancer care. S. 889 would also create a negotiated rulemaking procedure to develop a new definition of routine patient care costs instead of relying on the existing Medicare definition already in use. It is important to note that this definition has already been vetted through a federal rulemaking procedure. Further, managed care plans who participate in Medicare + Choice are already following the Medicare definition. Duplicating this effort would be a waste of scarce federal resources and subject patients to a needless waiting game that could be the difference between life and death for some cancer patients.

The diagnosis of cancer is devastating—patients must not only confront an array of medical decisions, they must cope with the financial and emotional burdens as well. We strongly believe that cancer patients in managed care plans must be assured of access to clinical trials this year and hope to continue to work with you to achieve our mutual goals.

Cancer patients have been waiting for enactment of a strong, comprehensive Patients' Bill of Rights for several years. For many current and future cancer patients, enactment of this legislation is a life-or-death issue. Please do your part and support S. 283/S. 872, the ''Bipartisan Patient Protection Act of 2001.'' If you or your staff have any additional questions, please contact Megan Gordon, Manager of Federal Government Relations (202–661–5716).

Sincerely,

DANIEL E. SMITH,
National Vice President,
Federal and State Government Relations.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank my colleague from Arizona for the sense-of-the-Senate resolution. I think it is important to bring this up early in the debate.

The Senator from Arizona, in his resolution, spells out the grim statistics about the fatal diseases which Americans and their families fight every single day. He notes the fact regarding breast cancer, the most common form of cancer among women, excluding skin cancer, that during the year 2001, 182,800 new cases of female invasive breast cancer will be diagnosed and 40,800 women will die from the disease. Fourteen hundred male breast cancer cases are projected to be diagnosed, 400 to die from the disease. Breast cancer is the second leading cause of cancer death among all women. The leading cause, of course, is lung cancer. This year, 8,600 children are expected to be diagnosed with cancer; 500 will die from that disease. Three hundred thirty-three thousand people in our country are diagnosed with multiple sclerosis; 200 more cases each week. Parkinson's disease is a progressive disorder of the central nervous system affecting a million in the United States, and the numbers are growing. An estimated 198,000 men will be diagnosed with prostate cancer this year; 31,500 will die from this disease. It is the second leading cause of cancer among men.

The reason these statistics are important and the sense-of-the-Senate resolution is so important is that Senator MCCAIN, as well as this bipartisan legislation, addresses the hope that we have to deal with this scourge of disease and all the pain and sorrow and suffering it brings to so many people.

What we are talking about are clinical trials. Clinical trials are an attempt by the medical profession to find new therapies and new approaches that may be promising and may create breakthroughs for people who have lost hope.

HMOs, the health insurance companies, many times deny access to these clinical trials.

Think about that for a moment: You visit your doctor and he says there is a suspicion that there may be a serious problem. You come back for a final diagnosis and you learn it is, in fact, a very serious disease; in fact, it is so serious that there is no known cure. But there is a clinical trial on the way at a hospital or a university that is trying a new approach, something that may have a significant impact on your disease. You ask how much it costs. Of course, it could be very expensive. Can you pay for it personally? Some people can, but most can't. So you call your health insurance company and say to the health insurance company: I have this bad diagnosis, but I have a chance. There is a clinical trial.

Sadly, too many health insurance companies say: No, we are not going to cover it. We can't afford it.

Clinical trials represent the gold standard of care for cancer patients across the United States. Yet only 3 percent of the eligible adults are enrolled in clinical trials for the treatment of cancer.

The General Accounting Office has found that patient participation in clinical trials is often dependent on this approval by the insurance company. They found that, increasingly, HMOs and health insurance companies are saying no to these clinical trials.

Yesterday, I had a very interesting visit in my office, unplanned, when a young lady from Chicago came in and asked at the last minute to see me. She was in town to testify at a committee on which I don't serve. Her name is Liz Cohen. She was here with her husband Richard. Liz is a cancer survivor. She was testifying before a subcommittee about clinical trials and medical research. Liz was diagnosed with lymphoma about 6 years ago. Luckily for her, she told me that she was willing to put up a fight with the insurance company to make sure she got into the clinical trial. She said—and I certainly agree with her—that many people are not so fortunate. How could anybody afford the thousands of dollars it would cost to go through one of those clinical trials? We talked about one of the new miracle drugs for cancer that has just come on the market. It is known as Gleevac. The pharmaceutical industry developed this revolutionary drug for chronic myelogenous leukemia and it has now been approved by the FDA in a record 2-month period of time. That may have been one of the fastest approvals ever.

The trials for this groundbreaking new treatment were privately funded, but approved by the FDA. Why is that important in this debate? Many people on the Republican side of the aisle tell you there is very little difference between the Breaux-Frist bill and the one being offered on our side, the Kennedy-Edwards-McCain bill.

Listen to the situation that faced Liz Cohen, where this breakthrough drug came about as a result of a clinical trial approved by the FDA. Under the McCain-Edwards bill, the one I support, the bipartisan bill, this type of clinical trial approved by the FDA would be covered. The Frist bill would not cover the trial for patients with this form of leukemia because they don't require coverage for FDA approved trials. They make a distinction which, frankly, from the point of view of a patient makes no difference whatsoever. If you are talking about a clinical trial and a breakthrough drug, how important is it for you to know whether it is FDA approved or not? If it is approved, why would your health insurance company not cover it?

It seems unfair for Congress to limit treatment options based on who is funding the clinical trial. That is exactly what the bills do. The bill offered on the Republican side by Senator

FRIST and Senator BREAUX is a bill that would have denied her the access to that clinical trial. Our bill would have given her that access.

There are other major problems with the Frist bill, not the least of which is the fact that it imposes a lengthy rulemaking process in terms of this whole clinical trial issue. It is estimated that they would not be able to decide the rules relative to these clinical trials before fiscal year 2004, maybe as late as 2007. Can you think about that for a moment—that we would wait 5, 6, or 7 years for rulemaking under the Frist bill on clinical trials? Would you like to try to explain that in a doctor's office to someone desperate for a breakthrough so that they can live?

That is what is at stake here. The clock is not just running on rulemaking; the clock is running on life or death. That is the difference between the bills.

The Frist bill also provides the HMO with an opportunity to refuse to cover unanticipated patient care costs as a result of a clinical trial. So even if you get access to a clinical trial and pay with your own money, you have to hope you won't suffer side effects, or you might be on your own paying for the bills out of your own pocket.

Clinical trials are sometimes the only hope that a family has. The Frist and Breaux bill, sadly, would extinguish that hope. In an effort to protect the insurance company's bottom line, their bill would rob cancer patients sometimes of their last chance.

I hope when we look at clinical trials, there will be honest information given on the Senate floor. The Mayo Clinic and the Memorial Sloan-Kettering Cancer Center have done studies. They have concluded that the cost of a clinical trial is usually comparable to the cost of other treatment. But the clinical trials are important because they try to push the envelope and find new approaches, new therapies, new drugs, things that could be used for everybody's good benefit later on. They give an example. They went to the Mayo Clinic, to the National Cancer Institute, and found that after one year the cost for a cancer chemotherapy trial was $24,645. For those under standard care, it was $23,964. The difference is not significant. For a person desperate to find a cure, the difference makes the importance of this debate come through very clearly.

Another study at Memorial Sloan-Kettering Cancer Center found that clinical trial patients spend less time in the hospital, lower costs for radiation therapy, fewer drugs and supplies, and fewer operating room procedures. Overall costs for clinical trial patients were 20 percent less than those patients in standard care.

Why do the insurance companies say no? It is not a matter of cost. It is a question about how far they will go if you leave them alone. The reason for this Patients' Bill of Rights is to make sure that families across America have these rights and guarantees and protections.

What we are seeking to do with the amendment offered by the Senator from Arizona is to put the Senate on record, to stand up for clinical trials, stand up for the bipartisan bill that guarantees access to these important life-or-death clinical trials. I am happy to stand in support of the Senator's amendment. I hope all of my colleagues, regardless of their party affiliation, will understand that the diseases that affect Americans don't know any party label. They affect everybody—Republican, Democrat, or Independent. I hope all my colleagues will join in supporting this amendment. I thank the Senator for bringing it to the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank my friend from Illinois for the eloquent statement. I want to make a brief comment about the last vote.

I believe we made a good-faith effort in order to see that we could circumscribe the number of tax amendments that would be on this bill. I thought it was a good-faith effort. Obviously, that offer was not accepted. I want to continue to work to see if we can work that out.

In a larger sense, we had some pretty strong rhetoric on the floor after our first day of debate on this issue. But time after time, I hear the statement made by my colleagues on both sides of this legislation that we want a Patients' Bill of Rights. There is acknowledgement that we are in agreement on 90 percent of this issue. Well, then, let's really get serious about negotiating. Let's sit down together.

I know I speak for the supporters of this legislation when I say there is nothing that we feel is not negotiable. We cannot betray principle, but it is interesting that we go over the President's principles and we find that we are not in any disagreement with the message that was sent over from the White House as far as the President's principles are concerned. If we are in agreement on the principles, then it seems to me there should be no reason why we can't reason together—whether it be on employer liability, or whether it be on the external appeals process, or whether it be in other areas that divide us.

So I hope that we will take this opportunity after the vote tomorrow to contemplate it over the weekend, recognizing that the majority leader has stated that we will be on this bill until its conclusion, and take the opportunity to engage in serious negotiations because I don't think that we are that far apart on this issue.

It is not our desire in any way, shape, or form to incur a veto. I was somewhat disappointed at the President's message today concerning the threat of veto because given the reasons listed, frankly, we believe that we are in compliance.

So I hope that we can, tomorrow, and in the week ahead, have some meaningful negotiations and discussions so that we can reach an outcome that meets the goal that all of us state over and over and over again on the floor of the Senate, that we want an HMO Patients' Bill of Rights.

I believe we can achieve it, and I hope today's debate—5 hours on an amendment that has to do with revenue—will not be the practice we continue here. Otherwise, it will be a long time before we complete consideration of this legislation. I, like 99 of my colleagues, do have plans for the Fourth of July. So I hope we can, not only because of the virtues and merits of the issues, but also for less noble reasons, try to get this issue resolved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I too, join my colleagues in commending the Senator from Arizona for bringing this to our attention. It brings focus to two very important protections of this legislation. It is appropriate we bring focus to these two protections. Many of the other protections are essential as well, but I think these two are of special importance and concern because the clinical trials part of this legislation is the key, the basis of translating the breakthrough drugs to American families. If we do not have the clinical trials, that is not going to happen, and we are in the century of life science.

Specialty care is of enormous importance. We may have challenges in our health care system, but we have well-trained, highly skilled professionals. Specialization has brought a quality of instruction, comprehension, and experience to so many of our medical professionals that their knowledge in areas of specialization every single day makes extraordinary differences to families. The Senator from Arizona has brought special focus to both of these areas.

I want to mention a few points about why I think this amendment is needed and why I support it. I will explain the reason why this amendment is important.

Two of the biggest loopholes in the bill sponsored by our opponents are in the sections providing access to clinical trials and specialty care. Under their bill, the patients do not have access to critical FDA-approved clinical trials. Access to trials is potentially delayed for years because of a cumbersome administrative process.

Their proposal for access to speciality care is not a right because it lets the HMO decide whether the child needs specialty care, but the decision is not appealable.

Do my colleagues understand that? If you have a situation where a child has cancer, as my own son did—we went to our general pediatrician, and he was able to tell us very quickly about the importance of going to a pediatric oncologist.

He visited an oncologist and received recommendations and supervision. There are about 2,000 of these cases each year. He was admitted into a clinical trial in which 22 children at that time had actually survived. But that particular clinical trial was breathtaking in its success. There are still a number of fatalities, but it changed from about a 10 or 15 percent chance of survival to only a 10 or 15 percent chance of mortality. I have seen the importance of this in a very important way.

A ''yes'' vote on this amendment will effectively take this issue off the table and put the Senate on record as saying that women and children with cancer, and any American with a dreadful disease, should have the opportunity to see a specialist qualified to treat the disease. They should have the opportunity to participate in a potentially lifesaving clinical trial.

Earlier today, I was talking about the importance of specialty care when serious and complex illnesses strike. It is critical to get the best specialty care that is needed. Denial of access to needed specialists is also one of the most common abuses in the current system.

According to a survey at the University of California School of Public Health, 35,000 patients every day are denied specialty referrals. One of those patients was little Sarah Pedersen of San Mateo, CA.

Sarah was born with a brain tumor. When she was 3, it became clear she needed aggressive treatment to save her life, including brain biopsies and chemotherapy. Her neurosurgeon knew that Sarah needed to be seen by a doctor specializing in brain tumors in children, and there was no qualified doctor in her family's health plan. When Sarah's mother, Brenda, a nurse, asked to go outside the network, her HMO said no. The HMO said: We are not giving you second best, we are giving you what is on the list.

After months of fighting with the HMO, it finally agreed to let Sarah see someone qualified to treat her condition. Her chemotherapy began. Everyone knows chemotherapy causes severe nausea and vomiting. The HMO denied Sarah's $54 prescription for antinausea medication because it was too expensive. Finally, Sarah's family was able to switch insurance companies and get proper care for their child.

There you have it, two parents facing one of the worst nightmares a family can have: a child with cancer. Instead of being able to focus on dealing with that terrible stress and working to give their child the comfort and assistance they can, they have to spend their energy fighting with an insurance company simply to get the child access to an appropriate specialist.

Sarah was lucky in the sense that the HMO's delays did not kill her, but what a burden for her family to face and what a travesty of common decency. Passage of our legislation will assure that every family with a child who has cancer can get the specialty care they need without the dangerous delays.

Women with cancer face special burdens. They must cope with a dreaded and often deadly disease. They need prompt specialty care. Often their best hope for a cure or precious extra months or years of life is participation in a clinical trial, but too often both are lacking.

When a woman with advanced breast or cervical cancer reaches a qualified specialist, the best—and sometimes the only—therapeutic choice is participation in a clinical trial. But too often, women with cancer and their physicians must fight HMOs to take advantage of this opportunity. Diane Bergin, a wife and mother of three children, suffered from ovarian cancer. Participation in clinical trials has prolonged her life, gave her hope, and offered the prospect of better care for future women suffering from this terrible disease. She was allowed to participate in clinical trials—but she had to fight every step of the way—and she knows that other women were not so fortunate. Here is what she said, ''No one facing a serious illness should be denied access to care because that treatment is being provided through a clinical trial. Sometimes, it is the only hope we have. And the benefit to me, whether short or long-term, will surely help those women who come after me seeking a cure, a chance to prolong their life for just a little while, just so that they can attend a graduation, or a wedding, or the birth of a grandchild.''

Traditionally, the insurance companies have paid the routine doctor and hospital costs associated with clinical trials.

According to the CBO, 90 percent of the cost of such trials is paid by the insurance companies. But managed care is reversing that policy, with devastating effects on patients and researchers alike.

Diane Bergen was a patient at the Lombardi Cancer Center in Washington. Karen Steckley, a nurse, is director of clinical operations at the center. She has eight full-time master level nurses on her staff who spend virtually all of their time, not in patient care, but in arguing with managed care companies. These companies do not want to pay for clinical trials, even when it is clearly the best treatment available for a patient. Often Ms. Steckley's team is able to get patients into trials. But sometimes they fail and patients suffer or die needlessly as a result.

Our legislation will end this abuse. That is one reason it has been endorsed by virtually every organization in the country representing cancer patients.

We have heard moving testimony on the subject. In one of the many forums we held on access to specialists for cancer patients, we heard from Dr. Mirtha Casimir, a distinguished Texas oncologist. Dr. Casimir talked about the heartbreaking stories of cancer patients whose HMOs delay and deny access to specialty care—often until it is too late. When Dr. Casimir gets a patient whose cancer has progressed substantially from the initial diagnosis to the time they are allowed to seek needed specialty care, she often flips to the front of the chart. Nine times out of ten, the insurer is an HMO. Every centimeter a cancer grows can mean the difference between a good chance at life and the likelihood of death. Every centimeter represents potentially devastating and avoidable pain, suffering, and death for a patient and a family.

Dr. Casimir's message was clear: Pass the Patients' Bill of Rights so more cancer patients will not die needlessly. That is exactly what the McCain amendment will accomplish, something which the underlying amendment on clinical trials fails to do.

Congress took action last year in the area of the Medicare and Medicare Plus by establishing the protocol for shared costs between the industry and clinical trials. All of that was worked out. The basic agreement is completely consistent with the Institute of Medicine's recommendation. It is working and working well. Yet under their proposal, they have to go through the whole administrative process once again to try to determine the costs. The best estimates would take 5 to 6 years. That kind of delay is not acceptable.

The opponent's bill also excludes FDA trials which, as we have mentioned previously, are a source of enormous importance. So many of these trials involve pharmaceutical companies on the cutting edge of breakthrough drugs, drugs that offer enormous opportunities. A patient cannot even gain entrance into the clinical trial unless the doctor makes the determination that there is a reasonable chance of success. Still, under the Frist-Breaux proposal, the clinical trials provision does not give the clear guarantees that are in the McCain amendment.

I ask unanimous consent that two letters be printed in the RECORD at the conclusion of my remarks, one from the American Cancer Society and another from the Cancer Leadership Council.

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

(See Exhibit No. 1.)

Mr. KENNEDY. From the Cancer Leadership Council:

On behalf of cancer patient advocates, health care professionals and research organizations, the undersigned organizations thank you for your vital leadership in introducing a Patients' Bill of Rights that provides comprehensive coverage for routine patient care costs in clinical trials. Notably, your legislation covers ALL high quality clinical trials, not just those sponsored by government funding agencies. As cancer drug development is increasingly undertaken by the pharmaceutical and biotechnology industries, it is essential that their trials be accessible to cancer patients, and your legislation will achieve this result. In addition, your bill provides a workable definition of ''routine patient care costs'' that will enable implementation to proceed expeditiously.

That is what the McCain amendment is all about.

The American Cancer Society talks about increased access and about assuring that the cancer patients who need access get access to clinical trials. Access must be available to trials that involve lifesaving treatments provided in both federally and privately funded trials. Approved high-quality peer reviews are an essential component of this process. Clinical trials should have the same coverage for routine patient care costs as patients receiving standard care.

This is an enormously important protection for the American people. We should embrace it, endorse it, and ensure this kind of patient protection is included in any successful Patients' Bill of Rights legislation.

EXHIBIT NO. 1

AMERICAN CANCER SOCIETY,
Washington, DC, June 13, 2001.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the American Cancer Society and its 28 million supporters, I am writing to respectfully request that you allow debate on the Patients' Bill of Rights to move forward and that you support S. 283/S. 872, the ''Bipartisan Patient Protection Act of 2001.'' As the largest voluntary health organization dedicated to improving cancer care, the Society has set the enactment of a patients' bill of rights that provides strong, comprehensive protections to all patients in managed care plans as one of its top legislative priorities for this session of Congress.

While the Society does not have a position on health plan liability, we have identified several other provisions that are critical to cancer patients. Specifically, we advocate patient protection legislation that provides all insured patients with:

Increased access to clinical trials—assuring that cancer patients who need access to the often life-saving treatments provided in both federally and privately-funded or approved high-quality, peer-reviewed clinical trails have the same coverage for routine patient care costs (e.g., physician visits, blood work, etc.) as patients receiving standard care.

Prompt and direct access to medical specialists. Patients facing serious or life threatening illnesses, such as cancer, need continuity of care, the option of designating their specialist as their primary care provider, and the ability to have a standing referral to their specialist for ongoing care.

Strong, independent, and timely external grievance and appeals procedures.

As of today, the ''Bipartisan Patient Protection Act of 2001'' (S. 283/S. 872) is the only bill under consideration by the Senate that fully meets these criteria.

We are particularly pleased that S. 283/S. 872 includes a strong clinical trials provision that provides access for cancer patients and others with serious and life threatening diseases to both federally and privately-sponsored high-quality, peer-reviewed trials. Clinical trials are a critical treatment option for current cancer patients and are also essential in our nation's efforts to win the War Against Cancer. Without clinical trials, new or improved treatments would languish in the laboratory, never reaching the patients who need them. Unfortunately, only three percent of cancer patients currently enroll in clinical trials. Part of the problem is that many health insurers refuse coverage for a patient's routine care costs if the patient enrolls in a clinical trial—effectively denying access to possibly life-saving treatment.

S. 283/S. 872 would remove this financial barrier by requiring health insurance plans to cover the same routine patients care costs that they would cover if the patient were receiving standard therapy. It is important to note that the legislation would not require the health plans to cover new costs—they would not be required to cover research-related costs or even the cost of the actual drug.

The Society also strongly supports the clinical trials provision because it offers patients access to a broad range of clinical trials—including new drug trials approved by the Food and Drug Administration (FDA)—helping to ensure that no one is left behind as we march forward in our fight against cancer. The recently FDA-approved oral anti-cancer drug Gleevec is a prime example of the important role privately-funded trials play in our War Against Cancer. This revolutionary new drug, developed by the pharmaceutical industry, has offered hope to many patients suffering from chronic myelogenous leukemia (CML). Just as the Society believes that health insurance plans should cover the same routine patient care costs that they would cover if the patient were receiving standard therapy, we also believe that this requirement should be the same regardless of who is funding the trial. Patients continue to pay premiums for this care and should not be forced to go through burdensome administrative hurdles solely because their best treatment option is being developed by the private instead of the public sector. As a result, the Society feels very strongly that any clinical trials provision adopted by Congress must include the innovative treatments being developed in FDA-approved trials.

While we appreciate the efforts of Senators FRIST and BREAUX to include a clinical trials provision in their alternative bill, S. 889, the provision falls far short of the protections needed by cancer patients. Specifically, the Frist-Breaux proposal would exclude many new drug trials that are approved by the FDA—trials that are essential to providing quality cancer care. S. 889 would also create a negotiated rulemaking procedure to develop a new definition of routine patient care instead of relying on the existing Medicare definition already in use. It is important to note that this definition has already been vetted through a federal rulemaking procedure. Further, managed care plans who participate in MedicareChoice are already following the Medicare definition. Duplicating this effort would be a waste of scarce federal resources and subject patients to a needless waiting game that could be the difference between life and death for some cancer patients.

The diagnosis of cancer is devastating—patients must not only confront an array of medical decisions, they must cope with the financial and emotional burdens as well. We strongly believe that cancer patients in managed care plans must be assured of access to clinical trials this year and hope to continue to work with you to achieve our mutual goals.

Cancer patients have been waiting for enactment of a strong, comprehensive Patients' Bill of Rights for several years. For many current and future cancer patients, enactment of this legislation is a life-or-death issue. Please do your part and support S. 283/S. 872, the ''Bipartisan Patient Protection Act of 2001.'' If you or your staff have any additional questions, please contact Megan Gordon, Manager of Federal Government Relations (202–661–5716).

Sincerely,

DANIEL E. SMITH,
National Vice President,
Federal and State Government Relations.

CANCER LEADERSHIP COUNCIL,
Washington, DC, June 13, 2001.

Hon. JOHN MCCAIN,
Senate Russell Office Building,
Washington, DC.

Hon. EDWARD KENNEDY,
Senate Russell Office Building,
Washington, DC.

Hon. JOHN EDWARDS,
Senate Dirksen Office Building,
Washington, DC.

DEAR SENATORS MCCAIN, KENNEDY and EDWARDS: On behalf of cancer patient advocates, health care professionals and research organizations, the undersigned organizations thank you for your vital leadership in introducing a Patients' Bill of Rights that provides comprehensive coverage for routine patient care costs in clinical trials. Notably, your legislation covers all high quality clinical trials, not just those sponsored by government funding agencies. As cancer drug development is increasingly undertaken by the pharmaceutical and biotechnology industries, it is essential that their trials be accessible to cancer patients, and your legislation will achieve this result. In addition, your bill provides a workable definition of ''routine patient care costs'' that will enable implementation to proceed expeditiously.

One of the primary objectives of advocacy by the cancer community over the past decade has been assured coverage of routine patient care costs in clinical trials. Last year, the Medicare program acted pursuant to executive memorandum to extend coverage to all trials conducted under the auspices of either government funding agencies like the National Institutes of Health (NIH) or the regulatory oversight of the Food and Drug Administration (FDA). If such a policy is appropriate for the Medicare program, surely it should be a guaranteed right for patients under private health plans.

Recent reports in the scientific and popular press have highlighted the impressive advances in development of cancer drugs that are both more effective and less toxic than traditional treatments. People with

cancer should have early access to these investigational drugs, as well as investigational devices, in the context of high quality clinical trials. Without a comprehensive coverage provision, patients will continue to be at the mercy of health plans' inconsistent approach to this issue. For this reason, we strongly support the clinical trials provisions contained in S. 283 and look forward to their eventual enactment.

THE CANCER LEADERSHIP COUNCIL.

MEMBERS

Alliance for Lung Cancer Advocacy, Support, and Education.
American Cancer Society.
American Society of Clinical Oncology.
American Society for Therapeutic Radiology & Oncology, Inc.
Association of American Cancer Institutes.
Cancer Care, Inc.
Cancer Research Foundation of America.
The Children's Cause, Inc.
Coalition of National Cancer Cooperative Groups, Inc.
Colorectal Cancer Network.
Cure for Lymphoma Foundation.
Kidney Cancer Association.
International Myeloma Foundation.
The Leukemia & Lymphoma Society.
Multiple Myeloma Research Foundation.
National Alliance of Breast Cancer Organizations.
National Coalition for Cancer Survivorship.
National Patient Advocate Foundation.
National Prostate Cancer Coalition.
North American Brain Tumor Coalition.
Ovarian Cancer National Alliance.
Pancreatic Cancer Action Network.
Susan G. Komen Breast Cancer Foundation.
US TOO! International, Inc.
The Wellness Community.
Y–ME National Breast Cancer Organizations.

Mr. KENNEDY. 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. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FRIST. Mr. President, I rise in response to the amendment of the Senator from Arizona on clinical trials. I will spend the next few minutes reflecting on what clinical trials are and how many clinical trials are out there, the tremendous benefit and the power of clinical trials to translate basic science, basic knowledge to the patient, to the clinical application to that patient, and then that transfer or discovery and creation and investment in research at the basic level, that transition through clinical trials in order to have practical application in terms of curing cancer or heart disease or lung disease or kidney disease or Parkinson's disease, a neurological disease. It can't be done without the transition through clinical trials.

I have participated in a number of clinical trials as a scientist and as a surgeon. I have participated in clinical trials as an investigator of artificial hearts. I have participated in clinical trials in heart valves that have been inserted to see whether or not those heart valves would work, whether they would last. I have participated in clinical trials in prescription drugs and in immunosuppressive drugs, drugs given to transplant patients to fight infections and to suppress the immune system so a transplanted heart could survive short term, mid term, and long term.

In this role as a physician and as a scientist and as a clinician, what is called a clinical investigator, I have seen the good things and the great benefits of trials, but I have also seen the inevitable failures. That is why you do an experiment, that is why you do experiments on humans. That is what a clinical trial is. You don't really know whether that basic science or early clinical discovery can be applied practically in a safe and effective way, so you do the clinical trial.

I say that because it is clear that there is a real lack of understanding of the rich value, coupled with the potential adverse effects that are inherent in this process, of basic science to clinical science to application.

Clinical trials are just that. They are trials. They are investigations. They are experiments.

I want to spend a little bit of time talking about that both the good and the bad. I also want to give some sort of feel for this for my colleagues, because as I talked to my colleagues and we heard this amendment was going to come up (We had the chance to look at the amendment about 20 minutes ago for the first time), my colleagues would come up to me and ask: How many clinical trials are there today? Are we talking about 100 clinical trials? Are we talking about 200 clinical trials, or 300 clinical trials, or 100 clinical trials, or 1,000 clinical trials, or 10,000 clinical trials, or 100,000 clinical trials?

Right now, as I talk about those numbers, I wonder what my colleagues are thinking. Is it 5,000, or is it 10,000? Because clinical trials cost something. Everybody listening to me in this Chamber today and everybody around the country is going to have to bear the burden of that cost. Again, there is tremendous benefit, but it has an increased cost. We should know at least how many trials there are. How else can you know what the cost, or the incremental cost, is going to be? We know that the incremental cost is ultimately going to come from an increase in premiums. How much will the 170 million people out there who get their health care from their employer have to pay?

I ask my colleagues, is it 1,000 trials, or is it 5,000, or is it 10,000? I will come back to that as people are trying to figure out how many trials there are.

What is the nature of these trials? There is a pill and a placebo given to an individual to take for a period of time. That pill could do any number of things. It could, hopefully, stop heart disease. Hopefully, it could slow down a malignant cancer. Hopefully, it could reverse what might otherwise be intractable deterioration of the kidneys. But you don't know. Otherwise, it wouldn't be a clinical trial. You just do not know how that experiment will turn out. You hear the good things. You hear the positive things. You hear the hope, and you know the innovation will capture the dreams. Members will show pictures and talk about individuals. It is all there. But ultimately we have to translate that down into policy.

It is done one way in the Kennedy-McCain-Edwards bill. It is done differently in the Frist-Breaux-Jeffords bill. It has been done differently in bills that have passed in the Senate and in the last Congress. We discussed and debated for hours on the floor different approaches, different costs, and, yes, different benefits, because it is unlimited; there is no stopping in terms of what the scope could potentially be.

But this bill is about balance. It should be about balance. It should be about balance—introducing new patient protections, new patient rights, but doing it in a way that you don't drive up the cost unnecessarily so high that the working poor have to drop their insurance because they cannot afford it.

Intuitively and practically speaking, we know that the more you load onto a bill in terms of real costs—and all these things in health care are expensive today—that the increased costs are passed on to the person paying the premium. At some point, if that person is just scraping by, that person is going to say: I just can't afford health insurance anymore. I can't afford to pay for the 25,000 clinical trials for people all across the country because I don't have the money. I have to take care of my children and put food on the table.

That is why we have to again and again keep coming back to balance in this particular bill.

I have been blessed in the last 20 years to be a scientist and an active clinical investigator, and to be someone who is both trained to participate and watch these thoughts, the creativity, and the innovation come alive.

I was blessed in my own clinical practice to be in the field of heart and lung transplantation. When I first started doing heart transplants, we thought heart-lung transplants would never be done successfully. Five years later, we were doing heart-lung transplants. At that time, lung transplants had never been done successfully. Then we were doing lung transplants. And we started transplanting little babies at 5 and 6 days of age.

Again, a lot of investigational drugs were being used to immunosuppress the

patients. In fact, most of the drugs were investigational in clinical trials at the time because it was a new field.

There was a 6-day-old child I was able to transplant who had a 100-percent mortality and would die, but because of the great innovation and the breakthrough in drugs I was able to give that child its heart that I transplanted, that little 6-day-old baby, whose heart was about the size of my thumbnail, would be alive 6 months later, a year later, or 5 years later, or 7 years later, or 10 years later, or 12 years later.

That is the blessing I have seen. I have seen the clinical trials, and I have seen the benefits of clinical trials. There have been dramatic advancements.

This Senate has contributed tremendously to that process I just described—to the innovation, to the advances in science, to the clinical applications, and taking basic science and getting it to the field as quickly as possible. How? By supporting basic research.

Yes, I am proud that, under Republican leadership, we are doubling the National Institutes of Health funding. We started about 3 years ago. Connie Mack sat right behind me and said day in and day out that we were going to double NIH funding.

As I sat where the President is sitting right now and listened, I thought it would be tremendous to be able to double the funding. I was not sure it could be done in this day and time, but indeed we are about three-quarters of the way through the process of doubling basic science research.

The NIH also funds clinical trials and basic science. This body has contributed tremendously to investing in clinical trials and basic science research. We have done a pretty good job in creating and fostering an environment of innovation where breakthroughs occur—not as I described when I started doing heart transplants. We were doing heart-lung transplants. We started doing single lung transplants and then pediatric heart-lung transplants. That was during the period of years that I was able to participate. Now we are seeing clinical breakthroughs because of investment in clinical trials. That is how important they are.

I was thinking about this acceleration and explosion of innovation. It requires those clinical trials as we walk through that process of understanding disease.

The human genome project: 15 years ago we didn't know 3 billion bits of information. What we now know we didn't know 12 years ago. Those 3 billion bits of information ultimately are going to be organized in such a way, through improved understanding of clinical research and eventually clinical trials, that we will be able to take that new information and translate it in breakthrough ways for cures—yes, cures of diseases that 12 or 15 years ago we would have said were impossible—we would never see that cure.

Let me start on some of the issues. The first point I need to make is that clinical trials, by definition, are experiments. We try to minimize the adverse reactions. But there are adverse reactions. People can be hurt by those experiments. We minimize that.

I want to talk a little bit about the patient protections because that is very important as we go forward. Right now, our patient projections are inadequate. We are holding hearings on a regular basis in the Public Health Subcommittee. I will mention several shortly.

Mr. President, the point I wish to begin with is this whole point that clinical trials are clinical investigations. They are experimentation on humans. Therefore, you have the positive, which is huge, which I have described, but you do have the adverse reactions. I say that because when we say we are either going to invest in or encourage clinical trials, we basically will, I believe, encourage people to participate in clinical trials. I think that is a good thing. I think it is a critical thing if we are going to really handle this explosion in knowledge.

In addition, as public servants, we in this body need to be prepared to make sure that each of those patients or individuals who comes into clinical trials comes in with the full trust that their safety is first and foremost. Based on hearings Senator KENNEDY and I have had in the Public Health Subcommittee, it seems clear that today we are failing miserably in terms of what is called human subject protections in clinical trials. I say that because, again, we are on a Patients' Bill of Rights and we all want to focus on the patients and helping the patients as much as possible.

In doing that, we at least need to be aware of the positive and the negative, and the potential of doing harm unless we have a system that is sufficiently developed, with sufficient safeguards, to make sure it can handle this increase in the numbers of people participating as we go forward.

It was about a year ago, a year and a half ago, that I had the opportunity to meet the family of Jesse Gelsinger, who died in a clinical trial in 1999. I mention that because the Public Health Subcommittee addressed this issue of oversight structures that we have in our Government. Whether it is the National Institutes of Health or the FDA, there are certain oversight mechanisms we have built in to assure that human subjects are protected. It became clear in those hearings that there had been at that time—we have had some improvement, but not nearly enough—a systemic breakdown of oversight. That ranged from the clinical investigators conducting the clinical trials all the way to the institutional review boards. It included the Federal agencies that are responsible for ensuring the safety of patients.

We have made real progress. Individual researchers, research institutions, and Federal agencies have all come together and have worked to address the specific problem that had to do with gene therapy. Again, you heard me just a few minutes ago speaking of my excitement in relation to the 3 billion bits of information in one of the most successful Government investments ever. We probably spent $12, $13 billion over a 10-year period for the human genome project. It came in under-budget, in a shorter period of time. That is rare for Government.

But as public oversight officials, you see one of the downsides: The fact that basic science, as it was, rushed to the clinical arena, resulted in death.

Again, people do not generally hear that we have to be careful. We have to address the good and the bad and the difficult. There is much to be done. I continue to hear stories about problems in our system for protecting human research subjects.

Secondly, I want to mention this whole idea of access to clinical trials. I appreciate the amendment the Senator from Arizona has offered because it does bring attention to the importance of these clinical trials. The language that is used, the findings, the recommendations that are made in the sense-of-the-Senate amendment, I think, are very positive in terms of what is set out as fact and what the underlying bill tries to do. It is a sense of the Senate that we will be voting on tomorrow.

I mentioned before in my remarks the various bills that are now before the Senate. Right now we are debating the McCain-Kennedy-Edwards bill on clinical trials. This is a provision that is different from the provision that is in my bill, the Frist-Breaux-Jeffords bill. It is different from the amendment that was adopted in this Senate Chamber last year.

The bill we debated in this Chamber, and passed with a majority vote, required private sector, self-insured, employer-sponsored health benefit plans to provide coverage for routine patient costs associated with one type of clinical trial, and that is cancer.

We have progressed since that debate a year and a half ago. At that point in time, my question was—and Senator DODD and I had an exchange back and forth—how much do these cancer trials cost? This is cancer. Cancer is the one that is the most studied of all the clinical trials.

We will talk about how many clinical trials there are out there. There are thousands of cancer clinical trials. They have been studied and studied because it is pretty easy to study them, for the most part.

You have a patient who has cancer. It can be in the early, mid, or late stages of cancer. You have an intervention. You compare two interventions. Sometimes it is just a pill, some type of medicine, versus a placebo. You see actually which of those works. And you go ahead. You have a clinical trial that is double blinded; which is, you do not know which medicine the patient is getting. You have to have enough patients and statistically analyze those patients in such a way that you determine what the medicine you are testing actually does versus not doing anything. That is what a clinical trial is. People say: No. We thought everybody gets the experimental medicine. No, that is not the way it is; otherwise, you are not going to know incrementally what the impact is. You have to give one the intervention, the other not the intervention in these clinical trials.

Most clinical trials are double blinded; maybe 95 percent of them. They should be, because otherwise you inject bias into it, so there is a 50-percent chance you are not getting the intervention you think you might be getting. Again, that is appropriate. I am not being critical. That is the only way to find out what the incremental difference is as you go forward.

For cancer clinical trials, the data is a little bit mixed, but there is pretty good evidence that if the cancer clinical trials are conducted well, and they are in appropriate centers—centers of excellence that do a lot of cancer studies—you can actually save some money in terms of having somebody in a protocol versus treating them outside of protocol, having them in a clinical trial. There is some data—mixed data—from some very good institutions that demonstrates that, again, for cancer. There is some anecdotal data for noncancer, for some heart disease, but again it is very mixed.

Some might say: In my study it costs a lot more to test artificial hearts for heart disease and kidney disease. If you start looking more in the device arena, there have not been very many studies of how much the costs of those trials are going to be. Somebody might have a cardiomyopathy, a big dilated heart, and you might give one set of patients drugs to try to reduce the size of that heart. That is pretty inexpensive. You do not have to go into the hospital to do that. And the other arm—to compare the two—is you would make an incision down the sternum, and you would open up the manubrium and the sternum, open up the paracardial sac, take the heart, put an artificial heart around it, close everything up, and the patient would be in the hospital for maybe 2 weeks, maybe 3 weeks. That hospitalization would be very expensive, and you are comparing it to somebody giving pills to someone on the outside.

The question is, What are the routine costs? Because that is what we are talking about reimbursing. Then it gets pretty hard because in relation to what are the routine costs, do the routine costs include the hospitalization? You might say, yes, an artificial heart can be paid for by the company studying it. The clinical trial could be reimbursed by the National Institutes of Health. But what about the hospitalization in that arm? Or is it just the testing when you put in the artificial heart, is that the routine cost? Nobody can answer the question. Why? Because nobody really thought about it because the studies had been for the pills, studying cancers, and hadn't been for cardiomyopathy and the human heart, major surgery.

I use that as sort of the extreme example with the understanding that you have big technology, expensive, hundreds of thousands of dollars out here, and you have some inexpensive therapy in the other arm. And you are asking a managed care company or insurance company to pay for the routine cost of both of those and the thousands of other trials that are in the middle.

No. 1, you don't know or nobody in this body has been able to tell me how many clinical trials are out there. People will scurry around tomorrow. But today, in asking how many of these clinical trials are out there, nobody in this body can tell me how much the average clinical trial is going to cost. Yet we want to make a commitment that we will cover essentially all clinical trials in the United States of America, however many there may be, however much they may cost, and the HMOs are going to pay for it, the bad HMOs. Again and again we have heard how bad those HMOs are, and therefore, they pay for it.

It doesn't work that way. What happens, whatever those costs are, which nobody can answer—nobody can answer—we will come to what the CBO says. The CBO can't give us an accurate answer. We give it maybe to the HMO because rhetorically we can sock it to them. What is the HMO going to do? Just raise your premiums, employer-sponsored premiums.

One hundred seventy million people are getting health insurance through these insurance plans, and what we are saying in this bill is that if you are going to be in the insurance business, there is a Federal law that we are going to pass where all trials, in essence, all trials—we don't know how many or how much they are going to cost—are going to be paid for. Health insurance premiums go up, and what happens to the working poor who are barely scraping by, again, to pay their health insurance? Everybody, employer after employer, employee after employee, comes in and says: We can barely make these insurance premiums, whether it is $200 a month or $300 a month or, for a family, $4 to $5,000 a year, or $6,000 a year. We just simply can't tolerate increased costs. We are going to drop that insurance.

I say that because the cost issue was brought up on the floor earlier tonight, the Frist-Breaux-Jeffords approach versus the Kennedy-McCain-Edwards approach. There is a difference in cost and that difference in cost is about 60 percent. What is defined in my bill—I will talk a little bit about that—is about 60 percent, according to the Congressional Budget Office, of what is in their bill. I didn't believe it when I saw it because I know nobody can answer this question, how many trials there are today, because there is no database of all these trials. You certainly can't figure out the cost.

So through conversations, talking to people who participate with the Congressional Budget Office, basically saying, how do you come up with these numbers, the answer that was received again reinforces the fact that we don't really know what the costs are. We do know that the cost under the Frist-Breaux-Jeffords is only 60 percent of the cost estimated using the same sort of guesses as the Kennedy bill.

Knowing what I know, having participated in clinical trials from artificial hearts—personally, I put the artificial hearts in; I have gotten the consent; they are in clinical trials approved by our Government—to immunosuppressive agents or drugs that I have given to patients to keep them alive in clinical trials, gotten the consent to do that. I can tell you we don't know what the costs are. Therefore, yes, maybe 60 percent on paper, that is what you hear about. In truth, we don't know.

We don't know. As we look ahead, not knowing by definition, we are going to basically say those costs are going to be paid for by people through their insurance policies. When you get an insurance policy, you expect that insurance policy in part to be for your benefit, and that is why I think having access to clinical trials is important because clinical trials can be very beneficial to patients. I mentioned the adverse effects, but clinical trials can be very beneficial to individual patients. For that patient who gets that artificial heart, it becomes very beneficial.

I mentioned the bill that passed on the floor of the Senate. Let me note very quickly, because I just talked about the cost of the two bills, what is the difference between the Frist-Breaux-Jeffords bill and the Kennedy-McCain-Edwards bill. The Frist-Breaux-Jeffords bill, part of the Bipartisan Patient Bill of Rights Act, S. 889, is not the bill on the floor right now. I wish it was on the floor, but it is not right now. It applies to all private plans and insurance issuers offering coverage in the group and individual markets. So it applies to people broadly. It expands coverage not to just where we were last year. We have expanded coverage not to just cancer, but

it is expanded to all diseases. You don't limit it to one disease group.

I do that because I think that it is important to reach out and give more equal access to people who have kidney disease or heart disease or lung disease or emphysema or neurological disease or some type of mental illness. You need to have access broadly.

We expand it to clinical trials and we include the clinical trials of the National Institutes of Health, the veterans hospitals I work in, and we include the Department of Defense. I will talk a little bit more about others. It is true that we stopped short in our bill of including the FDA. (Although, as I will mention later, previous versions of the Kennedy bill did not include the FDA.) I will mention a little bit about why we stopped short of including the FDA, but it is because nobody can tell me how many FDA trials there are. FDA looks at the devices, the artificial hearts, the valves, the lasers, the expensive technology. That is the device part of it, of the Food and Drug Administration, the device part of what the FDA examines. Therefore, we cover all of the others, but we do stop short of the FDA. The cost difference between the clinical trials provisions of the Kennedy bill and our bill is principally just that.

Several Members on the other side commented on the fact that in our bill we have what is called a negotiated rulemaking process in order to determine what routine costs are. The other side said: We don't need that. We can just take what Medicare has looked at. Medicare, about a year ago, September—I have to go back and look—did come out with guidelines for Medicare for coverage of seniors and for individuals with disabilities, did come out with guidelines and coverage. But in reading through that, it doesn't answer to my satisfaction what a routine patient cost truly is.

Thus, I think that, since we don't really know and the implications are so huge, since people all across the country are going to be paying for this new benefit, that we ought to bring the very smartest people around the table. We ought to propose rules based on the discussion of people who are in clinical trials. We ought to get input from other people around the country. All that is part of the negotiated rulemaking process that I think is the best way to define routine medical cost.

If we are going to say: HMOs, indirectly all the beneficiaries, all the patients out there, all the 170 million people who are getting care from their insurance company, are going to be paying for it, we need to be able to look them in the eye and say, this is how we define routine cost. We have studied it and talked through it. We have applied it not just to seniors. We have applied it not just to the Medicare population, but we have designed a definition that applies to all Americans—to children, to babies, to adolescents, to adults. That is the negotiated rulemaking process. Earlier, the comment was made that it would take 6 years to do that. That is just not true. In fact, in the amendment that passed on the floor last year we set time guidelines in there and we said January 10, 2001, was when it was supposed to convene and a final report was going to be issued 6 months later on June 30, 2001. That just shows it can be done in 6 months—to do it right and responsibly and define what routine medical costs are.

Since you are making people pay for it, that makes sense to me. It comes back to the idea of having balance in this bill.

I don't think you are going to hear people on our side of the aisle or Senator BREAUX or Senator JEFFORDS promise everything to everybody because it has a cost. It has to cost. We talk about the field of liability, why don't you have unlimited lawsuits running through the system, and allow lawsuits to go to court early on because the court system is good. The answer is, do you want balance? Yes, you want to be able to go to courts, but not first. You want to exhaust internal and external appeals and have an independent physician make the decision before you go to court.

Why? Because you want to protect the patient, but you don't want to subject the system to the incentives that are going to drive health care costs sky high, make premiums go through the roof, skyrocket, with no limit. By definition, liability has no limit to it whatsoever, and the working poor are the first to be punished.

So that is our bill, the Frist-Breaux-Jeffords bill. It basically covers all clinical trials. We go through the list and stop short of the FDA trials. The McCain-Edwards-Kennedy bill on the floor has all private sector plans offering coverage in the individual markets—sounds pretty familiar, sounds the same—to provide coverage for routine patient costs associated with all clinical trials. They do NIH, we do NIH—National Institutes of Health—about $20 billion a year. It is a tremendous national resource. About 70 percent of that money, so people will understand, is not spent out here in Washington. About 70 percent of the grants go to universities and academic health centers all across America, and capture again the creativity and the sharp minds of academics, clinicians, doctors and nurses.

They include Department of Defense clinical trials. Frist-Breaux-Jeffords includes all the clinical trials for the Department of Defense. The Veterans' Administration—I mentioned that one of the privileges I had as a practicing physician was every week I would be able to operate on and take care of and treat our veterans. Actually, even during my residency and chief residency, every week after I finished my training, cardiothoracic training, every week I had the opportunity of spending a day taking care of veterans and administering care to them and participating in the great research programs in thoracic surgery that is made possible through this body's investment in our veterans affairs.

They include clinical trials through the VA. Frist-Breaux-Jeffords includes all clinical trials through the Veterans Affairs. The difference is between FDA, and I will come back to that. The definition of routine costs that they use is the routine cost definition developed by the Clinton administration for cancer clinical trials. If there is one thing—the reason I am taking time to do this is because it sounds so simple—cancer clinical trials. I have gone through this process, that cancer clinical trials are very different than clinical trials for hypertension or high blood pressure or for ischemic cardiomyopathy or laser therapy or removing obstruction from the windpipe itself. These clinical trials are different. Therefore, I am a little uncomfortable taking a definition that was worked out for a certain segment of the population—that is, our seniors—that started and was based on one disease entity—cancer—and applying that broadly to all clinical trials. Why? Because we have to achieve balance and do what is responsible if we are going to make 170 million Americans—and we are by definition—pay more once we pass a Patients' Bill of Rights.

The 170 million people are going to pay more whether it is our bill or their bill. They are going to pay a whole lot more under the Kennedy bill than under the Frist-Breaux-Jeffords bill.

The fourth point I want to make is, who is paying? I implied it a few minutes ago when I said it is easy to say these bad HMOs out there are going to be paying for these costs. Each of the patient protections we go through—we are starting with clinical trials, and I am glad because both sides feel very positively and the amendment by the Senator from Arizona is, I believe, very positive because it speaks to the positive aspect of these clinical trials. But it allows me to show how complex each one of these patient protections is and the potential, even though CBO gives us a figure there, for that being blown out of the water as we go next year, or 2 years later, or 3 years later.

Much of what we have tried to do—Senators BREAUX, JEFFORDS and myself—in crafting our bill is to give patient protection, give the access to clinical trials, but do it in a way that is responsible—responsible to the 170 million people who are going to be paying the bill, responsible so that we don't have a million people—which is what will happen under the Kennedy

bill—a million people are going to lose their health insurance or would lose it if that bill were to pass as written. Thankfully, the President made it very clear today that he, as the leader of the free world, the leader of this country, is not going to allow the Kennedy bill to pass. He is not going to allow 1.2 million people to go to the ranks of the uninsured when you can pass an alternative bill that gives patient protections that will not drive 1.2 million people to the ranks of the uninsured and will not involve frivolous lawsuits. This says, yes, it makes sense to go through an appeals process and have an external review, an independent physician making a decision before going over to the trial lawyer.

The trial lawyers have an incentive. You know, we keep coming back to the trial lawyers, in part, because it kind of blows away the potential for these runaway lawsuits, and the potential is in their bill, and it is a little in ours, but not so much because we tried to restrain it and give it balance, recognizing that we have to have balance as we go forward.

If we are going to ask 170 million people to pay more under passage of a Patients' Bill of Rights, we need to be able to tell them why they are paying more. I think the argument for clinical trials is so positive, they will understand that there is some downside. Some people die because of clinical trials, and there are adverse effects; but the overwhelming benefit for clinical trials means we need to make them more available to people, and that is why in the Frist-Breaux-Jeffords bill, clinical trials are one of the 12 main basic patient protections we want out there in our bill of rights.

The 170 million people are going to be paying for this added benefit, so we want to make sure it is good and the human protection is there, and that safety is put first and foremost. We are failing in that category, as I have said—not miserably, but we are failing. I will demonstrate how I can say that with such assurance. In addition, taxpayers, for much of this research, clinical research, are already paying. I say that because with the $20 billion that the National Institutes of Health is getting, the NIH will turn around and subsidize many of these clinical trials, in terms of the clinical trials themselves as we go forward. So the 170 million people out there working, who are working with insurance that we want to keep—make sure they keep their insurance—are already investing in these clinical trials by supporting Department of Defense with their taxpayer dollars, by supporting the Veterans Affairs with their taxpayers' dollars, and by supporting the National Institutes of Health with their taxpayers' dollars.

Clinical trials are vital, critical, and make all the innovation and clinical applications a reality when they start with basic science.

Do all the clinical trials work? Some do. I do not know if I can say most do. In other words, are there positive results from clinical trials?

The assumption is clinical trials always have a breakthrough drug. Again, what my colleagues do not understand—and I want to state it more publicly instead of sitting in the Cloakroom explaining it—is that a high percentage of clinical trials do not work. That is good because they have to figure out whether or not the breakthrough drug works. It may have worked in a mouse, and it may have worked in an animal model, or it may have worked in a test tube, but they have to see whether it works in a human being.

That is what a clinical trial is: an experiment with a human being. Not all of them work after it worked in a test tube or a mouse.

It is important that my colleagues understand that. Clinical trials are necessary. There is a reason for them: to figure out what does and does not work. What does not work can be harmful, and it comes back to the fact they have to have adequate consent, what is called informed consent, for those participants who come into clinical trials to make sure they understand that in every one of these clinical trials there is a risk of harm and there is a potential for gain.

Yes, in our bill, and I believe in their bill and in this amendment, there is this concept of talking about clinical trials where there is potential for gain. That is a little hard to define. We all write it into the bill, and, obviously, we would not do a clinical trial if we did not think there was some potential for gain, but, again, there is some risk or they would not be doing a clinical trial.

A clinical trial is an investigation. A clinical trial is human experimentation. It is all the same. ''Clinical trial'' sounds very positive. ''Investigation'' sounds—well, I am not quite sure. ''You mean experimenting in humans?'' That is what it is. It just depends on which words one uses.

I want to move to one other point which many of my colleagues, in talking with them, had not thought about. I am thinking about it because we have a bill with patient protections. In the underlying Kennedy bill, there are 18 or so patient protections. There are a few less in my bill. Prompt payment is in the Kennedy bill as a patient protection. Prompt payment is good for the doctor, for a doctor's bill of rights; you have to pay a doctor—I have forgotten; I need to go back and look—in x number of days, and that is a patient protection, I guess. It is not clear to me.

I understand why many of the doctors like their bill because they have prompt payment as a patient protection, which means you should pay your doctor on time. You should pay your doctor on time. I am not sure you need a Federal law passed in what is billed as a Patients' Bill of Rights. That is in the Kennedy bill as one of the patient protections.

This patient protection on clinical trials is one in which I believe strongly. We have given a price to it which is significantly higher in their bill than my bill, and I have already argued that price to me is inaccurate. I will not really know how true that is until 5 years from now, but I do not want to be sitting at my desk 5 years from now looking back to today and saying: You mean to tell me we bought into this fact that we could cover clinical trials when we did not know how many there are and we did not know how much they cost? We made 170 million taxpayers pay for it, and some of them lost their insurance? Why weren't we smarter than that?

I want it to be a part of the RECORD as we walk through the complexity of what clinical trials are all about. We can make promises, and the promises sound good, but is it truly responsible to make these huge promises at huge costs when there is a very real potential that we are hurting, not thousands, but millions of people? The answer to me is no. I do not want that to happen.

My colleagues are going to hear me say again and again this is where we were last year and this is where Senator KENNEDY's bill is, and I think we can be in a more balanced position by being in the middle rather than either extreme. That is what we tried to achieve, and clinical trials are a good example.

Why am I so convinced that the underestimate in their bill is real and not so much in our bill? It is because we have patient protections. We have internal appeals and external appeals if there is some sort of disagreement on what the HMO or insurance company has decided. In their bill, one can opt out; they do not have to go through internal and external appeals. One can go to the courtroom before exhausting the appeals process. Hopefully, we can debate that tomorrow or next week.

One can go to the court system, Federal court, State court, or shop from one State court to another State court. One can pick a State. If the insurance company covers Tennessee, Alabama, and Georgia, you can go down to Alabama. I do not know what their caps are, but I hear about these exorbitant lawsuits. The trial lawyer gets 30, 40 percent, whatever it is. Whatever a patient settles for goes in the trial lawyer's pocket, not to the patient. If you settle for $2.5 million, $1 million goes to the trial lawyer and only $1.5 million goes to the patient. I do not understand that. I hope we will come back to that.

My point is, we have patient protections, and we cannot look at them in

isolation from what happens with liability. I just built the case or just told my colleagues that not everything goes perfectly all the time when you have human experimentation, clinical trials, clinical investigations.

By definition not everything is going to work. There is going to be damage. When they are studying Parkinson's disease, there is going to be sometimes a worsening of the disease in the experiment. There sometimes is going to be death, not intended death, but in clinical trials people are going to die. I just mentioned one patient, and there are hundreds of patients who die in clinical trials.

We have a trial lawyer out here, and because we passed this bill, we cannot separate what we are doing over here. What we are saying is: HMO, you are responsible for paying for these clinical trials now; you have not in the past, and you have a lawyer out here with unlimited lawsuits; who are you going to go after? Who has the deepest pocket? Is it the doctor who maybe made a mistake, or is it the HMO, the big bad HMO that has assets of $½ billion or $400 million?

If you are the trial lawyer and you are going to walk away with 40 percent, 30 percent, 20 percent or 10 percent—10 percent of $1 billion is a lot. Who are you going to go after? Maybe the doctor, but you will be able to go after the HMO.

Adverse events, by definition, in clinical trials are going to occur. Trial lawyers are part of this overall system. There is no cap. They have an incentive to sue. They are going to get the HMO because we are making the HMO pay for the trial.

Was that even part of the reasoning? Did CBO put all that together in terms of saying clinical trials are going to cost this much in their bill and in my bill this much?

I have talked with a lot of people involved in these estimates, and I have talked with a lot of people in this body, and not one person had thought about that.

If there is an adverse reaction in a clinical trial, if a person participated, there is a risk of losing your arm or of dying. All the consents say death, or any serious life-threatening condition. That is what the Kennedy bill used as their baseline for trials. Ninety-five percent say there is risk of death. A large majority say there is a risk of death in the consent form you sign.

Is that protection in a court of law? There is no protection in a court of law. In the hearings Senator KENNEDY and I have held on human subjects, protections are inadequate today given the type of research we are doing. They were OK 15 years ago. There are all sorts of reasons, including inadequacy of explanation of the clinical trial in consent forms, or conflict of interest in certain cases. There is what is called the common rule that is supposed to apply to all Federally sponsored or regulated research, but that does not apply equally to everybody. These are all very specific issues and technical issues, but if we will force 170 million ratepayers to pay for all clinical trials, we need to know the implications. We will probably never talk about it. This is just one little item from the 179-page bill.

These estimates of how much clinical trials cost may be approximately right. I don't think they are. I know they were not calculated on a peer-reviewed study. Maybe a little bit on cancer, but it did not include the range of diseases that the FDA approves, or safety and efficacy regarding the devices out there, all the high technology out there. That is different from Veterans Affairs or the Department of Defense, which is mainly breast cancer and breast disease. It is very different from the National Institutes of Health.

When people say: Why not FDA? Was it arbitrary? No, it is because that is the most balanced. You cover the clinical trials for all diseases out there. Thousands of clinical trials are being covered. We will stop short of FDA because we do not know what we are covering in terms of numbers or how much it costs for each trial.

It's interesting that the earlier versions of the Kennedy bill did not cover the FDA. I am not sure why or why this was changed. It may be that it makes us feel good to say we are covering everybody, in all trials. It is irresponsible to say we will cover something that will increase liability and that we will introduce the liability equation on HMOs as part of the bill without knowing the impact.

If there is one death and a trial lawyer goes to that person's family, or say they lost an arm with an injection of a medicine to treat cancer and the veins shut down and they lost an arm, that is a tragedy. That trial was paid for by the big bad insurance company. The trial lawyer says: Let's go after the doctor for malpractice; why not go after the HMO? When you are a trial lawyer, it will be tempting on go after the HMO.

Then we hear people say: How can you cap it? If you lose an arm, is that worth $1 million? Is it worth $5 million? Is it worth $10 million? Is it worth $100 million? Is it worth $1 billion? There is no answer. It is rhetorical. No amount of money can satisfy the loss of an arm.

If you allow that sort of lawsuit, $20 million or $30 million, but you allow it and incentivize a lawyer to have it and you create adverse reactions, that is just one little clinical trial. What about the other 1,000, 5,000, 10,000 clinical trials?

I don't want to drive that point home too much that I think we made. However, it is important for my colleagues to understand and at least to think about and recognize the complexity in the bill. We cannot rush through this bill. I am here and the Presiding Officer is kind enough to be here tonight. The majority leader said we will finish this bill in 6 or 7 days. This is probably 1 page out of 179 pages.

On clinical trials, taking the flip side, not covering all clinical trials but stopping just short of covering all clinical trials, why are you doing that? The answer is that clinical trials have such value to society that I believe we have an obligation to make the clinical trials available, coupled with the obligation to make sure there are adequate human subject protections.

The GAO, at the request of Senator JEFFORDS, who is the cosponsor of the Frist-Breaux-Jeffords bill, conducted a review of patient access to clinical trials sponsored by the National Institutes of Health, for which I, obviously, have tremendous respect. Senator JEFFORDS asked the GAO the following questions.

No. 1, to examine how the health insurers' coverage policy and practices affect patient participation in clinical trials.

This is before we passed the bill.

No. 2, to examine researchers' experience in enrolling patients for trials sponsored by the National Cancer Institute.

No. 3, whether NIH has evidence of recent difficulties in enrolling patients in clinical trials. Determine if there are enough patients. We have a huge amount of basic science information and, if you cannot get patients into the trials, you are not going to be able to have a clinical application, you will not get to a practical application. You need sufficient patients in the clinical trials.

The GAO report found, even though many policies exclude coverage for clinical trials, nearly all insurers interviewed allow for exceptions, following case-by-case reviews by the insurer's medical personnel. For approved coverage, insurers generally agree to pay the standard nonexperimental cost associated with the trial. However, since there is little agreement on what constitutes ''standard care,'' payments vary from insurer to insurer.

That, says the GAO, agrees with the idea of what is standard care. There is a lot of disagreement. I argue that is why we go to a standard rulemaking process.

The same report—and that is why I believe clinical trials should be part of the Patient's Bill of Rights—concluded that generally health insurance policies exclude coverage of clinical trials, but most do allow exceptions to be made after a case-by-case review. Denials generally are based on the grounds that health insurers consider clinical trials to be investigational and experimental care, and, as such, are excluded

from coverage. Again, that is why we need to include clinical trials in our Patient's Bill of Rights.

Typically, insurers prefer to review requests for clinical trial coverage individually because of the perception that trial costs and quality vary greatly. The most common consideration during case-by-case reviews was the scientific merit of the trial and the anticipated cost, although none of the insurers had data on the cost of covering clinical trials—again, it just shows we do not have the data, even insurance companies that have been putting money into the clinical trials.

I will go back.

These perceived trials could be somewhat more costly than standard treatment. The GAO report continues.

There is little agreement on the definition of standard care which causes payment for service to vary widely. Insurers stated that it is often difficult to distinguish expenses that constitute standard care from strictly research related services.

Again, that is a good reason to have negotiated rulemaking—to determine what routine care or standard care is.

This is from the GAO report.

The GAO did not find evidence of widespread limitations on patient access to clinical trials. Most health insurers said they allow for coverage of trials in some circumstances. Most cancer centers reported no shortage of payments for trials and the NIH did not document significant trial enrollment problems. Information on the extent to which insurers cover clinical trials is not clear-cut.

To me, looking at that report—again, Senator JEFFORDS was chairman of the Health, Education, Labor, and Pensions Committee—it basically comes to the conclusion that there is not a shortage of patients for clinical trials now but that we don't have data as to the costs or participation. The insurance companies don't have it. We don't have a good or adequate definition of standard or routine care. All that means is that we need to know more before promising everything to everybody.

Since we don't have the answers, why don't we address the issue in a balanced way and in a step-wise way? Why? Because unknowns could expose us to exploding costs of premiums, which would drive people to the ranks of the uninsured. What I would like to do is go in a deliberate, thoughtful, and balanced way.

I mentioned earlier the numbers of clinical trials. We don't know how many trials there are.

Let me quote Susan Okie who was actually a classmate of mine in medical school and who writes for the Washington Post. On May 16, 2001, she wrote an article for the Post entitled ''U.S. Oversight Urged for Human Research''. It says:

No figures are available on how many studies on humans are conducted annually in this country.

Again, I just want to make the point that nobody knows how many studies there are.

She continues:

However, data on biomedical research show explosive growth in the last two decades. Federal spending for health research increased from $6.9 billion to $13.4 billion between 1986 and 1995, and industry spending tripled from $6.2 billion to $18.6 billion during the same period. Between 40,000 and 50,000 U.S. researchers are thought to participate in conducting clinical studies in humans.

I went to the FDA. Since the Congressional Budget Office does not know, since none of my colleagues knows, since in the hearings people did not know, I asked, What about the FDA? The FDA does not track the number of clinical trials being conducted as a part of their protocol. Yet the extension of the Kennedy bill is going to cover these trials. The FDA doesn't even track the number of clinical trials. They do track the number of investigational new drugs and investigational device exemptions.

There are roughly 11,800 trials by the Center for Drug Evaluation. There are about 2,800 trials by the Center for Biologic Evaluation and Research. And there are about 1,000 trials by the Center for Devices and Radiological Health. That is the FDA.

The Kennedy-McCain-Edwards bill says they will pay for the increment in the number of trials, but they do not know how much those trials are going to cost. At least that data has not been present, and it has not been presented in the hearings. When I have looked for it, I have not been able to find the incremental cost.

If you go back to the Congressional Budget Office, it says that is the difference between the CBO estimate and yours. That is working backwards, because the Congressional Budget Office does not know.

In the NIH, for the record, in terms of clinical trials, there are about 4,200 clinical trials, that are called extramural and intramural—outside of the institution and inside of the institution.

The Department of Defense: I have not been able to determine how many clinical trials we are going to cover.

The Veterans' Administration: About 162 clinical trials and 729 extramural VA-funded clinical trials.

The FDA was supposed to create a database of clinical trials last year. It is up and running, but it is not complete, to the best of my knowledge. I will try to look into that to see if we can find out how many they have on that particular database.

Let me close with one last point that I implied earlier and talked about a little bit earlier. It has to do with protection of human subjects.

Our goal should be to protect individuals who voluntarily participate in research and clinical trials. This is very important for my colleagues to understand. Right now, there are inadequate safety protections, if we look in the global sense at these thousands of clinical trials.

I mentioned the death of Jesse Gelsinger in gene therapy in a clinical trial in 1999. Following that, the Subcommittee on Public Health held two hearings. We found a systemic breakdown of oversight, ranging from investigators to institutional review boards in the Federal agencies specifically responsible for ensuring the safety of patients.

Since we came to this conclusion that we are inadequately protecting human subjects, we must act. As we go into this field of further subsidizing clinical trials, I am very hopeful that on both sides of the aisle we can work together and put forth the appropriate protections.

The underlying amendment put forth by Senator MCCAIN is a sense of the Senate that we will be voting on tomorrow morning. From my reading of it, it appears to be a very positive amendment that endorses the importance of clinical trials. On the last page it says: A health maintenance organization's decision that an in-network physician without the necessary expertise can provide care for a seriously ill patient, including someone battling cancer, should be appealable to an independent, impartial body, and the right should be available to all Americans in need of access to high-quality specialty care.

Again, it goes to the internal and external appeals. That is something that would be taken care of in the underlying bill—both the Frist-Breaux-Jeffords bill as well as the Kennedy-McCain-Edwards bill.

As I understand, it, the debate will continue tomorrow morning. I believe there are 30 minutes for each side, and then we will vote at that point in time.

Mr. President, I yield the floor. I appreciate your patience and the patience of my colleagues for allowing me to address this issue.

THE NEXT ROUND OF NATO ENLARGEMENT

Mr. BIDEN. Mr. President, I rise today to congratulate President Bush for his unequivocal support for the next round of enlargement of the North Atlantic Treaty Organization, which he voiced during his recent trip to Europe.

Several months ago I made clear my opposition to a so-called ''zero option'' of not admitting any new country to membership at next year's NATO Summit in Prague. Largely at the administration's urging, the alliance last week formally laid the ''zero option'' to rest. At least one country will be invited to membership in Prague.

In addition, in several venues I have declared that no country outside of

NATO has any veto right over which country or countries the alliance will invite to membership.

Most particularly this statement applies to the three Baltic states—Lithuania, Latvia, and Estonia—and Russia's evident opposition to their joining NATO.

It would be totally unacceptable to grant Russia any such veto. Let us not forget the history of the last 61 years.

In 1940, Moscow rigged bogus ''invitations'' from the three independent Baltic states to be incorporated by the Soviet Union. I am proud as an American that this country for more than 50 years never recognized this illegal annexation.

Following annexation, and during the ensuing 5 years, the Soviets murdered thousands of Baltic citizens and deported thousands more to deepest Siberia. Guerilla warfare against the occupiers erupted in the forests of all three countries, with the last anti-Soviet partisan in Lithuania not surrendering until the 1960s.

Despite their heroic struggle, the Baltic peoples had to endure the iron repression of Soviet communism for half a century. Now, in the wake of the collapse of the Soviet Union, all three Baltic countries are full-fledged democracies that are developing their civil societies and free-market economies.

After Lithuania, Latvia, and Estonia suffered the 51 years of Soviet-inflicted brutalities, it would be morally grotesque to deny them the fundamental right to choose their own system of security that is accorded to every other European country. This would be the ultimate ''double whammy,'' in essence saying, ''since you suffered so much, you may not ensure your safety in the future!''

No, Mr. President, we must never repeat, even by inference, the infamous Molotov-Ribbentrop Pact of 1939, which carved up northeastern Europe between Stalin and Hitler: There must be no more ''red lines'' in Europe.

Russia, with which I sincerely hope we can develop a harmonious and productive relationship, must understand that NATO enlargement in general, and a Baltic dimension to enlargement in particular, pose absolutely no threat whatsoever to Russia. With several of its high-ranking military officers permanently attached to NATO and SHAPE, Russia must know that the old Soviet propaganda was a deliberate lie. NATO is, and always was, a purely defensive alliance.

I believe that President Bush and Secretary of State Powell are correct in saying that it is premature at this time to ''name names'' of countries to be invited to NATO membership at the Prague Summit. The Alliance has laid out a detailed procedure for qualifying for membership. Most importantly, in the spring of 2002 NATO must make a third evaluation of each country's membership action plan or ''MAP.''

But it is no secret that some countries are making significant progress militarily, politically, economically, and socially. Slovenia, I believe, is already eminently qualified for NATO membership. Unless it lapses into overconfidence during the next year, it should be a shoo-in in Prague.

Lithuania has apparently done remarkably well in fulfilling its MAP, and its neighbors, Latvia and Estonia, are also coming on strong. The legal status and treatment of the Russian minority in all three countries now is in full compliance with international standards. As long as lingering remnants of bigotry in the Baltic states continue to be erased by democratic education and practice, the political requirements for NATO membership should be met.

Slovakia, after having lost precious time under the populist administration of Vladimir Meciar, now has a democratic government that is also making giant strides toward membership. Its national elections in the fall of 2002 will be decisive in proving to NATO that this progress is permanent.

The southern Balkans, of course, are strategically the most important area for NATO enlargement. Romania and Bulgaria are potentially vital members for the Alliance. Both countries have overcome various kinds of misrule and are also making progress. Other aspirant countries in the southern Balkans are more long-term candidates.

In 1998, I had the privilege of being floor manager for the successful Senate ratification of the legislation admitting Poland, Hungary, and the Czech Republic to NATO. I look forward to playing the same role in 2003 for the admission of one or more of the current candidate countries.

THE GROWING WEB OF SUSPICION OF ASIAN AMERICANS

Mrs. FEINSTEIN. Mr. President, I would like to take this opportunity to indicate my deep concern about what I perceive to be increasing bias in the United States toward Asian Americans and Chinese Americans in particular.

In recent years, we have seen those on the far right and the far left of the political spectrum raise allegations without proof, distort facts, and make it impossible to refute insinuations. Thus, a web of suspicion is woven about the loyalties of Asian Americans to the United States.

This has created an atmosphere of anti-Asian American and anti-Chinese American sentiment: a House Select Committee report on National Security (although widely debunked as without foundation); the botched Wen Ho Lee investigation; the recent incident with Representative DAVID WU; the attacks against U.S. Secretary of Labor Elaine Chao; hate crimes against Asian Americans; and the attacks against former California State Treasurer Matt Fong.

These examples—and others—have contributed to a troubling and negative stereotyping of Asian-Americans.

Evidence of this comes from a recent Yankelovich survey which asserts: 68 percent of Americans now have a somewhat negative or very negative attitude toward Chinese Americans; one in three now believe that Chinese Americans are more loyal to China than to the United States; nearly half of all Americans—or 46 percent—now believe that Chinese-Americans passing secrets to China is a problem; and 34 percent believe that Chinese Americans now ''have too much influence'' in the U.S. high technology sector.

Tragically, the unfounded suspicions about the loyalties of Asian Americans has itself created a sense of unease among the Asian American community.

According to Asian American focus groups conducted for the Committee of 100 during January 2001, Asian Americans believe that too many Americans see them as foreigners or as ''permanent aliens.''

Increasingly, Chinese-Americans with contacts, family, friendships or business connections in China are labeled disloyal to the United States simply because of their ethnic background and heritage.

The sentiment seems to be that you can't be both Chinese-American and a loyal American as well.

Now that is not what America is all about.

Sadly, our Nation has a long history of discrimination against Americans of Asian and Pacific Island ancestry. Without a doubt, Asian Americans have suffered from unfounded and demagogic accusations of disloyalty.

Americans of Asian and Pacific Island descent have been subjected to discriminatory laws that have prevented their right to become, and be seen as, Americans:

The Chinese Exclusionary Act of 1882 barred the immigration of Chinese laborers.

In 1907, the ''Gentleman's Agreement'' between the United States and Japan limited Japanese immigration to the United States.

A 1913 California law erected barriers to prevent Asian Americans from becoming land-owners.

The Immigration Act of 1917 prohibited immigration from nearly the entire Asia-Pacific region.

The National Origins Act of 1924 banned immigration of persons ineligible for citizenship.

Asian Americans were not able to become citizens of the United States for over 160 years and the Supreme Court consistently upheld laws prohibiting citizenship for Asians and Pacific Islanders with the last of these laws not repealed until 1952.

The Tydings-McDuffie Act of 1934 limited the number of Filipino immigrants to 50 per year.

During World War II, we witnessed one the worst acts of discrimination against any group of Americans, the internment of 120,000 patriotic and loyal Americans of Japanese ancestry.

Despite the fact that their family members were being denied their basic rights as Americans, many young Japanese Americans volunteered to fight for their country and they did so with bravery, honor, and valor.

The record of the U.S. Army's 100th Battalion and 442nd Infantry Combat Group speaks for itself and is without equal: 18,000 individual decorations awarded including 52 Distinguished Service Crosses, 560 Silver Stars, and 9,480 Purple Hearts.

The record of the 442nd Combat Group made up of Japanese American soldiers, including our esteemed colleague Senator DANIEL INOUYE is unusual: They were the most decorated unit of its size in the Army during World War II, yet only one member until last year received the Medal of Honor when Senator INOUYE finally received his long overdue recognition.

Throughout U.S. history Asian Americans have been subjected to discriminatory actions, including the prohibition of individuals from owning property, voting, testifying in court or attending school with other people in the United States.

It is long past time to turn the page on this chapter of our Nation's history.

And I am appalled that in recent years some have resorted to negative stereotypes to question the integrity of an entire community.

Tragically, this rising tide in discrimination has contributed to a growing number of crimes; hate crimes against Asian Americans.

According to the National Asian Pacific American Legal Consortium, there were 486 reported incidents of violence against Asian Americans in the latest figures available for 1999, an increase from the 429 incidents in 1998.

This upward trend is even more troubling because it is contrary to the finding reported by the Department of Justice's 1999 crime victimization report that violent crime rates had fallen by 10 percent during this same period.

Who can forget the harrowing photos in August of 1999 of pre-school children holding hands while fleeing the North Valley Jewish Community center when a white supremacist walked into their school and opened fire?

Later that day, the perpetrator shot and killed Joseph Ileto, a Filipino-American postal worker. Ileto was a kind hearted and unselfish man who was simply in the wrong place at the wrong time and slain because of his skin color.

In May 1999, a Japanese American store owner was shot in Chicago, Illinois by a gunmen seeking out ethnic targets.

In July 1999, Benjamin Smith, a 21-year-old college student, went on a three day shooting rampage in Illinois and Indiana, killing one Korean American, one African American, and injuring nine others—Jews, Asian Americans, and African Americans.

These examples are just the tip of the iceberg when it comes to hate crimes against Asian Americans.

And make no mistake about it, these attacks are in part fueled by the anti-Asian sentiment that lingers in our society today.

Even with the strides we have made in combating hate crimes thus far, Asian American groups report that these crimes are still frequently under-reported and therefore the ''real'' numbers of these incidents is unclear.

According to the Asian Law Caucus's Interim Executive Director Frank Tse:

> The invisibility of Asian Pacific Americans has real detrimental effects. If law enforcement does not perceive that we are susceptible to hate crimes, then they are more likely to overlook the red flags at a crime scene. We have seen this firsthand. The result is that perpetrators are not prosecuted, victims do not receive appropriate assistance and the under reporting continues.

The rising tide of anti-Asian American attitudes that can lead to these sorts of tragic incidents are all too often aided and abetted by those in government and the media who ought to know and act better.

Many Chinese-Americans, for example, feel that the Report of the House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China promoted an atmosphere of suspicion about the loyalty of Chinese Americans to their country.

The House Committee report asserted that:

> Threats to national security can come from PRC scientists, students, business people, or bureaucrats, in addition to professional civilian and military intelligence operations.
>
> The PRC also tries to identify ethnic Chinese in the United States who have access to sensitive information, and sometimes is able to enlist their cooperation in illegal technology or information transfers.
>
> It is estimated that at any given time there are over 100,000 PRC nationals who are either attending U.S. universities or have remained in the United States after graduating from a U.S. university. These PRC nationals provide a ready target for PRC intelligence officers and PRC Government controlled organizations, both while they are in the United States and when they return to the PRC.
>
> In light of the number of interactions taking place between PRC and U.S. citizens and organizations over the last decade as trade and other forms of cooperation have bloomed, the opportunities for the PRC to attempt to acquire information and technology, including sensitive national security secrets, are immense.

Although it is true that the Chinese Intelligence sources utilize these techniques, many Chinese-Americans feel that these sorts of broad-brush allegations create an atmosphere where all Asian Americans fall under a cloud of suspicion.

The report seems to suggest, for example, that because the PRC may try to recruit some ethnically Chinese scientists in the U.S., all ethnic Chinese are under suspicion.

A review of the Report by Stanford University's Center for International Security and Cooperation concluded that the Report was inflammatory, inaccurate, and damaging to U.S.-China Relations.

Its principal editor, Dr. Michael May, argued that the Report alleged that ''essentially all Chinese visitors to the United States are potential spies. This has cast a cloud of suspicion over both foreign and Asian-born U.S. staff members of U.S. companies.''

Many Chinese and Asian American groups have written to me to express their concerns about the impact the insinuations and unfounded allegations of the Report have had on Chinese and Asian Americans. In a May 21st letter to the Editor and Chief of the Los Angeles Times, John Fugh, a retired Chinese-American Major General with 33 years of service in the U.S. Army and its former Judge Advocate General, wrote:

> The impact of this inflammatory report has created an environment in which many Chinese and Asian Americans have had their loyalty questioned based on their ethnicity, especially in the defense sector.

The Asian Law Alliance of San Jose noted that the allegations of the Report ''led to a broad-based hysteria that detrimentally impacted Asian American scientists working to support U.S. research and development.''

The Organization of Chinese Americans argued that the ''report and the false impression it gave the American public had serious repercussions on the careers of Chinese Americans at some government agencies and in some instances, private industry.''

Now I would like to speak about some people who may well have been targeted because they are Asian Americans.

Dr. Wen Ho Lee, an American citizen and nuclear scientist, formerly employed at the Los Alamos National Laboratory, was arrested in 1999 on 59 charges ranging from violating the Atomic Energy Act of 1954 to mishandling classified data and held in solitary confinement for nine months before all charges were dropped except for one—downloading classified data onto his personal computer. I have been told that others at the lab also downloaded information but were not charged.

Media reports and government information portrayed him as a Chinese spy.

After reviewing the facts of the case, I am convinced that whatever else may have been involved the case also had serious undertones of racial stereotyping that need to be examined closely.

This is a man who had been held under the most extraordinary security conditions. Dr. Lee, a sixty-year old scientist at the time, was prohibited from outside contact, except for his immediate family, and shackled at the wrists, waist and ankles on the occasions in which he was allowed to leave his cell.

In an impassioned letter about the Wen Ho Lee case, one of my constituents expressed:

> As a Chinese American . . . I ask no more than what is due to every citizen of this country, namely, to be treated with respect and dignity. I resent those who would question the loyalty of Chinese Americans any time a particular Chinese American is suspected of an egregious act. In their haste to decry the alleged espionage by an individual, not only are these public officials and said media guilty of a rush to judgment but of tarring with a broad brush other American citizens who are guilty of nothing else other than having the same ethnicity of the suspect.

Instances like the Wen Ho Lee case engender a sense of disunity and division within the community, which undermines the basic tenets on which this nation was founded.

In another instance of how poisoned this atmosphere has become, Oregon U.S. Representative DAVID WU was recently nearly denied entry into the Department of Energy building in Washington, DC because guards questioned whether he was an American citizen.

After Representative WU and an aide arrived, a guard refused to recognize his Congressional identification and asked three times whether the two were U.S. citizens.

Eventually, the two were allowed entry by a supervisor but this incident indicates the web of suspicion surrounding all Asian Americans, and even those that are elected to Congress.

Following the incident, Representative WU wrote U.S. Energy Secretary Spencer Abraham:

> I am disturbed that yesterday's incident is the tip of an iceberg, an indicator of a much larger problem at DOE which maybe damaging our national security.

Representative WU has asked Secretary Abraham to review employment practices and operating procedures to prevent future discrimination against employees of Asian descent. I join with Representative WU in this important request.

Lastly, in recent months, a distinguished public servant currently the Secretary of Labor, has been harshly and unfairly attacked and her loyalty questioned because, as a Chinese-American, she has knowledge of China, has met with Chinese business people, citizens, and leaders.

This is yet another case in which ethnic background appears to be sufficient grounds to question someone's patriotism, someone's business activities, and in this case, even the conduct of Elaine Chao's husband as a U.S. Senator.

Another troubling incident involves the case of Matt Fong, a former Treasurer of the State of California and a former Lieutenant colonel in the U.S. Air Force, who has been nominated as Under Secretary of the Army and has had his loyalty to our nation questioned.

As it transpires, Mr. Fong unknowingly accepted some funds which he should not have in order to retire debt from his 1994 campaign for California treasurer from Ted Sioeng, an Indonesian businessman.

But when Mr. Fong discovered that some of these funds came from Sioeng's personal account, he immediately returned the money. There were legitimate questions raised about the Sioeng donation but Matt Fong did the right thing when he found out: He returned the money.

I am sad to say that questionable campaign contributions of this sort occur more often than they should, from people of all ethnicities and backgrounds. That is one of the reasons why campaign finance reform is so essential.

So why in this case are there some who still raise questions about Mr. Fong's loyalty, suggesting that because of this contribution, which some believe may have originated with the Chinese government, Mr. Fong may represent a security risk?

There is no evidence that the funds to Mr. Fong originated with the Chinese government, or that the contribution represents an effort by the Chinese government to ''buy'' Mr. Fong. But because of Mr. Fong's ethnicity, just leveling the allegation creates an environment of suspicion which by its nature is difficult to refute.

All is insinuation, and I am loath to say that it appears that it can only be for one reason why these questions have been raised: Mr. Fong's ethnicity.

As Karen Narasaki, President and Executive Director of the National Asian Pacific American Legal Consortium put it:

> Fong's mother served as California Secretary of State for many years and Fong himself has served his country, both in the Air Force and as California State Treasurer. To question his loyalty to the U.S. is the worst sort of racial profiling.

I am disappointed that there are many who appear to believe that it is still acceptable to attack Asian Americans. This is completely unacceptable in America.

All Americans should be highly offended by the negative stereotypes and media coverage of Asian-Americans who have made profound contributions to our nation.

How can we question the loyalty of any American because of his or her race or ethnic background? To put it simply, this is un-American and must be stopped.

We all need to work together to raise awareness about the positive contributions all Asian Americans have made to every aspect of life here in the United States, and of the sacrifices they have made in defense of this country.

We must redouble our efforts to eliminate racial stereotypes that strike at the heart of American values and shame us all.

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 in March of this year. 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 terrible crime that occurred September 28, 1994 in Las Vegas, NV. A gay man, Scott Grundy, 30, was shot to death. Aaron Vandaele, 19, was charged with murder, robbery, burglary, and grand larceny after he allegedly said he planned to visit a gay bar to rob a homosexual.

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.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 20, 2001, the Federal debt stood at $5,641,023,159,870.17, five trillion, six hundred forty-one billion, twenty-three million, one hundred fifty-nine thousand, eight hundred seventy dollars and seventeen cents.

One year ago, June 20, 2000, the Federal debt stood at $5,653,560,000,000, five trillion, six hundred fifty-three billion, five hundred sixty million.

Five years ago, June 20, 1996, the Federal debt stood at $5,108,536,000,000, five trillion, one hundred eight billion, five hundred thirty-six million.

Ten years ago, June 20, 1991, the Federal debt stood at $3,493,082,000,000, three trillion, four hundred ninety-three billion, eighty-two million.

Fifteen years ago, June 20, 1986, the Federal debt stood at $2,039,809,000,000, Two trillion, thirty-nine billion, eight hundred nine million, which reflects a debt increase of more than $3.5 trillion, $3,601,214,159,870.17, three trillion, six hundred one billion, two hundred fourteen million, one hundred fifty-nine thousand, eight hundred seventy dollars and seventeen cents during the past 15 years.

ADDITIONAL STATEMENTS

REVEREND LEON SULLIVAN

• Mr. SPECTER. Mr. President, I have sought recognition to pay tribute to Reverend Leon Sullivan who was not only a great American but a great citizen of the world. He was called the ''Lion of Zion,'' a reference to the Zion Baptist Church where he was a fixture at the pulpit for 38 years. His accomplishments carried him beyond the city of Philadelphia to nationwide acclaim and then to worldwide leadership. From founding the Opportunities Industrialization Center, OIC, to America's most prestigious corporate boards where he brought recognition for minority employment to initiatives on education and health care in Africa, Dr. Sullivan was a global leader in successfully striving to improve the quality of life for those in need of assistance.

I first met Dr. Sullivan in the late 1950s when I was an Assistant District Attorney prosecuting cases in a magistrate's court at 19th and Oxford Streets in the heart of the city's African American community. Dr. Sullivan reclaimed that shambled police court and made it into OIC's first job training school. From that modest start, Dr. Sullivan went on to establish 56 centers nationally and another 46 centers internationally.

Standing 6 feet 5 inches, Dr. Sullivan was a powerful orator in the Zion Baptist Church on Sundays and an even more powerful social innovator the other 6 days of the week. His towering strength gained national recognition when he was asked to serve on the board of directors of General Motors, Mellon Bank, Boy Scouts of America, and the Southern African Development Fund.

With unparalleled accomplishments in the United States, Dr. Sullivan then turned his attention to Africa, where he initiated the Sullivan Principles. The Sullivan Principles are a code of conduct for businesses operating in South Africa which is acknowledged to be one of the most effective efforts in combating discrimination in the workplace. On April 12, 2000, I introduced a resolution along with Senator FEINGOLD that called on companies large and small in every part of the world to support and adhere to the Global Sullivan Principles of Corporate Social Responsibility wherever they have operations.

Dr. Sullivan also founded the International Foundation for Education and Self-Help, IFESH. IFESH was established to train people around the world in various disciplines including farming, teaching, healthcare, banking and economics.

As an Assistant District Attorney in Philadelphia in the early 1960s and as District Attorney through the mid-1970s, I worked with Dr. Sullivan on a wide variety of projects to combat juvenile delinquency, reform prison abuses and provide for realistic rehabilitation for many convicted in Philadelphia's courts. For two decades in the U.S. Senate, I continued to work with Dr. Sullivan. As a member of the Senate Foreign Operations Appropriations Subcommittee, I worked with the Subcommittee to secure a total of $38 million in funding since 1984 to support the work of Opportunities Industrialization Centers, OIC, International. Since its founding in 1970, OIC International has trained and provided jobs for thousands of poverty stricken people in Africa, Europe, and Asia. Also, I have worked with the Department of Housing and Urban Development to assist Reverend Sullivan build Opportunities Towers, which provides affordable housing for seniors and retirees in Philadelphia and other major cities.

When Dr. Sullivan passed away on Tuesday, April 24, 2001, the United States and the world had lost a great humanitarian, an acclaimed theologian, an extraordinary social activist and a great world leader.•

DEATH OF JUSTICE STANLEY MOSK

• Mrs. FEINSTEIN. Mr. President, on Tuesday, California lost one of its greatest jurists, Justice Stanley Mosk.

For more than a half century, and for 37 years on the bench of the State Supreme Court, Stanley Mosk served California with thoughtfulness, with honor, and indeed, with wisdom.

He was the longest-serving member in the court's 151-year history, issuing a total of 1,688 opinions over his career, including 727 majority rulings, 570 dissents, and 391 concurrences.

I knew Stanley Mosk well, and I respected him greatly. He's been a giant on the Supreme Court, and he will be missed deeply.

Justice Mosk began his political career as executive secretary to Governor Culbert L. Olson in 1938.

Following that, he was appointed to the Los Angeles Superior Court, where he served for 15 years.

And beginning in 1958, Mosk was elected California attorney-general, becoming the first Jewish man or woman to be elected to statewide office in the State.

Finally in 1964, weary of politics, Justice Mosk was appointed to the supreme court by Governor Pat Brown.

In this career which spanned more than 53 years, Justice Mosk broke new ground in the areas of the environment, the right to sue, and, perhaps most notably, in race discrimination, where he protected the right of all individuals, regardless of race, to be equally protected by the law.

As early as 1947, while on the superior court, Mosk issued his first ruling dealing with race, holding that whites-only restrictions on property were unenforceable.

Then in 1961, when serving as attorney-general, he persuaded the Professional Golfers Association to admit black golfers.

Later, on the supreme court, Mosk wrote perhaps his most famous decision of his career on the case of Allan Bakke, a white student who challenged racial quotas in the University of California admissions program.

Writing for the majority, Mosk held that the University's quota-based admissions program, that favored minorities over whites, was unconstitutional.

In each of these decisions, Mosk favored the right of the individual to be treated as an equal, with complete disregard to his or her race. It is a formulation which has stood the test of time.

In addition, Mosk wrote hundreds of decisions that have deeply impacted the State. Some of those include: An opinion written in 1980 allowing victims of the drug DES to sue all makers of the drug, on the basis of their market share, when the specific manufacturer was unknown to the victims; A 1972 decision that extended the restrictions of the California Environmental Quality Act to private developers; and A 1979 decision that held that a disabled parent could not be denied custody of a child solely because of a physical handicap.

Moreover, many of Mosk's opinions reflected his belief in the doctrine of ''independent state grounds,'' which holds that the Federal Constitution provides a minimum standard of individual rights upon which States can build.

Stanley Mosk's life was devoted to the law and to the State of California. His prolific careers illustrated his deep commitment to equality, and he leaves a legacy that will last for years to come.

He is survived by his wife, Kaygey Kash Mosk, and son Richard M. Mosk.•

CONGRATULATIONS TO BOB AND ORLENE THOMAS

• Mr. BROWNBACK. Mr. President, I rise today to offer congratulations to two great Kansans, Bob and Orlene Thomas. On May 18, 1961 Bob and Orlene met in a chapel in Kansas and joined each other in Holy matrimony. In the 40 years that have followed, their little family has grown to include three children, who have grown to bless Bob and Orlene with five beautiful grandchildren. It is my understanding that the happy couple will be joined this weekend by their family to celebrate their 40th anniversary.

It is no secret to my colleagues that I believe marriage is the most sacred and important institution in society today. Bob and Orlene's marriage marks an example for all of how to preserve that institution. They have lived

through richer and poorer. They have had good times and bad. They have witnessed both sickness and health. Through all of it, armed with their love for one another and the support of their family, Bob and Orlene have persisted.

I congratulate this great Kansas couple on their 40th wedding anniversary and wish them continued happiness for many years to come.●

TRIBUTE TO JACK McCONNELL, M.D.

● Mr. HOLLINGS. Mr. President, people who fuss about doctors should read this article from the June 18, 2001 issue of Newsweek magazine. I know of no other profession that has banded together as well as the doctors mentioned in order to continue to serve. South Carolina is proud of Jack McConnell. For launching this effort and inspiring others to do likewise, he deserves the Congressional Gold Medal.

The article follows:

''AND WHAT DID YOU DO FOR SOMEONE TODAY?''

(By Jack McConnell, M.D.)

When I was a child, we observed Father's Day by walking to the local Methodist church and listening to my father preach. We didn't have a car—my dad believed he could not ''support Mr. Ford'' on a minister's salary and still see that all of his seven children went to college. While we understood it was a special day—my mother would have something exceptional like a roast or a turkey cooking in the oven—in many ways it was not all that different from any other day. As soon as my brothers and sisters and I got home, we'd all gather around the dining-room table, where we took turns answering our father's daily question: ''And what did you do for someone today?''

While that voice and those words always stuck in my mind, they often got pushed aside by more immediate concerns: long hours in medical school, building a career in medical research, getting married, raising children and acquiring the material accouterments every father wants for his family. All the hallmarks of a ''successful'' life, according to today's standards. When these goals were met and that busy time of life was over, retirement followed on Hilton Head Island, S.C.

My wife and I built our home in a gated community surrounded by yacht clubs and golf courses. But when I left the compound and its luxurious buffer zone for the other side of the island, I was traveling on unpaved roads lined with leaky bungalows. The ''lifestyle'' of many of the native islanders stood in jarring contrast to my cozy existence. I was stunned by the disparity.

By means of a lifelong habit of mine of giving rides to hitchhikers—remember, I grew up without a car—I got to talking to some of these local folks. And I discovered that the vast majority of the maids, gardeners, waitresses and construction workers who make this island work had little or no access to medical care. It seemed outrageous to me. I wondered why someone didn't do something about that. Then my father's words, which had at times receded to a whisper, rang in my head again: ''What did you do for someone today?''

Even though my father had died several years before, I guess I still didn't want to disappoint him. So I started working on a solution. The island was full of retired doctors. If I could persuade them to spend a few hours a week volunteering their services, we could provide free primary health care to those so desperately in need of it. Most of the doctors I approached liked the idea, so long as their life savings wouldn't be put at risk by malpractice suits. They also wanted to be relicensed without a long, bureaucratic hassle. It took one year and plenty of persistence, but I was able to persuade the state legislature to create a special license for doctors volunteering in not-for-profit clinics, and got full malpractice coverage for everyone from South Carolina's Joint Underwriting Association for only $5,000 a year.

The town donated land, local residents contributed office and medical equipment and some of the potential patients volunteered their weekends stuccoing the building that would become the clinic. We named it Volunteers in Medicine and we opened its doors in 1994, fully staffed by retired physicians, nurses, dentists and chiropractors as well as nearly 150 lay volunteers. That year we had 5,000 patient visits; last year we had 16,000.

Somehow word of what we were doing got around. Soon we were fielding phone calls from retired physicians all over the country, asking for help in starting VIM clinics in their communities. We did the best we could—there are now 15 other clinics operating—but we couldn't keep up with the need. Yet last month I think my father's words found their way up north, to McNeil Consumer Healthcare, the maker of Tylenol. A major grant from McNeil will allow us to respond to these requests and help establish other free clinics in communities around the country.

According to statistics, there are 150,000 retired doctors and 400,000 retired nurses somewhere out there, many of them itching to practice medicine again. Since I heeded my dad's words, my golf handicap has risen from a 16 to a 26 and my leisure time has evaporated into 60-hour weeks of unpaid work, but my energy level has increased and there is a satisfaction in my life that wasn't there before. In one of those paradoxes of life, I have benefited more from Volunteers in Medicine than my patients have.

This Father's Day, of course, my dad is not around. And my children are all grown and out on their own. But now I remind them the best way to celebrate this holiday is by listening and responding to their grandfather's question: ''What did you do for someone today?'' That's my father's most valuable legacy—to me and my children.●

IN RECOGNITION OF JACOB MELLINGER

● Mr. TORRICELLI. Mr. President, I rise today to recognize Jacob Mellinger of New Jersey, who will soon be celebrating his 100th birthday. Mr. Mellinger will reach this momentous milestone on July 5th of this year, and I would like to acknowledge this special moment.

Jacob Mellinger emigrated to the United States at the tender age of six, from Remenyia, Austria-Hungary. Since then, Mr. Mellinger has lived a life full of accomplishment, compassion and service. Upon graduating from the New Jersey Law School in 1927, he went on to build a successful law practice that lasted for 60 years. During that time, he established himself as an outstanding practitioner of the law and he also earned the right to argue cases before the U.S. Supreme Court. However, he has also used his success to serve his community. He has demonstrated his generous nature by distinguishing himself as a strong supporter of several prominent charities, including the United Jewish Appeal and Hadassah.

I wish Mr. Mellinger the best on his 100th birthday. As he and his family reflect on this joyous occasion it is my sincere hope that he will continue to share his wisdom from the last century with his family and friends for many more years to come.●

THE REVEREND PHILIP BRANON

● Mr. LEAHY. Mr. President, Vermont is a very small State with special people. For those of us who live there we have the opportunity to get to know many within our State. One who has given his life to the people of his community and parish is Father Philip Branon and I would like my colleagues to have the opportunity to read this recent article about him that was in *the Burlington Free Press* on April 8, 2001.

The article follows:

VT. PRIEST CELEBRATES 50 YEARS ON THE JOB

(By Sally Pollak)

SOUTH HERO—Philip Branon was a teenager when the priest at his local church, St. Patrick in Fairfield, called him into the rectory and suggested he consider the priesthood.

''It must be because I was a pious child,'' the Rev. Branon said, laughing at the thought, ''Or maybe my mother told him to. I don't know.''

If it were his mother's idea it was a sound one, the right choice for the sixth of 10 Branon children—a Fairfield farmboy who still associates Sunday Mass with morning chores.

Branon, 74, will mark the 50th anniversary of his ordination into the priesthood Wednesday. He has spent more than half that time—30 years—serving the Catholic community of Grand Isle County, celebrating Mass, comforting the dying, baptizing babies. He joins one other Vermont priest, the Rev. George Dupuis of Arlington, who is still active after half a century.

If Branon anticipated 50 years of anything, it was nothing more than living.

''I'm just very grateful that I have lived for the 50 years, and that I have good health,'' Branon said. ''I also have the wonderful privilege of being brought up in a good family with a lot of help and warmth from my brothers and sisters.''

Branon celebrated his first Mass on April 15, 1951, reciting the service in Latin in St. Patrick Church, his childhood parish. The Rev. William Tennien, the pastor who suggested Branon's priesthood, shepherded Burlington drivers who couldn't get through the muddy Franklin County roads to the event.

OVER THE YEARS

Since that first service, Branon has celebrated more than 17,000 Masses, an average

of seven a week. He will say once again this morning, at St. Joseph Church in Grand Isle, one of three churches in his parish. The service will be followed by a celebration of his priesthood.

Alice Toth, a South Hero teacher, plans to attend. She has been a parishioner at St. Rose in South Hero, Branon's home church, for 33 years. Toth appreciates his ''special gift'' for reaching the elderly and ill.

''He's a very caring pastor,'' she said. ''And he's a true Vermonter in the sense that he's really close to nature in his sermon and his message.''

Branon's first church was St. Paul in Barton. Then Mass was in Latin and his sermons were delivered in French and English.

He had no choice: He was informed by the Bishop that he would not be ordained if he didn't learn French.

He picked up sufficient French in conversation with other students at St. John's Seminary in Boston, ''I got along well in Barton,'' he said. ''Even though I didn't always know what I was saying.''

Branon became the pastor at the University of Vermont's Newman Center in 1957, and served there for 14 years. He called it ''the best place a priest could be'' when the changes of Vatican II were introduced.

At UVM, bringing together his two loves—family and the Church—he asked a woodworker from the Fairfield hills, Frank Moran, to carve a crucifix from a piece of black cherry that belonged to Branon's father. It remains at the chapel today.

GOOD VERMONT STOCK

Thirty years ago, Branon moved to the Champlain Islands, where he lives in South Hero and serves three island churches. He has chosen to stay because he loves where he lives, has firm roots in the community, and is not far from family and his childhood home.

''His contributions to the islands cannot be overestimated,'' said Max Reader, the retired pastor of the Congregational Church in South Hero.

''He's down to earth.'' Reader said, ''He's quite honest and he's very understanding. He's of good old Vermont stock and he's just got all these good qualities that make him a very, very fine priest.''

Branon feels that perhaps his most important contributions are made at funerals. He estimates that he has presided over 15 to 20 during each of the last 30 years.

''I'd rather do funerals than weddings anytime,'' he said Thursday morning after Mass. ''At a funeral, it's all honest. It's really and truly a teachable moment, the best chance for a priest to talk to a number of people who don't go to church.''

He considers the most important part of his job bringing Communion and comfort to the elderly and ill who can't get to church. Thursday after Mass, Branon—a slow walker and deliberate talker—placed a bible and some bread in his Chevy Corsica and prepared for a dozen Communion house calls.

''It comes down to the purpose of our ministry,'' he said. ''The purpose of the priesthood is to help people go to heaven. When you're dealing with sick people and old people, you're pretty apt to be dealing with people who are close to it.

''Over the years, you find out that sick people know they're sick. You try to help people understand it, help them face death.''

The deaths are not only a time for comfort and compassion, but a chance to learn about the families who live on the islands. ''If I had written down two or three lines about every person I buried,'' Branon said, ''I'd have a wonderful history of the islands.''

FARMING FAMILY

The history of the Church and his family are of great importance to Branon. His family has been farming in Fairfield for about 130 years, working a farm that was started by his great-grandmother, Mary O'Neill Branon.

She was widowed in the 1860s when her blacksmith husband, Irish immigrant Anthony Branon, was killed by the kick of a horse. Mary Branon took her two children and walked 17 miles from Swanton to Fairfield, driving cattle as she went.

Branon and his nine siblings—seven brothers and two sisters—grew up on the nearby farm settled by Mary O'Neill Branon's son, Edward. He fondly recalls the Sunday mornings of his childhood, a satisfying mix of chores, Mass and fox hunting.

His mother was devout, but it is his father's definition of sin that has stayed with the priest: ''He said, 'I was brought up to figure you can't commit a sin unless you want to,' '' Branon recalled.

And it was his father, brother of a priest and a nun, who took the time to fall to his knees and pray before going to the barn to care for a sick horse.

These stories of family and faith nourish Branon as he approaches 75, as he makes his rounds to comfort the elderly and ill.

He has no plans to retire, no plans to leave South Hero. ''I owe it to God and the people to keep going as long as I'm worth anything,'' he said.

In his parish home, alone at night, Branon thinks of his own mortality and finds comfort in these words: ''May the all powerful Lord grant me a happy life and a peaceful death.''

Maybe not the exact words of the night prayers, concedes the priest with 50 years' experience. But close enough.

BRANON FILE

Who: The Rev. Phillip J. Branon

Occupation: Catholic priest ordained 50 years ago, April 11, 1951.

Age: 74.

Family: Branon is the sixth of 10 children of E. Frank and Mary Branon. He grew up on a farm in Fairfield.

Education: St. Mary's High School in St. Albans, graduated 1943; St. John's Seminary in Boston, ordained in 1951.

Career: St. Paul's Parish, Barton, 1951–1953; Cathedral of the Immaculate Conception, Burlington, 1953–1955; Vermont Catholic Charities, Burlington, 1955–1957; Newman Center, the University of Vermont, 1957–1971. Since 1971 he has been serving at St. Rose de Lima, South Hero; St. Benedict Labre, North Hero; and St. Joseph, Grand Isle.

Open House: An open house in his honor will be held today at St. Joseph Church from 10 a.m. to 1 p.m., after Branon celebrates Mass.

VERMONT PRIEST FACTS

Full-time priests in Vermont: 101.

Active priests with 50 years of service or more: two.

Vermont priests ordained 50 years ago or more: 24. Of those, two are active and 22 are retired. Eight of the retirees fill in as substitutes.

50th anniversary: Wednesday is the 50th anniversary of the ordination of the Rev. Phillip J. Branon, a priest at three parishes in Grand Isle County. Two other Vermont priests celebrate half a century or ordination on Wednesday, though they have retired: Monsignor Raymond Adams of Essex Junction and the Rev. Robert Whalen of Poultney and Steamboat Springs, Colo.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2216. An act making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2052. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2216. An act making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

S. 1077. An original bill making appropriations for the fiscal year ending September 30, 2001, and for other purposes.

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–2553. 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 ''Modification of Rev. Proc. 97–13'' (Rev. Proc. 2001–19) received on June 19, 2001; to the Committee on Finance.

EC–2554. 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 ''Applicable Federal Rates—July 2001'' (Rev. Rul. 2001–34) received on June 18, 2001; to the Committee on Finance.

EC–2555. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to

law, the report of a rule entitled ''Amendment to the International Traffic in Arms Regulation: Sweden'' (22 CFR Parts 124, 125, 126) received on June 18, 2001; to the Committee on Foreign Relations.

EC–2556. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Israel and the Arab League countries; to the Committee on Foreign Relations.

EC–2557. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mesotrione; Pesticide Tolerance'' (FRL6787–7) received on June 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2558. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''L-Glutamic Acid and Gamma Aminobutyric Acid; Exemptions from the Requirement of a Tolerance'' (FRL6785–6) received on June 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2559. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Isoxadifen-ethyl; Time-Limited Pesticide Tolerance'' (FRL6786–1) received on June 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2560. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''West Indian Fruit Fly; Removal of Quarantined Area'' (Doc. No. 00–110–3) received on June 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2561. 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: CFM International CFM56–2, –2B, –3, –5B, –5C, and –7B Series Turbofan Engines; request for comments'' ((RIN2120–AA64)(2001–0260)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2562. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Advanced Qualification Program; Docket No. FAA–2000–7497; Correction'' ((RIN2120–AH01)(2001–0001)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2563. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (17); Amdt. No. 429'' ((RIN2120–AA63)(2001–0004)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2564. 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 (39); Amdt. No. 2053'' ((RIN2120–AA65)(2001–0035)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2565. 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 (26); Amdt. No. 2052'' ((RIN2120–AA65)(2001–0036)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2566. 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; Jackson Hole, WY; Docket No. 00–ANM–24'' ((RIN2120–AA66)(2001–0097)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2567. 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; Phillipsburg, KS; confirmation of effective date'' ((RIN2120–AA66)(2001–0098)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2568. 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; Bay City, TX; confirmation of effective date'' ((RIN2120–AA66)(2001–0100)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2569. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establish Class E Airspace; South Albany, NY'' ((RIN2120–AA66)(2001–0101)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2570. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Linden, White Oak, Lufkin, Corrigan, Mount Enterprise, and Pineland, Texas and Zwolle, Louisiana'' (Doc. No. 00–228) received on June 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2571. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Exmore and Cheriton, Virginia and Fuitland, Maryland'' (Doc. No. 99–347) received on June 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2572. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 733.202(b), Table of Allotments, FM Broadcast Stations; Hewitt, Texas'' (Doc. No. 01–24) received on June 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2573. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Creation of a Low Power Radio Service, Second Report and Order'' (Doc. No. 99–25, FCC 01–100) received on June 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2574. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Mountain View, AR'' (Doc. No. 01–45) received on June 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2575. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Whooping Cranes in the Eastern United States'' (RIN1018–AH46) received on June 19, 2001; to the Committee on Environment and Public Works.

EC–2576. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of Volatile Organic Compounds (VOCs) for Aerospace Operations and Miscellaneous VOC Revisions'' (FRL6998–6) received on June 20, 2001; to the Committee on Environment and Public Works.

EC–2577. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans North Carolina: Approval and Revision to Miscellaneous Volatile Organic Compounds Regulations Within the North Carolina State Implementation Plan'' (FRL6993–9) received on June 20, 2001; to the Committee on Environment and Public Works.

EC–2578. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; States of Illinois and Missouri; 1-Hour Ozone Attainment Demonstrations, Motor Vehicle Emissions Budgets, Reasonably Available Control Measures, Contingency Measures, Attainment Date Extension, and Withdrawal of Nonattainment Determination and Reclassification'' (FRL7001–7) received on June 20, 2001; to the Committee on Environment and Public Works.

EC–2579. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Maintenance Plan Revisions; Ohio'' (FRL7001–6) received on June 20, 2001; to the Committee on Environment and Public Works.

EC–2580. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standards for Metropolitan Denver; State of Colorado'' (FRL7000–7) received on June 20, 2001; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. 1077: An original bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 107–33).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Allocation To Subcommittees Of Budget Totals from the Concurrent Resolution for Fiscal Year 2002'' (Rept. No. 107–34).

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. GRASSLEY:

S. 1076. A bill to provide for the review of agriculture mergers and acquisitions by the Department of Agriculture and to outlaw unfair practices in the agriculture industry, and for other purposes; to the Committee on the Judiciary.

By Mr. BYRD:

S. 1077. An original bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. BAUCUS, Mr. KENNEDY, Ms. STABENOW, Mr. REID, Mr. SCHUMER, Mr. LEAHY, Mr. CORZINE, and Mr. DAYTON):

S. 1078. A bill to promote brownfields redevelopment in urban and rural areas and spur community revitalization in low-income and moderate-income neighborhoods; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. BAUCUS, Mr. KENNEDY, Ms. STABENOW, Mr. REID, Mr. SCHUMER, Mr. LEAHY, Mr. CORZINE, Mr. SARBANES, and Mr. DAYTON):

S. 1079. A bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites; to the Committee on Environment and Public Works.

By Mr. CLELAND:

S. 1080. A bill to amend chapter 84 of title 5, United States Code, to provide that employees who retire as registered nurses under the Federal Employees Retirement System shall have unused sick leave used in the computation of annuities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. TORRICELLI (for himself and Mr. DAYTON):

S. 1081. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for the development of low-to-moderate income housing for home ownership, and for other purposes; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. DAYTON):

S. 1082. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. BINGAMAN, Mrs. MURRAY, and Mr. INOUYE):

S. 1083. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. DEWINE, and Mr. FEINGOLD):

S. 1084. A bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes; to the Committee on Finance.

By Mr. WELLSTONE:

S. 1085. A bill to provide for the revitalization of Olympic sports in the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 1086. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the Outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself, Mr. SARBANES, Mr. REED, Mr. CARPER, Mr. SCHUMER, Ms. STABENOW, Mr. DODD, Mr. JOHNSON, Mr. BAYH, Mr. ROCKEFELLER, Ms. COLLINS, Mrs. CLINTON, Ms. SNOWE, Mr. CLELAND, Ms. CANTWELL, Mr. WELLSTONE, Mr. FEINGOLD, Mr. TORRICELLI, and Mr. KERRY):

S. Con. Res. 52. Concurrent resolution expressing the sense of Congress that reducing crime in public housing should be a priority, and that the successful Public Housing Drug Elimination Program should be fully funded; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HAGEL (for himself, Mr. LEAHY, and Mr. LEVIN):

S. Con. Res. 53. Concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 131

At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 234

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 234, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 242

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 242, a bill to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006.

S. 313

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for Farm, Fishing, and Ranch Risk Management Accounts, and for other purposes.

S. 351

At the request of Ms. COLLINS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 392

At the request of Mr. SARBANES, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 570

At the request of Mr. BIDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 627

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 677

At the request of Mr. BREAUX, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor 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.

S. 697

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced

benefits to employees and beneficiaries.

S. 706

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 731

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 731, a bill to ensure that military personnel do not lose the right to cast votes in elections in their domicile as a result of their service away from the domicile, to amend the Uniformed and Overseas Citizens absentee Voting Act to extend the voter registration and absentee ballot protections for absent uniformed services personnel under such Act to State and local elections, and for other purposes.

S. 755

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 755, a bill to continue State management of the West Coast Dungeness Crab fishery.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 804, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 852

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 936

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 936, a bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes.

S. 992

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 1017

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1017, a bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

S. 1021

At the request of Mr. LUGAR, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1021, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004.

S. 1037

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1037, a bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes.

S. 1058

At the request of Mr. CARPER, his name was added as a cosponsor of S. 1058, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and the producers of biodiesel, and for other purposes.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY.

S. 1076. A bill to provide for the review of agriculture mergers and acquisitions by the Department of Agriculture and to outlaw unfair practices in the agriculture industry, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, as most of my colleagues know, agriculture is a crucial industry for Iowa. The small, independent family farmer is an important thread which holds together my State's cultural, economic and social fabric. In fact, the family farmer is one of the best things about Iowa's heritage. My colleagues are well aware that I'm committed to preserving and supporting this valuable member of Iowa's communities.

Agriculture is a risky business. I know that from personal experience, I've lived and worked on a farm all my life. But these days, farmers feel especially vulnerable. ''Merger-mania'' has been running rampant, with large companies joining forces to create new business giants in every sector of the economy, including agriculture.

The agriculture sector has witnessed a number of mega-mergers and alliances affecting grain and livestock. And the independent producer is seeing fewer choices of who to buy from and who to sell to. More and more family farmers and independent producers are feeling the pressure and impact of concentration in agriculture. Good men and women who have farmed for years and years are going out of business. Yet, the independent farmer is one of the most efficient businessman in our Nation's economy. That's why the United States can feed itself and a good portion of the world.

I've said before that I am not of the belief that all mergers are in and of themselves wrong or unfair to family farmers. But we need to make sure that open and fair access to the marketplace is preserved for everyone. We need to make sure that large businesses are not acting in a predatory or anti-competitive manner. We need to make sure that family farmers and independent producers can compete on a level playing field. That's how we can keep our economy strong, our agricultural community vibrant and competitive, and our consumers happy.

Now we've heard that a Delaware Court has ordered Tyson Foods and IBP to resume their merger discussions, because Tyson Foods did not have a contractually permissible reason to terminate its merger agreement with IBP when it announced in March that it was rescinding the transaction. While I do not want to take issue with the court's findings, I am concerned about the fact that this merger looks like it will go through and, consequently, the meat industry will consolidate even further. Beginning last September when Donaldson, Lufkin & Jenrette/Rawhide Holdings Corporation, then Smithfield Foods, and finally Tyson Foods started a bidding war for IBP, I pushed the Justice Department to carefully scrutinize each possible business combination. In January, I wrote the Justice Department urging it to vigorously review the Tyson-IBP transaction from all angles, and to consult with the Agriculture Department to

better ascertain the ramifications of such a merger on family farmers and independent producers. I would have thought that a combination of the Nation's largest poultry producer with the world's largest producer of beef and pork products would result in significantly reduced market opportunities, as well as increased the possibility of anti-competitive business practices. I shared the concerns of many farmers and producers that this transaction would adversely impact their ability to obtain fair prices for their products. I was also concerned that a combined IBP-Tyson presence in the retail market would negatively affect product choice and the prices consumers pay at the meat counter.

But the Justice Department determined earlier this year that the potential negative impact on competition was insufficient to sustain an injunction against the merger under the antitrust laws. Because the Justice Department completed its antitrust review in January, I understand that there is nothing further for the Department to do in terms of an antitrust review if the parties re-engage their merger talks in due course and without changes to the transaction. But I remain seriously concerned about the impact this merger will have on our farm community and I hope that, if this merger is ultimately completed, the Justice Department will carefully monitor whether a merged IBP-Tyson will have unintended consequences on competition in the meat economy and, if it does, take appropriate action.

Nevertheless, this development re-energizes my gut feeling that we need to somehow change the way ag mergers are reviewed and approved. So, today I'm re-introducing a bill I authored last year, the ''Agriculture Competition Enhancement Act,'' to help address some of the competition concerns of America's family farmers and independent producers. My bill will refocus the merger review process as it pertains to agri-business, and will enhance the Department of Agriculture's ability to address anti-competitive activity in agriculture. I believe that bringing to the table a greater understanding of ag producers' needs when ag mergers are reviewed is the biggest missing element to making the merger review process as fair as possible. Closing this gap is the heart of my proposal.

Several provisions in the ''Agriculture Competition Enhancement Act'' are based on proposals by the American Farm Bureau, the largest organization representing producers of agricultural commodities. However, I'd like to briefly discuss what I believe to be the most important components of this bill: the enhancement of the Department of Agriculture's role in the Hart-Scott-Rodino review process, the creation of a new ''impact on family farmers and independent producers'' standard of review by the Department of Agriculture for ag mergers, and the expansion of the Department of Agriculture's ability to take regulatory and enforcement action with respect to anti-competitive and unfair practices in the agricultural sector.

Far more than the Justice Department or the Federal Trade Commission, the Department of Agriculture has extraordinary knowledge and expertise in agricultural matters. The Department of Agriculture formulates ag policy for the Nation, and works closely with the farm community about their various concerns. So, I believe that the Department of Agriculture is the office that can best assess the true impact of ag mergers and other business transactions on farmers, ranchers and independent producers. That is why my bill seeks to expand and enhance the role that the Department of Agriculture plays in the antitrust review of ag mergers.

Currently, when the Justice Department or the Federal Trade Commission assesses a proposed merger, the focus of their analysis is weighted heavily toward the impact of the transaction on consumers. However, agriculture is unique. The antitrust laws already recognize this with the ag cooperative exception. But I believe we need to go further by requiring the Justice Department and Federal Trade Commission to specifically take into account the effect ag mergers have on family farmers and producers. The ''Agriculture Competition Enhancement Act'' would do just that by requiring the Department of Agriculture to conduct an assessment of how a proposed ag transaction will affect family farmers and independent producers and their access to the market.

I realize that presently the Justice Department and Federal Trade Commission informally consult with the Department of Agriculture when they consider ag mergers. But I believe that the current process does not sufficiently ensure that the farm community's concerns are being adequately addressed. The approach I advocate will ensure that producers' concerns and needs are fully discussed when federal agencies examine proposed ag business mergers. By guaranteeing inclusion and openness for family farmers and independent producers, we can go a long way toward alleviating their understandable anxiety about an increasingly concentrated industry.

So my bill requires the Department of Agriculture to do a merger review that focuses on the needs of producers by examining whether the transaction would cause substantial harm to farmers' ability to compete in the marketplace. This review would be conducted simultaneously with the Justice Department's antitrust review, in order to minimize disruption to the current merger review process. Further, my bill encourages the parties and the Department of Agriculture to resolve concerns about the proposed merger during this timeframe. If its concerns are not satisfied, the Department of Agriculture has the ability to challenge the merger in federal court to either stop the merger, or to impose appropriate conditions or limitations on the proposed transaction.

Recognizing that the Department of Agriculture needs to have an individual who will perform this new antitrust responsibility, my bill calls for the creation of a Special Counsel for Competition Matters at the Department of Agriculture. My bill also provides for increased funding for competition matters, and authorizes additional specialized staff—including antitrust attorneys and economists—at the Justice Department and Department of Agriculture, to ensure that these agencies have the appropriate resources to accomplish the goals of this legislation.

Furthermore, under my bill, the competition protection authorities of the Department of Agriculture's Packers and Stockyards Division are extended to include anti-competitive practices by dealers, processors and commission merchants of all ag commodities. This expanded authority, based on provisions in the current Packers and Stockyards Act, will give the Department of Agriculture an increased ability to look at unfair, deceptive and predatory business practices by all ag businesses, not just packers and poultry farmers.

As my colleagues from rural States know, ag concentration is one of the most important issues in agriculture today. Other members here in Congress have introduced bills or are presently working to craft their own legislative proposals to respond to the concerns of America's farmers. I want it to be clearly understood that it is my desire to work with my colleagues on both sides of the aisle, as well as the Bush Administration, so that we can make meaningful progress on this issue. I know that my proposal has its critics, but I am willing and ready to listen to their concerns and work on constructive changes to my bill. But I truly hope that we can achieve a bipartisan compromise sooner rather than later on this issue, so we can calm farmers' fears about high levels of ag concentration.

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. 1076

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 ''Agriculture Competition Enhancement Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) AGRICULTURAL COOPERATIVE.—The term ''agricultural cooperative'' means an association of persons that meets the requirements of the Capper-Volstead Act (7 U.S.C. 291 et seq.; 42 Stat. 388).

(3) AGRICULTURAL INPUT SUPPLIER.—The term ''agricultural input supplier'' means any person (excluding agricultural cooperatives) engaged in the business of selling in commerce, any product to be used as an input (including seed, germ plasm, hormones, antibiotics, fertilizer, and chemicals, but excluding farm machinery) for the production of any agricultural commodity.

(4) ASSISTANT ATTORNEY GENERAL.—The term ''Assistant Attorney General'' means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

(5) BROKER.—The term ''broker'' means any person (excluding agricultural cooperatives) engaged in the business of negotiating sales and purchases of any agricultural commodity in commerce for or on behalf of the vendor or the purchaser.

(6) COMMISSION MERCHANT.—The term ''commission merchant'' means any person (excluding agricultural cooperatives) engaged in the business of receiving in commerce any agricultural commodity for sale, on commission, or for or on behalf of another.

(7) DEALER.—The term ''dealer'' means any person (excluding agricultural cooperatives) engaged in the business of buying, selling, or marketing agricultural commodities in commerce, except that no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity of that person's own raising.

(8) PROCESSOR.—The term ''processor'' means any person (excluding agricultural cooperatives) engaged in the business of handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity, or the products of such agricultural commodity, for sale or marketing in commerce for human consumption but not with respect to sale or marketing at the retail level.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(10) SPECIAL COUNSEL.—The term ''Special Counsel'' means the Special Counsel for Competition Matters at the Department of Agriculture.

SEC. 3. SPECIAL COUNSEL FOR COMPETITION MATTERS.

(a) IN GENERAL.—There shall be established within the Department of Agriculture a Special Counsel for Competition Matters whose primary responsibilities shall be to—

(1) analyze mergers within the food and agricultural sectors, in consultation with the Chief Economist of the Department of Agriculture, as required by section 4; and

(2) assure that section 5, and the Packers and Stockyards Act and related authorities, are enforced appropriately.

(b) APPOINTMENT.—The Special Counsel for Competition Matters shall be appointed by the President subject to the advice and consent of the Senate.

(c) PROSECUTORIAL AUTHORITY.—The Special Counsel for Competition Matters shall have the authority to bring any civil action authorized pursuant to this Act on behalf of the United States.

SEC. 4. AGRIBUSINESS MERGER REVIEW AND ENFORCEMENT BY THE DEPARTMENT OF AGRICULTURE.

(a) NOTICE OF FILING.—The Assistant Attorney General or the Federal Trade Commission, as appropriate, shall notify the Secretary of Agriculture of any filing pursuant to section 7A of the Clayton Act (15 U.S.C. 18a) involving a merger or acquisition described in subsection (b)(1), and shall give the Secretary of Agriculture the opportunity to participate in the review proceedings.

(b) SPECIAL COUNSEL REVIEW.—

(1) IN GENERAL.—In addition to the antitrust review conducted by the Federal Trade Commission or Assistant Attorney General pursuant to section 7A of the Clayton Act (15 U.S.C. 18a), and notwithstanding any participation in those antitrust review proceedings, the Special Counsel for Competition Matters, in consultation with the Chief Economist of the Department of Agriculture, shall, contemporaneously, observing the time period limitations provided under the antitrust laws and the Department of Justice merger guidelines, and utilizing the factors set forth in subsection (d), review, to determine whether the proposed transaction would cause substantial harm to the ability of independent producers and family farmers to compete in the marketplace, any merger or acquisition involving—

(A) a dealer, processor, commission merchant, agricultural input supplier, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $100,000,000 merging or acquiring, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, agricultural input supplier, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $10,000,000; or

(B) a dealer, processor, commission merchant, agricultural input supplier, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $10,000,000 merging or acquiring, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, agricultural input supplier, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $100,000,000 if the acquiring person would hold—

(i) 15 percent or more of the voting securities or assets of the acquired person; or

(ii) an aggregate total amount of the voting securities and assets of the acquired person in excess of $15,000,000.

(2) EXCEPTION.—The Special Counsel for Competition Matters, at his or her discretion, may also request that the Assistant Attorney General or the Federal Trade Commission require section 7A of the Clayton Act (15 U.S.C. 18a) notification of an agriculture merger or acquisition of a size smaller than is required under paragraph (1), if the Special Counsel for Competition Matters believes that such transaction will cause substantial harm to the ability of independent producers and family farmers to compete in the market.

(c) NOTIFICATION ON FAILURE TO PROCEED.—If the Assistant Attorney General or the Federal Trade Commission determines not to proceed against the parties of an agriculture merger or acquisition under the antitrust laws, the Assistant Attorney General or the Federal Trade Commission immediately shall notify the Special Counsel for Competition Matters of such decision.

(d) STANDARD OF REVIEW.—

(1) IN GENERAL.—The Special Counsel for Competition Matters, in consultation with the Chief Economist of the Department of Agriculture, shall review, and may challenge, a merger or acquisition described in subsection (b) based on whether the merger or acquisition would cause substantial harm to the ability of independent producers and family farmers to compete in the marketplace.

(2) FACTORS.—The review shall consider, among other factors—

(A) the effect of the acquisition or merger on prices paid to producers who sell to, buy from, or bargain with, one or more of the parties involved in the merger or acquisition;

(B) the likelihood that the acquisition or merger will result in significantly increased market power for the new or surviving entity;

(C) the likelihood that the acquisition or merger will increase the potential for anticompetitive or predatory conduct by the new or surviving entity; and

(D) whether the acquisition or merger will adversely affect producers in a particular regional area, including an area as small as a single State.

(e) EVIDENTIARY POWERS.—The Special Counsel for Competition Matters shall have the same powers as possessed by the Assistant Attorney General and the Federal Trade Commission under the antitrust laws, to obtain evidence necessary to make determinations for the review described in subsection (b).

(f) ACCESS TO ATTORNEY GENERAL AND FEDERAL TRADE COMMISSION INFORMATION.—The Assistant Attorney General or the Federal Trade Commission, as appropriate, shall make available to the Special Counsel for Competition Matters any information, including any testimony, documentary material, or related information relevant to the review conducted by the Special Counsel under this section which is under the control of the Assistant Attorney General or the Federal Trade Commission. Each agency will share information, consistent with applicable confidentiality restrictions, in order to provide the others with information believed to be potentially relevant and useful to the others' enforcement responsibilities. Such information may include legal, economic, and technical assistance.

(g) TRANSMITTAL OF FINDINGS OF SPECIAL COUNSEL FOR COMPETITION MATTERS.—After receiving notice pursuant to subsection (a) and conducting the review required in subsection (b), the Secretary of Agriculture shall report to the Assistant Attorney General or the Federal Trade Commission, as appropriate, and the parties, the findings of the review, including any recommended conditions on the merger or suggested remedies.

(h) RESPONSE TO SPECIAL COUNSEL FINDINGS.—

(1) ANTITRUST AGENCY RESPONSE TO FINDINGS.—The Assistant Attorney General or the Federal Trade Commission, as appropriate, shall provide the Special Counsel for Competition Matters a response, including the rationale as to why such findings and recommendations are accepted or rejected.

(2) PARTY OPPORTUNITY TO ADDRESS FINDINGS.—The parties to the merger or acquisition affected by such findings shall have the opportunity to make changes to their operations or structure, and to negotiate with the Special Counsel for Competition Matters an acceptable resolution to any concerns raised in the findings.

(i) ENFORCEMENT.—

(1) JUDICIAL ACTION.—Not later than 30 days after notification by the Assistant Attorney General or the Federal Trade Commission of their determination not to proceed against the parties, the Special Counsel for Competition Matters, if he or she is not satisfied with the review of, or the conditions placed on, the merger or acquisition by the Assistant Attorney General or the Federal Trade Commission, may challenge the transaction in Federal court based on the findings conducted in the review under this section.

(2) ENFORCEMENT AND DAMAGES.—The enforcement and damage provisions of the antitrust laws shall apply with respect to a violation of the substantial harm to producers and family farmers standard of subsection (d) in the same manner as such sections apply with respect to a violation of the antitrust laws.

(j) CONFORMING AMENDMENTS TO ANTITRUST LAWS.—Section 7A of the Clayton Act (15 U.S.C. 18a) is amended by inserting at the end the following:

''(k)(1) Notwithstanding the threshold requirements of sections 1, 2, and 3, the Federal Trade Commission and the Assistant Attorney General may require, at the request of the Secretary of Agriculture, notification pursuant to the rules under subsection (d)(1) from the parties to a proposed merger or acquisition in the agriculture industry.

''(2) The Assistant Attorney General or the Federal Trade Commission, as appropriate, shall give the Secretary of Agriculture the opportunity to participate in the review under the antitrust laws of any proposed merger or acquisition involving the agriculture industry.''.

SEC. 5. PROHIBITIONS AGAINST UNFAIR PRACTICES IN TRANSACTIONS INVOLVING AGRICULTURAL COMMODITIES AND ENFORCEMENT.

(a) UNLAWFUL PRACTICES.—It shall be unlawful for any dealer, processor, commission merchant, or broker of any agricultural commodity to—

(1) engage in or use any unfair, unjustly discriminatory, or deceptive practice or device;

(2) make or give any undue or unreasonable preference or advantage to any particular person or locality in any respect whatsoever, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage;

(3) sell or otherwise transfer to or for any other dealer, processor, commission merchant, or broker, or buy or otherwise receive from or for any other dealer, processor, commission merchant, or broker, any article for the purpose or with the effect of apportioning the supply between any such persons, if such apportionment has the tendency or effect of restraining commerce or of creating a monopoly;

(4) sell or otherwise transfer to or for any other person, or buy or otherwise receive from or for any other person, any article for the purpose or with the effect of manipulating or controlling prices, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article, or of restraining commerce;

(5) engage in any course of business or do any act for the purpose or with the effect of manipulating or controlling prices, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article, or of restraining commerce;

(6) conspire, combine, agree, or arrange with any other person—

(A) to apportion territory for carrying on business;

(B) to apportion purchases or sales of any article; or

(C) to manipulate or control prices; or

(7) conspire, combine, agree, or arrange with any other person to do, or aid or abet the doing of, any act made unlawful by paragraph (1), (2), (3), (4), or (5).

(b) PROCEDURE BEFORE SECRETARY FOR VIOLATIONS.—

(1) COMPLAINT; HEARING; INTERVENTION.—If the Secretary has reason to believe that any dealer, processor, commission merchant, or broker, has violated or is violating any provision of this section, the Secretary shall cause a complaint in writing to be served upon the dealer, processor, commission merchant, or broker, stating the charges in that respect, and requiring the dealer, processor, commission merchant, or broker, to attend and testify at a hearing at a time and place designated therein, at least 30 days after the service of such complaint; and at such time and place there shall be afforded the dealer, processor, commission merchant, or broker, a reasonable opportunity to be informed as to the evidence introduced against him (including the right of cross-examination), and to be heard in person or by counsel and through witnesses, under such regulations as the Secretary may prescribe. Any person for good cause shown may on application be allowed by the Secretary to intervene in such proceeding, and appear in person or by counsel. At any time prior to the close of the hearing the Secretary may amend the complaint; but in case of any amendment adding new charges the hearing shall, on the request of the dealer, processor, commission merchant, or broker, be adjourned for a period not exceeding 15 days.

(2) REPORT AND ORDER; PENALTY.—If, after such hearing, the Secretary finds that the dealer, processor, commission merchant, or broker, has violated or is violating any provisions of this section covered by the charges, the Secretary shall make a report in writing in which the Secretary shall state his findings as to the facts, and shall issue and cause to be served on the dealer, processor, commission merchant, or broker, an order requiring such dealer, processor, commission merchant, or broker, to cease and desist from continuing such violation. The testimony taken at the hearing shall be reduced to writing and filed in the records of the Department of Agriculture. The Secretary may also assess a civil penalty of not more than $10,000 for each such violation. In determining the amount of the civil penalty to be assessed under this section, the Secretary shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the person's ability to continue in business. If, after the lapse of the period allowed for appeal or after the affirmance of such penalty, the person against whom the civil penalty is assessed fails to pay such penalty, the Secretary may proceed to recover such penalty by an action in the appropriate district court of the United States.

(3) AMENDMENT OF REPORT OR ORDER.—Until the record in such hearing has been filed in a court of appeals of the United States, as provided in subsection (c), the Secretary at any time, upon such notice and in such manner as the Secretary deems proper, but only after reasonable opportunity to the dealer, processor, commission merchant, or broker, to be heard, may amend or set aside the report or order, in whole or in part.

(4) SERVICE OF PROCESS.—Complaints, orders, and other processes of the Secretary under this section may be served in the same manner as provided in section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(c) CONCLUSIVENESS OF ORDER; APPEAL AND REVIEW.—

(1) FILING OF PETITION; BOND.—An order made under subsection (b) shall be final and conclusive unless within 30 days after service the dealer, processor, commission merchant, or broker, appeals to the court of appeals for the circuit in which he has his principal place of business, by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such dealer, processor, commission merchant, or broker, will pay the costs of the proceedings if the court so directs.

(2) FILING OF RECORD BY SECRETARY.—The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon file in the court the record in such proceedings, as provided in section 2112 of title 28, United States Code. If before such record is filed the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

(3) TEMPORARY INJUNCTION.—At any time after such petition is filed, the court, on application of the Secretary, may issue a temporary injunction, restraining, to the extent it deems proper, the dealer, processor, commission merchant, or broker, and his officers, directors, agents, and employees, from violating any of the provisions of the order pending the final determination of the appeal.

(4) EVIDENCE.—The evidence so taken or admitted, and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case.

(5) ACTION BY THE COURT.—The court may affirm, modify, or set aside the order of the Secretary.

(6) ADDITIONAL EVIDENCE.—If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the hearing to be reopened for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and the Secretary shall file such modified or new findings and his recommendations, if any, for the modifications or setting aside of his order, with the return of such additional evidence.

(7) INJUNCTION.—If the court of appeals affirms or modifies the order of the Secretary, its decree shall operate as an injunction to restrain the dealer, processor, commission merchant, or broker, and his officers, directors, agents, and employees from violating the provisions of such order or such order as modified.

(8) FINALITY.—The court of appeals shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to review, and to affirm, set aside, or modify, such orders of the Secretary, and the decree of such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, United States Code, if such writ is duly applied for within 60 days after entry of the decree. The issue of such writ shall not operate as a stay of the decree of the court of appeals, insofar

as such decree operates as an injunction unless so ordered by the Supreme Court.

(d) PUNISHMENT FOR VIOLATION OF ORDER.—Any dealer, processor, commission merchant, or broker, or any officer, director, agent, or employee of a dealer, processor, commission merchant, or broker, who fails to obey any order of the Secretary issued under the provisions of subsection (b), or such order as modified—

(1) after the expiration of the time allowed for filing a petition in the court of appeals to set aside or modify such order, if no such petition has been filed within such time;

(2) after the expiration of the time allowed for applying for a writ of certiorari, if such order, or such order as modified, has been sustained by the court of appeals and no such writ has been applied for within such time; or

(3) after such order, or such order as modified, has been sustained by the courts as provided in subsection (c);

shall on conviction be fined not less than $500 nor more than $10,000, or imprisoned for not less than 6 months nor more than 5 years, or both. Each day during which such failure continues shall be deemed a separate offense.

SEC. 6. REPORT ON CORPORATE STRUCTURE.

A dealer, processor, commission merchant, or broker with annual sales in excess of $100,000,000 shall annually file with the Secretary a report which describes, with respect to both domestic and foreign activities, the strategic alliances, ownership in other agribusiness firms or agribusiness-related firms, joint ventures, subsidiaries, and brand names, interlocking boards of directors with other corporations, representatives, and agents that lobby Congress on behalf of such dealer, processor, commission merchant, or broker, as determined by the Secretary.

SEC. 7. PROHIBITION ON CONFIDENTIALITY CLAUSES IN LIVESTOCK AND POULTRY PRODUCTION CONTRACTS.

Confidentiality clauses barring a party to a contract from sharing terms of such contract for the purposes of obtaining legal or financial advice, are prohibited in livestock production contracts and grain production contracts (except to the extent a legitimate trade secret (as applied in the Freedom of Information Act, 5 U.S.C. 552 et seq.) is being protected).

SEC. 8. PROTECTIONS FOR CONTRACT POULTRY GROWERS.

(a) REMOVAL OF POULTRY SLAUGHTER REQUIREMENT FROM DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182) is amended—

(1) by striking paragraph (8) and inserting the following new paragraph:

''(8) the term 'poultry grower' means any person engaged in the business of raising or caring for live poultry under a poultry growing arrangement, whether the poultry is owned by such person or by another person;'';

(2) in paragraph (9), by striking ''and cares for live poultry for delivery, in accord with another's instructions, for slaughter'' and inserting ''or cares for live poultry in accord with another person's instructions''; and

(3) in paragraph (10), by striking ''for the purpose of either slaughtering it or selling it for slaughter by another''.

(b) ADMINISTRATIVE ENFORCEMENT AUTHORITY OVER LIVE POULTRY DEALERS.—Sections 203, 204, and 205 of such Act (7 U.S.C. 193, 194, 195) are amended by inserting ''or live poultry dealer'' after ''packer'' each place it appears.

(c) AUTHORITY TO REQUEST TEMPORARY INJUNCTION OR RESTRAINING ORDER.—Section 408 of such Act (7 U.S.C. 229) is amended by striking ''on account of poultry'' and inserting ''on account of poultry or poultry care''.

(d) VIOLATIONS BY LIVE POULTRY DEALERS.—Section 411 of such Act (7 U.S.C. 228b–2) is amended—

(1) in subsection (a), by striking ''any provision of section 207 or section 410 of''; and

(2) in subsection (b), by striking ''any provisions of section 207 or section 410'' and inserting ''any provision''.

SEC. 9. AUTHORITY TO MAKE BUSINESS AND INDUSTRY GUARANTEED LOANS FOR FARMER-OWNED PROJECTS THAT ADD VALUE TO OR PROCESS AGRICULTURAL PRODUCTS.

Section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) is amended by inserting ''(and in areas other than rural communities, in the case of insured loans, if a majority of the project involved is owned by individuals who reside and have farming operations in rural communities, and the project adds value to or processes agricultural commodities)'' after ''rural communities''.

SEC. 10. AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR AGRICULTURE COMPETITION ENFORCEMENT.

(a) ADDITIONAL STAFF.—The Secretary of Agriculture shall hire sufficient staff, including antitrust and litigation attorneys, economists, and investigators, to appropriately carry out the agribusiness merger review and prohibition against unfair practices responsibilities, described in sections 4 and 5.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to hire the staff referenced in subsection (a) to implement this Act.

SEC. 11. AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR THE GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.

There are authorized to be appropriated such sums as are necessary to enhance the capability of the Grain Inspection, Packers and Stockyards Administration to monitor, investigate, and pursue the competitive implications of structural changes in the meat packing industry. Sums are specifically earmarked to hire litigating attorneys to allow the Grain Inspection, Packers and Stockyards Administration to more comprehensively and effectively pursue its enforcement activities.

SEC. 12. ASSISTANT ATTORNEY GENERAL FOR AGRICULTURAL ANTITRUST MATTERS.

(a) IN GENERAL.—There shall be established within the Antitrust Division of the Department of Justice an Assistant Attorney General for Agricultural Antitrust Matters, who shall be responsible for oversight and coordination of antitrust and related matters which affect agriculture, directly or indirectly.

(b) APPOINTMENT.—The Assistant Attorney General for Agricultural Antitrust Matters shall be appointed by the President subject to the advice and consent of the Senate.

SEC. 13. INCREASE IN HART-SCOTT-RODINO FILING FEES.

(a) IN GENERAL.—The filing fee the Federal Trade Commission assesses on a person acquiring voting securities or assets who is required to file premerger notifications under section 7A of the Clayton Act (15 U.S.C. 18a) for mergers and acquisitions satisfying the $15,000,000 size-of-transaction requirement is increased to $100,000 for those transactions valued at more than $100,000,000.

(b) FEES EARMARKED.—The filing fee increase described in subsection (a) is partially earmarked to pay for the costs of staff increases at the Transportation, Energy and Agriculture section at the Department of Justice, as considered necessary by the Assistant Attorney General, to enhance their review of agriculture transactions.

By Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. BAUCUS, Mr. KENNEDY, Ms. STABENOW, Mr. REID, Mr. SCHUMER, Mr. LEAHY, Mr. CORZINE, and Mr. DAYTON):

S. 1078. A bill to promote brownfields redevelopment in urban and rural areas and spur community revitalization in low-income and moderate-income neighborhoods; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. BAUCUS, Mr. KENNEDY, Ms. STABENOW, Mr. REID, Mr. SCHUMER, Mr. LEAHY, Mr. CORZINE, Mr. SARBANES, and Mr. DAYTON):

S. 1079. A bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I am introducing today, along with Senator JEFFORDS, as co-chairmen of the Senate Smart Growth Task Force, two bills to help communities expedite the economic redevelopment of brownfields. These bills are complementary to S. 350 which we strongly support. Brownfields are abandoned, idled, or under-used industrial and commercial properties where expansion or redevelopment is complicated by real or perceived environmental contamination. More than 450,000 of these sites taint our nation's landscape, inhibiting economic development and posing a threat to human health and the environment. Undeveloped, or underdeveloped, brownfields blight communities forcing development onto greenfields. But redeveloped, these sites offer new opportunities for businesses, housing and green space. Brownfields redevelopment is a fiscally-sound way to bring investment back to neglected neighborhoods, cleanup the environment, reuse existing infrastructure that is already paid for, utilize existing markets and labor pools, and relieve development pressure on our urban fringe and farmlands.

My home State of Michigan is a national leader in brownfields redevelopment. Michigan communities are reclaiming brownfields in urban centers, towns and villages, ensuring that natural areas and greenspaces are less likely to succumb to sprawl when there are brownfield properties available to meet development needs. The City of Kalamazoo has leveraged $28 million in private investment and created over 200 jobs through its brownfields redevelopment program. The city has fully

completed development of 4 sites and played a role in the redevelopment of 16 properties, creating new opportunities for commercial and industrial development. The City of St. Ignace, a small community in the Upper Peninsula of Michigan, successfully redeveloped a former railroad property into a community recreation building and conference center. The project, built jointly by the Sault Ste. Marie Chippewa Indian Tribe and the City of St. Ignace, created jobs and has the potential of stimulating additional year-round tourist activities where seasonal unemployment rates range between 20–25 percent during the winter months.

At the Federal level, we need to support local communities and States in their efforts to reclaim brownfields by providing economic development resources to revitalize these sites. The two bills I am introducing today will aid cities like Kalamazoo and St. Ignace in their efforts to promote social well-being and create economic vitality by redeveloping brownfields.

The first bill, the Brownfield Site Redevelopment Assistance Act of 2001, creates a new program within the Department of Commerce's Economic Development Administration, EDA, to provide targeted assistance for projects that redevelop brownfield sites. The Act would provide EDA with a dedicated source of funding for brownfields redevelopment and increased funding flexibility to help States, local communities, Indian tribes and nonprofit organizations restore these sites to productive use. This bill would provide EDA with the authority to facilitate effective economic development planning for reuse; develop the infrastructure necessary to prepare brownfield sites for re-entry into the market; and, provide the capital necessary to support new business development on brownfields. The bill provides $60 million each year for FY2002 to FY2006.

The second bill, the Brownfields Economic Development Act of 2001, would allow the Department of Housing and Urban Development, HUD, to make existing Brownfields Economic Development Initiative, BEDI, grants more easily available to units of general local government and federally-recognized Indian tribes by permitting the Department to make these grants independent of economic development loan guarantees. The bill also provides funding for small communities, known as nonentitlement areas, and federally-recognized Indian tribes.

BEDI grants can help communities redevelop brownfields by providing local governments with a flexible source of funding to pursue brownfields redevelopment through land acquisition, site preparation, economic development and other activities. Currently, BEDI grants are required to support economic development loan guarantees known as Section 108 loan guarantees. To be eligible for these funds, a local community or State must pledge Community Development Block Grant, CDBG, funds as partial collateral for the loan guarantee. This requirement is a significant barrier to many local communities that need assistance to revitalize brownfields, but are unable to pledge these funds. This bill would allow HUD to make BEDI grants independent of economic development loan guarantees, providing critical financial assistance to leverage private sector investment in brownfields.

Many organizations support these bills, including: (1) the Council for Urban Economic Development, (2) Enterprise Foundation, (3) National Association of Business Incubators, (4) National Association of Counties, (5) National Association of Development Organizations, (6) National Association of Installation Developers, (7) National Association of Regional Councils, (8) National Association of Towns and Townships, (9) National Congress for Community Economic Development, (10) National League of Cities, (11) Smart Growth America, and (12) United States Conference of Mayors. Brownfields affect urban, rural and Native American communities. In urban areas, the U.S. Conference of Mayors, USCM, estimates that brownfields redevelopment could generate more than 550,000 additional jobs and up to $2.4 billion in new tax revenues in over one hundred cities surveyed. The cities surveyed by the USCM reported that lack of funding for redevelopment and liability problems arising from Superfund are the major obstacles to reuse. In rural areas it is easy to ''leap frog'' over brownfields to abundant open space. The National Association of Development Organizations, NADO, in a report on reclaiming rural America's brownfields found that Federal agencies are not reaching rural areas through existing brownfields programs, and rural communities need financial and technical assistance to include brownfields in economic development strategies. Indian tribes face a legacy of contamination from former agricultural, industrial and commercial facilities. The Environmental Protection Agency estimates that nationwide there are 1,645 facilities located on tribal lands and 6,982 facilities located within three miles of tribal lands. Nationally, State brownfields programs have facilitated reuse of more than 40,000 sites, but this is less than 10 percent of the estimated 450,000 brownfields nationwide. A report of the National Governors Association stated that assessment and cleanup of brownfields are only part of the process, equally important is physical development of these sites. These two bills would provide the financial resources to help communities and states realize new private investment and tax revenues from the redevelopment of brownfields, and would assist EDA and HUD to reach rural towns and Indian tribes to support their reuse efforts.

The two bills that Senator JEFFORDS and I are introducing will complement the resources and liability clarifications provided in S. 350, and together these three bills will provide communities with the financial assistance needed to leverage private investment in brownfields and accelerate reuse. Providing economic development resources through HUD and EDA can stimulate brownfields economic development by leveraging private investment into communities, and can give communities the financial resources and technical assistance they need to turn brownfield environmental liabilities into economic assets.

I ask unanimous consent that the text of the two bills and letters of support be printed in the RECORD.

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

S. 1078

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 ''Brownfields Economic Development Act of 2001''.

SEC. 2. ECONOMIC DEVELOPMENT GRANTS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended—

(1) in paragraph (2), by striking ''Assistance'' and inserting ''Except as provided in paragraph (5), assistance'';

(2) in paragraph (3), by striking ''Eligible'' and inserting ''Except as provided in paragraph (5), eligible''; and

(3) by adding at the end the following:

''(5) BROWNFIELDS REDEVELOPMENT GRANTS.—

''(A) GRANT AUTHORITY.—Notwithstanding paragraph (1), of amounts made available to carry out this subsection, the Secretary may make grants, on a competitive basis, to eligible public entities and federally recognized Indian tribes for the redevelopment of brownfield sites, independent of any note or other obligation guaranteed under subsection (a).

''(B) SET-ASIDE.—Of the amounts made available for grants under this paragraph, the Secretary shall set aside not less than 10 percent and not more than 30 percent, which shall be used for brownfield site redevelopment in nonentitlement areas and by federally recognized Indian tribes.

''(C) BROWNFIELD SITE DEFINITION.—

''(i) IN GENERAL.—The term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of—

''(I) a hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)); or

''(II) any other pollutant or contaminant, as determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency.

''(ii) EXCLUSIONS.—Except as provided in clause (iii), the term 'brownfield site' does not include—

''(I) a facility that is the subject of a planned or ongoing removal action under the

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

''(II) a facility that is listed on the National Priorities List, or is proposed for listing, under that Act;

''(III) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties under that Act;

''(IV) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or a facility to which a permit has been issued by the United States or an authorized State under—

''(aa) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

''(bb) the Federal Water Pollution Control Act (33 U.S.C. 1321);

''(cc) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

''(dd) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

''(V) a facility that—

''(aa) is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and

''(bb) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

''(VI) a land disposal unit with respect to which—

''(aa) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

''(bb) closure requirements have been specified in a closure plan or permit;

''(VII) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

''(VIII) a portion of a facility—

''(aa) at which there has been a release of polychlorinated biphenyls; and

''(bb) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

''(IX) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

''(iii) SITE-BY-SITE INCLUSIONS.—The term 'brownfield site', with respect to the provision of financial assistance, includes a site referred to in subclause (I), (IV), (V), (VI), (VIII), or (IX) of clause (ii), if, on a site-by-site basis, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, determines that use of the financial assistance at the site will—

''(I) protect human health and the environment; and

''(II)(aa) promote economic development; or

''(bb) enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

''(D) ADDITIONAL INCLUSIONS.—For purposes of subparagraph (C), the term 'brownfield site' includes a site that meets the definition of 'brownfield site' under clauses (i) through (iii) of subparagraph (C) that—

''(i) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(ii)(I) is contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance' under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601); and

''(II) is a site determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to be—

''(aa) of relatively low risk, as compared with other petroleum-only sites in the State in which the site is located; and

''(bb) a site for which there is no viable responsible party and that will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site; and

''(III) is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)); or

''(iii) is mine-scarred land.''.

S. 1079

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 ''Brownfield Site Redevelopment Assistance Act of 2001''.

SEC. 2. PURPOSES.

Consistent with section 2 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121), the purposes of this Act are—

(1) to provide targeted assistance, including planning assistance, for projects that promote the redevelopment, restoration, and economic recovery of brownfield sites; and

(2) through such assistance, to further the goals of restoring the employment and tax bases of, and bringing new income and private investment to, distressed communities that have not participated fully in the economic growth of the United States because of a lack of an adequate private sector tax base to support essential public services and facilities.

SEC. 3. DEFINITIONS.

Section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122) is amended—

(1) by redesignating paragraphs (1) through (10) as paragraphs (2) through (11), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) BROWNFIELD SITE.—

''(A) IN GENERAL.—The term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of—

''(i) a hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)); or

''(ii) any other pollutant or contaminant, as determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency.

''(B) EXCLUSIONS.—Except as provided in subparagraph (C), the term 'brownfield site' does not include—

''(i) a facility that is the subject of a planned or ongoing removal action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

''(ii) a facility that is listed on the National Priorities List, or is proposed for listing on that list, under that Act;

''(iii) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent, or a judicial consent decree that has been issued to or entered into by the parties under that Act;

''(iv) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent, or a judicial consent decree that has been issued to or entered into by the parties, or a facility to which a permit has been issued by the United States or an authorized State, under—

''(I) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

''(II) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(III) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

''(IV) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

''(v) a facility—

''(I) that is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and

''(II) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

''(vi) a land disposal unit with respect to which—

''(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

''(II) closure requirements have been specified in a closure plan or permit;

''(vii) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

''(viii) a portion of a facility—

''(I) at which there has been a release of polychlorinated biphenyls; and

''(II) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

''(ix) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.

''(C) SITE-BY-SITE INCLUSIONS.—The term 'brownfield site' includes a site referred to in clause (i), (iv), (v), (vi), (viii), or (ix) of subparagraph (B), if, on a site-by-site basis, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, determines that use of the financial assistance at the site will—

''(i) protect human health and the environment; and

''(ii)(I) promote economic development; or

''(II) enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

''(D) ADDITIONAL INCLUSIONS.—The term 'brownfield site' includes a site that meets the definition of 'brownfield site' under subparagraphs (A) through (C) that—

''(i) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(ii)(I) is contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance' under section

101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601); and

''(II) is a site determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to be—

''(aa) of relatively low risk, as compared with other petroleum-only sites in the State in which the site is located; and

''(bb) a site for which there is no viable responsible party and that will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site; and

''(III) is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)); or

''(iii) is mine-scarred land.''; and

(3) by adding at the end the following:

''(12) UNUSED LAND.—The term 'unused land' means any publicly-owned or privately-owned unused, underused, or abandoned land that is not contributing to the quality of life or economic well-being of the community in which the land is located.''.

SEC. 4. COORDINATION.

Section 103 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3132) is amended—

(1) by inserting ''(a) COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) BROWNFIELD SITE REDEVELOPMENT.—The Secretary shall coordinate activities relating to the redevelopment of brownfield sites under this Act with other Federal agencies, States, local governments, consortia of local governments, Indian tribes, nonprofit organizations, and public-private partnerships.''.

SEC. 5. GRANTS FOR BROWNFIELD SITE REDEVELOPMENT.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) is amended—

(1) by redesignating sections 210 through 213 as sections 211 through 214, respectively; and

(2) by inserting after section 209 the following:

''SEC. 210. GRANTS FOR BROWNFIELD SITE REDEVELOPMENT.

''(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants for projects to alleviate or prevent conditions of excessive unemployment, underemployment, blight, and infrastructure deterioration associated with brownfield sites, including projects consisting of—

''(1) development of public facilities;

''(2) development of public services;

''(3) business development (including funding of a revolving loan fund);

''(4) planning;

''(5) technical assistance; and

''(6) training.

''(b) CRITERIA FOR GRANTS.—The Secretary may provide a grant for a project under this section only if—

''(1) the Secretary determines that the project will assist the area where the project is or will be located to meet, directly or indirectly, a special need arising from—

''(A) a high level of unemployment or underemployment, or a high proportion of low-income households;

''(B) the existence of blight and infrastructure deterioration;

''(C) dislocations resulting from commercial or industrial restructuring;

''(D) outmigration and population loss, as indicated by—

''(i)(I) depletion of human capital (including young, skilled, or educated populations);

''(II) depletion of financial capital (including firms and investment); or

''(III) a shrinking tax base; and

''(ii) resulting—

''(I) fiscal pressure;

''(II) restricted access to markets; and

''(III) constrained local development potential; or

''(E) the closure or realignment of—

''(i) a military or Department of Energy installation; or

''(ii) any other Federal facility; and

''(2) except in the case of a project consisting of planning or technical assistance—

''(A) the Secretary has approved a comprehensive economic development strategy for the area where the project is or will be located; and

''(B) the project is consistent with the comprehensive economic development strategy.

''(c) PARTICULAR COMMUNITY ASSISTANCE.—Assistance under this section may include assistance provided for activities identified by a community, the economy of which is injured by the existence of 1 or more brownfield sites, to assist the community in—

''(1) revitalizing affected areas by—

''(A) diversifying the economy of the community; or

''(B) carrying out industrial or commercial (including mixed use) redevelopment projects on brownfield sites or sites adjacent to brownfield sites;

''(2) carrying out development that conserves environmental and agricultural resources by—

''(A) reusing existing facilities and infrastructure;

''(B) reclaiming unused land and abandoned buildings; or

''(C) creating publicly owned parks, playgrounds, recreational facilities, or cultural centers that contribute to the economic revitalization of a community; or

''(3) carrying out a collaborative economic development planning process, developed with broad-based and diverse community participation, that addresses the economic repercussions and opportunities posed by the existence of brownfield sites in an area.

''(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY ELIGIBLE RECIPIENT.—

''(1) IN GENERAL.—Subject to paragraph (2), an eligible recipient of a grant under this section may directly expend the grant funds or may redistribute the funds to public and private entities in the form of a grant, loan, loan guarantee, payment to reduce interest on a loan guarantee, or other appropriate assistance.

''(2) LIMITATION.—Under paragraph (1), an eligible recipient may not provide any grant to a private for-profit entity.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. prec. 3121) is amended by striking the items relating to sections 210 through 213 and inserting the following:

''Sec. 210. Grants for brownfield site redevelopment.
''Sec. 211. Changed project circumstances.
''Sec. 212. Use of funds in projects constructed under projected cost.
''Sec. 213. Reports by recipients.
''Sec. 214. Prohibition on use of funds for attorney's and consultant's fees.''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Title VII of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231 et seq.) is amended by adding at the end the following:

''SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR BROWNFIELD SITE REDEVELOPMENT.

''(a) IN GENERAL.—In addition to amounts made available under section 701, there is authorized to be appropriated to carry out section 210 $60,000,000 for each of fiscal years 2002 through 2006, to remain available until expended.

''(b) FEDERAL SHARE.—Notwithstanding section 204, subject to section 205, the Federal share of the cost of activities funded with amounts made available under subsection (a) shall be not more than 75 percent.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. prec. 3121) is amended by adding at the end of the items relating to title VII the following:

''Sec. 704. Authorization of appropriations for brownfield site redevelopment.''.

THE ENTERPRISE FOUNDATION,
Columbia, MD, June 6, 2001.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN: The Enterprise Foundation commends you for introducing with Senator Jeffords the ''Brownfield Site Redevelopment Assistance Act of 2001'' and the ''Brownfields Economic Development Act of 2001.'' Enterprise strongly support these two bills.

Enterprise is a national nonprofit organization that raises resources and channels them to grassroots at the local level for affordable housing, economic development and other community revitalization initiatives in distressed urban and rural neighborhoods nationwide. Central to our mission is generating investment in areas suffering from blight, neglect and disinvestment. Brownfields are prime examples of such areas.

Enterprise is engaged in several large-scale brownfield redevelopment efforts around the country. Targeted incentives such as your bills provide would enable Enterprise and others in the private sector to convert more brownfields to productive uses.

By spurring brownfields redevelopment, your bills direct limited public resources to places that already benefit from existing infrastructure and promote economic investment where it is needed most. The bills epitomize smart growth and comprehensive community development principles.

Thank you for your leadership on this important issue.

Sincerely,

F. BARTON HARVEY III,
Chairman and Chief Executive Officer.

NATIONAL ASSOCIATION OF COUNTIES,
March 15, 2001.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

Hon. JAMES JEFFORDS,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN AND SENATOR JEFFORDS: The National Association of Counties (NACo) commends both of your efforts in offering bipartisan legislation to address the redevelopment of brownfields.

NACo advocates for the redevelopment of these sites, in both urban and rural counties,

as a component of a county's broader interest in achieving sustainable development on a regional basis. Redevelopment of abandoned or underutilized sites can stimulate economic revitalization in the surrounding areas, and preserve green space by providing an alternative to unchecked urban sprawl. Therefore, NACo strongly supports language mandating the development of a comprehensive economic development strategy.

We applaud your efforts to provide assistance for redevelopment projects that promote the redevelopment, restoration and economic recovery of brownfield sites. Furthermore, NACo supports the legislative objective of bringing new income and private investment to distressed communities that have not fully participated in the nationwide economic expansion. This legislation is closely aligned with NACo policy objectives, and we offer our support during the legislative process.

Thank you for your leadership on this important issue. Please feel free to contact Cassandra Matthews, Associate Legislative Director, at (202) 942–4204 if you need additional information or assistance.

Sincerely,

LARRY E. NAAKE,
Executive Director.

NATIONAL ASSOCIATION OF DEVELOPMENT ORGANIZATIONS,
Washington, DC, March 9, 2001.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the National Association of Development Organizations (NADO), I am writing to express our strong support for your efforts to enhance and support the Economic Development Administration's (EDA's) brownfields redevelopment activities.

As a national association representing regional planning and development organizations that provide valuable professional and technical assistance to over 1,800 counties and 15,000 small cities and towns, we recognize the value and benefits of returning former commercial and industrial sites to productive use. This includes targeting sites in small metropolitan and rural America, as well as our urban centers.

In addition to being encouraged and supportive of congressional efforts to strengthen the Environmental Protection Agency's (EPA's) brownfields portfolio, we also recognize the unique tools and experience that EDA has to offer local communities. While EPA has implemented effective assessment and clean up programs, there is a tremendous need for federal programs focused on redeveloping and transforming the former brownfields sites into productive facilities.

Over the past 35 years, EDA has developed a successful track record in partnering with local communities to revitalize, upgrade and expand former commercial sites into industrial facilities that help create quality jobs, expand the local tax base and improve the quality of life in the area. This includes making the necessary investments in infrastructure, as well as providing essential planning and technical assistance.

EDA has also proven to be an effective federal partner for EPA, with the two federal agencies leveraging their funding and particular expertise to assist communities. Therefore, we strongly support your efforts to provide EDA with the resources and program tools needed to help small metropolitan and rural communities convert brownfields into economic development opportunities.

Sincerely,

ALICEANN WOHLBRUCK,
Executive Director.

SMART GROWTH AMERICA,
Washington, DC, April 4, 2001.

Hon. JAMES JEFFORDS,
Co-Chair, Senate Smart Growth Task Force, U.S. Senate, Washington, DC.

Hon. CARL LEVIN,
Co-Chair, Senate Smart Growth Task Force, U.S. Senate, Washington, DC.

DEAR SENATOR JEFFORDS AND SENATOR LEVIN: Smart Growth America would like to thank you for your leadership on the introduction of the Brownfields Economic Development Act of 2001 and the Brownfields Site Redevelopment Assistance Act of 2001. We strongly support these bills and your efforts to complement the Brownfields Revitalization and Environmental Restoration Act of 2001 by focusing on the physical redevelopment of brownfields.

S. 350 provides needed liability relief and funding to inventory, assess and remediate brownfield sites. These two new bills build upon S. 350 by providing communities with additional economic development resources to return brownfields to productive use.

Economic development of brownfield sites is an essential element of smart growth—growth that revitalizes neighborhoods, creates and preserves affordable housing, promotes transportation choice, and preserves open space and farmland. And, it makes economic sense. The U.S. Conference of Mayors found that as much as $2.4 billion annually could be generated in new tax revenues by fully tapping into the potential of our nation's brownfields. This economic development could create more than 550,000 new jobs.

The Brownfields Economic Development Act and the Brownfield Site Redevelopment Assistance Act improve the ability of the Department of Housing and Urban Development (HUD) and the Department of Commerce's Economic Development Administration to fund and assist communities in their efforts to develop their brownfields and return them to productive use. We applaud your efforts and look forward to working with you to see the timely passage of these measures.

Sincerely,

DON CHEN,
Director.

COALITION FOR ECONOMIC DEVELOPMENT,
March 16, 2001.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

Hon. JAMES JEFFORDS,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN AND SENATOR JEFFORDS: The organizations that comprise the Coalition for Economic Development commend both of you for proposing legislation that will address much-needed redevelopment of brownfields.

The establishment within the Economic Development Administration of a revolving loan fund especially devoted to brownfields will quickly increase the amount of money ''on the street'' for redevelopment. EDA has a highly successful track record in operating a revolving loan fund that has put millions of dollars into business development in low-income urban and rural areas and has leveraged millions more.

The requirement to develop a comprehensive economic development strategy will guarantee that different constituents within a community are given a voice in redevelopment planning.

The changes you propose in the Department of House and Urban Development's Section 108 will encourage greater use of this program since it does not tie up future Community Development Block Grant funding that is equally needed for other purposes.

Together, the EDA revolving fund and the HUD grant program will provide local governments, regional councils and non-profits with excellent programs to help redevelop these unutilized and underutilized areas that have become eye-sores that have hindered revitalization in many urban and rural areas. Brownfields redevelopment helps turn those eye-sores into homes, businesses, parks and active commercial districts.

Please feel free to contact any members of the coalition. A list of contacts is attached.

CONTACT LIST

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Mr. JEFFORDS. Mr. President, I rise today to join my colleague, Senator LEVIN, in introducing two legislative initiatives that will expand upon the resources available for brownfields revitalization.

The first bill, the Brownfields Site Redevelopment Assistance Act of 2001, provides the Department of Commerce's Economic Development Administration (EDA) with a dedicated source of funding for brownfields. EDA can currently assist communities with brownfields redevelopment when these projects involve infrastructure development or economic adjustment activities, however there is no specific authority or funding for brownfields revitalization.

The second bill, the Brownfields Economic Development Act of 2001, addresses requirements on the Department of Housing and Urban Development's, HUD, Brownfields Economic Development Initiative, BEDI, grant program that are hampering small city brownfields revitalization efforts.

BEDI's required link to Section 108 loan guarantees demands that future Community Development Block Grant, CDBG, allocations be pledged as collateral. BEDI's required link to Section 108 serves as a deterrent to many small towns in Vermont and throughout the nation, who do not have the resources to commit to brownfields. Our bill would permit HUD to make grants available independent of economic development loan guarantees. The legislation also provides a 30 percent set aside for small communities and federally-recognized Indian tribes.

This legislation would help communities in Vermont reclaim their older underutilized sites. A prime example is an old mill in the heart of Ludlow, VT which occupies 30,000 square feet of prime downtown land. It is next to residential properties and again, ripe for redevelopment. There are currently Environmental Protection Agency, EPA, funds for assessment to investigate what is in the ground and how much it will cost to clean up. But the owner, the bank and the town are reluctant to act if the site is contaminated. These bills will assist many small towns such as Ludlow access the clean up funding they need to revitalize contaminated sites.

Since the inception of the Senate Smart Growth Task Force in 1999, Senator Levin and I as co-chairs, have been working to expand funding sources for brownfields. This legislation is just one component of the overall effort to restore brownfield sites to productive use in our cities and towns. By advancing this legislation, we will address a critical gap in brownfields' funding for site assessment and clean up, while promoting economic development as well as preservation of farmland and open space.

Mr. BAUCUS. Mr. President, I rise to join my colleagues—Senator JEFFORDS, Senator LEVIN and others—in co-sponsoring the Brownfields Site Redevelopment Assistance Act and the Brownfields Economic Development Act.

These two Acts are important complements to S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001 that the Senate passed unanimously earlier this year. S. 350 encourages the remediation of brownfield sites by reducing financial and legal barriers to clean-up. The Brownfields Site Redevelopment Assistance Act and the Brownfields Economic Development Act expand the abilities of the Economic Development Administration and the Department of Housing and Urban Development to help local communities physically develop and restore brownfield sites to productive use. Taken together, these three bills make up a complete brownfields redevelopment package.

The two Acts introduced today will provide critical economic and technical assistance to communities during all stages of the brownfields redevelopment process—from an initial site assessment to putting the finishing touches on a new apartment building or city park. These bills have enormous potential to enhance and revitalize communities and their economies, to turn neglected wastelands into productive developments, and to create more parks and open spaces. This in turn will create great opportunities for new jobs and economic development. This is particularly true in my State of Montana where we've been working hard to jump start our economy. Montana's industrial past has left the State with its share of brownfield sites—wood treatment facilities, railroad yards, sawmills. Hopefully, this legislation will provide communities with the tools they need to put these sites to productive uses.

The Brownfields Site Redevelopment Assistance Act of 2001 will provide the Economic Development Administration with authority and funding for grants to States, local communities, Indian tribes and non-profit organizations for brownfield redevelopment projects. The Brownfields Economic Development Act of 2001 will make HUD Brownfields Economic Development Initiative grants available to local governments and Indian tribes for community development projects. The bill will also provide a 30 percent set-aside for small communities and tribes, a provision that is very important to a rural State like Montana. The National Association of Development Organizations reports that Federal agencies are not reaching rural areas through existing brownfields programs. Rural communities and tribes in Montana and elsewhere need financial and technical assistance to include brownfields in economic development strategies.

Getting brownfield sites cleaned-up makes good sense in Montana and throughout the nation. That, again, is good for the environment, good for communities, good for our economy, and good for the country. I wholeheartedly support this legislation, and I hope both bills will enjoy swift passage through the Senate.

By Mr. CLELAND:

S. 1080. A bill to amend chapter 84 of title 5, United States Code, to provide that employees who retire as registered nurses under the Federal Employees Retirement System shall have unused sick leave used in the computation of annuities, and for other purposes; to the Committee on Governmental Affairs.

Mr. CLELAND. Mr. President, statistics from the National League of Nursing and the American Nurses' Association demonstrate the nursing workforce is shrinking. The Federal health sector, employing approximately 45,000 nurses, may be the hardest hit in the near future with an estimated 47 percent of its nursing workforce eligible for retirement in the year 2004. Current and anticipated nursing vacancies in Federal health care agencies are particularly alarming with the increased nursing care needs of an aging America. The Journal of the American Medical Association published a study last year which found the average age of the nursing workforce rose by 4.5 years between 1983 and 1998, mostly because fewer younger people are joining the profession.

It is imperative that the Federal Health Care System recruit and retain nurses in such crucial areas as the Veterans Affairs Health Administration, Department of Defense, Public Health Service, Indian Health Service, and Federal Bureau of Prisons. Nursing shortages will result in major changes in the quality and type of care these agencies can provide to their beneficiaries. There are no quick fixes to recruiting and retaining registered nurses, but Congress must act now on identified problem areas. One identified measure which would help recruit and retain Federal nurses is to address employee benefits. Title 38 currently excludes nurses employed by the Federal health care system after 1983 from including unused sick leave in computation of retirement. Approximately 68 percent of the Federal nurses are enrolled in the Federal Employees Retirement System (FERS). My proposal would allow registered nurses under FERS to include unused sick leave in the same manner as nurses enrolled in the Civilian Retirement System, (CRS), for computation of retirement benefits. Under CRS regulations, unused sick leave time is added after all of the required retirement criteria are met. With my proposal, registered nurses who have accrued the needed increments of sick leave will retain their hard earned benefit as part of their retirement package.

Nurses played a crucial role in my recovery from injuries incurred in Vietnam. I can not imagine how much more difficult that recovery would have been without the skill and compassion of nurses. I urge my Senate colleagues to support this measure as we continue to look at strategies to prevent the looming Federal nurse shortage.

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. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNUSED SICK LEAVE INCLUDED IN ANNUITY COMPUTATION OF REGISTERED NURSES.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Registered Nurse Retirement Adjustment Act of 2001''.

(b) ANNUITY COMPUTATION.—Section 8415 of title 5, United States Code, is amended by adding at the end the following:

''(i) In computing an annuity under this subchapter, the total service of an employee who retires from the position of a registered nurse on an immediate annuity or dies while employed in that position leaving any survivor entitled to an annuity includes the days of unused sick leave to the credit of that employee under a formal leave system, except that such days shall not be counted in determining average pay or annuity eligibility under this subchapter.''.

(c) DEPOSIT NOT REQUIRED.—Section 8422(d) of title 5, United States Code, is amended—

(1) by inserting ''(1)'' before ''Under such regulations''; and

(2) by adding at the end the following:

''(2) Deposit may not be required for days of unused sick leave credited under section 8415(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act and apply to individuals who separate from service on or after that effective date.

By Mr. TORRICELLI (for himself and Mr. DAYTON):

S. 1081. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for the development of low-to-moderate income housing for home ownership, and for other purposes; to the Committee on Finance.

Mr. TORRICELLI. Mr. President, I rise today to introduce a bill which builds on the most well received provisions of the highly successful Low to Moderate Income Housing Tax Credit bill, LIHTC, of 1986. The evidence is clear that the entrepreneurial spirit that has been harnessed over the last 15 years in favor of aggressively addressing the Nation's need for rental housing can and should be channeled in response to the dire need for affordable single family hosing in urban America.

Although the economic prosperity enjoyed by this country for a decade led to a home ownership rate that has reached levels of nearly 70 percent, sadly the rate for central cities is 52 percent. One unfortunate reality is that having a good job does not guarantee a family a decent place to live at an affordable rate. According to one report; ''More than 220,000 teachers, police and public safety officers across the country spend more than half their incomes for housing and the problem is, in fact, getting worse.''

Housing experts continually tell us that low homeownership in our urban communities is a result of the lack of quality homes to purchase and not the lack of potential homeowners. Developers have expressed that the high costs associated with building homes in urban areas have acted as a disincentive to developing or redeveloping communities. If supply drives demand as it often does in the case of other commodities then the key to revitalizing neighborhoods that were once jewels is the entrepreneural spirit to build homes.

The use of tax credits to provide a source of capital to dramatically increase the rental housing stock has been a wonderful success. In recent meetings with developers and community development officials in my State of New Jersey, a consistent answer to the question of ''what can we do to spur the development of single family homes'' has been ''just build on the success of the low income housing tax credit program''. Using tax incentives for such critical economic development purposes, such as overcoming capital market shortages is a proven method. In that regard, inclusion of certain industry practice development costs in the ''eligible costs'' basis of the property for computing tax credits and exclusion of the first $10,000 would quite often be just enough to keep developers out of the ''red'' in many urban communities.

In many respects it is only proper that we begin this century recapturing space that once served as home of vibrant neighborhoods and bustling businesses since the middle of the 19th century. Certainly, effective development of space at the core of our urban centers requires building on the pride of ownership, rehabilitating classic structures that are found in all of our older cities and reclaiming land that has served us well.

As we move ahead as a nation it is critical that we not leave many of our urban communities behind. AHEAD, (Affordable Housing and Environmental Action through Development), is a sound approach that cannot be implemented too soon. I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Low-to-Moderate Income Home Ownership Tax Credit Act''.

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

Sec. 1. Short title; etc.
Sec. 2. Credit for low-to-moderate income housing for home ownership.
Sec. 3. Partial exclusion of gain from sale of low-to-moderate income housing.
Sec. 4. Expansion of rehabilitation credit.

SEC. 2. CREDIT FOR LOW-TO-MODERATE INCOME HOUSING FOR HOME OWNERSHIP.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

''SEC. 42A. LOW-TO-MODERATE INCOME HOME OWNERSHIP CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the amount of the home ownership credit determined under this section for any taxable year in the credit period shall be an amount equal to the applicable percentage of the qualified basis of each qualified low-to-moderate income building.

''(b) APPLICABLE PERCENTAGE: 70 PERCENT PRESENT VALUE CREDIT FOR NEW BUILDINGS; 30 PERCENT PRESENT VALUE CREDIT FOR EXISTING BUILDINGS.—For purposes of this section—

''(1) IN GENERAL.—The term 'applicable percentage' means the appropriate percentage prescribed by the Secretary for the earlier of—

''(A) the first month of the credit period with respect to a low-to-moderate income building, or

''(B) at the election of the taxpayer, the month in which the taxpayer and the housing credit agency enter into an agreement with respect to such building (which is binding on such agency, the taxpayer, and all successors in interest) as to the housing credit dollar amount to be allocated to such building.

A month may be elected under subparagraph (B) only if the election is made not later than the 5th day after the close of such month. Such an election, once made, shall be irrevocable.

''(2) METHOD OF PRESCRIBING PERCENTAGES.—The percentages prescribed by the Secretary for any month shall be percentages which will yield over a 10-year period amounts of credit under subsection (a) which have a present value equal to—

''(A) 70 percent of the qualified basis of a new building, and

''(B) 30 percent of the qualified basis of an existing building.

''(3) METHOD OF DISCOUNTING.—The present value under paragraph (2) shall be determined—

''(A) as of the last day of the 1st year of the 10-year period referred to in paragraph (2),

''(B) by using a discount rate equal to 72 percent of the average of the annual Federal mid-term rate and the annual Federal long-term rate applicable under section 1274(d)(1) to the month applicable under subparagraph (A) or (B) of paragraph (1) and compounded annually, and

''(C) by assuming that the credit allowable under this section for any year is received on the last day of such year.

''(c) QUALIFIED BASIS; ELIGIBLE BASIS; QUALIFIED LOW-TO-MODERATE INCOME BUILDING.—For purposes of this section—

''(1) QUALIFIED BASIS.—

''(A) DETERMINATION.—The qualified basis of any qualified low-to-moderate income building for any taxable year is an amount equal to—

''(i) the applicable fraction (determined as of the close of such taxable year) of

''(ii) the eligible basis of such building.

''(B) APPLICABLE FRACTION.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the term 'applicable fraction' means the smaller of the unit fraction or the floor space fraction.

''(ii) UNIT FRACTION.—For purposes of clause (i), the term 'unit fraction' means the fraction—

''(I) the numerator of which is the number of low-to-moderate income units in the building, and

''(II) the denominator of which is the number of all units (whether or not occupied) in such building.

''(iii) FLOOR SPACE FRACTION.—For purposes of clause (i), the term 'floor space fraction' means the fraction—

''(I) the numerator of which is the total floor space of the low-to-moderate income units in such building, and

''(II) the denominator of which is the total floor space of all units (whether or not occupied) in such building.

''(C) ELIGIBLE BASIS.—

''(i) IN GENERAL.—The eligible basis of any qualified low-to-moderate income building for any taxable year shall be determined under rules similar to the rules under section 42(d), except that—

''(I) the determination of the adjusted basis of any building shall be made as of the beginning of the credit period, and

''(II) such basis shall include development costs properly attributable to such building.

''(ii) DEVELOPMENT COSTS.—For purposes of clause (i)(II), the term 'development costs' includes—

''(I) site preparation costs,

''(II) State and local impact fees,

''(III) reasonable development costs,

''(IV) professional fees related to basis items,

''(V) construction financing costs related to basis items other than land, and

''(VI) on-site and adjacent improvements required by State and local governments.

''(2) QUALIFIED LOW-TO-MODERATE INCOME BUILDING.—The term 'qualified low-to-moderate income building' means any building which is part of a qualified low-to-moderate income development project at all times during the period—

''(A) beginning on the 1st day in the compliance period on which such building is part of such a development project, and

''(B) ending on the last day of the compliance period with respect to such building.

''(d) REHABILITATION EXPENDITURES TREATED AS SEPARATE NEW BUILDING.—Rehabilitation expenditures paid or incurred by the taxpayer with respect to any building shall be treated for purposes of this section as a separate new building under the rules of section 42(e).

''(e) DEFINITION AND SPECIAL RULES RELATING TO CREDIT PERIOD.—

''(1) CREDIT PERIOD DEFINED.—For purposes of this section, the term 'credit period' means, with respect to any building, the period of 10 taxable years beginning with the taxable year in which the building (or a low-to-moderate income unit in such building) is first sold by the taxpayer to a low-to moderate income individual after being placed in service.

''(2) SPECIAL RULE FOR 1ST YEAR OF CREDIT PERIOD.—

''(A) IN GENERAL.—The credit allowable under subsection (a) with respect to any building for the 1st taxable year of the credit period shall be determined by substituting for the applicable fraction under subsection (c)(1) the fraction—

''(i) the numerator of which is the sum of the applicable fractions determined under subsection (c)(1) as of the close of each full month of such year during which such building was in service, and

''(ii) the denominator of which is 12.

''(B) DISALLOWED 1ST YEAR CREDIT ALLOWED IN 11TH YEAR.—Any reduction by reason of subparagraph (A) in the credit allowable (without regard to subparagraph (A)) for the 1st taxable year of the credit period shall be allowable under subsection (a) for the 1st taxable year following the credit period.

''(3) CREDIT PERIOD FOR EXISTING BUILDINGS NOT TO BEGIN BEFORE REHABILITATION CREDIT ALLOWED.—The credit period for an existing building shall not begin before the 1st taxable year of the credit period for rehabilitation expenditures with respect to the building.

''(f) QUALIFIED LOW-TO-MODERATE INCOME DEVELOPMENT PROJECT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified low-to-moderate income development project' means any development project of 1 or more for qualified low-to-moderate income buildings located in an area if 40 percent or more of the residential units in such development project are occupied and owned by individuals whose income is 100 percent or less of area median gross income.

''(2) TREATMENT OF UNITS OCCUPIED BY INDIVIDUALS WHOSE INCOMES RISE ABOVE LIMIT.—Notwithstanding an increase in the income of the occupants of a low-to-moderate income unit above the income limitation applicable under paragraph (2) or (3), such unit shall continue to be treated as a low-to-moderate income unit if the income of such occupants initially met such income limitation and such unit continues to be so restricted.

''(3) CERTAIN RULES MADE APPLICABLE.—Paragraphs (3), (5), (7), and (8) of section 42(g) shall apply for purposes of determining whether any development project is a qualified low-to-moderate income development project.

''(g) LIMITATION ON AGGREGATE CREDIT ALLOWABLE WITH RESPECT TO DEVELOPMENT PROJECTS LOCATED IN A STATE.—

''(1) CREDIT MAY NOT EXCEED CREDIT AMOUNT ALLOCATED TO BUILDING.—The amount of the credit determined under this section for any taxable year with respect to any building shall not exceed the housing credit dollar amount allocated to such building under rules similar to the rules of section 42(h)(1) (determined without regard to subparagraph (D) thereof).

''(2) ALLOCATED CREDIT AMOUNT TO APPLY TO ALL TAXABLE YEARS ENDING DURING OR AFTER CREDIT ALLOCATION YEAR.—Any housing credit dollar amount allocated to any building for any calendar year—

''(A) shall apply to such building for all taxable years in the credit period ending during or after such calendar year, and

''(B) shall reduce the aggregate housing credit dollar amount of the allocating agency only for such calendar year.

''(3) HOUSING CREDIT DOLLAR AMOUNT FOR AGENCIES.—

''(A) IN GENERAL.—The aggregate housing credit dollar amount which a housing credit agency may allocate for any calendar year is the portion of the State housing credit ceiling allocated under this paragraph for such calendar year to such agency.

''(B) STATE CEILING INITIALLY ALLOCATED TO STATE HOUSING CREDIT AGENCIES.—Except as provided in subparagraphs (D) and (E), the State housing credit ceiling for each calendar year shall be allocated to the housing credit agency of such State. If there is more than 1 housing credit agency of a State, all such agencies shall be treated as a single agency.

''(C) STATE HOUSING CREDIT CEILING.—The State housing credit ceiling applicable to any State and any calendar year shall be an amount equal to the sum of—

''(i) the unused State housing credit ceiling (if any) of such State for the preceding calendar year,

''(ii) the greater of—

''(I) $1.75 multiplied by the State population, or

''(II) $2,000,000,

''(iii) the amount of State housing credit ceiling returned in the calendar year, plus

''(iv) the amount (if any) allocated under subparagraph (D) to such State by the Secretary.

For purposes of clause (i), the unused State housing credit ceiling for any calendar year is the excess (if any) of the sum of the amounts described in clauses (ii) through (iv) over the aggregate housing credit dollar amount allocated for such year. For purposes of clause (iii), the amount of State housing credit ceiling returned in the calendar year equals the housing credit dollar amount previously allocated within the State to any development project which fails to meet the 10 percent test under section 42(h)(1)(E)(ii) on a date after the close of the calendar year in which the allocation was made or which does not become a qualified low-to-moderate income development project within the period required by this section or the terms of the allocation or to any development project with respect to which an allocation is canceled by mutual consent of the housing credit agency and the allocation recipient.

''(D) UNUSED HOUSING CREDIT CARRYOVERS ALLOCATED AMONG CERTAIN STATES.—

''(i) IN GENERAL.—The unused housing credit carryover of a State for any calendar year shall be assigned to the Secretary for allocation among qualified States for the succeeding calendar year.

''(ii) UNUSED HOUSING CREDIT CARRYOVER.—For purposes of this subparagraph, the unused housing credit carryover of a State for any calendar year is the excess (if any) of the unused State housing credit ceiling for such year (as defined in subparagraph (C)(i)) over the excess (if any) of —

''(I) the unused State housing credit ceiling for the year preceding such year, over

''(II) the aggregate housing credit dollar amount allocated for such year.

''(iii) FORMULA FOR ALLOCATION OF UNUSED HOUSING CREDIT CARRYOVERS AMONG QUALIFIED STATES.—The amount allocated under this subparagraph to a qualified State for any calendar year shall be the amount determined by the Secretary to bear the same ratio to the aggregate unused housing credit carryovers of all States for the preceding calendar year as such State's population for the calendar year bears to the population of all qualified States for the calendar year. For purposes of the preceding sentence, population shall be determined in accordance with section 146(j).

''(iv) QUALIFIED STATE.—For purposes of this subparagraph, the term 'qualified State' means, with respect to a calendar year, any State—

''(I) which allocated its entire State housing credit ceiling for the preceding calendar year, and

''(II) for which a request is made (not later than May 1 of the calendar year) to receive an allocation under clause (iii).

''(E) SPECIAL RULE FOR STATES WITH CONSTITUTIONAL HOME RULE CITIES.—For purposes of this subsection—

''(i) IN GENERAL.—The aggregate housing credit dollar amount for any constitutional home rule city for any calendar year shall be an amount which bears the same ratio to the State housing credit ceiling for such calendar year as—

''(I) the population of such city, bears to

''(II) the population of the entire State.

''(ii) COORDINATION WITH OTHER ALLOCATIONS.—In the case of any State which contains 1 or more constitutional home rule cities, for purposes of applying this paragraph with respect to housing credit agencies in such State other than constitutional home rule cities, the State housing credit ceiling for any calendar year shall be reduced by the aggregate housing credit dollar amounts determined for such year for all constitutional home rule cities in such State.

''(iii) CONSTITUTIONAL HOME RULE CITY.—For purposes of this paragraph, the term 'constitutional home rule city' has the meaning given such term by section 146(d)(3)(C).

''(F) STATE MAY PROVIDE FOR DIFFERENT ALLOCATION.—Rules similar to the rules of section 146(e) (other than paragraph (2)(B) thereof) shall apply for purposes of this paragraph.

''(G) POPULATION.—For purposes of this paragraph, population shall be determined in accordance with section 146(j).

''(H) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of a calendar year after 2002, the $2,000,000 and $1.75 amounts in subparagraph (C) shall each be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—

''(I) In the case of the $2,000,000 amount, any increase under clause (i) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

''(II) In the case of the $1.75 amount, any increase under clause (i) which is not a multiple of 5 cents shall be rounded to the next lowest multiple of 5 cents.

''(4) PORTION OF STATE CEILING SET-ASIDE FOR CERTAIN DEVELOPMENT PROJECTS INVOLVING QUALIFIED NONPROFIT ORGANIZATIONS.—

''(A) IN GENERAL.—Not more than 90 percent of the State housing credit ceiling for any State for any calendar year shall be allocated to development projects other than qualified low-to-moderate income development projects described in subparagraph (B).

''(B) DEVELOPMENT PROJECTS INVOLVING QUALIFIED NONPROFIT ORGANIZATIONS.—For purposes of subparagraph (A), a qualified low-to-moderate income development project is described in this subparagraph if a qualified nonprofit organization is to materially participate (within the meaning of section 469(h)) in the development and operation of the development project throughout the compliance period.

''(C) QUALIFIED NONPROFIT ORGANIZATION.—For purposes of this paragraph, the term 'qualified nonprofit organization' means any organization if—

''(i) such organization is described in paragraph (3) or (4) of section 501(c) and is exempt from tax under section 501(a),

''(ii) such organization is determined by the State housing credit agency not to be affiliated with or controlled by a for-profit organization; and

''(iii) 1 of the exempt purposes of such organization includes the fostering of low-to-moderate income housing.

''(D) TREATMENT OF CERTAIN SUBSIDIARIES.—

''(i) IN GENERAL.—For purposes of this paragraph, a qualified nonprofit organization shall be treated as satisfying the ownership and material participation test of subparagraph (B) if any qualified corporation in which such organization holds stock satisfies such test.

''(ii) QUALIFIED CORPORATION.—For purposes of clause (i), the term 'qualified corporation' means any corporation if 100 percent of the stock of such corporation is held by 1 or more qualified nonprofit organizations at all times during the period such corporation is in existence.

''(E) STATE MAY NOT OVERRIDE SET-ASIDE.—Nothing in subparagraph (F) of paragraph (3) shall be construed to permit a State not to comply with subparagraph (A) of this paragraph.

''(5) BUILDINGS ELIGIBLE FOR CREDIT ONLY IF MINIMUM LONG-TERM COMMITMENT TO LOW-TO-MODERATE INCOME HOUSING.—

''(A) IN GENERAL.—No credit shall be allowed by reason of this section with respect to any building for the taxable year unless a low-to-moderate income housing commitment is in effect as of the end of such taxable year.

''(B) LOW-TO-MODERATE INCOME HOUSING COMMITMENT.—For purposes of this paragraph, the term 'low-to-moderate income housing commitment' means any agreement between the taxpayer and the housing credit agency—

''(i) which requires that the applicable fraction (as defined in subsection (c)(1)(B)) for the building for each taxable year in the compliance period will not be less than the applicable fraction specified in such agreement,

''(ii) which allows individuals who meet the income limitation applicable to the building under subsection (f) (whether prospective, present, or former occupants of the building) the right to enforce in any State court the requirement of clause (i),

''(iii) which allows the taxpayer the right of first refusal to purchase the building from the low-or-moderate income individual to whom the taxpayer first sold the building,

''(iv) which is binding on all successors of the taxpayer, and

''(v) which, with respect to the property, is recorded pursuant to State law as a restrictive covenant.

''(C) ALLOCATION OF CREDIT MAY NOT EXCEED AMOUNT NECESSARY TO SUPPORT COMMITMENT.—The housing credit dollar amount allocated to any building may not exceed the amount necessary to support the applicable fraction specified in the low-to-moderate income housing commitment for such building.

''(D) EFFECT OF NONCOMPLIANCE.—If, during a taxable year, there is a determination that a low-to-moderate income housing agreement was not in effect as of the beginning of such year, such determination shall not apply to any period before such year and subparagraph (A) shall be applied without regard to such determination if the failure is corrected within 1 year from the date of the determination.

''(E) DEVELOPMENT PROJECTS WHICH CONSIST OF MORE THAN 1 BUILDING.—The application of this paragraph to development projects which consist of more than 1 building shall be made under regulations prescribed by the Secretary.

''(6) SPECIAL RULES.—

''(A) BUILDING MUST BE LOCATED WITHIN JURISDICTION OF CREDIT AGENCY.—A housing credit agency may allocate its aggregate housing credit dollar amount only to buildings located in the jurisdiction of the governmental unit of which such agency is a part.

''(B) AGENCY ALLOCATIONS IN EXCESS OF LIMIT.—If the aggregate housing credit dollar amounts allocated by a housing credit agency for any calendar year exceed the portion of the State housing credit ceiling allocated to such agency for such calendar year, the housing credit dollar amounts so allocated shall be reduced (to the extent of such excess) for buildings in the reverse of the order in which the allocations of such amounts were made.

''(C) CREDIT REDUCED IF ALLOCATED CREDIT DOLLAR AMOUNT IS LESS THAN CREDIT WHICH WOULD BE ALLOWABLE WITHOUT REGARD TO SALES CONVENTION, ETC.—

''(i) IN GENERAL.—The amount of the credit determined under this section with respect to any building shall not exceed the clause (ii) percentage of the amount of the credit which would (but for this subparagraph) be determined under this section with respect to such building.

''(ii) DETERMINATION OF PERCENTAGE.—For purposes of clause (i), the clause (ii) percentage with respect to any building is the percentage which—

''(I) the housing credit dollar amount allocated to such building bears to

''(II) the credit amount determined in accordance with clause (iii).

''(iii) DETERMINATION OF CREDIT AMOUNT.—The credit amount determined in accordance with this clause is the amount of the credit which would (but for this subparagraph) be determined under this section with respect to the building if this section were applied without regard to paragraph (2)(A) of subsection (e).

''(D) HOUSING CREDIT AGENCY TO SPECIFY APPLICABLE PERCENTAGE AND MAXIMUM QUALIFIED BASIS.—In allocating a housing credit dollar amount to any building, the housing credit agency shall specify the applicable percentage and the maximum qualified basis which may be taken into account under this section with respect to such building. The applicable percentage and maximum qualified basis so specified shall not exceed the applicable percentage and qualified basis determined under this section without regard to this subsection.

''(7) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) HOUSING CREDIT AGENCY.—The term 'housing credit agency' means any agency authorized to carry out this subsection.

''(B) POSSESSIONS TREATED AS STATES.—The term 'State' includes a possession of the United States.

''(h) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) COMPLIANCE PERIOD.—The term 'compliance period' means, with respect to any building, the period of 5 taxable years beginning with the 1st taxable year of the credit period with respect thereto.

''(2) NEW BUILDING.—The term 'new building' means a building the original use of which begins with the taxpayer.

''(3) EXISTING BUILDING.—The term 'existing building' means any building which is not a new building.

''(4) APPLICATION TO ESTATES AND TRUSTS.—In the case of an estate or trust, the amount of the credit determined under subsection (a) and any increase in tax under subsection (j) shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each.

''(i) RECAPTURE OF CREDIT.—If—

''(1) as of the close of any taxable year in the compliance period, the amount of the qualified basis of any building with respect to the taxpayer is less than

''(2) the amount of such basis as of the close of the preceding taxable year,

then the taxpayer's tax under this chapter for the taxable year shall be increased by the credit recapture amount determined under rules similar to the rules of section 42(j).

''(j) APPLICATION OF AT-RISK RULES.—For purposes of this section, rules similar to the rules of section 42(k) shall apply.

''(k) CERTIFICATIONS AND OTHER REPORTS TO SECRETARY.—

''(1) CERTIFICATION WITH RESPECT TO 1ST YEAR OF CREDIT PERIOD.—Following the close of the 1st taxable year in the credit period

with respect to any qualified low-to-moderate income building, the taxpayer shall certify to the Secretary (at such time and in such form and in such manner as the Secretary prescribes)—

''(A) the taxable year, and calendar year, in which such building was first sold after being placed in service,

''(B) the adjusted basis and eligible basis of such building as of the beginning of the credit period,

''(C) the maximum applicable percentage and qualified basis permitted to be taken into account by the appropriate housing credit agency under subsection (g),

''(D) the election made under subsection (f) with respect to the qualified low-to-moderate income housing development project of which such building is a part, and

''(E) such other information as the Secretary may require.

In the case of a failure to make the certification required by the preceding sentence on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause and not to willful neglect, no credit shall be allowable by reason of subsection (a) with respect to such building for any taxable year ending before such certification is made.

''(2) ANNUAL REPORTS TO THE SECRETARY.—The Secretary may require taxpayers to submit an information return (at such time and in such form and manner as the Secretary prescribes) for each taxable year setting forth—

''(A) the qualified basis for the taxable year of each qualified low-to-moderate income building of the taxpayer,

''(B) the information described in paragraph (1)(C) for the taxable year, and

''(C) such other information as the Secretary may require.

The penalty under section 6652(j) shall apply to any failure to submit the return required by the Secretary under the preceding sentence on the date prescribed therefor.

''(3) ANNUAL REPORTS FROM HOUSING CREDIT AGENCIES.—Each agency which allocates any housing credit amount to any building for any calendar year shall submit to the Secretary (at such time and in such manner as the Secretary shall prescribe) an annual report specifying—

''(A) the amount of housing credit amount allocated to each building for such year,

''(B) sufficient information to identify each such building and the taxpayer with respect thereto, and

''(C) such other information as the Secretary may require.

The penalty under section 6652(j) shall apply to any failure to submit the report required by the preceding sentence on the date prescribed therefor.

''(l) RESPONSIBILITIES OF HOUSING CREDIT AGENCIES.—

''(1) PLANS FOR ALLOCATION OF CREDIT AMONG DEVELOPMENT PROJECTS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, the housing credit dollar amount with respect to any building shall be zero unless—

''(i) such amount was allocated pursuant to a qualified allocation plan of the housing credit agency which is approved by the governmental unit (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) of which such agency is a part,

''(ii) such agency notifies the chief executive officer (or the equivalent) of the local jurisdiction within which the building is located of such development project and provides such individual a reasonable opportunity to comment on the development project,

''(iii) a comprehensive market study of the housing needs of low- and moderate-income individuals in the area to be served by the development project is conducted before the credit allocation is made and at the developer's expense by a disinterested party who is approved by such agency, and

''(iv) a written explanation is available to the general public for any allocation of a housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the housing credit agency.

''(B) QUALIFIED ALLOCATION PLAN.—For purposes of this paragraph, the term 'qualified allocation plan' means any plan—

''(i) which sets forth selection criteria to be used to determine housing priorities of the housing credit agency which are appropriate to local conditions,

''(ii) which also gives preference in allocating housing credit dollar amounts among selected development projects to—

''(I) development projects serving the lowest income owners, and

''(II) development projects which are located in qualified census tracts (as defined in section 42(d)(5)(C)) and the development of which contributes to a concerted community revitalization plan, and

''(iii) which provides a procedure that the agency (or an agent or other private contractor of such agency) will follow in monitoring for noncompliance with the provisions of this section and in notifying the Internal Revenue Service of such noncompliance which such agency becomes aware of and in monitoring for noncompliance with habitability standards through regular site visits.

''(C) CERTAIN SELECTION CRITERIA MUST BE USED.—The selection criteria set forth in a qualified allocation plan must include—

''(i) development project location,

''(ii) housing needs characteristics,

''(iii) development project characteristics, including whether the development project includes the use of existing housing as part of a community revitalization plan,

''(iv) populations with special housing needs,

''(v) low-to-moderate income housing waiting lists, and

''(vi) populations of individuals with children.

''(2) CREDIT ALLOCATED TO BUILDING NOT TO EXCEED AMOUNT NECESSARY TO ASSURE DEVELOPMENT PROJECT FEASIBILITY.—

''(A) IN GENERAL.—The housing credit dollar amount allocated to a development project shall not exceed the amount the housing credit agency determines is necessary for the financial feasibility of the development project and its viability as a qualified low-to-moderate income development project throughout the compliance period.

''(B) AGENCY EVALUATION.—In making the determination under subparagraph (A), the housing credit agency shall consider—

''(i) the sources and uses of funds and the total financing planned for the development project,

''(ii) any proceeds or receipts expected to be generated by reason of tax benefits,

''(iii) the percentage of the housing credit dollar amount used for development project costs other than the cost of intermediaries, and

''(iv) the reasonableness of the developmental and operational costs of the development project.

Clause (iii) shall not be applied so as to impede the development of development projects in hard-to-develop areas.

''(C) DETERMINATION MADE WHEN CREDIT AMOUNT APPLIED FOR AND WHEN BUILDING SOLD.—

''(i) IN GENERAL.—A determination under subparagraph (A) shall be made as of each of the following times:

''(I) The application for the housing credit dollar amount.

''(II) The allocation of the housing credit dollar amount.

''(III) The date the building is first sold after having been placed in service.

''(ii) CERTIFICATION AS TO AMOUNT OF OTHER SUBSIDIES.—Prior to each determination under clause (i), the taxpayer shall certify to the housing credit agency the full extent of all Federal, State, and local subsidies which apply (or which the taxpayer expects to apply) with respect to the building.

''(m) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

''(1) dealing with—

''(A) development projects which include more than 1 building or only a portion of a building,

''(B) buildings which are sold in portions,

''(2) providing for the application of this section to short taxable years,

''(3) preventing the avoidance of the rules of this section, and

''(4) providing the opportunity for housing credit agencies to correct administrative errors and omissions with respect to allocations and record keeping within a reasonable period after their discovery, taking into account the availability of regulations and other administrative guidance from the Secretary.

''(n) TERMINATION.—Clause (ii) of subsection (g)(3)(C) shall not apply to any amount allocated after December 31, 2004.''.

(b) CURRENT YEAR BUSINESS CREDIT CALCULATION.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '', plus'', and by adding at the end the following:

''(14) the home ownership credit determined under section 42A(a).''.

(c) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 of the Internal Revenue Code of 1986 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

''(10) NO CARRYBACK OF HOME OWNERSHIP CREDIT BEFORE EFFECTIVE DATE.—No amount of unused business credit available under section 42A may be carried back to a taxable year beginning on or before the date of the enactment of this paragraph.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 55(c)(1) of the Internal Revenue Code of 1986 is amended by inserting ''or subsection (i) or (j) of section 42A'' after ''section 42''.

(2) Subsections (i)(c)(3), (i)(c)(6)(B)(i), and (k)(1) of section 469 of such Code are each amended by inserting ''or 42A'' after ''section 42''.

(3) Section 772(a) of such Code is amended by striking ''and'' at the end of paragraph (10), by redesignating paragraph (11) as paragraph (12), and by inserting after paragraph (10) the following:

''(11) the home ownership credit determined under section 42A, and''.

(4) Section 774(b)(4) of such Code is amended by inserting '', 42A(i),'' after ''section 42(j)''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 42 the following:

''Sec. 42A. Low-to-moderate income home ownership credit.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made in taxable years beginning after the date of the enactment of this Act.

SEC. 3. PARTIAL EXCLUSION OF GAIN FROM SALE OF LOW-TO-MODERATE INCOME HOUSING.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and inserting after section 138 the following new section:

''SEC. 139. CERTAIN GAIN FROM SALE OF LOW-TO-MODERATE INCOME HOUSING.

''(a) IN GENERAL.—Gross income shall not include the gain from the sale of any low-to-moderate income building made during the taxable year and with respect to which the taxpayer is allowed a credit under section 42A.

''(b) LIMITATION.—The amount of gain which may be taken into account under subsection (a) with respect to the sale of a low-to-moderate income building shall not exceed $10,000 for each low-to-moderate income unit in such building.''.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 139 and inserting the following new items:

''Sec. 139. Certain gain from sale of low-to-moderate income housing.

''Sec. 140. Cross references to other Acts.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply sales in taxable years beginning after the date of the enactment of this Act.

SEC. 4. EXPANSION OF REHABILITATION CREDIT.

(a) CREDIT APPLICABLE TO BUILDINGS AT LEAST 50 YEARS OLD.—Subparagraph (B) of section 47(c)(1) of the Internal Revenue Code of 1986 (relating to qualified rehabilitated building is amended to read as follows:

''(B) BUILDING MUST BE AT LEAST 50 YEARS OLD.—In the case of a building other than a certified historic structure, a building shall not be a qualified rehabilitated building unless the building was first placed in service before the date which is at least 50 years before the date such building is placed in service for purposes of the credit under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. TORRICELLI (for himself and Mr. DAYTON):

S. 1082. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Finance.

Mr. TORRICELLI. Mr. President, I rise to introduce a bill that is intended to build upon a bi-partisan effort that has spanned over a decade culminating with the passage of S. 350. In August of 1997, this body approved a potentially significant brownfield tax incentive. This tax incentive referred to as the ''expensing'' provision allowed new owners of these contaminated sites to write off clean-up costs from their taxes in the year they are deducted. Despite this stride forward there have been issues pertaining to the provision that have represented barriers to re-development efforts.

The barriers which have thwarted re-development efforts have been: (1) the sunset of the bill contributed to uncertainty associated with the time needed to clean-up, obtain financing and re-develop these properties; (2) the exclusion of petroleum related products and pesticides from the definition of ''hazardous substances'' which required that the treatment of these clean up costs as (non-deductable) capital expenditures rather than expenses; and (3) the recapturing as ordinary income, at the time of sale, qualified environmental remediation expenses that have received exemptions.

My bill will eliminate the sunset provision. Eliminating the sunset for this expensing provision would be a major stride forward. Obtaining sufficient financing for brownfield re-development is generally difficult enough without the specter of a looming sunset.

Petroleum products in the form of fuel oil, heating oil or gasoline and pesticides are quite often found at these brownfield sites. Unfortunately, ''hazardous substance'' as it relates to brownfields does not include these particular substances. Therefore, the exclusion of substances commonly found at brownfields increases the costs of brownfield re-development significantly. This bill will expand the definition of hazardous items to include petroleum and pesticides.

In an effort to give true value to brownfields tax incentives, this bill will repeal the recapture provision related to brownfield tax incentives, section 193 e. Currently, any qualified environmental remediation expenditure which has been deducted is subject to recapture as ordinary income when sold or otherwise disposed. Because the tax liability for ordinary income is taxed higher, there is no incentive to redevelop contaminated sites and then sell the property for beneficial use. The repeal of this exclusion will give developers an opportunity to realize their tax incentives if they intend to sell property shortly after redevelopment.

The passage of the expensing provisions and the recently passed S. 350 represent critical steps in enhancing the public/private partnership in brownfield re-development but more must be done. An effective partnership will utilize tax incentives to help attract affordable private investment. Using tax incentives to overcome capital shortages, in the marketplace, to achieve greater public benefits, is a proven formula for success. This can reverse negative trends and start new constructive trends.

By Ms. MIKULSKI (for herself, Mr. BINGAMAN, Mrs. MURRAY, and Mr. INOUYE):

S. 1083. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the Medicare skilled nursing facility prospective payment system; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Clinical Social Work Medicare Equity Act of 2001. I am proud to sponsor this legislation that will ensure that clinical social workers can receive Medicare reimbursement for the mental health services they provide in skilled nursing facilities. This bill will give clinical social workers parity with other mental health providers who are exempted from the Medicare Part B Prospective Payment System.

Since my first days in Congress, I have been fighting to protect and strengthen the safety net for our Nation's seniors. Making sure that seniors have access to quality, affordable mental health care is an important part of this fight. I know that millions of seniors are not receiving the mental health services they need. For example, depression effects nearly 6 million seniors, but only one-tenth ever get treated. This is unacceptable. Protecting seniors' access to clinical social workers can help make sure that our most vulnerable citizens get the quality, affordable mental health care they need.

Clinical social workers, much like psychologists and psychiatrists, treat and diagnose mental illnesses. In fact, clinical social workers are the primary mental health providers for many nursing home residents. But unlike other mental health providers, clinical social workers often cannot bill directly for the important services they provide to their patients. This bill will correct this inequity and make sure clinical social workers are paid for the valuable services they provide.

Before the Balanced Budget Act of 1997, clinical social workers billed Medicare Part B directly for mental health services provided in nursing facilities to each patient they served. Under the new Prospective Payment System, services provided by clinical social workers are lumped, or ''bundled,'' along with the services of other health care providers for the purposes of billing and payments. Psychologists and psychiatrists, however, were exempted from this new system and continue to bill Medicare directly. This bill would exempt clinical social workers, like their mental health colleagues, from the Prospective Payment System, and would make sure that clinical social workers are paid for the services they provide to patients in

skilled nursing facilities. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act addressed some of these concerns, but this legislation would remove the final barrier to ensuring that clinical social workers are treated fairly and equitably for the care they provide.

This bill is about more than paperwork and payment procedures. This bill is about equal access to Medicare payments for the equal and important work done by clinical social workers. And it is about making sure our Nation's most vulnerable citizens have access to quality, affordable mental health care. Without clinical social workers, many nursing home residents may never get the counseling they need when faced with illness or the loss of a loved one. I think we can do better by our Nation's seniors, and I'm fighting to make sure we do.

The Clinical Social Work Medicare Equity Act of 2001 is strongly supported by the National Association of Social Workers and the Clinical Social Work Federation. I look forward to the Senate's support of this important legislation.

By Mr. DURBIN (for himself, Mr. DEWINE, and Mr. FEINGOLD):

S. 1084. A bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I am introducing a bill today, along with Senator DEWINE and Senator FEINGOLD, to cut off the source of income that is fueling horrendous conflicts in Sierra Leone, Angola, and the Democratic Republic of Congo, the illicit trade in conflict diamonds.

The brutal wars in these African Nations may be thousands of miles away, but the source of the funds that buy the weapons may be as close as your ring finger. Our legislation says, if you can't prove to U.S. Customs agents that your diamonds are legitimate, take your business and your diamonds somewhere else.

I am pleased that the diamond industry and the human rights community are united in their support for this bill. They met many times with our staffs to work out a compromise that everyone is enthusiastically supporting.

We can and must do more than look with horror at the pictures of children with missing hands, arms or legs. We must take a strong stand that says to the world that this nation, which purchases 65 percent of the world's diamonds, will not buy the diamonds that fund rebels and terrorists.

American consumers who purchase diamonds for some happy milestone in their lives, like an engagement, wedding, or anniversary, must be assured that they are buying a diamond from a legitimate, legal, and responsible source.

Setting up a system that would allow American consumers to have confidence that they are buying ''clean'' diamonds would also serve our local jewelers and diamond retailers.

It is hard to imagine today that diamonds could become unfashionable, but if consumers associate diamonds with guerrillas who hack off the arms of children, instead of the joyous life events that are now associated with the gemstones, the diamond industry in our country could suffer a sharp decline.

The jewelers in our local malls and downtown shops do not want to support rebels and terrorists in Africa any more than consumers do. This legislation aims to protect our local merchants, as well as cut off funds to African rebels.

I heard from a jeweler in my hometown of Springfield, Illinois, Bruce Lauer, President of the Illinois Jewelers Association, who wrote:

> The use of diamond profits to fund warfare and atrocities in parts of Africa is abhorrent to all of us. The system created by your bill to bar U.S. imports of conflict stones will allow retail jewelers to be confident that the diamonds and diamond jewelry they sell have no part in the violence and suffering that are prevalent in Sierra Leone, Angola, or other conflict areas.
>
> As the owner of Stout & Lauer Jewelers in Springfield, I know first hand the importance of diamonds to my customers. A diamond is a very special purchase symbolizing love, commitment and joy. It should not be tarnished with doubt. . ..We want to be able to assure our customers unequivocally that the diamonds in our stores come from legitimate sources.

What carnage are these conflicts in Africa causing? The photos of maimed and mutilated men, women, and children in Sierra Leone are the most visible results of the terror tactics by the Revolutionary United Front, RUF. This rebel group has also used murder and rape, pressed children into becoming soldiers, and caused a mass movements of refugees as people flee the terror. The Congressional Research Service has released some conflict-related statistics for the Sierra Leone, Angola, and the Democratic Republic of Congo. I would like to repeat some of them for the Record: Out of a population of more than 5 million people, there are approximately 490,000 refugees from Sierra Leone in neighboring countries and anywhere from 500,000 to 1.3 million internally displaced people. Estimates of the numbers of people who have died in the conflict range from 20,000 to 50,000. More than 5,000 children have fought in direct combat roles, with 5,000 more used in supporting roles. There are no figures on how many people lost limbs or were otherwise mutilated, but World Vision reports that there are 2,000 amputees in just one camp in Freetown.

In the long conflicts in Angola and Democratic Republic of Congo, DRC, diamonds have been a contributing factor. The United Nations recently issued a report showing that the conflict in the DRC has become increasingly resource driven, as parties illegally exploit diamonds and other mineral wealth, including tantilite, the mineral now in high demands for cell phones and other electronic devices.

Last year the United States worked with the international community and the diamond industry to stem the flow of conflict diamonds. The United Nations has taken action to ban the conflict diamond trade and recommended that a ''simple and workable international certification scheme for rough diamonds be created.''

The United States also participated in May 2000 in the Technical Forum on Diamonds, which became known as the ''Kimberley Process'' after the city in South Africa where the group met, along with representatives from other countries, the diamond industry, and non-governmental organization. The group recommended the establishment of an international export regime like the one set up in the bill I introduce today. However, since that time negotiations on setting up such a system have slowed. I believe that this bill will help spur action to complete negotiations and set up a system to track and certify diamond exports.

The bill that I am introducing today with Senator DEWINE and Senator FEINGOLD is similar to H.R. 918, introduced by Congressman TONY HALL and Congressman FRANK WOLF in the House. But our bill also incorporates some changes that represent a compromise that the diamond industry and the human rights community were able to come together to support. The bill was also written to be compliant with US obligations in the World Trade Organization, WTO.

Among other provisions, the bill does the following: The bill requires diamond imports—including rough, polished, and jewelry—to come from a ''clean stream'' and spells out the details of this system (which may be superceded by an international agreement if the United States is a party to it). Implementation of any system shall be monitored by US agencies and a presidential advisory commission, which include human rights advocates and representatives of the diamond industry.

Violators will be subject to civil and criminal penalties, including confiscation of contraband. Significant violators' US assets may be blocked. Proceeds from penalties and the sale of diamonds seized as contraband shall be used to help war victims, through humanitarian relief and micro-credit development projects.

Diamond-sector projects in countries that fail to adopt a system of controls

shall not be eligible for loan guarantees or other assistance of the US Export-Import Bank or OPIC.

The bill provides waiver authority to the President under limited circumstances, and spells out the process for determining them under what limited conditions, the President may delay applicability of the law to a ''cooperating'' country. In issuing such a waiver, the President must report to Congress on that country's progress toward establishing a system of controls and concluding an international agreement. Criteria for determining whether a country is cooperating must be developed with public input.

The bill requires no action by the Treasury Secretary or Customs Service that would contradict the United States' obligations to the World Trade Organization, as it finds in a dispute proceeding. If another country successfully challenges the United States at the WTO, Congress intends for the United States to bring its actions into conformity with its WTO obligations.

Both the President and the General Accounting Office are to report as to the system's effectiveness and on which countries are implementing it.

The bill encourages the diamond industry to contribute to financially-strapped African countries that may have difficulty bearing the costs of setting up a system of controls, and authorizes $5 million of assistance from the United States to do the same.

I ask my colleagues to join with us in cosponsoring the bill we introduce today and take a positive step in ending the bloody violence fueled by the sale of conflict diamonds.

By Mr. WELLSTONE:

S. 1085. A bill to provide for the revitalization of Olympic sports in the United States; to the Committee on Commerce, Science, and Transportation.

Mr. WELLSTONE. Mr. President, the foremost responsibility given to the United States Olympic Committee when it was created by Congress is to obtain for this country ''the most competent representation possible in each event of the Olympic Games.'' However, in too many sports, the USOC is decidedly disadvantaged in achieving that goal. A key reason for the USOC's difficulty is that our colleges and universities are eliminating many of their teams in those sports each year. Colleges and universities have been the traditional route to participation in the Olympic Games in these non-revenue sports, but many of America's prospective participants in the Olympic Games are having opportunities blocked as these programs disappear.

As a former college wrestler and someone who continues to follow that sport closely at the high school and college levels, I have noticed as wrestling programs have been discontinued by colleges and universities at a high rate in recent years. Too often, this occurs through a process that leaves student-athletes with few options if they want to continue wrestling at another institution. As a result of my concerns about wrestling, the sport I know best, I worked with now-Speaker of the House DENNIS HASTERT to include in the 1998 reauthorization of the Higher Education Act a study by the General Accounting Office on patterns in the addition and discontinuation of athletic teams at 4-year colleges and universities. The study investigated the forces that lead to team additions and discontinuations, as well as the processes through which discontinuations have occurred. The report from that GAO study was recently released. It both reaffirms what Speaker HASTERT and I already knew about the state of college-level wrestling. And it demonstrates that wrestling, where 40 percent of teams have been discontinued during the past two decades, is not alone. A number of men's and women's sports have experienced a significant net decline in the number of programs during the same period. There has been a 53-percent decline in the number of women's gymnastics teams, a 10-percent reduction in the number of women's field hockey teams and a 68-percent decline in the number of men's gymnastics programs. Most pertinent is the following fact: 16 of the sports that have lost teams during that period, which is nearly all the sports that have lost teams, are Olympic sports. In light of the Congressional directive contained in USOC's authorizing legislation, a federal response is warranted.

Guided by the findings of the recent GAO report, the bill that I introduce today, the Olympic Sports Revitalization Act, seeks to counteract the problems faced by these 16 sports, plus three emerging women's sports. The first group of 16 sports consists of the following: women's gymnastics, women's and men's fencing, women's field hockey, women's and men's archery, women's badminton, men's wrestling, men's tennis, men's gymnastics, men's rifle/shooting men's outdoor track, men's swimming, men's skiing, men's ice hockey, and men's water polo. Also covered are the three emerging women's sports: synchronized swimming, team handball, and equestrian. The bill would assist in developing a competitive American Olympics program that spans the spectrum of high- and low-profile sports. Because there is no single, shared reason that each of these sports has faced difficulty in recent years, the bill has four sections, each of which seeks to address an obstacle to their vitality in the United States.

First, the GAO report indicates that in some cases, declining interest in the sports is a key factor in decisions by colleges and universities to eliminate their programs. We know that those who will go on to become Olympians realize their talent and passion for their sport at any early age which means they need to become interested at an early age. Therefore, this bill establishes a grant program to assist local community-based athletic programs in providing opportunities for youngsters to participate in these sports. The bill authorizes funds for the USOC itself and the national governing bodies in the sports covered by the Act to award grants to community athletic organizations to initiate and expand youth sporting opportunities. In particular, it encourages a focus on providing such opportunities in communities where the sport has not traditionally been available as an option for young persons so that the pool of participants in the sport will expand.

Of course, relatively few of the young people that will participant in these programs will ever become Olympians. But aside from building interest in otherwise declining sports, these programs will provide additional benefits for young men and women. My colleague from Alaska, Senator STEVENS, for whom the existing Olympic and Amateur Sport Act is rightly named, has an ongoing commitment to enhancing the physical fitness of Americans. This program offers fitness outlets that can put young people on a path toward lifelong commitment to exercise and all its physical and mental health benefits.

As someone who was given the opportunity to develop personally through the challenge of wrestling, I also know how important involvement in athletics is at an early age in building character. Sports help youngsters develop some of the most important skills for success in life: the ability to think strategically, the courage to overcome fears, and the tact of being a good winner and, yes, a good loser.

I encourage my colleagues to learn more about two existing community sports programs that are exactly the type of locally-controlled endeavors that this grant program is meant to promote. Peter Westbrook grew up in the projects of Newark, New Jersey. He was lucky enough to be introduced to fencing at an early age and by focusing on that sport, he escaped the desperation of the environment in which he came of age. Peter pursued the sport as he became older and he went on to win the Bronze Medal in Men's Sabre at the 1984 Olympics in Los Angeles. Seven years later, he began a non-profit program in New York City dedicated to helping kids in the five boroughs of New York gain access to the benefits that he has as a youngster in fencing. Over the past decade, hundreds of inner-city kids have participated in the program.

Like the Peter Westbrook Foundation, the ''Beat the Streets'' program begun in 1999 in inner-city Chicago is a

model for the grant program to be established by this legislation. ''Beat the Streets,'' a program with which Speaker HASTERT has been involved, focuses on mentoring youngsters who typically would not have access to wrestling training. The youngsters are coached in a number of wrestling techniques, conditioning and nutrition. The program also focuses on developing social and intellectual skills that go beyond the mat. ''Beat the Streets'' has grown throughout Chicago and, working in coalition with the YMCA, its advisory board recently began planning the expansion of that program to other cities around the country. I hope that this legislation can plan a role in the expansion of such an outstanding program.

As I mentioned earlier, three women's emerging sports, that is, Olympic sports that have not traditionally been an option for women in this country—are also covered by the pertinent sections of this Act. That makes sense because the fact that they are not fully established sports means that the USOC faces a particular challenge in developing the most competitive team possible in those sports.

The second section of the Olympic Sports Revitalization Act more direct focuses on ensuring participation in the covered sports during college. It does so by providing funding for scholarships in those sports. College and university athletic programs that have discontinued the non-revenue sports covered by this Act also cite budgetary strains as a frequent reason for those decisions. While the GAO report cites numerous cases where colleagues and universites have successfully maintained existing sports while adding new sports to meet the interests and needs of women athlete, it is important to realize that colleges and universities do face real financial contraints. This portion of the Act would help protect existing non-revenue sports that might otherwise be eliminated. Through this section's provision, the USOC would be authorized to provide 4-year grants of between $25,000 and $50,000 annually to college athletic programs to provide scholarships to student-athletes participating in the sports covered by the Act. At any one school, a limit of three covered program could be grant recipients at any one time. Schools would be required to maintain the sport to continue to receive the grant money. This Olympic Revitalization Scholarship grant program will reinforce the already existing Bart Stupak Olympic Scholarship Program, also in the Higher Education Act, which provides financial assistance to athletes who are actually in training for the Olympic Games.

The bill also seeks to ensure that, as they decide where they will attend college, prospective student-athletes will be able accurately to gauge the relative health of the sports programs at different schools they may be considering. Present law requires that all 4-year colleges and universities with athletic programs report to the Department of Education the number of participants and coaches in all sports, as well as further information regarding funding for their teams. This data, particularly when examined over time, gives an excellent picture of the health of the sport at that college. It also provides insight into the continued vitality of the program during the period that the prospective student-athlete would hope to participate in the sport. The problem is that, while the Department of Education has collected this required data, it is not readily available to the general public. The Olympic Sports Revitalization Act would authorize funds and require that the data over a several year period be posted on the Internet in a usable format so that the student-athletes and those involved in their college decision can have easy access to that information.

Finally, one of the most troubling findings in the GAO report is that student-athletes are, quite often, given no forewarning that their sport is being discontinued by the athletic program. They also have no mechanism by which to appeal that decision. Generally, such decisions by athletic programs go into effect immediately. In addition to defying fairness, this reality means that student-athletes often have their college athletic careers disrupted in a manner that makes it difficult to stay on track for post-college amateur competition. The data in the GAO report indicates that the stories I have heard about the termination of wrestling programs in my home State of Minnesota and around the country are part of a pattern in other similarly situated sports. Therefore, the fourth section of the bill requires that colleges and universities provide written justification for a decision to discontinue a sport to team members. It also requires that a process for appealing the team's termination be established.

We have a responsibility to field ''the most competent representation'' possible in the Olympic games. Just as important, we should do all we can to promote the continued vitality of a set of sports that have proud traditions in our country and that have provided health and character-development benefits for thousands of participants through the years. To quote Pat Zilverberg, a constant guardian of the sport of wrestling in my home state, from his letter supporting this legislation: ''The opportunities to develop athletes and, subsequently, good citizens, are at risk.'' This legislation would play a key role in revitalizing these sports and I strongly encourage its adoption.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 1086. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

Mr. CORZINE. Mr. President, today, along with Senator TORRICELLI, I am introducing legislation, the Clean Ocean and Safe Tourism, COAST, Anti-Drilling Act, to ban oil and gas drilling off the Mid-Atlantic and Northern Atlantic coast.

The people of New Jersey, and other residents of States along the Atlantic Coast, do not want oil or gas rigs anywhere near their treasured beaches and fishing grounds. Such drilling poses serious threats not to our environment, but to our economy, which depends heavily on tourism along our shore.

Until recently, there was no reason to suspect that drilling was even a remote possibility. Since 1982, a statutory moratorium on leasing activities in most Outer Continental Shelf, OCS, areas has been included annually in Interior Appropriations acts. In addition, President George H.W. Bush declared a leasing moratorium on many OCS areas on June 26, 1990 under section 12 of the OCS Lands Act. On June 12, 1998, President Clinton used the same authority to issue a memorandum to the Secretary of the Interior that extended the moratorium through 2012 and included additional OCS areas.

Given the long-standing consensus against drilling in these areas, I was deeply disturbed to discover that on May 31, 2001, the Minerals Management Service released a request for proposals, RFP, to conduct a study of the environmental impacts of drilling in the Mid- and North-Atlantic. The RFP noted that ''there are areas with some reservoir potential, for example off the coast of New Jersey.'' In addition, the RFP explained that the study would be conducted ''in anticipation of managing the exploitation of potential and proven reserves.''

I believe that the RFP was not only inappropriate, but probably illegal, and I was pleased when it was rescinded yesterday. However, I remain concerned about the Administration's policy with respect to offshore drilling. Although some Administration officials have indicated that they support the existing moratoria on offshore drilling, the President's energy plan and this recent proposed study call the Administration's position into question. I have asked the President to clarify his position on this issue, and I hope that he will use his authority to endorse the existing moratoria.

In my view, however, it is time for Congress to act to resolve this question once and for all. That is why I am introducing the COAST Anti-Drilling Act. This bill would permanently ban drilling for oil, gas and other minerals in the Mid- and North-Atlantic.

I look forward to working with my colleagues to enact this important legislation. Doing so would ensure that the people of New Jersey and neighboring States that they need not fear the specter of oil rigs off their beaches.

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. 1086

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 ''Clean Ocean and Safe Tourism Anti-Drilling Act'' or the ''COAST Anti-Drilling Act''.

SEC. 2. PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(p) PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Notwithstanding any other provision of this section or any other law, the Secretary of the Interior shall not issue a lease for the exploration, development, or production of oil, natural gas, or any other mineral in—

''(1) the Mid-Atlantic planning area; or

''(2) the North Atlantic planning area.''.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 52—EXPRESSING THE SENSE OF CONGRESS THAT REDUCING CRIME IN PUBLIC HOUSING SHOULD BE A PRIORITY, AND THAT THE SUCCESSFUL PUBLIC HOUSING DRUG ELIMINATION PROGRAM SHOULD BE FULLY FUNDED

Mr. CORZINE (for himself, Mr. SARBANES, Mr. REED, Mr. CARPER, Mr. SCHUMER, Ms. STABENOW, Mr. DODD, Mr. JOHNSON, Mr. BAYH, Mr. ROCKEFELLER, Ms. COLLINS, Mrs. CLINTON, Ms. SNOWE, Mr. CLELAND, Ms. CANTWELL, Mr. WELLSTONE, Mr. FEINGOLD, Mr. TORRICELLI, and Mr. KERRY) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 52

Whereas while various public housing developments suffer from serious crime problems, many have made significant progress in reducing crime through initiatives funded by the Public Housing Drug Elimination Program (PHDEP);

Whereas PHDEP was first established in 1988 under former President George Bush and the former Secretary of the Department of Housing and Urban Development, Jack Kemp, and has enjoyed strong bipartisan support since its inception;

Whereas PHDEP funds a wide variety of anticrime initiatives, that include—

(1) the employment of security personnel and investigators;

(2) the reimbursement of local law enforcement agencies for additional security;

(3) drug education and prevention, intervention, and treatment programs;

(4) voluntary resident patrols; and

(5) physical improvements designed to enhance security, including fences and cameras;

Whereas PHDEP has successfully enabled housing authorities to work cooperatively with residents, local officials, police departments, community groups, Boys and Girls Clubs, drug counseling centers, and other community-based organizations to develop locally-supported anticrime initiatives;

Whereas the Internet web site of the Department of Housing and Urban Development has stated that the program's ''success is rooted in the fact that the people respond better and become more involved in something they have helped to build'';

Whereas in addition to providing direct funding for anticrime initiatives, PHDEP has helped housing authorities leverage funding from other sources that might otherwise be unavailable, such as funding from local banks, Rotary and Kiwanis Clubs, and private foundations;

Whereas a portion of funding allocated to the PHDEP is also used to reduce crime in privately-owned, publicly assisted housing, and assisted housing on Indian reservations, which also can suffer from serious crime problems;

Whereas the Internet web site of the Department of Housing and Urban Development has pointed out that ''in several of the Nation's largest public housing authorities—largest in terms of unit size—the rate of crime has fallen since the mid-1990's, even though the crime rate in the respective surrounding communities increased. And we know that crime levels in many housing authorities are dropping, in both absolute and percentage terms. These are merely the successes that we can measure. There are many more that are simply immeasurable.'';

Whereas Congress has recognized the success of the PHDEP by increasing program funding from $8,200,000 in fiscal year 1989 to $310,000,000 in fiscal year 2001;

Whereas evicting residents who engage in unlawful activity can help reduce crime, but much of the crime in public housing is perpetrated by nonresidents, and evictions must be supplemented by the more comprehensive anticrime approach supported by the PHDEP;

Whereas public housing authorities could use operating subsidies to fund some anticrime initiatives under applicable law, but those subsidies are based on a formula that does not account for PHDEP eligible activities and are inadequate to fund most of the anticrime initiatives supported by the program, and PHDEP has the added advantage of requiring public housing authorities to develop and implement anticrime plans with the support and participation of residents and local communities, which has proved critical in ensuring the effectiveness of such plans;

Whereas while, as with any program of its size, there have been reports of isolated problems, PHDEP generally has been well run and free of the widespread abuses that have plagued other housing programs in the past, in part because of the broad participation of residents and local communities, and because the program has required housing authorities to provide comprehensive plans before receiving funds, and complete reports on their progress;

Whereas during the process leading to his confirmation, the Secretary of the Department of Housing and Urban Development, Mel Martinez, stated in a written response to a question posed by Senator Jon S. Corzine that, ''HUD's Public Housing Drug Elimination Program, PHDEP, supports a wide variety of efforts by public and Indian housing authorities to reduce or eliminate drug-related crime in public housing developments. Based on this core purpose, I certainly support the program.'';

Whereas PHDEP is critical not only to millions of public and assisted housing residents, most of whom are hard working, law abiding citizens, but also to surrounding communities, residents of which also suffer if neighboring housing developments are plagued with high rates of crime; and

Whereas continued funding of PHDEP would demonstrate that the Nation is serious about maintaining its commitment to reducing the problem of crime in public housing: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) reducing crime in public housing should be a priority; and

(2) the successful Public Housing Drug Elimination Program should be fully funded.

SENATE CONCURRENT RESOLUTION 53—ENCOURAGING THE DEVELOPMENT OF STRATEGIES TO REDUCE HUNGER AND POVERTY, AND TO PROMOTE FREE MARKET ECONOMIES AND DEMOCRATIC INSTITUTIONS, IN SUB-SAHARAN AFRICA

Mr. HAGEL (for himself, Mr. LEAHY, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 53

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This concurrent resolution may be cited as the ''Hunger to Harvest: Decade of Support for Sub-Saharan Africa Resolution''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Despite some progress in recent years, sub-Saharan Africa enters the new millennium with many of the world's poorest countries and is the one region of the world where hunger is both pervasive and increasing.

(2) Thirty-three of the world's 41 poorest debtor countries are in sub-Saharan Africa and an estimated 291,000,000 people, nearly one-half of sub-Saharan Africa's total population, currently live in extreme poverty on less than $1 a day.

(3) One in three people in sub-Saharan Africa is chronically undernourished, double the number of three decades ago. One child out of seven dies before the age of five, and one-half of these deaths are due to malnutrition.

(4) Sub-Saharan Africa is the region in the world most affected by infectious disease, accounting for one-half of the deaths worldwide from HIV/AIDS, tuberculosis, malaria, cholera, and several other diseases.

(5) Sub-Saharan Africa is home to 70 percent of adults, and 80 percent of children, living with the HIV virus, and 75 percent of the people worldwide who have died of AIDS lived in Africa.

(6) The HIV/AIDS pandemic has erased many of the development gains of the past generation in sub-Saharan Africa and now threatens to undermine economic and social progress for the next generation, with life expectancy in parts of sub-Saharan Africa having already decreased by 10–20 years as a result of AIDS.

(7) Despite these immense challenges, the number of sub-Saharan African countries that are moving toward open economies and more accountable governments has increased, and these countries are beginning to achieve local solutions to their common problems.

(8) To make lasting improvements in the lives of their people, sub-Saharan Africa governments need support as they act to solve conflicts, make critical investments in human capacity and infrastructure, combat corruption, reform their economies, stimulate trade and equitable economic growth, and build democracy.

(9) Despite sub-Saharan Africa's enormous development challenges, United States companies hold approximately $12,800,000,000 in investments in sub-Saharan Africa, greater than United States investments in either the Middle East or Eastern Europe, and total United States trade with sub-Saharan Africa currently exceeds that with all of the independent states of the former Soviet Union, including the Russian Federation. This economic relationship could be put at risk unless additional public and private resources are provided to combat poverty and promote equitable economic growth in sub-Saharan Africa.

(10) Bread for the World Institute calculates that the goal of reducing world hunger by one-half by 2015 is achievable through an increase of $4,000,000,000 in annual funding from all donors for poverty-focused development. If the United States were to shoulder one-fourth of this aid burden—approximately $1,000,000,000 a year—the cost to each United States citizen would be one penny per day.

(11) Failure to effectively address sub-Saharan Africa's development needs could result in greater conflict and increased poverty, heightening the prospect of humanitarian intervention and potentially threatening a wide range of United States interests in sub-Saharan Africa.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the years 2002 through 2012 should be declared ''A Decade of Support for Sub-Saharan Africa'';

(2) not later than 90 days after the date of adoption of this concurrent resolution, the President should submit a report to Congress setting forth a five-year strategy, and a ten-year strategy, to achieve a reversal of current levels of hunger and poverty in sub-Saharan Africa, including a commitment to contribute an appropriate United States share of increased bilateral and multilateral poverty-focused resources for sub-Saharan Africa, with an emphasis on—

(A) health, including efforts to prevent, treat, and control HIV/AIDS, tuberculosis, malaria, and other diseases that contribute to malnutrition and hunger, and to promote maternal health and child survival;

(B) education, with an emphasis on equal access to learning for girls and women;

(C) agriculture, including strengthening subsistence agriculture as well as the ability to compete in global agricultural markets, and investment in infrastructure and rural development;

(D) private sector and free market development, to bring sub-Saharan Africa into the global ecomony, enable people to purchase food, and make health and education investments sustainable;

(E) democratic institutions and the rule of law, including strengthening civil society and independent judiciaries;

(F) micro-finance development; and

(G) debt relief that provides incentives for sub-Saharan African countries to invest in poverty-focused development, and to expand democratic participation, free markets, trade, and investment;

(3) the President should work with the heads of other donor countries and sub-Saharan African countries, and with United States and sub-Saharan African private and voluntary organizations and other civic organizations, including faith-based organizations, to implement the strategies described in paragraph (2);

(4) Congress should undertake a multi-year commitment to provide the resources to implement those strategies; and

(5) 120 days after the date of adoption of this concurrent resolution, and every year thereafter, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate Federal departments and agencies, should submit to Congress a report on the implementation of those strategies, including the action taken under paragraph (3), describing—

(A) the results of the implementation of those strategies as of the date of the report, including the progress made and any setbacks suffered;

(B) impediments to, and opportunities for, future progress;

(C) proposed changes to those strategies, if any; and

(D) the role and extent of cooperation of the governments of sub-Saharan countries and other donors, both public and private, in combating poverty and promoting equitable economic development.

Mr. HAGEL. Mr. President, today I am submitting a resolution that expresses the sense of the Senate that the United States should commit itself to fighting hunger and poverty in sub-Saharan Africa, and should demonstrate this commitment through increased financial assistance until the continent's current hunger trends are reversed.

Hunger, poverty and disease are widespread in sub-Saharan Africa. Approximately 291 million individuals in the region, nearly half of the total population, live on less than $1 a day. Thirty-three of the world's 41 heavily indebted poor countries, HIPCs, are in sub-Saharan Africa. The United States and other developed countries can help. We must invest in poverty-focused development, directed towards investments that have proven to be effective in reducing hunger, in the areas of agriculture, health, education, micro-finance, and debt relief. We must support sub-Saharan African countries as they are becoming more democratic and are shaping locally based solutions to hunger and poverty with the participation of civil society and nongovernmental organizations.

The urgency and tragedy of the AIDS pandemic has drawn important attention to the continent of sub-Saharan Africa. As we address the HIV/AIDS pandemic, we must also address hunger. Hunger and health are closely linked: poor people cannot feed themselves adequately, and the resulting malnourishment weakens their bodies' defense against AIDS and other infectious diseases. Poor communities cannot build clinics for AIDS-related education, diagnosis, or treatment, and even if clinics exist, poor and hungry people cannot afford fees for care or medicine. To address HIV/AIDS in sub-Saharan Africa, we must also address the context that promotes this pandemic's spread.

Mr. LEAHY. Mr. President, I am pleased to join with my friend from Nebraska, Senator HAGEL, in submitting this resolution, entitled ''Hunger to Harvest: A Decade of Support for sub-Saharan Africa.'' The Resolution speaks for itself, but I want to make a couple of brief points.

Sub-Saharan Africa today is a region suffering from immense problems, and none more catastrophic than AIDS. Over 25 million people are infected with the AIDS virus, and almost 4 million more people are infected each year. The disease is destroying whole societies in a region that was already the poorest in the world.

Another million people, mostly in sub-Saharan Africa and mostly children, die from malaria each year. Many of these deaths could be prevented with mosquito bed nets that cost a few dollars a piece.

An estimated 2 million people have died from hunger and disease in the Democratic Republic of the Congo during the civil war there, and hardly anyone noticed. There is similar suffering in southern Sudan.

Hunger and poverty are endemic in sub-Saharan Africa, as are violence and corruption. It is beyond tragic that a region with such great potential has been so devastated by corrupt leaders who have robbed their countries' wealth, and fought wars for no other reason than to amass riches and power, wars that have spanned decades and wreaked havoc on their own people.

Yet despite this terrible legacy there are signs of hope. Some countries have emerged from chaos and are beginning to recover. Nigeria is an example. Namibia is another. Still others, like the Democratic Republic of the Congo, are showing tentative but encouraging signs. It is also noteworthy that American companies are increasingly investing in sub-Saharan Africa, investments which today total some $12.8 billion.

These are positive changes that deserve our support, but United States assistance to sub-Saharan Africa is a mere $2 per person per year. We cannot solve Africa's problems, but Bread for the World Institute calculates that great progress could be made in reducing hunger and poverty in Africa with relatively modest increases in international assistance.

This Resolution seeks to focus attention on the urgent needs in sub-Saharan Africa. But it goes further, by requesting the Administration to develop five and ten year strategies for helping to address those needs, in health, education and agriculture, and for promoting free market economies, trade and investment, democracy and the rule of law. With clear strategies, specific goals, the resources to implement them, and benchmarks for measuring results, we can make a difference. We also request the Administration to report on progress in implementing these strategies.

It is my hope that this resolution will lead to a new U.S. approach toward sub-Saharan Africa. As the world's richest, most powerful Nation I believe we can and should do far more to assist the world's poor. But the leaders of the sub-Saharan countries also have a responsibility to support policies that benefit and provide incentives to their people. Those who do, deserve our support.

Finally, I want to thank Bread for the World for its help on the Resolution, and for its life-saving work in sub-Saharan Africa and around the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 807. Mr. HUTCHINSON (for himself, Mr. BOND, Ms. COLLINS, Mr. ALLEN, Mr. NICKLES, Mr. BURNS, and Mr. SMITH, of New Hampshire) proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

SA 808. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1052, supra; which was ordered to lie on the table.

SA 809. Mr. McCAIN proposed an amendment to the bill S. 1052, supra.

TEXT OF AMENDMENTS

SA 807. Mr. HUTCHINSON (for himself, Mr. BOND, Ms. COLLINS, Mr. ALLEN, Mr. NICKLES, Mr. BURNS, and Mr. SMITH of New Hampshire) proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; as follows:

At the end, add the following:

SEC. . DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.''.

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows: ''Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SA 808. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; which was ordered to lie on the table; as follows:

On page 97, between lines 13 and 14, add the following:

SEC. . PROMOTING GOOD MEDICAL PRACTICE.

(a) PROHIBITING ARBITRARY LIMITATIONS OR CONDITIONS FOR THE PROVISION OF SERVICES.—

(1) IN GENERAL.—A group health plan, or a health insurance issuer that is providing health insurance coverage, may not arbitrarily interfere with or alter the decision of the treating physician regarding the manner or setting in which particular services are delivered if the services are medically necessary or appropriate for treatment or diagnosis to the extent that such treatment or diagnosis is otherwise a covered benefit.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting a plan or issuer from limiting the delivery of services to one or more health care providers within a network of such providers.

(3) MANNER OR SETTING DEFINED.—In paragraph (1), the term ''manner or setting'' means the location of treatment, such as whether treatment is provided on an inpatient or outpatient basis, and the duration of treatment, such as the number of days in a hospital. Such term does not include the coverage of a particular service or treatment.

(b) NO CHANGE IN COVERAGE.—Subsection (a) shall not be construed as requiring coverage of particular services the coverage of which is otherwise not covered under the terms of the plan or coverage or from conducting utilization review activities consistent with this subsection.

(c) MEDICAL NECESSITY OR APPROPRIATENESS DEFINED.—In subsection (a), the term ''medically necessary or appropriate'' means, with respect to a service or benefit, a service or benefit which is consistent with generally accepted principles of professional medical practice.

(d) APPLICATION OF SECTION.—This section shall supersede any other provision of this title that conflicts with a provision of this section.

(e) REVIEW.—Failure to meet the requirements of this section shall constitute an appealable decision under subtitle A and a cause of action relating to such shall be deemed to arise by reason of a medically reviewable decision for purposes of section 514(d) of the Employee Retirement Income Security Act of 1974 (as added by section 302(b)).

SA 809. Mr. McCAIN proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE WITH RESPECT TO PARTICIPATION IN CLINICAL TRIALS AND ACCESS TO SPECIALTY CARE.

(a) FINDINGS.—The Senate finds the following:

(1) Breast cancer is the most common form of cancer among women, excluding skin cancers.

(2) During 2001, 182,800 new cases of female invasive breast cancer will be diagnosed, and 40,800 women will die from the disease.

(3) In addition, 1,400 male breast cancer cases are projected to be diagnosed, and 400 men will die from the disease.

(4) Breast cancer is the second leading cause of cancer death among all women and the leading cause of cancer death among women between ages 40 and 55.

(5) This year 8,600 children are expected to be diagnosed with cancer.

(6) 1,500 children are expected to die from cancer this year.

(7) There are approximately 333,000 people diagnosed with multiple sclerosis in the United States and 200 more cases are diagnosed each week.

(8) Parkinson's disease is a progressive disorder of the central nervous system affecting 1,000,000 in the United States.

(9) An estimated 198,100 men will be diagnosed with prostate cancer this year.

(10) 31,500 men will die from prostate cancer this year. It is the second leading cause of cancer in men.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) men and women battling life-threatening, deadly diseases, including advanced breast or ovarian cancer, should have the opportunity to participate in a Federally approved or funded clinical trial recommended by their physician;

(2) an individual should have the opportunity to participate in a Federally approved or funded clinical trial recommended by their physician if—

(A) that individual—

(i) has a life-threatening or serious illness for which no standard treatment is effective;

(ii) is eligible to participate in a Federally approved or funded clinical trial according to the trial protocol with respect to treatment of the illness;

(B) that individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual; and

(C) either—

(i) the referring physician is a participating health care professional and has concluded that the individual's participation in the trial would be appropriate, based upon the individual meeting the conditions described in subparagraph (A); or

(ii) the participant, beneficiary, or enrollee provides medical and scientific information establishing that the individual's participation in the trial would be appropriate, based upon the individual meeting the conditions described in subparagraph (A);

(3) a child with a life-threatening illness, including cancer, should be allowed to participate in a Federally approved or funded clinical trial if that participation meets the requirement of paragraph 2;

(4) a child with a rare cancer should be allowed to go to a cancer center capable of providing high quality care for that disease; and

(5) a health maintenance organization's decision that an in-network physician without the necessary expertise can provide care for a seriously ill patient, including a woman battling cancer, should be appealable to an independent, impartial body, and that this same right should be available to all Americans in need of access to high quality specialty care.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on June 28, 2001, in SD–106 at 9 a.m. The purpose of this hearing will be to discuss the next Federal farm bill.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has scheduled a hearing to receive testimony on proposed amendments to the Price-Anderson Act (Subtitle A of Title IV of S. 388; Subtitle A of Title I of S. 472; Title IX of S. 597) and nuclear energy production and efficiency incentives (Subtitle C of Title IV of S. 388; and Section 124 of S. 472).

The hearing will take place on Tuesday, June 26, at 9:30 a.m. in Room 366 of the Dirksen Senate Office Building.

Those wishing to submit written statements on the legislation should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510.

For further information, please call Sam Fowler at 202/224–7571.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has scheduled a hearing on science and technology studies on climate change.

The hearing will take place on Tuesday, June 28, at 9:30 a.m. in Room 366 of the Dirksen Senate Office Building.

Those wishing to submit written statements on the legislation should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510.

For further information, please call Shirley Neff at 202/224–6689 or Jonathan Black at 202/224–6722.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 27, at 10:30 a.m., in SR–301, Russell Senate Office Building, to receive testimony from the U.S. Commission on Civil Rights regarding its latest report on the November 2000 election and from other witnesses on election reform in general.

For further information regarding this hearing, please contact Kennie Gill at the Rules Committee on 224–6352.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, June 28, at 10 a.m., in SR–301, Russell Senate Office Building, to receive testimony from Members of the House of Representatives on election reform.

For further information regarding this hearing, please contact Kennie Gill at the Rules Committee on 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 21, 2001, at 9 a.m., in open session to receive testimony on the defense strategy review.

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

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 21, 2001, to conduct a hearing on the nomination of Ms. Angela M. Antonelli, of Virginia, to be Chief Financial Officer of the Department of Housing and Urban Development; Ms. Jennifer Dorn, of Nebraska, to be Federal Transit Administrator; and Mr. Ronald A. Rosenfeld, of Maryland, to be President of the Government National Mortgage Association.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Commerce, Science,and Transportation be authorized to meet on Thursday, June 21, 2001, at 10:00 a.m. on International Trade.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. EDWARDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized meet during the session of the Senate on Thursday, June 21 at 9:00 a.m. to conduct an oversight hearing. The committee will receive testimony to consider national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price, (Part II).

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

COMMITTEE ON FINANCE

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Finance be authorized to meet during the Session of the Senate on Thursday, June 21, 2001, to hear testimony regarding the nominations of William Henry Lash, III, to be Assistant Secretary, Department of Commerce; Allen Frederick Johnson, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, Executive Office of the President; Brian Carlton Roseboro, to be Assistant, Department of the Treasury; Kevin Keane, to be Assistant Secretary, Department of Health and Human Services; Wade F. Horn, to be Assistant Secretary, Department of Health and Human Services.

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

COMMITTEE ON FINANCE

Mr. EDWARDS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, June 2,1 2001, to hear testimony regarding Trade Promotion Authority.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Governmental Affairs be authorized to meet on Thursday, June 21, 2001 at 2:30 p.m. for a hearing to consider the nominations of Kay C. James to be Director of the Office of Personnel Management and Othoniel Armendariz to be a Member of the Federal Labor Relations Authority.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Indian Affairs be authorized to meet on June 21, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a hearing to receive testimony on the goals and priorities of the member tribes of the Midwest Alliance of Sovereign Tribes for the 107th session of the Congress.

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

COMMITTEE ON SMALL BUSINESS

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled ''S. 856, Small Business Technology Transfer Program Reauthorization Act of 2001'' on Thursday, June 21, 2001, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building.

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. EDWARDS. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs be authorized to meet during the session of the Senate on Thursday, June 21, 2001 at 9:30 a.m. to hold a nomination hearing as follows:

Nominees:

Mr. William S. Farish, of Texas, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.

Mr. Howard H. Leach, of California, to be Ambassador to France.

The Honorable Alexander Vershbow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador to the Russian Federation.

Additional nominee:

Mr. Anthony Horace Gioia, of New York, to be Ambassador to the Republic of Malta.

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

PRIVILEGES OF THE FLOOR

Mr. EDWARDS. Mr. President, I ask unanimous consent that Dan Munoz, Mahdu Chugh, Elizabeth Field, Beth Cameron, and David Bowen, fellows in Senator KENNEDY's office, be granted the privilege of the floor for the duration of the debate on the Bipartisan Patient Protection Act.

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

Mr. REID. Mr. President, I ask unanimous consent that Dorothy Walsh of Senator BILL NELSON's staff be granted the privilege of the floor during consideration of the bill now before the Senate.

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

Mr. REID. Mr. President, I ask unanimous consent that Christie Onoda, a Health fellow, and Geoff Moore, an intern in Senator DODD's office, be granted floor privileges for the duration of the debate of the Bipartisan Patients' Protection Act of 2001.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the privilege of the floor be given to Kelly O'Brien Yehl, a detailee on my staff, for the pendency of the debate on S. 1052, the Bipartisan Patient Protection Act.

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

ORDERS FOR FRIDAY, JUNE 22, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Friday, June 22. I further ask unanimous consent that on Friday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1052, the Patients' Bill of Rights.

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

PROGRAM

Mr. REID. Mr. President, the Senate will convene at 9:30 a.m. tomorrow. There will be 1 hour of closing debate on the McCain clinical trials amendment prior to 10:30, when there will be a vote on or in relation to that amendment. As we have said before, we are going to conclude this important legislation prior to the Fourth of July recess.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. LIEBERMAN). Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:47 p.m., adjourned until tomorrow, June 22, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 2001:

DEPARTMENT OF AGRICULTURE

HILDA GAY LEGG, OF KENTUCKY, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE, VICE CHRISTOPHER A. MCLEAN, RESIGNED.

MARK EDWARD REY, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT, VICE JAMES R. LYONS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MICHAEL MINORU FAWN LIU, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE HAROLD LUCAS, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

JON M. HUNTSMAN, JR., OF UTAH, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE SUSAN G. ESSERMAN, RESIGNED.

DEPARTMENT OF EDUCATION

ROBERT PASTERNACK, OF NEW MEXICO, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION, VICE JUDITH HEUMANN, RESIGNED.

JOANNE M. WILSON, OF LOUISIANA, TO BE COMMISSIONER OF THE REHABILITATION SERVICES ADMINISTRATION, DEPARTMENT OF EDUCATION, VICE FREDERIC K. SCHROEDER, RESIGNED.

THE JUDICIARY

HARRIS L. HARTZ, OF NEW MEXICO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE BOBBY RAY BALDOCK, RETIRED.

MARY ELLEN COSTER WILLIAMS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE SARAH L. WILSON.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL CORPS (MC) AND DENTAL CORPS (DE) UNDER TITLE 10, U.S.C. SECTIONS 624 AND 3064:

To be major

HADASSAH E AARONSON, 0000 MC
JACOB W AARONSON, 0000 MC
DONALD W ALGEO, 0000 MC
JOHN A ALLEN, 0000 MC
MARY S ALVARADO, 0000 MC
NANNETTE ALVARADO, 0000 MC
FELIX ANDARSIO, 0000 MC
WILLIAM P ARCHER JR., 0000 MC
CLETUS A ARCIERO, 0000 MC
RACHEL L BAILEY, 0000 MC
TIKI BAKHSHI, 0000 MC
JEANNIE A BAQUERO, 0000 MC
DANIEL R BARNES, 0000 MC
MARY J BARNES, 0000 MC
SUE E BAUM, 0000 MC
ALEC C BEEKLEY, 0000 MC
HENRY H BELL JR., 0000 MC
MICHAEL J BENSON, 0000 MC
GREGORY M BERNSTEIN, 0000 MC
JAMES D BISE, 0000 MC
PAUL A BLACKWOOD, 0000 MC
JOHN A BOJESCUL, 0000 MC
QUILES M BONET I, 0000 MC
THOMAS P BOYER, 0000 MC
JAMES B BRANCH, 0000 MC
MIGUEL A BRIZUELA, 0000 MC
SCOTT R BROADWELL, 0000 MC
MARK C BROWN, 0000 MC
MICHAEL L BRYANT, 0000 MC
PETER J BUCKLEY, 0000 MC
CHARLES R BURK, 0000 MC
JENNIFER A BURMAN, 0000 MC
CLAUDE A BURNETTE, 0000 MC
GRANT M BUSSEY, 0000 MC
RAJ C BUTANI, 0000 MC
BENJAMIN B CABLE, 0000 MC
JEFFREY S CAIN, 0000 MC
TERRY E CALLISON, 0000 DE
DAVID P CAPELLI, 0000 MC
MICHELLE A CARR, 0000 MC
WARNER W CARR, 0000 MC
KIMMIE L CASS, 0000 MC
PAMELA W CASSON, 0000 MC
RONALD P CERUTI, 0000 MC
ANNE L CHAMPEAUX, 0000 MC
AUSTIN H CHHOEU, 0000 MC
DEEPTI S CHITNIS, 0000 DE
CHRISTINE M CHOI, 0000 MC
YONG U CHOI, 0000 MC
BRYAN L CHRISTENSEN, 0000 MC
CHARLES L CLARK, 0000 DE
MICHAEL E CLICK, 0000 MC
JOHN J COAKLEY, 0000 MC
MICHAEL I COHEN, 0000 MC
CHARLES A COLE, 0000 MC
MARTHA E COLGAN, 0000 MC
KYLE O COLLE, 0000 MC
JOHN D COMPLETO, 0000 MC
BRANDON A CONKLING, 0000 MC
JIMMY L COOPER, 0000 MC
MARK J COSSENTINO, 0000 MC
CORY N COSTELLO, 0000 MC
DANIEL J COSTIGAN, 0000 MC
MICHEL A COURTINES, 0000 MC
EUGENE D COX, 0000 MC
JEFFREY C CRAIG, 0000 MC
JEFFREY G CROWELL, 0000 MC
WILLIAM P CRUM, 0000 MC
KEVIN J CUCCINELLI, 0000 MC
KWAN D DANCE, 0000 MC
VANESSA D DANCE, 0000 MC
ALAN W DAVIS, 0000 MC
KELLY L DAWSON, 0000 MC
MICHAEL DEGAETANO V, 0000 MC
WILLIAM S DEITCHE, 0000 MC
NANCY C DEVINE, 0000 MC
VICTOR A DEWYEA, 0000 MC
ART M DIAZ, 0000 MC
RENEE L DODGE, 0000 MC
CHRISTOPHER B DOEHRING, 0000 MC
KEVIN M DOUGLAS, 0000 MC
TIMOTHY J DOWNEY, 0000 MC
GARY J DROUILLARD, 0000 MC
TIM D DUFFY, 0000 MC
PETER M DUNAWAY, 0000 MC
DANIEL D DUNHAM, 0000 DE
SHERRI L DUNKELBERGER, 0000 MC
THOMAS E DYKES, 0000 MC
JOHN T EANES II, 0000 MC
RANDY L ECCLES, 0000 MC
THOMAS G ECCLES III, 0000 MC
JOHN A EDWARDS, 0000 MC
KURT D EDWARDS, 0000 MC
ALEX EKE, 0000 DE
ERIC E ELGIN, 0000 MC
CHRISTOPHER J EMERY, 0000 MC
EDWARD I ENGLE, 0000 MC
THOMAS P ENYART, 0000 MC
MARK W FAGAN, 0000 DE
VIRGINIA M FARROW, 0000 DE
KEVIN M FEBER, 0000 MC
MINELA FERNANDEZ, 0000 MC
CHRISTOPHER A FINCKE, 0000 MC
KURT B FLECKENSTEIN, 0000 DE
JOSEPH M FLYNN, 0000 MC
ANDREW C FORGAY, 0000 MC
DANIEL W FRANKS, 0000 MC
JASON A FRIEDMAN, 0000 MC
GEOFFREY M GABRIEL, 0000 MC
MANUEL J GALVEZ, 0000 MC
GEORGE D GARCIA, 0000 MC
DANIEL G GATES, 0000 MC
RENATO A GERALDE, 0000 MC
THOMAS L GILLESPIE, 0000 MC
CHRISTINA M GIRARD, 0000 MC
STEPHEN P GIRDLESTONE, 0000 DE
GEORGE R GOODWIN JR., 0000 MC
GEOFFREY G GRAMMER, 0000 MC
MARIA L GRAPILON, 0000 MC

SHARETTE K GRAY, 0000 MC
JEFFERY P GREENE, 0000 MC
TIMOTHY J GREGORY, 0000 MC
BRIAN C GRIFFITH, 0000 MC
TIMOTHY F HALEY, 0000 MC
DANIEL J HALL, 0000 MC
ABDOOL R HAMID, 0000 MC
NAOMI R HARMAN, 0000 MC
NANCY A HARPOLD, 0000 MC
JAMES D HARROVER III, 0000 MC
BONNIE H HARTSTEIN, 0000 MC
MATTHEW J HEPBURN, 0000 MC
DAVID S HEPPNER, 0000 MC
JEFFREY M HERMANN, 0000 MC
SHANNON A HEROUX, 0000 MC
MICHAEL A HELWIG, 0000 MC
CHRISTOPHER C HIGHLEY, 0000 MC
MICHAEL W HILLIARD, 0000 MC
JEFFREY D HIRSCH, 0000 MC
MICHAEL C HIRSIG, 0000 MC
PIO P HOCATE, 0000 MC
DARRYL S HODSON, 0000 MC
JEFFREY D HOEFLE, 0000 MC
DEAN H HOMMER, 0000 MC
GARRETT N HOOVER, 0000 MC
DANIEL P HSU, 0000 MC
MATTHEW E HUGHES, 0000 MC
HAROLD E HUNT, 0000 MC
MARC E HUNT, 0000 MC
MEHTAB HUSAIN, 0000 DE
ROBERT E JESCHKE, 0000 MC
DONG L JI, 0000 MC
KARIN A JOHNSON, 0000 MC
BONITA L JONES, 0000 MC
DAVID P JONES, 0000 MC
THOMAS K JOSEPH, 0000 MC
BASIM M KAHLEIFEH, 0000 MC
CHRISTOPHER S KANG, 0000 MC
KEITH J KAPLAN, 0000 MC
NINA J KARLIN, 0000 MC
DAVID E KATZ, 0000 MC
JEFFREY A KAZAGLIS, 0000 MC
DAVID M KEADLE, 0000 MC
RAY D KELLEY, 0000 MC
WILLIAM F KELLY, 0000 MC
DAVID J KERSBERGEN, 0000 MC
TODD S KESSLER, 0000 MC
AYESHA S KHAN, 0000 DE
JAMES Y KIM, 0000 MC
TODD S KIMURA, 0000 DE
BOOKER T KING, 0000 MC
KEVIN KIRK, 0000 MC
ALLAN K KIRKLAND, 0000 MC
JON F KNICKREHM, 0000 MC
BERNARD J KOPCHINSKI, 0000 MC
JOSEPH F KOSINSKI, 0000 MC
TONYA M KRATOVIL, 0000 MC
STEVEN W KRAUSE, 0000 MC
GREGORY T KRIEBEL, 0000 MC
TIMOTHY A KUHLMAN, 0000 DE
KEVIN J KULWICKI, 0000 MC
DOUGLAS D LANCASTER, 0000 DE
ANDREW L LANDERS, 0000 MC
KIMBERELYN J LANGLEY, 0000 MC
CHERYL L LEDFORD, 0000 MC
WILLIAM LEFKOWITZ, 0000 MC
ERIC J LESCAULT, 0000 MC
ROBERT B LIM, 0000 MC
CHRISTOPHER T LITTELL, 0000 MC
CRAIG A LOERZEL, 0000 MC
WILLIAM H LOGAN III, 0000 DE
JAMIE P LOGGINS, 0000 MC
VINH D LUU, 0000 MC
EMMANUEL C MADUAKOR, 0000 MC
CHRISTOPHER B MAHNKE, 0000 MC
RICHARD G MALISH, 0000 MC
WILLIAM T MANGANARO, 0000 DE
UMESH S MARATHE, 0000 MC
KENNETH L MARQUARDT, 0000 DE
CHRISTOPHER R MARTIN, 0000 MC
CHRISTOPHER J MATHEWS, 0000 MC
CARLA MAXWELL, 0000 DE
BRYCE C MAYS, 0000 MC
JOHN P MAZA, 0000 MC
JAMES S MCCLELLAN JR., 0000 MC
GERALD MCFADDEN JR., 0000 DE
MICHAEL H MCGHEE, 0000 MC
ROBERT E MCKITTRICK, 0000 MC
SHEILLA D MCNEAL, 0000 MC
RENE F MELENDEZ, 0000 MC
MARSHALL C MENDENHALL, 0000 MC
DAVID E MENDOZA, 0000 MC
RANDALL M MEREDITH, 0000 MC
JERRY A MICHEL, 0000 MC
CURT A MISKO, 0000 MC
TIMOTHY W MOON, 0000 MC
VINCENT P MOORE, 0000 MC
BROOKS G MORELOCK, 0000 MC
ZAMORA T MORRIS, 0000 DE
DAN S MOSELY III, 0000 MC
ERIC R MUELLER, 0000 MC
BRIAN P MULHALL, 0000 MC
CLINTON K MURRAY, 0000 MC
ANGELA G MYSLIWIEC, 0000 MC
VINCENT MYSLIWIEC, 0000 MC
JOHN J NAPIERKOWSKI, 0000 MC
BRIAN L NESS, 0000 MC
TERRY D NEVILLE, 0000 MC
NATALIE Y NEWMAN, 0000 MC
ROBERT J NEWSOM, 0000 MC
CHRISTOPHER J NILES, 0000 MC
ROBERT E NOLAND, 0000 MC
JOHN J OCONNELL III, 0000 MC
KATHRYN R ODONNELL, 0000 MC
FELIX O ODUWA, 0000 MC
RICHARD W OH, 0000 MC
JUAN E PALACIO, 0000 MC
MARK P PALLIS, 0000 MC
NICHOLE A PARDO, 0000 MC
JASON D PARKER, 0000 MC
STEVE E PARKER, 0000 MC
GARRETT H PEARD, 0000 MC
MICHAEL A PELZNER, 0000 MC
JODI L PETERSON, 0000 MC
SHEAN E PHELPS, 0000 MC
BEN K PHILLIPS, 0000 MC
JUAN S PICO, 0000 MC
ROBERT C PIOTROWSKI, 0000 MC
AARON C PITNEY, 0000 MC
DASH M PORTER, 0000 MC
MARK B POTTER, 0000 MC
THOMAS L POULTON, 0000 MC
MICHELE A PURVIS, 0000 MC
REAGAN W QUAN, 0000 MC
KRISTOFER A RADCLIFFE, 0000 MC
JOHN P REINSCHMIDT, 0000 MC
JENNIFER B REYNARD, 0000 MC
LEONARD O RICE, 0000 MC
STEPHEN K RITTENHOUSE, 0000 MC
TZVI ROBBINS, 0000 MC
ACEVEDO F ROBLES, 0000 MC
SARAH A RODRIGUEZ, 0000 MC
JONATHAN D ROEBUCK, 0000 MC
RICHARD ROLLER, 0000 MC
CHRISTOPHER J SALGADO, 0000 MC
PAUL C SAMUNDSEN, 0000 MC
VERONICA SANTEE, 0000 MC
SAMUAL W SAUER, 0000 MC
ALAN D SBAR, 0000 MC
DAVID C SCHLENKER, 0000 DE
STEPHEN J SCHUERMANN, 0000 MC
HARRIETT E SEARCY, 0000 MC
MICHAEL J SEBESTA, 0000 MC
HYET L SETTLEMOIR, 0000 MC
AMOL J SHAH, 0000 MC
KEVIN J SHAW, 0000 MC
DAWN R SHEPPARD, 0000 MC
CATHERINE A SHERIDAN, 0000 MC
ERIC A SHRY, 0000 MC
DANIEL K SHUMAN, 0000 MC
DAVID P SIMON, 0000 MC
NITEN N SINGH, 0000 MC
CHAD M SISK, 0000 MC
JAMES F SLAUGHENHAUPT I, 0000 MC
ERIC L SMITH, 0000 MC
MARSHALL H SMITH, 0000 MC
HARLAN L SOUTH, 0000 MC
CHRISTOPHER R SPENCE, 0000 MC
DENNIS R SPENCER, 0000 MC
TRISTANNE SPOTTSWOOD, 0000 DE
JULIAN T ST, 0000 MC
TRENT D STERENCHOCK, 0000 MC
TRACY K STEVENS, 0000 MC
DEREK J STOCKER, 0000 MC
KENNETH E STONE, 0000 MC
RICK L STRICKROOT, 0000 MC
PHILIP S SUH, 0000 MC
RYUNG SUH, 0000 MC
KEITH D SUMEY, 0000 MC
MARK A SUMMERS, 0000 MC
GLENN P SWANEY, 0000 MC
CHRISTOPHER W SWIECKI, 0000 MC
JOEL T TANAKA, 0000 MC
JONATHAN B TAYLOR, 0000 MC
DARRYL B THOMAS, 0000 MC
STEPHEN J THOMAS, 0000 MC
MARCEL D THOMPSON, 0000 MC
GERARD R TIFFAULT, 0000 MC
ROCK G TIFFAULT, 0000 MC
MARK TRAWINSKI, 0000 MC
DANIEL L TREBUS, 0000 DE
JULIE A TULLBERG, 0000 MC
STEVEN R TURNER, 0000 DE
JOHN M TYLER, 0000 MC
JOHN R TYLER, 0000 MC
WALTER Y UYESUGI, 0000 MC
NELSON G UZQUIANO JR., 0000 MC
DAVID T VANSON, 0000 MC
VERONICA L VENTURA, 0000 MC
BRIAN K VICKARYOUS, 0000 MC
NICHOLAS J VIETRI, 0000 MC
SALVADOR E VILLANUEVA, 0000 MC
MATTHEW J VREELAND, 0000 MC
CHARLES D WADSWORTH, 0000 MC
ROXANNE E WALLACE, 0000 MC
MATTHEW G WEEKS, 0000 MC
STEVEN Y WEI, 0000 MC
ERIC D WEICHEL, 0000 MC
MICHELLE D WELCH, 0000 MC
LORYKAY W WHEELER, 0000 MC
KEVIN R WHITNEY, 0000 MC
MARK A WIECZOREK, 0000 DE
ROBERT J WILLARD, 0000 MC
DENNIS T WILLIAMS, 0000 MC
KAREN A WILLIAMS, 0000 MC
MYREON WILLIAMS, 0000 MC
CARLOS R WISE, 0000 MC
DAVID W WOLKEN, 0000 MC
JASON T WURTH, 0000 MC
JOHN R YELTON, 0000 MC
GIA K YI, 0000 DE
DAVID A YOUNG, 0000 MC
SANG W YUM, 0000 DE

HOUSE OF REPRESENTATIVES—*Thursday, June 21, 2001*

The House met at 10 a.m.

The Reverend Paul A. Stoot, Sr., Pastor, Greater Trinity Missionary Baptist Church, Everett, Washington, offered the following prayer:

O Lord our God, if ever we needed Thy wisdom and Thy guidance, it is now as this honorable body of great men and women begin a new day, a day that will hold many opportunities and many possibilities.

We pray that You will bless these men and these women who have been chosen by the great people of this great Nation, for You know them and You know their needs, You know their motives and their hopes and their fears. Lord Jesus, put Your arms around them and give them strength and speak to them to give them wisdom greater than their own. May they hear Your voice as You speak to them and as they seek to hear from You and Your guidance.

May they remember that You are concerned about what is said and what is done here and may they ever have a clear conscience before Thee, that they need fear no man. Bless us each according to our deepest needs as we are here today to use us to Your honor and to Your glory, we humbly ask. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO REVEREND PAUL A. STOOT, SR.

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

Mr. LARSEN of Washington. Mr. Speaker, it is with great pride today that I would like to welcome Pastor Paul Allen Stoop to the House floor and to thank him for that moving prayer.

Providing dynamic leadership, Pastor Stoot founded the Greater Trinity Missionary Baptist Church in Everett, Washington. In this capacity, Pastor Stoot gives much of himself to Everett and to his community each and every day.

Pastor Stoot is not only concerned with those who are presently within the church, but also the well-being of everyone in our community. He does more than preach his faith, he lives it through precept and example. He is always reaching out to those in need, providing spiritual advice and support. When he is not directly serving members of his own church or running Operation Latchkey to help children be averted from dangerous behaviors, he volunteers his time as chaplain for the Everett Police Department for emergency services.

His service to people does not end there. He serves the members of our community with dedication and even remembers the many crew members at the Everett Naval Home Port, who call Everett home for only a short period of time. The men and women stationed there know Pastor Stoot as one of the first faces crew members can count on to welcome them to their new home.

Everett, Washington is indebted to Pastor Stoot for his services and I am honored to have him here today.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces that we will have 1 minutes at the end of the day.

PROVIDING FOR CONSIDERATION OF H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 174 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 174

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with ''*Provided further*,'' on page 89, line 13, through ''participant:'' on line 18. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 174 is an open rule providing for the consideration of H.R. 2217, the Department of Interior and Related Agencies Appropriations Act. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Appropriations. The rule waives all points of order against the bill and waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, prohibiting unauthorized or legislative provisions in an appropriations bill, except as specified in the rule.

The rule provides that the bill shall be considered for amendment by paragraph; it waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI, prohibiting nonemergency designated amendments to be offered on an appropriations bill containing an emergency designation.

Finally, the rule authorizes the Chair to accord priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2217 provides regular annual appropriations for the Department of the Interior, except for the Bureau of Reclamation, and for other related agencies, including the Forest Service, the Department of Energy, the Indian Health Service, the Smithsonian Institution, and the National Foundation for the Arts and the Humanities.

President Bush requested $18.1 billion for the fiscal year, $700 million less than last year's enacted level. The Subcommittee on Interior has allocated $18.9 billion.

I am particularly pleased that the bill includes $200 million for the payment in lieu of taxes, the same level as last year, and $50 million above the President's request. I am also pleased that the committee has increased the level of funding for maintenance and operation of existing Federal facilities, an effort that should receive at least as high a priority as the acquisition of land; at least that is from this Member's perspective.

Mr. Speaker, H.R. 2217 was reported by a voice vote on June 13, 2001, and the Committee on Rules is pleased to report an open rule requested by the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations. I urge my colleagues to support both the rule and the underlying bill, H.R. 2217.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, this is an open rule that I will not oppose. The underlying bill has the support of many from both sides of the aisle and, moreover, the minority was consulted throughout the process of developing this legislation, something all too rare in much of the legislation moving through this body.

I strongly commend the gentleman from New Mexico (Mr. SKEEN), the chairman of the subcommittee, and the gentleman from Washington (Mr. DICKS), the ranking member, for their success in funding of the new Conservation Trust Fund created last year. By including the $1.3 billion authorized for conservation, Congress has kept a promise to expand funding for land acquisition, wildlife protection, and other preservation and conservation programs. My constituents in upstate New York will also be pleased by the committee's inclusion of a $120 million increase for weatherization and State energy programs to insulate homes, schools, and hospitals, money that is sorely needed.

But yesterday, the Committee on Rules, in what is becoming an annual act of hubris, failed to allow for restoration of some of the unwise cuts made 6 years ago in funding for the agencies responsible for the country's small but critically important arts and humanities education and preservation efforts.

The bill funds the National Endowment for the Arts at $105 million, a level still 40 percent below the 1995 funding level. The National Endowment for the Humanities, NEH, is funded at $120 million, 30 percent below the level of 1995, and these levels fundamentally ignore the successful efforts by both NEA and NEH to broaden the reach of their programs and eliminate controversial programs, the two ''reforms'' that were requested by the majority when they reduced funding in 1995. It is time to recognize the success of these reforms and give these agencies the resources they need to meet this critical need.

This is penny-wise and pound-foolish. The National Endowment for the Arts is essential as part of the important link between education and the arts. The economic benefits we receive are enormous compared to our small investment in the NEA.

□ 1015

Moreover, the public supports continued funding for the NEA because NEA grants affect every congressional district. The NEA's budget represents less than one-hundredth of one percent of the Federal budget, and returns $3.4 billion annually to the Federal treasury.

The arts support at least 1.3 million jobs, and the nonprofit arts industry alone generates $36.8 billion annually in economic activity, a large return for our small investment, not what we usually get. In addition, the arts produce $790 million in local government revenue, and $1.2 billion in State revenue.

Members may recall our efforts last year on the floor to increase funding for the arts and humanities. Members voted to increase the funding for the arts, but a few minutes later the vote was essentially overturned when the savings were diverted to another account which came up earlier in the reading of the bill.

Yesterday, the Committee on Rules could easily have prevented similar gamesmanship by allowing me to move forward with these amendments under an en bloc procedure. This would have provided Members with an up-or-down vote on arts funding. Instead, I will be compelled to offer offsets and amendments that run the risk of procedural attacks by opponents of the arts and humanities.

The minority members of the Committee on Rules, as well as my colleagues and the majority of the American people who support funding for the arts and humanities, deserve far better.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I would like to enter into a colloquy with the distinguished chairman of the subcommittee.

First, let me thank the chairman for his attention and detail to salmon recovery efforts and hatchery reform efforts included in the fiscal year 2002 appropriations bill.

While these items are terribly important for the entire Pacific Northwest, there are a couple of additional items important to central Washington in my district, and I hope to see them addressed in the conference. One issue involves noxious weed funding in the Forest Service budget, and the other is related to ground water research in the USGS agency in regards to the Methow Valley.

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

Mr. HASTINGS of Washington. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Speaker, I appreciate the gentleman's kind words, and recognize his support for the projects in the legislation.

I assure the gentleman that the subcommittee will work to address his concerns regarding these projects in conference.

Mr. HASTINGS. Again, Mr. Chairman, I want to thank the chairman for his efforts on this in his very first Interior appropriations bill. I will certainly provide any assistance I can give and additional information necessary to help him in conference on these two projects.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise in strong support of this bill and rule.

I want to say to my colleague, the gentleman from Washington, I will help him in the conference on the measures that he just mentioned.

I also want to say that I want to applaud the chairman of this committee and the majority and the minority for working to keep the commitment last year in our substitute for CARA. This bill carries with it $1,320 million in conservation spending. I think it is a dramatic step in the right direction.

If Members will remember, last year over 300 House Members voted for CARA, which would have been a 15-year $3 billion program. I offered an amendment with the gentleman from Wisconsin (Mr. OBEY) that was accepted by the majority that would keep this within the purview of the Committee on Appropriations, and to create a trust fund to make sure that these important programs were funded. The majority is working with the minority. We have funded it in the Interior bill, and we hope it will be also funded in the State, Justice, and Commerce bill.

I agree with the gentlewoman from New York (Ms. SLAUGHTER) that we would have hoped that the Committee on Rules might have helped us on a couple of these amendments, but I want to say to my colleagues, we are going to offer an amendment to increase funding for the cultural institutions, $10 million for the National Endowment for the Arts, $3 million for the National Endowment for the Humanities, and $2 million for museum services.

We are taking the money out of administrative expenses. I am confident that if the amendment is approved, we will be able to protect that in conference. So I am enthusiastically supporting this bill. I think we should move ahead and pass the rule on a voice vote and get to the bill.

Mr. Speaker, I rise today in support of the rule providing for consideration of the Fiscal Year 2002 Appropriations bill for the Department of Interior and Related Agencies, despite a denied request to make two amendments in order that were proposed yesterday to the Committee on Rules.

The Minority has been consulted throughout the process of developing this legislation and we believe our views are reflected in many aspects of the bill. While we do not agree with every recommendation and continue to work for improvements in several areas, in balance we believe that this Interior bill is one which Members from both parties can support.

The Minority is particularly pleased with the recommendation for funding of the new Conservation Trust Fund created last year. By including the full $1,320 million authorized for conservation, Congress has kept faith with last year's commitment to significantly expand funding for land acquisition, wildlife protection and other preservation and conservation programs. We are also pleased by the Committee's inclusion of a $120 million increase for weatherization and State energy programs to insulate homes, schools and hospitals. These funds are critical to low income families.

We applaud the Committee's decision to restore many of the unwise cuts proposed by the President in a number of critical areas. This includes approximately $300 million to the Energy Conservation and Fossil Energy research accounts. These funds can significantly ameliorate the energy crisis identified in the President's National Energy Policy. It made no sense to cut these programs when current gasoline prices and electricity problems remind us daily of the need for energy conservation and alternative energy programs.

Although the Committee did not make in order the amendment proposed yesterday, Congresswoman SLAUGHTER and I plan to offer a new amendment today to increase funding for our cultural agencies. The amendment would provide $10 million for the National Endowment for the Arts, $3 million for the National Endowment for the Humanities, and $2 million for the Institute for Museum and Library Services offset by small reductions in administrative costs at the Department of the Interior and the Department of Agriculture. We had originally planned to offset these amounts through a deferral of excess clean coal funds as we did last year. Unfortunately the Rules Committee did not waive the rule to allow this. Instead this amendment makes a very small reduction of less than .3 percent in administrative costs.

Mr. Speaker, I support the rule protecting the bill as reported. It is a clean bill which I intend to support.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SKEEN. 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. 2217, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 174 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2217.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as chairman of the Committee of the Whole, and requests the gentleman from Georgia (Mr. ISAKSON) to assume the chair temporarily.

□ 1021

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. SKEEN).

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

Mr. Chairman, the Interior bill that was reported out of the committee provides a total of $18.9 billion, $86 million above fiscal year 2001. The increase is less than one-half of 1 percent above 2001.

I want to say a few things about this bill. This is a good, bipartisan bill. The committee members worked to put together a good bill for this Congress, and this is a good bill for our States and counties and our programs, with money that will help States, counties, and cities to solve their problems.

This is a good bill for our parks. The bill fulfills President Bush's commitment to our parks, and continues efforts of my good friend and former chairman of the committee, the gentleman from Ohio, Mr. Regula, to the parks.

This is a good bill for wildlife stock and endangered species. There is money for President Bush's landowner incentive program, there is money for critters in this bill. This is a good bill for Indian schools and Indian medical facilities. New hospitals, new clinics, and new schools are funded in this bill. This is a good bill for weatherization programs across the Nation.

Mr. Chairman, this is a good and responsible bill in responding to our Nation's wildfire needs. This is a great bill for those who want to save and bring back the Everglades. This is a good bill for needed energy research.

This bill is also a good bill for those who want to limit the riders on appropriation bills, and this is a good bill for Members who want to pass a noncontroversial bill. Yes, this is basically an Interior bill free from the normal controversies.

I just want to add a few more things. This bill is $791 million above the President's request, but only $86 million above this year's budget. This increase is easy to explain. We have put back $164 million for critical wildfire needs. We put back $87 million in cuts for the U.S. Geological Survey. We put back $15 million for the payment in lieu of taxes, known as PILT, the PILT program that goes to our counties. We have put back $294 million to restore energy research programs requested by over 200 Members in the House.

We put in $64 million in the conservation category to fulfill the promises we made in last year's appropriation bill.

We put in a $50 million increase for Indian hospitals and clinics, and construction and maintenance needs.

I want to take a minute to express my sincere and lasting thanks to the ranking member of the full committee, the gentleman from Wisconsin (Mr. OBEY), for his help on this bill, and the help of the ranking subcommittee member, my good friend, the gentleman from Washington (Mr. DICKS). They have all worked with me boldly and in the spirit of bipartisan cooperation.

I thank their staff also, especially Mike Stephens and Leslie Turner, who spent countless hours with the majority's staff working out problems.

I thank, Mr. Chairman, the gentleman from Florida (Mr. YOUNG), for his support in the first year of my chairmanship of this committee.

I also want to thank the majority staff, who have stepped up to help me during this transition period as a new chairman. Deborah Weatherly, Loretta Beaumont, Joel Kaplan, Chris Topik, Casey Stealer, and Andria Oliver have all chipped in to help me through this first year. Also to Jim Hughes, from my personal staff, a special thanks. Their knowledge and ability to work with both sides of the aisle and their professionalism is a credit to the House of Representatives.

Mr. Chairman, I include for the RECORD a table detailing the various accounts in the bill.

The table referred to is as follows:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217)
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	733,116	734,312	739,711	+6,595	+5,399
Emergency appropriations	17,134			-17,134	
Conservation		26,000	29,000	+29,000	+3,000
Total, Management of lands and resources	750,250	760,312	768,711	+18,461	+8,399
Wildland fire management:					
Preparedness	314,712	280,807	280,807	-33,905	
Fire suppression operations	109,865	161,424	161,424	+51,559	
Other operations	9,978	216,190	258,575	+248,597	+42,385
Contingent emergency appropriations	542,544			-542,544	
Total, Wildland fire management	977,099	658,421	700,806	-276,293	+42,385
Central hazardous materials fund	9,978	9,978	9,978		
Construction	16,823	10,976	11,076	-5,747	+100
Payments in lieu of taxes	199,560	150,000	150,000	-49,560	
Conservation			50,000	+50,000	+50,000
Total, Payments in lieu of taxes	199,560	150,000	200,000	+440	+50,000
Land acquisition	56,545			-56,545	
Conservation		47,686	47,686	+47,686	
Oregon and California grant lands	104,038	105,165	105,165	+1,127	
Range improvements (indefinite)	10,000	10,000	10,000		
Service charges, deposits, and forfeitures (indefinite)	7,484	8,000	8,000	+516	
Miscellaneous trust funds (indefinite)	12,405	11,000	11,000	-1,405	
Total, Bureau of Land Management	2,144,182	1,771,538	1,872,422	-271,760	+100,884
Appropriations	(1,584,504)	(1,697,852)	(1,745,736)	(+161,232)	(+47,884)
Conservation		(73,686)	(126,686)	(+126,686)	(+53,000)
Emergency appropriations	(17,134)			(-17,134)	
Contingent emergency appropriations	(542,544)			(-542,544)	
United States Fish and Wildlife Service					
Resource management	800,330	779,752	809,852	+9,522	+30,100
Emergency appropriations	6,486			-6,486	
Conservation		27,000	30,000	+30,000	+3,000
Total, Resource management	806,816	806,752	839,852	+33,036	+33,100
Construction	62,877	35,849	48,849	-14,028	+13,000
Emergency appropriations	8,481			-8,481	
Land acquisition	121,188			-121,188	
Conservation		164,401	104,401	+104,401	-60,000
Landowner incentive program (conservation)			50,000	+50,000	+50,000
Private stewardship grants program (conservation)			10,000	+10,000	+10,000
Cooperative endangered species conservation fund	104,694			-104,694	
Conservation		54,694	107,000	+107,000	+52,306
National wildlife refuge fund	11,414	11,414	11,414		
Conservation			5,000	+5,000	+5,000
Total, National wildlife refuge fund	11,414	11,414	16,414	+5,000	+5,000
North American wetlands conservation fund	39,912			-39,912	
Conservation		14,912	45,000	+45,000	+30,088
Neotropical migratory birds conservation (conservation)			5,000	+5,000	+5,000
Wildlife conservation and appreciation fund	795			-795	
Multinational species conservation fund	3,243	3,243	4,000	+757	+757
State wildlife grants fund	49,890			-49,890	
Conservation			100,000	+100,000	+100,000
Tribal wildlife grants (conservation)			5,000	+5,000	+5,000
Total, United States Fish and Wildlife Service	1,209,310	1,091,265	1,335,516	+126,206	+244,251
Appropriations	(1,194,343)	(830,258)	(874,115)	(-320,228)	(+43,857)
Conservation		(261,007)	(461,401)	(+461,401)	(+200,394)
Emergency appropriations	(14,967)			(-14,967)	
National Park Service					
Operation of the national park system	1,386,190	1,468,499	1,478,336	+92,146	+9,837
Conservation		2,000	2,000	+2,000	
Total, Operation of the national park system	1,386,190	1,470,499	1,480,336	+94,146	+9,837
United States Park Police	77,876	65,260	65,260	-12,616	
National recreation and preservation	59,827	48,039	51,804	-8,023	+3,765
Urban park and recreation fund	29,934			-29,934	
Conservation			30,000	+30,000	+30,000
Historic preservation fund	94,239			-94,239	
Conservation		67,055	77,000	+77,000	+9,945
Construction	295,024	289,802	299,249	+4,225	+9,447
Emergency appropriations	5,288			-5,288	
Conservation		50,000	50,000	+50,000	
Total, Construction	300,312	339,802	349,249	+48,937	+9,447

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000		
Land acquisition and state assistance	215,141			-215,141	
Conservation		557,036	261,036	+261,036	-296,000
Total, National Park Service (net)	2,133,519	2,517,691	2,284,685	+151,166	-233,006
Appropriations	(2,158,231)	(1,871,600)	(1,894,649)	(-263,582)	(+23,049)
Rescission	(-30,000)	(-30,000)	(-30,000)		
Conservation		(676,091)	(420,036)	(+420,036)	(-256,055)
Emergency appropriations	(5,288)			(-5,288)	
United States Geological Survey					
Surveys, investigations, and research	880,106	813,376	875,489	-4,617	+62,113
Emergency appropriations	2,694			-2,694	
Conservation			25,000	+25,000	+25,000
Total, United States Geological Survey	882,800	813,376	900,489	+17,689	+87,113
Minerals Management Service					
Royalty and offshore minerals management	240,526	252,098	252,597	+12,071	+499
Use of receipts	-107,410	-102,730	-102,730	+4,680	
Oil spill research	6,105	6,105	6,105		
Total, Minerals Management Service	139,221	155,473	155,972	+16,751	+499
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	100,580	101,900	102,900	+2,320	+1,000
Receipts from performance bond forfeitures (indefinite)	274	275	275	+1	
Subtotal	100,854	102,175	103,175	+2,321	+1,000
Abandoned mine reclamation fund (definite, trust fund)	201,992	166,783	203,554	+1,562	+36,771
Total, Office of Surface Mining Reclamation and Enforcement	302,846	268,958	306,729	+3,883	+37,771
Bureau of Indian Affairs					
Operation of Indian programs	1,737,378	1,780,486	1,790,781	+53,403	+10,295
Emergency appropriations	1,197			-1,197	
Construction	356,618	357,132	357,132	+514	
Indian land and water claim settlements and miscellaneous payments to Indians	37,443	60,949	60,949	+23,506	
Indian guaranteed loan program account	4,977	4,986	4,986	+9	
(Limitation on guaranteed loans)	(59,551)	(75,000)		(-59,551)	(-75,000)
Total, Bureau of Indian Affairs	2,137,613	2,203,553	2,213,848	+76,235	+10,295
Departmental Offices					
Insular Affairs:					
Assistance to Territories	47,646	41,730	44,569	-3,077	+2,839
Northern Marianas	27,720	27,720	27,720		
Subtotal, Assistance to Territories	75,366	69,450	72,289	-3,077	+2,839
Compact of Free Association	8,726	8,745	8,745	+19	
Mandatory payments	12,000	14,500	14,500	+2,500	
Subtotal, Compact of Free Association	20,726	23,245	23,245	+2,519	
Total, Insular Affairs	96,092	92,695	95,534	-558	+2,839
Departmental management	64,178	64,177	64,177	-1	
Office of the Solicitor	40,108	42,207	45,000	+4,892	+2,793
Office of Inspector General	27,785	30,490	30,490	+2,705	
Office of the Special Trustee for American Indians	82,446	99,224	99,224	+16,778	
Emergency appropriations	27,539			-27,539	
Indian land consolidation pilot	8,980	10,980	10,980	+2,000	
Natural resource damage assessment fund	5,391	5,497	5,497	+106	
Total, Departmental Offices	352,519	345,270	350,902	-1,617	+5,632
General Provisions, Department of the Interior					
Abandoned mine/acid mine drainage (PA)	12,572			-12,572	
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	9,314,582	9,167,124	9,420,563	+105,981	+253,439
Appropriations	(8,733,219)	(8,186,340)	(8,417,440)	(-315,779)	(+231,100)
Conservation		(1,010,784)	(1,033,123)	(+1,033,123)	(+22,339)
Rescissions	(-30,000)	(-30,000)	(-30,000)		
Emergency appropriations	(68,819)			(-68,819)	
Contingent emergency appropriations	(542,544)			(-542,544)	
(Limitation on guaranteed loans)	(59,551)	(75,000)		(-59,551)	(-75,000)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	229,111	234,979	236,979	+7,868	+2,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
State and private forestry	271,854	176,244	173,771	-98,083	-2,473
Conservation		61,585	104,000	+104,000	+42,415
Contingent emergency appropriations	12,473			-12,473	
Emergency appropriations	11,269			-11,269	
Total, State and private forestry	295,596	237,829	277,771	-17,825	+39,942
National forest system	1,297,832	1,314,191	1,326,445	+28,613	+12,254
Emergency appropriations	7,233			-7,233	
Wildland fire management:					
Preparedness	611,143	622,618	616,618	+5,475	-6,000
Fire suppression operations	226,140	321,321	321,321	+95,181	
Other operations		336,410	464,366	+464,366	+127,956
Contingent emergency appropriations	1,042,975			-1,042,975	
Total, Wildland fire management	1,880,258	1,280,349	1,402,305	-477,953	+121,956
Capital improvement and maintenance	517,427	473,230	485,513	-31,914	+12,283
Conservation		50,497	50,000	+50,000	-497
Land acquisition	150,872			-150,872	
Conservation		130,877	130,877	+130,877	
Acquisition of lands for national forests, special acts	1,067	1,069	1,069	+2	
Acquisition of lands to complete land exchanges (indefinite)	233	234	234	+1	
Range betterment fund (indefinite)	3,293	3,290	3,290	-3	
Gifts, donations and bequests for forest and rangeland research	92	92	92		
Management of national forest lands for subsistence uses	5,488	5,488	5,488		
Southeast Alaska economic disaster fund	4,989			-4,989	
Reduction for non-conservation funding		-2,000	-2,000	-2,000	
Conservation (Youth Conservation Corps)		2,000	2,000	+2,000	
Total, Forest Service	4,393,491	3,732,125	3,920,063	-473,428	+187,938
Appropriations	(3,319,541)	(3,487,166)	(3,633,186)	(+313,645)	(+146,020)
Conservation		(244,959)	(286,877)	(+286,877)	(+41,918)
Emergency appropriations	(18,502)			(-18,502)	
Contingent emergency appropriations	(1,055,448)			(-1,055,448)	
DEPARTMENT OF ENERGY					
Clean coal technology:					
Deferral	-67,000			+67,000	
Fossil energy research and development	432,464	449,000	579,000	+146,536	+130,000
Strategic petroleum account (by transfer)	(12,000)			(-12,000)	
Clean coal technology (by transfer)	(95,000)			(-95,000)	
Alternative fuels production (rescission)	-1,000	-2,000		+1,000	+2,000
Naval petroleum and oil shale reserves	1,596	17,371	17,371	+15,775	
Elk Hills School lands fund	36,000	36,000		-36,000	-36,000
(By transfer)			(36,000)	(+36,000)	(+36,000)
Energy conservation	813,442	755,805	940,805	+127,363	+185,000
Biomass energy development (by transfer)	(2,000)			(-2,000)	
Economic regulation	1,996	1,996	1,996		
Strategic petroleum reserve	160,637	169,009	179,009	+18,372	+10,000
(By transfer)	(4,000)			(-4,000)	
Energy Information Administration	75,509	75,499	78,499	+2,990	+3,000
Total, Department of Energy:					
New budget (obligational) authority (net)	1,453,644	1,502,680	1,796,680	+343,036	+294,000
Appropriations	(1,485,644)	(1,468,680)	(1,796,680)	(+311,036)	(+328,000)
Advance appropriations	(36,000)	(36,000)		(-36,000)	(-36,000)
Rescissions	(-1,000)	(-2,000)		(+1,000)	(+2,000)
Deferral	(-67,000)			(+67,000)	
(By transfer)	(113,000)		(36,000)	(-77,000)	(+36,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	2,265,663	2,387,014	2,390,014	+124,351	+3,000
Indian health facilities	363,103	319,795	369,795	+6,692	+50,000
Total, Indian Health Service	2,628,766	2,706,809	2,759,809	+131,043	+53,000
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	14,967	15,148	15,148	+181	
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	4,116	4,490	4,490	+374	
Smithsonian Institution					
Salaries and expenses	386,902	396,200	396,200	+9,298	
Repair, restoration and alteration of facilities	57,473	67,900	67,900	+10,427	
Construction	9,479	30,000	30,000	+20,521	
Total, Smithsonian Institution	453,854	494,100	494,100	+40,246	

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Gallery of Art					
Salaries and expenses	64,638	66,229	68,967	+4,329	+2,738
Repair, restoration and renovation of buildings	10,847	14,220	14,220	+3,373	.....
Total, National Gallery of Art	75,485	80,449	83,187	+7,702	+2,738
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	13,969	15,000	15,000	+1,031	.....
Construction	19,956	19,000	19,000	-956	.....
Total, John F. Kennedy Center for the Performing Arts	33,925	34,000	34,000	+75	.....
Woodrow Wilson International Center for Scholars					
Salaries and expenses	12,283	7,796	7,796	-4,487	.....
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	97,785	98,234	98,234	+449	.....
National Endowment for the Humanities					
Grants and administration	104,373	104,882	104,882	+509	.....
Matching grants	15,621	15,622	15,622	+1	.....
Total, National Endowment for the Humanities	119,994	120,504	120,504	+510	.....
Institute of Museum and Library Services/ Office of Museum Services					
Grants and administration	24,852	24,899	24,899	+47	.....
Challenge America Arts Fund					
Challenge America grants	6,985	6,985	7,000	+15	+15
Total, National Foundation on the Arts and the Humanities	249,616	250,622	250,637	+1,021	+15
Commission of Fine Arts					
Salaries and expenses	1,076	1,274	1,274	+198	.....
National Capital Arts and Cultural Affairs					
Grants	6,985	7,000	7,000	+15	.....
Advisory Council on Historic Preservation					
Salaries and expenses	3,182	3,310	3,400	+218	+90
National Capital Planning Commission					
Salaries and expenses	6,486	7,253	7,253	+767	.....
United States Holocaust Memorial Council					
Holocaust Memorial Museum	34,363	36,028	36,028	+1,665	.....
Presidio Trust					
Presidio trust fund	33,327	22,427	22,427	-10,900	.....
Total, title II, related agencies:					
New budget (obligational) authority (net)	9,405,566	8,905,511	9,443,292	+37,726	+537,781
Appropriations	(8,363,616)	(8,626,552)	(9,156,415)	(+792,799)	(+529,863)
Conservation	.....	(244,959)	(286,877)	(+286,877)	(+41,918)
Advance appropriations	(36,000)	(36,000)	.....	(-36,000)	(-36,000)
Emergency appropriations	(18,502)	.....	.....	(-18,502)	.....
Contingent emergency appropriations	(1,055,448)	.....	.....	(-1,055,448)	.....
Rescissions	(-1,000)	(-2,000)	.....	(+1,000)	(+2,000)
Deferral	(-67,000)	.....	.....	(+67,000)	.....
(By transfer)	(113,000)	.....	(36,000)	(-77,000)	(+36,000)
TITLE VII					
United Mine Workers of America combined benefits fund	57,872	.....	.....	-57,872	.....
Grand total:					
New budget (obligational) authority (net)	18,778,020	18,072,635	18,863,855	+85,835	+791,220
Appropriations	(17,154,707)	(16,812,892)	(17,573,855)	(+419,148)	(+760,963)
Conservation	.....	(1,255,743)	(1,320,000)	(+1,320,000)	(+64,257)
Advance appropriations	(36,000)	(36,000)	.....	(-36,000)	(-36,000)
Emergency appropriations	(87,321)	.....	.....	(-87,321)	.....
Contingent emergency appropriations	(1,597,992)	.....	.....	(-1,597,992)	.....
Rescissions	(-31,000)	(-32,000)	(-30,000)	(+1,000)	(+2,000)
Deferral	(-67,000)	.....	.....	(+67,000)	.....
(By transfer)	(113,000)	.....	(36,000)	(-77,000)	(+36,000)
(Limitation on guaranteed loans)	(59,551)	(75,000)	.....	(-59,551)	(-75,000)
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	2,144,182	1,771,538	1,872,422	-271,760	+100,884
United States Fish and Wildlife Service	1,209,310	1,091,265	1,335,516	+126,206	+244,251
National Park Service	2,133,519	2,517,691	2,284,685	+151,166	-233,006
United States Geological Survey	882,800	813,376	900,489	+17,689	+87,113
Minerals Management Service	139,221	155,473	155,972	+16,751	+499
Office of Surface Mining Reclamation and Enforcement	302,846	268,958	306,729	+3,883	+37,771
Bureau of Indian Affairs	2,137,613	2,203,553	2,213,848	+76,235	+10,295

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Departmental Offices	352,519	345,270	350,902	-1,617	+5,632
General Provisions	12,572			-12,572	
Total, Title I - Department of the Interior	9,314,582	9,167,124	9,420,563	+105,981	+253,439
TITLE II - RELATED AGENCIES					
Forest Service	4,393,491	3,732,125	3,920,063	-473,428	+187,938
Department of Energy	1,453,644	1,502,680	1,796,680	+343,036	+294,000
Indian Health Service	2,628,766	2,706,809	2,759,809	+131,043	+53,000
Office of Navajo and Hopi Indian Relocation	14,967	15,148	15,148	+181	
Institute of American Indian and Alaska Native Culture and Arts Development	4,116	4,490	4,490	+374	
Smithsonian Institution	453,854	494,100	494,100	+40,246	
National Gallery of Art	75,485	80,449	83,187	+7,702	+2,738
John F. Kennedy Center for the Performing Arts	33,925	34,000	34,000	+75	
Woodrow Wilson International Center for Scholars	12,283	7,796	7,796	-4,487	
National Endowment for the Arts	97,785	98,234	98,234	+449	
National Endowment for the Humanities	119,994	120,504	120,504	+510	
Institute of Museum and Library Services	24,852	24,899	24,899	+47	
Challenge America Arts Fund	6,985	6,985	7,000	+15	+15
Commission of Fine Arts	1,076	1,274	1,274	+198	
National Capital Arts and Cultural Affairs	6,985	7,000	7,000	+15	
Advisory Council on Historic Preservation	3,182	3,310	3,400	+218	+90
National Capital Planning Commission	6,486	7,253	7,253	+767	
Holocaust Memorial Council	34,363	36,028	36,028	+1,665	
Presidio Trust	33,327	22,427	22,427	-10,900	
Total, Title II - Related Agencies	9,405,566	8,905,511	9,443,292	+37,726	+537,781
TITLE VII					
United Mine Workers of America combined benefits fund	57,872			-57,872	
Grand total	18,778,020	18,072,635	18,863,855	+85,835	+791,220

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

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

Mr. Chairman, first of all, I want to congratulate our new chairman, the gentleman from New Mexico (Mr. SKEEN), on his first bill. He has done an outstanding job. As he has suggested, there has been real collaboration between the majority and minority, both the Members and the staff.

I want to applaud the staff members of the Committee, both the majority and minority, particularly Debbie Weatherly and Mike Stephens and Lesley Turner on my staff. They have worked very hard on this bill, and I think it is an extraordinary bill.

I rise in support of the FY 02 Interior appropriations act. I congratulate again the staff for producing a bill that I think we all can support. The subcommittee bill represents a significant improvement over the President's budget request. Most of the cuts have been restored, and a few very important programs received small increases.

I want to also compliment our majority on the cooperative way the bill was crafted. The minority, as I suggested, was consulted extensively, and the majority went to great lengths to see that most of our concerns were addressed throughout the process.

The most important thing to me in this bill, and to many of my colleagues, is the commitment to the Conservation Trust Fund which was negotiated last year. Under the agreement, conservation spending was nearly doubled in fiscal year 2001 and would gradually increase to fiscal year 2006. This year contains the full $1.32 billion called for under the agreement, but is not a new entitlement. This funding structure enables the committee to prioritize specific conservation programs, such as land acquisition, endangered species recovery, historic preservation, as well as provide grants to States for conservation activities and urban recreation.

This agreement was a careful compromise last year during the final negotiation on this bill when it became apparent that the CARA legislation, which created mandatory spending, was not going to pass the Congress. The conservation spending category is a victory for the country.

I am extremely pleased that this bill fully honors our commitment on a bipartisan basis. While I plan to support the bill today, I do plan to support an amendment that would increase funding to both the National Endowment for the Arts and the National Endowment for the Humanities, and would also give a small increase of funding for the Institute for Museum and Library Services.

The chairman should be commended for his efforts to restore nearly all the cuts to energy research and conservation programs that were proposed by the President. These cuts were unwise, especially given the current energy situation we are facing out West. My State of Washington has seen the impacts of this energy crisis firsthand, and many more States are next.

If the President is as concerned as his public statements suggest, he would welcome this committee's increase in these critical areas.

Aside from some specific program levels, this is a very good bill. The total in the chairman's mark is $18.941 million. This is $814 million over the President's request, and essentially the same level as 2001.

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After adjusting for one-time fire money in 2001, however, the bill provides an increase over the current year of $803 million or 5 percent. This is on top of a 15 percent increase last year for nonfire programs.

There is a $60 million increase for Stateside Land and Water Conservation Fund grants as well as $60 million included for the President's two new private landowner incentive programs, taking that up to about $150 million. This is one of the President's important programs.

We also funded two new private landowner incentive programs proposed by the administration.

Both of the President's two highest priorities in the Department of Energy, the weatherization program, an increase of $120 million, and the Clean Coal Initiative, an increase of $150 million, were provided. This bill also rightly continues the National Park's Services' Save America's Treasures program. This program, started by Mrs. CLINTON during the last administration, has been a success, and has helped restore many historic structures.

I am also pleased that the bill does not contain any objectionable riders like the ones that have threatened the bill in past years.

Again, I compliment the gentleman from New Mexico (Mr. SKEEN) on his first Interior bill. It is a pleasure to work with him and his staff, and I look forward to passing this bill today which I think we can all support.

Mr. Chairman, I see that the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, is here, and the gentleman from Wisconsin (Mr. OBEY); and I want to thank them for their help in helping us move this bill forward.

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

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I want to take a couple of minutes, and I do not want to delay the consideration of this bill, but I want to advise the Members of the good work that was done by the gentleman from New Mexico (Mr. SKEEN), the chairman of the subcommittee.

This was a new assignment for the gentleman because of our term limit situation in the House. He did a really outstanding job, and he had a great partner in the gentleman from Washington (Mr. DICKS), the ranking member of the subcommittee. They worked closely together. They shared information all of the way through the process.

The gentleman from Wisconsin (Mr. OBEY) can speak for himself, but I think we were both pleased when we attended the subcommittee markup and saw what a good bipartisan bill this was.

Mr. Chairman, I urge the Members to help us expedite the consideration of this bill today. It is a good bill. There will be some debate and discussion on a few issues that might stir up some controversy but, all in all, it is a good bill. It is a very good bipartisan bill, and the gentleman from New Mexico and the gentleman from Washington are to be congratulated for the work that they have done.

Mr. DICKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I still am experiencing some laryngitis, but I want to take a moment to comment on this bill.

It is certainly not a perfect bill. And I believe it needs more funding for both arts and energy research and several other programs, but I intend to vote for it.

Mr. Chairman, I want to congratulate the gentleman from New Mexico (Mr. SKEEN) and his staff for handling this bill in the way in which every appropriation bill ought to be handled. Information was made fully available to the minority, and strong efforts were made to work out virtually all differences on the bill. In contrast to nominal bipartisanship, this was a truly bipartisan approach. I think it needs to be recognized in this House when that happens because it does not happen nearly enough, as evidenced by the many bills which come to the floor in a state of high controversy.

Let me also congratulate the committee for adhering to an agreement made last year when the gentleman from Ohio (Mr. REGULA) was chairman.

As Members will recall, a number of groups wanted us to pass a new entitlement for land acquisition called CARA. I strongly favor added funding for land acquisition, but I could see no reason why we should create an additional entitlement which made land acquisition a higher priority than education or health care, for instance. Those are my top priorities.

So the gentleman from Washington (Mr. DICKS) and I worked out with the

gentleman from Ohio (Mr. REGULA) and with the other body on a new agreement under which we essentially doubled conservation funding for a 6-year period, raising what would have been a spending level of about $6 billion over that period to about $12 billion as part of that agreement. We agreed that there would be a $120 million annual ratcheting up of the total amount in the portion of the bill under the jurisdiction of this subcommittee.

That was our way of demonstrating that we could make land acquisition a very high priority, make these conservation items a very high priority without abusing the budget process by creating another entitlement.

Mr. Chairman, I think the committee was extremely wise in rejecting the White House's efforts to change that agreement. We have found the middle ground. We have found common ground on this issue; and if we stick together, we can accomplish a good and noble public purpose without abusing the processes of this Congress. I would hope that as this bill moves through the process, it retains the spirit of this agreement.

I appreciate very much the fact that the committee rejected some of the funding reductions that the White House proposed in parts of these programs and returned to the agreement that was reached last year because that can be sustained, in my view, over a long period of time.

I would also like to enter into a colloquy with the gentleman from New Mexico (Mr. SKEEN), if I could.

As the gentleman knows, there was confusion regarding the Arctic National Wildlife Refuge when this matter came up in committee last week, and I believe that confusion has been cleared up.

As I understand it, both the majority and the minority agree that this bill provides no funding to facilitate seismic studies or other predevelopment activities within the Arctic National Wildlife Refuge and that there is no authority in law for those purposes.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New Mexico.

Mr. SKEEN. That is correct.

Mr. OBEY. I thank the gentleman. That is my understanding also.

As the gentleman knows, concern has also been expressed regarding language on page 2 of the bill which authorizes $2.250 million for the assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487, the Alaska National Interest Lands Conservation Act. Is it the gentleman's understanding that section 1010 provides no authority to undertake the activities in the Arctic Refuge that we all agree are not intended to be funded by this bill?

Mr. SKEEN. That is correct.

Mr. OBEY. That is my interpretation as well, but the language of section 1010 and its cross-reference to section 1001 are sufficiently convoluted, that it has been helpful to make this clarification at this time. I appreciate the gentleman making the clarification. I think it makes quite clear that there is no such authority, and I appreciate the gentleman's comments.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT).

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

Mr. Chairman, I want to stand in support of this bill. It is a balanced bill. A bill which has been worked through with the chairman and the gentleman from New Mexico (Mr. SKEEN), who has done a marvelous job, and my dear friend, the gentleman from Washington (Mr. DICKS) on the minority side, to try to reach a balanced and commonsense approach to the management of our public lands. This bill speaks to the needs of our national treasures in the public lands area and certainly speaks to the needs of Indian peoples. It has an Indian health care measure in it, and Indian education assistance.

It funds appropriately institutions like the Smithsonian and our museums and arts and humanities and other interests in our country.

By and large it is a very good bill, spending adequate amounts of money for adequate resources within the various agencies that are funded by this appropriations measure.

Mr. Chairman, I thank the staff which has worked very hard on both sides of the aisle to present a balanced bill. This bill went through our subcommittee in record time because it was balanced and bipartisan. It went through the full committee in adequate and fair time because it was balanced and bipartisan.

There will be amendments today that will be presented, as is our process, but I would urge Members to reject many of those amendments because they would upset the delicate balance that is in this bill.

Mr. Chairman, I thank my friends, the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Washington (Mr. DICKS), who worked so hard to make this a balanced and sensible bill. I urge that the leadership's example be followed and that my colleagues in the House will support this measure, pass it through the House, and move it on through the legislative process so it can be enacted and it can meet the natural resources needs of our country.

Mr. YOUNG of Alaska. Mr. Chairman, I appreciate the Interior Appropriations Committee bringing their bill for fiscal year 2002 appropriations to the floor for consideration today. H.R. 2217 has programs which address many of the health, education, lands, law enforcement, conservation and roads needs of American Indians and Alaska Natives.

I appreciate the Interior Appropriations Committee's increase of the Indian Health Service (IHS) budget of $3,000,000 over the budget request and $124,351,000 above the fiscal year 2001 level. This increase is justified and will provide much needed additional program services to American Indians and Alaska Natives.

However, I am concerned with language that is in both the House bill and Committee Report regarding Contract Support Costs (CSC) for Indian Health Service (IHS) programs. While I appreciate the Interior Appropriations Committee's increases in the last few years for CSC shortfalls, the current bill contains some provisions harmful to the tribal health delivery system. The bill would limit IHS' authority to enter into new and expanded contracts which is directly contrary to the federal policy of Indian self-determination. It would also limit payment of the direct costs portion of CSC; further, the Committee Report appears to advocate for their eventual elimination.

In 1999, the House Committee on Resources held several hearings to address the shortfalls of CSC and received several recommendations from the General Accounting Office (GAO) to correct and meet the true need of CSC. One of GAO's recommendations stated that the IHS and the BIA should remain consistent with their payment of CSC for tribally contracted and compacted run programs. I agreed with the GAO recommendation that both programs should be consistent with their CSC payments. However, while the IHS pays both indirect and direct contract support costs, the BIA does not pay for any direct costs, a policy it (the BIA) now, according to its February 24, 1999, testimony before the House Committee on Resources, has under review. Given the fact that the Indian Self-Determination and Education Assistance Act (ISDEA) and its regulations provide that CSC include direct costs, it is appropriate that the BIA review its policy. In fact, the GAO report (Indian Self-Determination Act: Shortfalls on Indian Contract Support Costs Needs To Be Addressed (GAO/RCED–99–150, June 30, 1999) criticized the BIA for not paying direct costs as part of CSC.

The FY 2002 Interior Appropriations bill states: "no existing self-determination contract, grant, self-governance compact or annual funding agreement shall receive direct contract support costs in excess of the amount received in fiscal year 2001 for such costs. . . ." This language would unfairly prohibit tribes from negotiating an increase in their direct costs.

The Committee Report language appears to question the propriety of paying direct CSC, indicating that capping direct CSC at the FY 2001 level would be the beginning of a process to eliminate direct CSC payments. Further, the report instructs IHS to seek Office of Management and Budget (OMB) approval on the payment of direct CSC for any new and expanded contracts in FY 2002. This violates the ISDEA by capping the portion of the direct costs portion of CSC payments. The Committee Report goes even further, suggesting that IHS should not pay the direct costs portion of CSC, an amount which is close to 20% of CSC and requiring OMB approval of direct

costs for new and expanded contracts. The ISDEA clearly includes direct costs as a part of CSC payments. Elimination of the direct costs portion of CSC payments would be devastating to tribal health care providers. We need to address this important Interior Appropriations issue in the Senate and in conference. Tribal health care providers should not be penalized because the IHS and BIA have inconsistent CSC payment systems. I look forward to working with my colleagues to find a reasonable and just resolution to the CSC issue for our American Indian and Alaska Native constituency.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 2217, the Interior Appropriations bill for fiscal year 2002. In this bill, we make clear our historic commitment to protecting and maintaining our nation's parks and wildlife refuges, and to preserving more open space.

Let me start by offering my thanks to Chairman SKEEN, ranking member DICKS and the Interior Subcommittee staff, specifically Debbie Weatherly and Chris Topik, for their hard work in putting this important piece of legislation together and working to satisfy so many demands!

Overall, this bill provides $1.32 billion for the Title VIII Conservation Trust Fund that was established in last year's Interior Appropriations bill. As some may remember, last year's agreement created a separate budget category to support these efforts. This funding will help our states and the Federal government to protect and preserve our nation's forests, fields and wetlands—green spaces that, especially those of us from the Northeast know only too well, are disappearing much too quickly.

I want to particularly congratulate President Bush for fully funding the Land and Water Conservation Fund at $900 million in his Fiscal Year 2002 Budget Request, a critical component of the conservation trust fund.

This bill maintains and improves our stewardship of America's greatest natural resources, our national parks and wildlife refuges. Each year, 285 million of our constituents will visit and enjoy our national parks and experience the beauty of over 83 million acres of preserved open lands. And it just two years, we will celebrate the centennial of our wildlife refuges—535 national treasures that exist in communities across the country.

Mr. Chairman, in my home state of New Jersey, the most densely populated state in the nation, the preservation of open space is a top priority. That is why I am especially grateful for the support of my colleagues for a number of key New Jersey priorities.

At my request, H.R. 2217 contains continued funding for the preservation of New Jersey's Highlands, one of our state's most threatened, and most important watersheds. This bill provides critical funding for land purchases within the Highlands; in fact, it is the most significant Federal commitments ever to preserving this area.

Equally as important, the bill directs the Department of Interior and Agriculture to work in partnership with state and local resources, already in place, to protect the Highlands. The Federal government should be a major partner in this preservation effort, as we were when Congress successfully preserved Sterling Forest in the same region.

This bill also builds on our past successes in Congress to expand New Jersey's national parks and wildlife refuges.

In my own Congressional District, there is funding to further expand our nation's oldest historic park, the Morristown National Historical Park, and to protect a huge collection of artifacts and Revolutionary War material related to George Washington. There is also money to allow for additional land purchases at the Great Swamp National Wildlife Refuge. Our delegation also appreciates your support fo the Cape May, E.B. Forsythe and Walkill National Wildlife Refuges and the Delaware Water Gap National Recreation Park.

Finally, it is important to note that we meet these national priorities, and do so within the confines of our budget agreement.

Mr. Chairman, let there be no doubt about it: with passage of this bill, this House is fully committed to maintaining and improving our nation's treasured national parks and wildlife refuges.

Mrs. CAPPS. Mr. Chairman, I rise in support of some key amendments to the Interior Appropriations bill.

I am pleased to join my colleague, Representative DEFAZIO, in our continued efforts to stop the extension of the misguided Recreational Fee Demonstration Program. Last year, I was successful in limiting an extension to only one year. But the bill before us irresponsibly extends the RFDP for four years. And it does it by circumventing the normal process for extending Federal programs and just tacks the extension on to a "must-pass" spending bill. This is irrresponsible and a disservice to those of us who would like to find alternative and more appropriate ways to support our National Forests.

In my district the RFDP is known as the Adventure Pass and it requires my constituents to pay just to visit the Los Padres National Forest. This is a form of double taxation. We already pay taxes to maintain our National Parks, Forests and other publicly owned lands. We should not have to pay again just to see a sunset or have a picnic in our own backyard.

I agree that our parks and forests have a backlog of maintenance and need more funding to address these needs. That's why I have introduced legislation that would end the subsidies to timber companies that reduce funding for our National Forests. My bill would end the Adventure Pass but ensure that Forest Service have enough funding to preserve and protect these precious lands.

I am also pleased to join my colleague, Representative RAHALL, on an amendment to ban new oil and gas drilling in National Monuments.

My district is home to the new Carrizo Plain National Monument, located almost entirely in San Luis Obispo County. The Carrizo Plain contains one of the last remnants of the California Central Valley's wildflowers and is home to a host of wildlife, including the endangered San Joaquin Kit Fox and the California Condor. Carrizo contains significant Native American cultural sites, such as the Chumash "Painted Rock," and geological phenomena, including the most visible portion of the San Andreas Fault. In addition, Carrizo is the location of an important study on livestock grazing and how it might be used as an effective tool to benefit wildlife and sensitive species dependent on indigenous habitats.

The protections afforded to this precious area by the Monument designation—including no new mineral leasing within the Monument—have been met with widespread support in San Luis Obispo County. My constituents support protection of their environment and cultural heritage, and understand it is a vital component of the local economy, of which tourism is a major element. And new oil and gas drilling does not play into that picture.

Mr. Chairman, I have received letters supporting the new designation and its restriction on new oil and gas leasing from a broad swath of the community, including the 1200 member San Luis Obispo Chamber of Commerce, local environmental groups and ranchers, and the Chumash Council. I have advised both Resources Committee Chairman HANSEN and Interior Secretary Norton of these sentiments and urged that they support my community's wishes to protect its environment and economy by allowing no new drilling in Carrizo Plain.

The Tribune, San Luis Obispo County's major newspapers, correctly calls Carrizo "a real treasure" and notes approvingly that because of the Monument designation "it will stay as it is forever." Our amendment would ensure that this prediction comes true.

I urge my colleagues to support both of these common sense measures.

Ms. PELOSI. Mr. Chairman, I would like to thank the distinguished Chairman, Mr. SKEEN, and ranking member Mr. DICKS, for their excellent work on this bill. It provides funding for many programs that will benefit both the natural and urban environments in our country, although I would support further increases in several critical areas, including energy research and the arts.

Mr. Chairman, with California and the West in the midst of an energy crisis, the last thing we should do is cut funding for energy research, particularly research on clean energy sources and technologies. I am proud that the state of California now leads the country for its efficient use of energy. California and the country should press forward to increase our energy efficiency and shift toward clean, sustainable energy sources. Yet the President's budget proposed a 30% cut in energy efficiency research and development. Although the Committee wisely disregarded this proposal, we should be doing much more in this area.

An important element in this bill is funding for the arts and humanities. The arts and humanities enrich our culture, boost our economy, and promote creativity and self-confidence in our youth. I support the Slaughter-Dicks amendment on increase funding for the National Endowment for the Arts, National Endowment for the Humanities, and the Institute of Museum and Library Services.

The Interior bill recognizes the need to reduce the backlog of maintenance needs in our national parks. But it is also important to ensure that our parks have the operating funds they need to provide stewardship of wild lands and historic buildings and run informational

programs. The bill also takes a step in the right direction providing a modest increase in operating funds, although the need is much greater.

The Interior bill contains a commendable increase in funding for conservation programs. While the President's budget called for full funding for the Land and Water Conservation Fund at $900 million, that increase would have been funded by cutting a number of other important conservation programs. The Committee chose instead to provide $709 million for the Land and Water Conservation Fund, while maintaining valuable existing conservation programs, including the Urban Park and Recreation Fund and ''Save America's Treasures.'' I applaud the decision of the Committee to omit funding for studies concerning oil drilling in the Arctic National Wildlife Refuge.

Mr. Chairman, this is a good bill, but we could do so much more for our natural and cultural heritage with additional resources. Unfortunately, the tax cuts make it difficult to fund many of these valuable programs. Hopefully the President and the Congress will place a higher priority on the arts, recreation, and the environment in the future.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of the Interior appropriations bill.

This Member is pleased that the funding requested by the Bush Administration for construction of the Indian Health Service (IHS) hospital located in Winnebago, Nebraska, is included in this measure.

It appears an amendment will be offered to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities. The National Endowment of the Humanities serves my constituents and the state of Nebraska through the programs of the Nebraska Humanities Council. The Nebraska Humanities Council consistently provides high-quality humanities programming at very little cost to citizens of all walks of life in my state.

The Nebraska Council has been quite active in promoting the commemoration of the bicentennial of the Lewis and Clark Corps of Discovery expedition. For example, the Nebraska Council has instituted a six-year Lewis and Clark Educational Initiative. The Council held the first of several Lewis and Clark Teacher Institutes earlier this month. Each institute will be taught by a leading Lewis and Clark scholar. There were almost 200 applicants for 25 available slots. The teachers attending the first institute sincerely appreciated the opportunity and are exited about sharing what they learned with their students, schools, and communities. The Nebraska Council uses the Federal dollars to leverage private grants and funds.

These efforts to promote the Lewis and Clark expedition will greatly enrich the lives of Nebraskans and certainly go to the heart of the mission of the state councils of the National Endowment of the Humanities.

Mr. LARGENT. Mr. Chairman, on behalf of the Pawnee Nation in Pawnee Oklahoma, I respectfully request increased construction phase funding for the Pawnee Replacement Health Center be included in the Indian Health Service (IHS) Budget. This funding was initially included in the IHS FY 2002 Budget Preparation, but was omitted from H.R. 2217 in its current form.

The replacement facility has been on the IHS Health Facility priority list for many years. The need for a replacement building was originally assessed in 1981, but not until last year was the 73-year-old clinic, the oldest in the nation, selected for funding. However, these funds only covered the design phase of the replacement facility, leaving construction funds to be appropriated for fiscal year 2002.

As this bill goes to conference with the Senate, I ask that Conferees fulfill the promise Congress made to the Pawnee Nation in 1981 by funding the remaining construction costs in the FY 2002 Department of the Interior and Related Agencies Appropriations Act. Thank you for considering this request.

Mr. DAVIS of Florida. Mr. Chairman, I rise today to commend Chairman SKEEN, Ranking Member DICKS and the Interior Appropriations Subcommittee on their efforts to draft a difficult bill this year and balance difficult priorities. I sincerely appreciate the subcommittee's efforts in assisting the State of Florida's program for the development of electrochromic technology. This program is an excellent example of successful technology transfer from a national laboratory as well as an example of a successful public/private partnership. Electrochromic technology provides a flexible means of controlling the amount of heat and light that pass through a glass surface providing significant energy conservation opportunities in the building and automotive markets.

The Department of Energy estimates that placing this technology on all building windows in the United States would produce yearly energy savings of up to $28 billion per year. The technology also has application within the Vehicle Technology/Auxiliary Load Reduction R&D accounts. In recognition of the importance of this technology, the State of Florida has provided over $2.3 million toward the advancement of this Program.

The Program is being undertaken in conjunction with the University of South Florida and the National Renewable Energy Laboratory (NREL) in Colorado through a Cooperative Research and Development Agreement (CRADA), and utilizes a patented technology developed at NREL. This is a superb energy savings opportunity important to the Nation and is consistent with the priorities of the industry within the U.S. and the goals of the Department of Energy's windows program.

Electrochromic research is provide for within the building and materials section of the energy conservation division of the Interior Appropriations Bill for Fiscal Year 2002. The researchers are now working cooperatively with DOE on the program and we hope to expand that cooperation in the future. This will require a recognition by the Agency of the value of Florida's development of Plasma Enhanced Chemical Vapor Deposition (PECVD) techniques for electrochromic technology.

Mr. KILDEE. Mr. Chairman, as cochairman of the congressional Native American Caucus, I rise to express my gratitude to the Interior Subcommittee Chairman JOE SKEEN and senior Democratic Member NORM DICKS for their work on increasing the overall funding levels of the Bureau of Indian Affairs and the Indian Health Service in the fiscal year 2002 Interior appropriations bill.

I must, however, voice my concern about language in the Indian Health Service portion of the bill and the accompanying report concerning contract support costs. As you know, contract support costs are the necessary administrative and overhead costs borne by Indian tribal contractors when operating a Federal program.

The language in the bill would undermine tribal self-determination rights by prohibiting tribes from including in renegotiations of contract support costs any increase in the direct costs portion of those payments, by imposing a partial moratorium on new and expanded contracts, and by attempting to cap the portion of negotiated contract support costs which can be paid in any one year. The bill also cuts the President's budget request for contract support costs by half and provides only $20 million for that category. The ongoing shortfall for existing contracts far exceeds that amount.

The committee report questions the propriety of direct contract costs and directs the Indian Health Service to secure the approval of OMB on any direct contract support costs payments for new and expanded contracts. Negotiation of contracts is a matter between the tribes and the Federal agency—the committee's directive would put tribes in the position of having to negotiate with OMB regarding their contract support payments.

The Indian Self-Determination Act specifically provides that contract support costs include both direct and indirect costs.

As this bill proceeds through the legislative process, I hope that we can all work together on a better resolution for dealing with contract support costs and increasing the funding for contract support costs.

Mr. Chairman, I want to express my concern about the funding levels of two elements of the Bureau of Indian Affairs (BIA) education budget—student transportation and administrative cost grants.

The student transportation item supplies funding for the operation of BIA school buses. This account has been underfunded for many years and this bill will continue that trend by providing essentially no increase in funding.

Elevated fuel costs have had a devastating impact on BIA school bus programs. For the just completed school year, BIA schools received only $2.30/mile for their student transportation needs. By contrast, the average rate per-mile spent on student transportation by public school systems throughout the country was $3.21/mile. BIA estimates show that its school bus system is underfunded by $11 million.

We must fund the BIA school transportation programs so that the BIA schools can continue to provide adequate transportation needs to their students.

Mr. Chairman, I am also concerned that bill fails to increase funding for administrative cost grants which is a vital program that supports the administrative needs of tribally-operated schools.

Tribes and tribal school boards have taken on the responsibility for direct operation of two-thirds of the 185 BIA-funded schools, but Congress has not supplied them with the funding required to run their fiscal and management affairs in a prudent manner.

The chronic shortfalls in administrative cost grants severely compromise the ability of tribal

school boards to maintain proper internal management controls, to prepare for and pay for annual audits, and to discharge the numerous policymaking, supervision, program planning, procurement, personnel and management activities for which these tribal school boards are responsible. No educational institution can succeed if it is required to do more with less year after year.

Mr. Chairman, unlike children in the public school system, Indian children in the BIA system depend 100% on funding from Congress. We should fulfill our responsibility to properly support these Federal schools and meet our obligations to the Indian students they educate. It is my hope that we can work together as the bill proceeds to through the legislative process so that we can increase the funding for these two very important Indian education programs.

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

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

The CHAIRMAN pro tempore (Mr. ISAKSON). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will read.

The Clerk read as follows:

H.R. 2217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $768,711,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which $2,225,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)); and of which $3,000,000 shall be available in fiscal year 2002 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,298,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $768,711,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: *Provided further*, That of the amount provided, $28,000,000 is for ''Federal Infrastructure Improvement'', defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Bureau of Land Management shall be transferred to and merged with this appropriation, and shall remain available until expended.

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The text of the remainder of title I is as follows:

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $700,806,000, to remain available until expended, of which not to exceed $19,774,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the ''Fire Protection'' and ''Emergency Department of the Interior Firefighting Fund'' may be transferred and merged with this appropriation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $11,076,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $200,000,000, of which not to exceed $400,000 shall be available for administrative expenses and of which $50,000,000 is for the conservation activities defined in section 250(c)(4)(E)(xiii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $47,686,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,165,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards, *Provided further*, That sections 28f and 28g of title 30, United States Code, are amended:

(1) In section 28f(a), by striking the first sentence and inserting, ''The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, whether located before, on or after the enactment of this Act, shall pay to the Secretary of the Interior, on or before September 1, 2002, a claim maintenance fee of $100 per claim or site.''; and

(2) In section 28g, by striking ''and before September 30, 2001'' and inserting in lieu thereof ''and before September 30, 2002''.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $839,852,000, to remain available until September 30, 2003, except as otherwise provided herein, of which $28,000,000 is for ''Federal Infrastructure Improvement'', defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the United States Fish and Wildlife Service shall be transferred to and merged with this appropriation, and shall remain available until expended: *Provided further*, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided further*, That $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps defined in section 250(c)(4)(E) (xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That not to exceed $8,476,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $6,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $48,849,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $104,401,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control

Act of 1985, as amended, for the purposes of such Act: *Provided,* That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $50,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided,* That, hereafter, ''Fish and Wildlife Service Landowner Incentive Program'' shall be considered to be within the ''State and Other Conservation sub-category'' in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided,* That hereafter, ''Fish and Wildlife Service Stewardship Grants'' shall be considered to be within the ''State and Other Conservation sub-category'' in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $107,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(v) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $16,414,000, of which $5,000,000 is for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided,* That, hereafter, ''Fish and Wildlife Service National Wildlife Refuge Fund'' shall be considered to be within the ''Payments in Lieu of Taxes sub-category'' in section 250(c)(4)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $45,000,000, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(vi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided,* That, notwithstanding any other provision of law, amounts in excess of funds provided in fiscal year 2001 shall be used only for projects in the United States.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $5,000,000, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided,* That, hereafter, ''Fish and Wildlife Service Neotropical Migratory Bird Conservation'' shall be considered to be within the ''State and Other Conservation sub-category'' in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,000,000, to remain available until expended: *Provided*, That funds made available under this Act, Public Law 106–291, and Public Law 106–554 and hereafter in annual approprations acts for rhinoceros, tiger, Asian elephant, and great ape conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

STATE WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa, under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $100,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(vii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided,* That the Secretary shall, after deducting administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further,* That the Secretary shall apportion the remaining amount in the following manner: 30 percent based on the ratio to which the land area of such State bears to the total land area of all such States; and 70 percent based on the ratio to which the population of such State bears to the total population of the United States, based on the 2000 U.S. Census; and the amounts so apportioned shall be adjusted equitably so that no State shall be apportioned a sum which is less than one percent of the total amount available for apportionment or more than 10 percent: *Provided further,* That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further,* That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further,* That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further,* That any amount apportioned in 2002 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2003, shall be reapportioned, together with funds appropriated in 2004, in the manner provided herein.

TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $5,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided,* That, hereafter, ''Fish and Wildlife Service Tribal Wildlife Grants'' shall be considered to be within the ''State and Other Conservation sub-category'' in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 74 passenger motor vehicles, of which 69 are for replacement only (including 32 for police-

type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,480,336,000, of which $10,869,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which $75,349,000, to remain available until expended, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures and those funds needed to maintain and repair United States Park Police administrative facilities: *Provided further*, That park areas may reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office: *Provided further*, That none of the funds in this or any other Act may be used to fund a new Associate Director position for Partnerships.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $65,260,000.

CONTRIBUTION FOR ANNUITY BENEFITS

For reimbursement pursuant to provisions of Public Law 85–157, to the District of Columbia on a monthly basis, for benefit payments by the District of Columbia to United States Park Police annuitants under the provisions of the Policeman and Fireman's Retirement and Disability Act, to the extent those payments exceed contributions made by active Park Police members covered under the Act, such amounts as hereafter may be necessary: *Provided*, That hereafter, appropriations made to the National Park Service shall not be available for this purpose.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $51,804,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $30,000,000, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(x) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $77,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2003, and to be for the conservation activities defined in section 250(c)(4)(E)(xi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That, of the amount provided herein, $5,000,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: *Provided further*, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: *Provided further*, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: *Provided further*, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service 2003.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $349,249,000, of which $50,000,000 is for ''Federal Infrastructure Improvement'', defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2002 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $261,036,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(iii) of the Balanced Budget and Emergency Deficit Control of 1985, as amended, for the purposes of such Act, of which $154,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program: *Provided*, That of the amounts provided under this heading, $16,000,000 may be for Federal grants to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed; and $20,000,000 may be for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 315 passenger motor vehicles, of which 256 shall be for replacement only, including not to exceed 237 for police-type use, 11 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt

by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, the National Park Service may convey a leasehold or freehold interest in Cuyahoga NP to allow for the development of utilities and parking needed to support the historic Everett Church in the village of Everett, Ohio.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $900,489,000, of which $64,318,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $18,942,000 shall be available until September 30, 2003 for the operation and maintenance of facilities and deferred maintenance; and of which $163,461,000 shall be available until September 30, 2003 for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That of the amount provided herein, $25,000,000 is for the conservation activities defined in section 250(c)(4)(viii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $149,867,000, of which $83,344,000, shall be available for royalty management activities; and an amount not to exceed $102,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $102,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $102,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2003: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $102,900,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2002 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $203,554,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2002: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such

projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That, in addition to the amount granted to the Commonwealth of Pennsylvania under sections 402 (g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act (Act), an additional $500,000 will be specifically used for the purpose of conducting a demonstration project in accordance with section 401(c)(6) of the Act to determine the efficacy of improving water quality by removing metals from eligible waters polluted by acid mine drainage.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,790,781,000, to remain available until September 30, 2003 except as otherwise provided herein, of which not to exceed $89,864,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $130,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2002, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $3,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $436,427,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2002, and shall remain available until September 30, 2003; and of which not to exceed $58,394,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2003, may be transferred during fiscal year 2004 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2004.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $357,132,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2002, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): *Provided further*, That notwithstanding any other provision of law, not to exceed $450,000 in collections from settlements between the United States and contractors concerning the Dunseith Day School are to be made available for school construction in fiscal year 2002 and thereafter.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $7,950,000 shall be available for future water supplies facilities under Public Law 106–163; of which $21,875,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, 106–554, and 106–568; and of which $6,254,000 shall be available for the consent decree entered by the U.S. District Court, Western District of Michigan in United States v. Michigan, Case No. 2:73 CV 26.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $75,000,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $486,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and

employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $72,289,000, of which: (1) $67,761,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,528,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the funds provided herein for American Samoa government operations, the Secretary is directed to use up to $20,000 to increase compensation of the American Samoa High Court Justices: *Provided further*, That of the amounts provided for technical assistance, not to exceed $1,339,000 shall be made available for transfer to the Disaster Assistance Direct Loan Financing Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving the repayment obligation of the Government of the Virgin Islands on Community Disaster Loan 841, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): *Provided further*, That to the extent that the cost of forgiving the repayment obligation exceeds the $1,339,000 provided in this Act, the Secretary of the Interior shall transfer up to $2,161,000 of unexpended appropriations for U.S. Virgin Islands construction grants provided pursuant to Public Law 102–154 to the Federal Emergency Management Agency to meet the full costs associated with forgiveness of the Hurricane Hugo Community Disaster Loan: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure (with territorial participation and cost sharing to be determined by the Secretary based on the grantees commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $23,245,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $64,177,000, of which not to exceed $8,500 may be for official reception and representation expenses, of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $45,000,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $30,490,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $99,224,000, to remain available until expended: *Provided*, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2002, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $10,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,497,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual

or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within thirty days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 114. A grazing permit or lease that expires (or is transferred) during fiscal year 2002 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 116. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2002. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 117. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 118. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2002 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 119. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery, and (2) as a burial ground.

SEC. 120. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 121. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 122. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking ''2001'' and inserting ''2002''.

SEC. 123. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 124. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2001, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 125. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term ''construction'', with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

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

(4) TRIBALLY CONTROLLED SCHOOL.—The term ''tribally controlled school'' has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an eligible Indian tribe currently on the Department's priority list for construction of replacement educational facilities receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall only be for construction of replacement tribally controlled schools.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 126. WHITE RIVER OIL SHALE MINE, UTAH. (a) SALE.—The Administrator of General Services (referred to in this section as the ''Administrator'') shall sell all right, title, and interest of the United States in and to the improvements and equipment described in subsection (b) that are situated on the land described in subsection (c) (referred to in this section as the ''Mine'').

(b) DESCRIPTION OF IMPROVEMENTS AND EQUIPMENT.—The improvements and equipment referred to in subsection (a) are the following improvements and equipment associated with the Mine:

(1) Mine Service Building.

(2) Sewage Treatment Building.

(3) Electrical Switchgear Building.

(4) Water Treatment Building/Plant.

(5) Ventilation/Fan Building.

(6) Water Storage Tanks.

(7) Mine Hoist Cage and Headframe.

(8) Miscellaneous Mine-related equipment.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land located in Uintah County, Utah, known as the ''White River Oil Shale Mine'' and described as follows:

(1) T. 10 S., R. 24 E., Salt Lake Meridian, sections 12 through 14, 19 through 30, 33, and 34.

(2) T. 10 S., R. 25 E., Salt Lake Meridian, sections 18 and 19.

(d) USE OF PROCEEDS.—The proceeds of the sale under subsection (a)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) shall be available until expended, without further Act of appropriation—

(A) first, to reimburse the Administrator for the direct costs of the sale; and

(B) second, to reimburse the Bureau of Land Management Utah State Office for the costs of closing and rehabilitating the Mine.

(e) MINE CLOSURE AND REHABILITATION.—The closing and rehabilitation of the Mine (including closing of the mine shafts, site grading, and surface revegetation) shall be conducted in accordance with—

(1) the regulatory requirements of the State of Utah, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration; and

(2) other applicable law.

□ 1045

AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POMBO:

Page 17, line 24, insert before the period the following:

: *Provided*, That, of such funds, $1,000,000 shall be for the Banta-Carbona Irrigation District Fish Screen Project in Tracy, California.

Mr. SKEEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore (Mr. ISAKSON). The gentleman reserves a point of order.

Mr. POMBO. Mr. Chairman, I rise to offer this amendment after which I plan to withdraw it.

Mr. Chairman, my amendment would redirect $1 million from the Cooperative Endangered Species Conservation Fund to the Banta-Carbona Irrigation District in Tracy, California, for a fish screen project located at the entrance to the Banta-Carbona Irrigation District intake channel on the San Joaquin River.

This is a very simple amendment which would provide much needed financial assistance to help defray the construction, operating and maintenance costs of this fish screen.

Let me point out that the Banta-Carbona Irrigation District is required by the U.S. Fish and Wildlife Service to put in a fish screen facility on the San Joaquin River to protect the delta smelt, the steelhead, the fall run chinook salmon and the splittail. All of these fish are either endangered or threatened species and fall under the authority of U.S. Fish and Wildlife Service or the National Marine Fisheries Service. Without the fish screen project, the Banta-Carbona Irrigation District's agricultural water diversions could be shut down by these Federal agencies.

Mr. Chairman, the Banta-Carbona Irrigation District is facing a reduced allocation of water from the Central Valley Project. To make matters worse, high energy costs in California coupled with low agricultural commodity prices have made it nearly impossible for the water users to pay for the capital, operating and maintenance costs of a fish screen facility.

The bottom line is, Mr. Chairman, the Federal Government has required the Banta-Carbona Irrigation District to facilitate the funding, design, and construction of this fish barrier screen facility with little or no assistance.

Under the ESA, the Federal Government continues to require farmers, ranchers, landowners, irrigation districts, and local government and communities to spend millions of dollars to protect endangered species. In fact, let me point out to my colleagues the millions of dollars that the county hospital in Riverside, California, had to spend to protect a fly. And how about the millions of dollars homebuilders and ranchers in my district are spending to protect the fairy shrimp, a quarter-inch crustacean that lives in pools of water which we normally call mud puddles.

Mr. Chairman, this is real money that could be used to help individuals offset the costs of their high utility bills. Further, this is real money that is being diverted away from the State and local government's education, infrastructure, and health care budgets. I am convinced that the only species that is benefiting from this process is the cash cow, being milked by the agencies and environmental lawyers. The truth is, contrary to claims made by the green conflict industry, people who own property do care about the survival of valued species and the health of our environment.

Quite frankly, Mr. Chairman, this is another example of why the Endangered Species Act is not working. The act has failed to save species; it has caused acrimony and gridlock, generated endless litigation; it has cost the American taxpayer and private-property owner hundreds of billions of dollars in wasted effort; and it has misappropriated property and lost production.

All of these problems, Mr. Chairman, and the act has not even been authorized for nearly a decade. I simply cannot stand by quietly as farmers and ranchers, families and businesses, especially those in the West who depend on natural resources for a living, suffer for no constructive purpose. The time has come to make human species as important as the Endangered Species Act equation.

Mr. Chairman, it is time to take back our economic and constitutional rights. Ensuring that the Banta-Carbona Irrigation District receives Federal assistance for the fish screen project will do such a thing by holding the Federal Government accountable for its actions. I urge my colleagues to do the right thing to correct this injustice.

I have worked with the gentleman from New Mexico in the past several years on these issues. I intend to continue working with him. I know that if it were up to him totally that we would take care of these problems posthaste; but in light of the situation we are in right now, I respectfully withdraw my amendment at this point.

The CHAIRMAN pro tempore. Without objection, the amendment offered by the gentleman from California (Mr. POMBO) is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment, pursuant to clause 2(f) of rule XXI.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER:

On page 49, line 22 after the number ''$64,177,000'' insert ''(reduced by $9,000,000)''.

On page 69, line 12 after the number ''$1,326,445,000'' insert ''(reduced by $6,000,000)''.

On page 109, line 21 strike ''$104,882,000'' and insert ''$107,882,000''.

On page 110, line 19 strike ''$24,899,000'' and insert ''$26,899,000''.

On page 110, line 24 strike ''$7,000,000'' and insert ''$17,000,000''.

Ms. SLAUGHTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, these amendments would provide a funding increase to three agencies that most certainly deserve it: the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services.

In fiscal year 1996, the arts and humanities sustained massive funding cuts. The budgets of NEA and NEH were slashed by 40 percent. The Congressional Arts Caucus waged a successful battle to save both of them from annihilation, but neither one has fully recovered from the cuts. Last year, we won the first budget increase for the agencies in nearly a decade. The fiscal year 2001 budget contained an additional $7 million for the NEA's Challenge America initiative, as well as increases of $5 million and $2 million for NEH and IMLS respectively. It is time to reaffirm our Nation's commitment to the arts by providing another modest funding increase for NEA, NEH, and IMLS.

Supporting the arts is not merely a matter of being high-minded. The arts produce very real benefits for individuals, for communities and for the Nation as a whole, with the greatest positive impact on our children. For example, data from the college entrance exam board shows that students who took 4 years or more of art and music classes outscored their peers on the SAT by more than 80 points in 1995, 1996 and 1997. The arts are an economic boon to communities. More tickets are sold for art performances than all sports events put together and no community is ever required for an art project to build and sustain and subsidize an expensive stadium.

Some of our Members in this House have expressed concern that the arts and humanities programs are not funded in their districts. In fact, even though the budget has been depleted, I should state again that NEA regularly reaches between 290 and 300 congressional districts and is providing a wider range of grants thanks to programs like ArtsREACH. Last year, Congress targeted $7 million to the NEA's Challenge America initiative which strengthens NEA activity in the 20 States with the fewest NEA grants. That is very important that we continue.

I would like to pay a tribute here to the present chairman of the NEA, Mr. Bill Ivey, who has instituted these and many other programs and is staying on at the NEA to make sure that his successor can have an increase in budget so that he can increase these important program. I also want to recognize the President of the United States, George Bush, who said recently at Ford's Theater that the arts are extremely important to the United States and deserve government support. I thank him for that.

Similarly, the National Endowment for the Humanities is playing a crucial role in collecting, preserving, and sharing the Nation's history. Just last year, NEH grants went to projects like restoration of Federal War Department records which had been partially destroyed by fire covering 1784 to 1800; the collection of papers of suffragists Elizabeth Cady Stanton and Susan B. Anthony; an analysis of artifacts from Chickasaw archaeological sites; and many, many more. An increase in their funding would permit this agency to expand its already tremendous impact on the Nation's K to 12 humanities curriculum by offering more seminars for teachers and exploring greater possibilities to use technology in the classroom sorely needed.

The Institute of Museum and Library Services oversees America's 8,000 museums and connects schools, libraries, and other institutions with the many wonderful resources within those museums. In its April round of conservation project support grants, they funded proposals ranging from the preservation of sculptures by African American folk artist Felix ''Fox'' Harris in Beaumont, Texas, to a survey of objects important to the local history of Valdez, Alaska. With additional funding, they could expand that reach to many worthy grant applications.

The amendments, as I said, would add $10 million to the NEA, $3 million to the NEH, and $2 million to IMLS. It does so by making a minor corresponding reduction in the administrative budgets of the Department of the Interior and U.S. Forest Service. My colleagues may not be aware that the underlying bill includes more than $4 billion for salaries and many billions more for other administrative costs such as travel, contracting and so on. The offset would reduce that budget by less than three-tenths of 1 percent. It is expected that this reduction will be absorbed through savings in travel, in printing, and normal vacancy rates in staffing levels. We have worked extremely hard to find an offset that would be reasonable and responsible. It is my firm belief that this offset should be acceptable to every Member of Congress.

When we think about the great civilizations of the past, what comes to mind? The pyramids of Egypt, a spectacular architectural achievement; the sculptures of ancient Rome; the epic

poetry of ancient Greece; the cliff art and cave paintings of Native Americans. As opera singer Beverly Sills noted, ''Art is the signature of civilizations.''

Let us reaffirm Congress' commitment to our Nation's artistic and cultural legacy by passing these amendments.

Mr. SKEEN. Mr. Chairman, I appreciate the position of the Member on this amendment, but I oppose this amendment.

The committee-approved bill includes the President's request for the NEA and NEH. This is a fair amount of funding. This level sustains the increases the endowments received last year, and there is a small increase for fixed costs.

We should not cut the Interior Department and Forest Service operations accounts. We have held these operations accounts down and not even fully funded them for inflation. Further cuts would be very harmful to the administration of the national parks, forests, refuges, and other programs.

The Interior bill has many responsibilities. We have a documented backlog in repairs of over $12 billion. We have tried to make prudent investments in our land management agencies, in Indian programs, and in energy research. I ask my colleagues to join me and oppose this amendment.

Mr. DICKS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment would provide an additional $10 million for the National Endowment for the Arts, bringing their funding up to $115 million. I might point out that in 1995 we funded the arts at approximately $170 million, so there has been a dramatic reduction in funding for the arts. I would say that the National Endowment has done a great job, but it certainly needs this modest increase. We would also increase the National Endowment for the Humanities by $3 million, taking it up to $123 million. It was funded at about $170 million in 1995 as well, so this is another one that needs help. And, of course, the Museum and Library Services, we would increase this by $2 million, taking it up to $26.8 million.

Since 1996, the Endowments have been woefully underfunded, as I have stated. The National Endowment for the Arts, to be precise, received $162 million in 1995 and was level funded at $98 million until their small increase last year. The Humanities were funded at $172 million in 1995, yet only received $120 million in the fiscal year 2001 bill. Even with requests from the previous administration of $150 million for both agencies, we were not able to achieve more than a nominal increase. I believe it is time that these programs receive at least a portion of this request because of the value they add to our country.

The National Endowment for Humanities supports programs that matter most, enriching classroom teaching, developing programs for public television, supporting some of the country's finest museum exhibits, preserving invaluable historical materials from our past, supporting new research by scholars, and partnering with State humanities councils across the Nation. A small grant from either the National Endowment for Humanities or the National Endowment for the Arts spurs nearly four times that amount of funding in the private sector.

But without additional funding, important programs supported by the NEH will not be available. Additional funding would also be used to preserve endangered recordings of folk music, jazz and blues. The National Endowment for Humanities works directly with each of the State humanities organizations and regional centers to support critical cultural programs. They also help ensure that this information is widely distributed into communities through technology like the Internet and CD-roms.

The National Endowment for the Arts also receives an increase for the work that it does. As I mentioned, the NEA received $162 million in 1995, but only $105 million last year. This is simply inadequate.

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I was extremely pleased that we were able to reach agreement to provide this small increase for the NEA last year, adding an additional $7 million for the NEA's Challenge America program.

The NEA should be commended for its work to address criticism and concerns over their funding of controversial grants and for not distributing grants in a more geographically evenhanded way throughout the country. They have addressed those issues and I think have solved them, and much of the credit belongs to our subcommittee, particularly the work of our former chairman, the gentleman from Ohio (Mr. REGULA), who was insistent that we emphasize quality in awarding these grants.

The Institute for Museum and Library Services also deserves this small increase. Each year our Nation's 15,000 museums host 865 million visits, a 50 percent increase from only a decade ago. For the last 25 years, the Institute of Museum and Library Services has used its modest Federal funds to strengthen museum operations, improve care of collections, increase professional development opportunities, and enhance the community service role of museums.

An additional $2 million for the Institute of Museum and Library Services will have a real impact in our communities, and I hope my colleagues will join me in supporting this increase. It is my hope that a favorable vote on this amendment will send a message to the administration that these three areas are greatly deserving of these small increases, and we want to say that we are pleased that the administration was at least willing to support last year's efforts.

I compliment the gentlewoman from New York (Ms. SLAUGHTER) for her leadership and her leadership of the Arts Caucus. We are going to continue this fight. We think it is a worthy one. We received some considerable support in the other body. I think it is time for this House to take a stand in favor of support for these three important cultural institutions.

Mr. Chairman, I rise in support of the amendment offered by Ms. SLAUGHTER of New York and myself. The amendment seeks to raise the level of funding for the National Endowment for the Arts, the National Endowment of the Humanities and the Institute for Museums and Library Services. The increases we are seeking for the Endowments and the IMLS would be offset by small reductions in administrative costs at the Department of the Interior and the Department of Agriculture.

We had originally planned to offset these amounts through a deferral of excess clean coal funds as we did last year. Unfortunately the Rules Committee did not waive the rule to allow this. Instead this amendment makes a very small reduction of less than .3 percent in administrative costs. We believe these can be absorbed with no programmatic impact on these agencies. The President's budget was generous in funding administrative costs including more than $160 million for the cost of the Federal pay raise and the committee has added additional funds. This amendment requires that approximately 10 percent of the cost of the pay raise be absorbed through management efficiencies. Historically the amount of pay costs which agencies were asked to absorb has averaged in excess of 25 percent. We believe that most of the cost will come from a higher than expected lapse rate, the savings which occur when positions which are assumed to be funded for all of the year are inevitably filled more slowly with substantial savings. This lapse savings is inevitably higher than expected when there is a new Administration which fills vacancies slowly as is the current case. In addition there may be some small reductions required in travel, printing and administrative contracts costs. In no case should there be any impact on existing staff.

The amendment would: Provide an additional $10 million for the NEA, bringing them up to $115 million; provide an additional $3 million for the NEH, bringing them up to $123 million; and provide an additional $2 million for the Institute for Museums and Library Services (IMLS), bringing them up to $26.8 million.

Since 1996, the Endowments have been woefully underfunded. The National Endowment for the Arts received $162 million in fiscal year 1995, and was level funded at $98 million until their small increase last year. The Humanities were funded at $172 million in fiscal year 1995, yet only received $120 million in the fiscal 2001 bill. Even with requests from the previous Administration of $150 million for

both agencies, we were not able to achieve more than a nominal increase. I believe it is time that these programs received at least a portion of this request because of the value they add to our country.

The National Endowment for Humanities supports programs that matter most—enriching classroom teaching, developing programs for public television, supporting some of the country's finest museum exhibits, preserving invaluable historical materials from our past, supporting new research by scholars and partnering with state humanities councils across the Nation.

A small grant from either the NEH or the NEA spurs nearly four times that amount in the private sector.

But without additional funding, important programs supported by the NEH will not be available. Additional funding would also be used to preserve endangered recordings of folk music, jazz, and blues. The NEH works directly with each of the state humanities organizations and regional centers to support critical cultural programs. They also help ensure that this information is widely distributed into communities through technology like the internet and CD-Roms.

The NEA also deserves an increase for the work that it does. As I mentioned, the NEA received $162 million in 1995, but only $105 million last year. This simply is inadequate.

I was extremely pleased that we were able to reach agreement to provide the small increase for the NEA last year, adding an additional $7 million for the NEA's Challenge American Program. The NEA should be commended for its work to address criticisms and concerns over their funding of controversial grants and for distributing grants in a more geographically even-handed way throughout the country.

The Institute for Museums and Library Services also deserves this small increase. Each year our Nation's 15,000 museums host 865 million visits—a 50 percent increase from only a decade ago. For the last 25 years IMLS has used its modest Federal funds to strengthen museum operations, improve care of collections, increase professional development opportunities and enhance the community service role of museums. An additional $2 million for the IMLS will have a real impact in our communities, and I hope my colleagues will join me in supporting this increase.

It is my hope that a favorable vote on this amendment will send a message to the President that these three areas are greatly deserving of these small increases.

I urge support of the amendment.

Mr. NUSSLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2217, the Interior appropriations bill for fiscal year 2002. It is consistent with the budget resolution as required under the Congressional Budget Act.

Mr. Chairman, I rise in support of H.R. 2217, the Interior appropriations bill for fiscal year 2002. This bill is consistent with the budget resolution as required under the Congressional Budget Act.

This is the first of 13 appropriations bills that the House will consider under the 302(a) allocation set forth in the concurrent resolution on the budget for fiscal year 2002.

In accordance with the Budget Act, the Committee on Appropriations subdivided this allocation among its 13 subcommittees earlier this week.

I am confident that the 302(b) allocations represent a good faith effort by the Appropriations Committee and its distinguished chairman to comply with the overall discretionary levels agreed to as part of the budget resolution.

As reported, H.R. 2217 provides $18.9 billion in new budget authority and $17.8 billion in outlays for fiscal year 2002.

The bill does not designate any of the new budget authority it provides as an emergency, nor does it rescind previously enacted budget authority.

The bill is within the subcommittee on the Interior 302(b) allocation and therefore complies with section 302(f) of the Budget Act, which prohibits the consideration of appropriation measures that exceed the appropriate subcommittee's 302(b) allocation.

I would note, however, that the bill changes the classification of four fairly small programs under the separate spending cap that was adopted last year.

Both the caps and the classification of programs under those caps is under the jurisdiction of the Budget Committee. Accordingly, the bill violates section 306 of the Budget Act, which prohibits the consideration of legislation within the jurisdiction of the Budget Committee.

I would ask the subcommittee to work with the Budget Committee on the appropriate classification of these programs in conference and on comparable measures in the future.

In summary, this bill is consistent with the budget resolution agreed by the Congress and, on this basis, I support the bill.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Slaughter amendment, not because I do not support the arts and the humanities or museum services, but because I think we need to ask the fundamental question in this case of this amendment, which is, how much is enough?

The subcommittee and the full committee made a conscious decision to increase the NEA and NEH and Museum Services accounts for the first time I think that I have been in the House at the committee level, the subcommittee level. Albeit small increases, they are in fact increases.

I hear my colleagues who are in support of this amendment make the comment that $105,234,000 for NEA is not enough; that $120,504,000 for NEH is not enough; and that $24,899,000 for the Museum Services is not enough. I would urge my colleagues and the chairman that it is enough. Notwithstanding the fact that there has been a higher amount in past years, it is enough as we think about balancing this spending amount with other spending priorities that we have in this bill, and they are many.

My concern with the Slaughter amendment, with all due respect to her and her commitment to the arts and the humanities, the offsets come from the operations of the Department of the Interior and the Forest Service.

These accounts, in my humble opinion, cannot afford a reduction because we have already streamlined their administrative expenses in the bill. I come from the Pacific Northwest. The Pacific Northwest was devastated in Montana and Idaho, luckily not so much in Washington State, by forest fires last year. We are expecting another hot summer. We need the personnel and the administrative assistants to meet not only the fire needs of the region but the other needs of the region, to have a healthy forest service system; to have an adequate protection of our public lands in the Interior Department. Those are priorities as well.

I just urge my colleagues to think carefully about where our priorities are. Why is $105 million for NEA not enough? Mr. Ivey has done a fabulous job. Why is $120 million not enough for NEH? There can never be enough if we advocate in this body only for the priorities that one sees as very important.

I happened last year to be the person involved in making sure that Indian health service funding and adequate health service for our Native American populations was provided in the bill. That is controversial. It was controversial last year. It may be controversial this year. The point is, the President's request was $105 million, $120 million, and $24 million for these three respective agencies. We have met the President's request. It is an increase in all three accounts.

So, therefore, I just think we have to be careful that we do not go overboard with respect to a balance that exists in the accounts of the Department of the Interior agencies. The arts and the humanities do have very important values in our country. I have been concerned that the arts industry has not stepped up to privately try to help the NEA raise funds. It is a $9 billion industry, and we see the highest advocates in the entertainment industry coming and asking for more Federal Government assistance, when I would urge that the actors and the artists of the world and the music folks who have done so well through the entertainment industry step up and assist on the private side, put $1 million or $2 million or $5 million, or $10 million and $3 million and $2 million in this case of their own money in to try to help the NEA and the NEH and the Institute of Library Services.

So we have strived mightily in the subcommittee and the full committee to be fair to the NEA, the NEH, and the IMLS. We have done that. We have reached a balance, Mr. Chairman, that I think meets the needs of the community.

Can we do more next year? Maybe we can, but for this year in this bill in

these accounts that we want to keep control over, that is balancing this Federal budget and making all the programs that have value fit within that budget, we have done a very good job. I urge a no on the Slaughter amendment.

Mr. HORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to urge my colleagues to vote in favor of the modest increase in the arts and the funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services. During the past 5 years, our cultural agencies have experienced significant cuts in their budgets due to concerns that objectionable projects were being funded with taxpayer money and that the grants were not accessible to all communities.

Today, the National Endowment for the Arts is a new institution that has undergone significant restructuring to address the problems that concern us all, and the Endowment has introduced new initiatives to strengthen existing programs.

For example, the Endowment has been incredibly successful in implementing Challenge America, a program which ensures that people who live in small rural towns or underserved urban areas gain access to the arts by specifically targeting arts education for at-risk youth.

Cultural preservation of our national heritage and community partnerships to help individuals gain access to the arts, Challenge America is achieving its goals.

Furthermore, tighter reporting requirements for grantees have been implemented and subgranting and direct funding to individual artists has been eliminated to increase accountability.

The National Endowment for the Humanities plays a crucial role in the education and cultural exposure of America's children.

Specifically, the National Endowment for the Humanities provides training for the Nation's teachers through seminars and institutes; protects our Nation's heritage through preservation projects; supports scholarship in the humanities and facilitates the flow of research through books, articles, educational television, such as the Public Broadcasting System and radio programs of quality.

This year, the National Endowment for the Humanities funding would continue to focus on helping educators incorporate technological resources into the learning process and would target hard-to-reach communities in both rural and urban America. I grew up in urban America and rural America.

Lastly, the Institute of Museum and Library Services supports the educational role of various museums, aquariums and zoos, by funding hands-on opportunities for learning. These types of experiences are often the most effective and memorable because they allow students to view rare manuscripts, see marvelous paintings and exotic animals firsthand.

Institute of Museum and Library Services will focus new funding on increasing technological access to museum and library resources for all Americans, building community partnerships by funding after-school programs and building institutional expertise in local museums and libraries.

The National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services work to educate, empower and provide enrichment to communities across America. Without these crucial agencies, many would miss the opportunity to experience the delights of an opera, a symphony, a ballet, or a museum. These types of opportunities foster imagination, spark creativity, and broaden future ambitions.

We urge support of the Slaughter-Dicks-Horn-Johnson amendment that increases funding for the National Endowment for the Arts by $10 million, the Endowment for the Humanities by $3 million, the Institute of Museums and Library Services by $2 million. This modest, yet effective, increase in the Interior appropriations bill will help continue our commitment to cultural and educational importance of the arts. Vote for that amendment and with the small amount I cannot see anyone would be voting against it. The children of the world in K through 12, elementary and high school students see new opportunities and even in colleges, they can see the rotating exhibits. Let us vote ''aye'' on this amendment and educate individuals to be part of our culture and our great history as well.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentlewoman from New York (Ms. SLAUGHTER), and any amendments thereto, be limited to 50 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from New Mexico?

Mr. DICKS. Mr. Chairman, reserving the right to object, I would ask the gentleman from New Mexico (Mr. SKEEN), it is 50 minutes, 25 on each side. The gentleman will control 25 and our side will control 25?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, that is correct.

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. The unanimous consent request was that the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from New York (Ms. SLAUGHTER) would each control 25 minutes.

Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, what an embarrassment. Once again, the House of Representatives is considering an appropriations bill that includes level funding for the arts, the humanities, museums and libraries, programs that teach us to think; programs that encourage us to feel and to see in a new way; to speak. The arts and the humanities help us to grow. The Slaughter-Dicks-Horn amendment to increase funds for the National Endowment for the Arts and the other programs is a small investment with a return as vast as one's imagination.

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Last year, we increased funding for the National Endowment for the first time since 1992, and this year we must increase the funding again.

Anyone who has ever managed a budget knows that level funding means a decrease in funds. Opponents of the NEA cry ''fiscal discipline,'' as if the richest nation in the world need be the most culturally impoverished. The dollars we invest in the NEA leverage matching grants and multiply many, many times over.

The nonprofit arts industry generates more than $3 billion annually. It supports more than 1 million jobs. In fact, the arts industry is a money maker, not a money taker.

In addition, funding for the NEA supports programs like Challenge America, which brings art projects to underserved areas across our Nation. It funds programs like Positive Alternatives for Youth, which lowers the rate of juvenile crime by creating artist-led after school programs for our youth.

When we deprive the NEA, the NEH, our museums and libraries of adequate funding, we deprive this entire Nation of an active cultural community. It is a battle as old as the stockades in Puritan times, and it is just wrong-headed.

Mr. Chairman, I encourage my colleagues to support this amendment.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank Representative SKEEN for yielding me time, and I appreciate the support that the subcommittee has shown for the NEA, the NEH and the IMLS. But I do rise in support of this amendment, because I think we as a Nation need to support

the Challenge America initiative that the NEA has led.

The Challenge America initiative has two primary goals: One, to literally press arts dollars down to the small communities. This is extraordinarily important, because these communities are far more conscious of their cultural life than they used to be. There are many more small theater groups developing, many more chamber groups, many more instrumentalist groups and choruses developing, and they need the help that small dollars can give them to organize, to publicize their concerts and to grow their position in the cultural life of our small communities. That is where the arts take on their greatest vitality.

The second thing that these dollars do is to help their communities begin to record and cherish and revitalize their own knowledge of their heritage and to use that revitalization of their cultural heritage and the revitalization of current cultural institutions to develop the economy of rural areas, small cities, and those kinds of sectors of America that too long have had no support in developing the arts on a local and neighborhood and community basis.

The third thing that Challenge America tries to do is to try to press these dollars down into our schools. If you have never stood in a school and had some kid tell you what a HOT school is, a Higher Order of Thinking school is, you really cannot get it, how important the arts are to developing our children's understanding of knowledge and how powerful knowledge is in our lives.

Math can teach you certain logical truths; the arts can help you develop a level of intuitive thinking that is equally important.

So I urge support of this amendment. I am proud to be a cosponsor of it. But I thank the committee for their general recognition of the importance of these institutions in our Nation's lives.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in support of the Slaughter amendment to increase funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Museum Services. Frankly, this amendment is just a drop in the bucket compared to the increase these cultural agencies need and deserve. But it is finally a step in the right direction.

I hope that the senseless battles over Federal funding for the arts is finally behind us. We have debated the proper role of government in supporting the arts time and again, and the facts are clear, the NEA is a good investment for our country.

I will not rehash all the arguments in favor of Federal funding, from the economic stimulus it provides, to the private and local public money it leverages. We know about the broad geographic reach of the NEA, with grants to all 50 States. The Challenge America initiative is touching hundreds of rural communities across the country. We know that NEA supports numerous educational projects for young children and lifelong learners alike.

And then there are the intangible benefits of the arts, their ability to lift our spirits and forge a sense of community. We need only think of the stirring presentation by Peter Yarrow of Peter, Paul and Mary at the Republican and Democratic Caucuses this week to understand the power that music has to bring people together.

So the debate is over. The question is no longer should the government subsidize the arts; the question is how much. With this amendment, we take a very modest step forward, but we must do much more. We must fund the NEA at a level that enables it to carry out its mission.

Today, the NEA is nearly 40 percent below where it was before the drastic cut of 1995, and resources are stretched too thin to adequately fund worthy projects. The average grant size has dropped by half and will drop even further without sufficient funding. When we limit funding, we also hamper the ability of the NEA to continue reaching out to underserved areas.

Mr. Chairman, last year the NEA closed a dark chapter in our history when Congress approved the first budget increase in nearly a decade. Today we must build on that important victory and pass the Slaughter amendment. It is a minimal increase, a very minimal increase, but it is the very least we can do. Let us begin a new era in which we respect and support the arts and humanities and the contribution they make to our society, and back up that respect with some real resources.

Mr. SKEEN. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. REGULA), the former chairman and a current valued member of the Subcommittee on Interior of the Committee on Appropriations.

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

Mr. Chairman, first of all, I want to compliment Mr. Ivey and Mr. Ferris. I think both Mr. Ivey and Mr. Ferris, and they will be leaving in the next several months, have done a great job of administering these agencies. The fact that we are here debating the amount of money is indicative that we have had a good administration. We are not talking about egregious projects. It is just a matter of priorities in the expenditure of Federal funds.

What I am somewhat concerned about here is the fact that we still have a $5 billion backlog of maintenance in the national parks. Art takes on many forms. Art is also to go out in a national park, such as the Grand Canyon, and look down in that enormous landscape in terms of the beauty of it, or to go to Yosemite.

So I think we have to make priority judgments, and it is not a matter of one art against the other. You have the visual art, but you also have the natural art that is part of our national parks, national forests, all these wonderful resources.

When we have a $5 billion backlog of maintenance, when people will necessarily have to be RIFed in the Park Service because there is not enough money here to give them an adequate pay raise, I think probably priority-wise that we are not in a position to be spending more money on these projects now. As we all know, we did increase art funding in the past year, and I think the gentlemen who have led these two agencies have done a good job of using the money very wisely.

But I think in terms of the priorities of this Nation, that our first priority has to be to take care of what we have in our parks and forests, to ensure that future generations will have the same pleasures that we do in visiting these facilities.

It seems to me that before we start adding to the expenditures, and I think the committee did a balanced job in making the priority choices, that we ought to weigh carefully whether we want to limit the amount of pay increase for our people that serve us in the national parks and forests, whether we want to continue addressing the backlog of maintenance. When we are talking about maintenance, it is trails, it is roads, it is camp facilities, and I think probably priority-wise we should leave this bill as it is as far as the numbers for the humanities and for the arts and address some of these other needs, because a beautiful vista in a national park or a national forest is every bit as important as a piece of art.

I hope prospectively that the resources will be enough that we can make the priority judgments to do both. I think there is an opportunity to expand the arts and humanities. But in terms of our priorities, I believe the committee made the right judgment in saying, to start with, we need to emphasize the maintenance of the facilities we have; we need to give these people who serve us in the national parks and forests an adequate pay raise, because they are very selfless to begin with.

If you visit the parks and some of the facilities that people have to live in and housing and so on, you realize that those that are public servants in parks and forests are truly dedicated, that they do this as a labor of love, and, therefore, I think it is important that we adequately compensate them.

I do not have any quarrel with the need to have more money, but it is a priority choice, and I believe today we

should stay with the committee's numbers.

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

Mr. Chairman, I would remind the previous speaker that we are talking about three-tenths of 1 percent, it does not touch salaries, and it is not very much. It comes out of a cushion inserted in the bill.

Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Slaughter-Dicks-Horn-Johnson amendment. We need to increase the funding for the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum and Library Sciences. These are the agencies that are charged with bringing the history, the beauty, the wisdom of our culture into the lives of all Americans, young and old, rich and poor, urban and rural.

We in the Congress have said that preserving our national heritage and bringing the arts into the lives of more Americans is a goal that is worthy to support. Last year we made an important investment in the NEA's new Challenge America program. This program focuses on arts education and enrichment, after school arts programs for young people, access to the arts for underserved communities and community arts development initiatives.

Many years ago I spent several years as chair of the Greater New Haven Arts Council in Connecticut, and I know firsthand that the arts not only enrich lives, but they contribute to the economic growth of our communities.

The Federal investment in the arts is not the only means of support for this endeavor. Rather, our dollars, which represent only a small fraction of our annual budget, are used to leverage private funding and fuel what is really an arts industry. The industry creates jobs, increases travel and tourism and generates thousands of dollars for a State's economy.

Arts have a real value in restoring civility to our society, providing children and our communities with real alternatives. Participation in the arts programs helps children to learn to express anger appropriately and enhance their communication skills with adults and peers. Youngsters who have benefited from these programs show better self-esteem, an improved ability to finish their tasks, less delinquent behavior, and a more positive attitude towards school.

We know that arts build our economy, enrich our culture, and feed the minds of adults and children alike. We need to increase the opportunity through these organizations, to help them to fulfill their missions, and it is time that we gave them this support.

Vote for this amendment, preserve our heritage, make it accessible to all.

Mr. SKEEN. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to commend the gentleman from New Mexico (Chairman SKEEN) and the gentleman from Washington (Mr. DICKS) for the great job they have done on this Interior appropriation. There is one exception, however, and that is why I am rising in strong support of an amendment that is currently being discussed, the Slaughter-Dicks-Horn-Johnson amendment, which would increase funding for the National Endowment for the Arts, for the National Endowment for the Humanities, and also for the Institute of Museum and Library Services, not by very much money, altogether $15 million.

□ 1130

It is critical that we support Federal funding for these programs. These programs serve to broaden public access to the arts and humanities for all Americans to participate in and enjoy. The value of these programs lie in their ability to nurture artistic excellence of thousands of arts organizations and artists in every corner of the country. The NEA alone awards more than 1,000 grants to nonprofit arts organizations for projects in every State.

These programs also are a great investment in our Nation's economic growth. The nonprofit arts industry alone generates more than $36.8 billion annually in economic activity. It supports 1.3 million jobs and returns more than $3.4 billion to the Federal Government in income taxes.

I know that each of us in Congress can point to numerous worthwhile projects in our districts that are aided by the NEA, by the NEH, by the Institute of Museum and Library Services.

For instance, in my district of Montgomery County, Maryland the NEA provides a grant to the Bethesda Academy of Performing Arts to support their Arts Access Program. This inspirational program exists to offer introductory and integrated performing arts to children, teens and young adults who have physical, emotional, learning or developmental disabilities. Through Arts Access, BAPA witnesses firsthand the incredible amount of growth and development that occurs when the arts are incorporated into lives of students who have special needs.

The NET and the Maryland Humanities Council, in turn, have aided institutes and individuals in Maryland by providing over $18.2 million of seed funds over the last 5 years for projects that help preserve the Nation's cultural heritage, foster lifelong learning, and encourage civic involvement.

On just March 24 of this year, I spoke at the awards ceremony for the Maryland History Day district contest in Montgomery County, Maryland. The Maryland Humanities Council conducts History Day in partnership with the Montgomery County Historical Society and other cultural and educational organizations throughout the State. It was made possible with funds from the National Endowment for the Humanities.

By supporting the arts and humanities, the Federal Government has an opportunity to partner with State and local communities for the betterment of our Nation with all kinds of programs.

I also want to point out something I think is significant. Students who engage in arts and humanities programs over a period of time show a tremendous increase in their SAT scores, so it helps them also intellectually. Both the arts and humanities teach us who we were, who we are and who we might be, and both are critical to a free and democratic society.

So I urge a ''yes'' vote on the Slaughter-Dicks-Horn-Johnson amendment.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I rise in support of this amendment proposing a modest increase in America's arts budget. I represent a district in California that lost thousands and thousands of jobs in the defense industry with the defense contractor downsizings of the last couple of decades, but we were fortunate. We gained these jobs back and many more in the high-tech and entertainment industries.

In those industries, artistic skill and the creative thinking skills that are developed through arts education are essential, and support for the arts and support for arts education is as much a part of the economic infrastructure of States like California and many communities around the country as any other industry and, indeed, more than many other industries. We thought nothing of developing the infrastructure of other industries through focused educational efforts. We should do no less in this critical high-tech industry throughout the country.

Objection is made that if this is so important to the entertainment industry or the high-tech community, why do they not fund it? The answer is, they do. They do. In thousands of communities around America, the high-tech community and the entertainment industry do fund local theaters and symphonies and ballet companies, et cetera, but they cannot do it alone. They cannot do it alone.

Mr. Chairman, this modest increase in America's arts budget will allow not only the development of this industry and this economic infrastructure, but

also support the cultural well-being of all of our communities by helping struggling theaters to survive and struggling ballet companies and museums and artists.

NEA grants have gone to things as varied as, for example, the Vietnam Veterans Memorial here in Washington. So it is not simply for our own economic well-being that we should strengthen our arts infrastructure in this country, but our cultural well-being and richness as well. It is the reason many of us live in the communities we live in. It is deserving of our support, and it is good for the heart and soul of America. I urge the continued support of my colleagues.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON), a valued member of the Subcommittee on the Interior.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to oppose this amendment. I am not going to argue that the spending is wrong, but the cuts are wrong. We heard that it was just coming from the cushion. There is no cushion in the Forest Service. There is no cushion in the Forest Service. This is an agency that has not been adequately funded for many years. Backlogs exist. Mr. Chairman, 250 million people a year visit the Forest Service lands, 250 million, almost equal to the Park Service.

These people depend on facilities to be maintained, trails to be maintained, wildlife to be managed. These are the accounts that we are going to be taking this money from: recreational facilities that are badly in need of maintenance; law enforcement so that it is safe and secure for our families who are touring these facilities. This money is being taken from the wrong accounts.

The Interior budget has a $12 billion backlog in maintenance on the facilities that are publicly visited in the Park Service and in the Forest Service and on BLM lands. I say to my colleagues, this is not taking from a cushion. There is no cushion. There is inadequate funding in these departments historically. The backlog is huge. We are taking money away from where hundreds of millions of Americans depend and will tour this summer and expect facilities to be in shape, expect trails to be in shape, expect wildlife to be adequately managed and expect law enforcement to be adequately funded; and we are taking the money away from the heart and soul of the Forest Service and the Department of the Interior.

Mr. Chairman, this amendment is wrong. There was a good balance in this bill, and I urge the defeat of this amendment. It is not taking from a cushion, it is being taken right out of the heart.

Ms. SLAUGHTER. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in allowing me to speak in support of her amendment.

I wish to just add one point to the discussion here today. The funding trend that we have had ultimately moving upward is one that needs to be continued, and it needs to be continued because of the massive ripple effect that this has throughout the country.

In Oregon, communities like mine have had difficulty of late, but the Federal resources have enabled them to bootstrap. Portland arts groups have obtained a 68 percent rate of return at the box office, far ahead of the national average. It has encouraged private sector business to step forward doubling their investment in the first 5 years of the last decade alone. If we were to rely solely on public support, we would be cutting off access to people in our communities who need and deserve these opportunities.

Mr. Chairman, I hope that we will join together and support the gentlewoman's amendment. It is going to be very critical to promoting communities that are livable where our families are safe, healthy and more economically secure.

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

Ms. SLAUGHTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding, and I rise in support of her amendment to increase funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services. The arts and humanities are important both socially and economically to our Nation as a whole.

Studies have shown students benefit from exposure to both the arts and humanities. These students have a better chance to increase their SAT scores, develop increased self-confidence and are more likely to create multiple solutions to problems and work collaboratively with one another. These skills are essential for their future in the American workforce.

Arts and humanities funding are increasingly allocated to State agencies for grant programs that reach out to underprivileged and smaller suburban and rural areas that do not have the benefits of big city arts programs. In correlation, 79 percent of businesses believe it is important to have an active cultural community in the locale in which they operate. For instance, the Delaware Art Museum offers educational programs which are supported by corporate giants, the Delaware Division of the Arts and the NEA.

I have seen firsthand the impact cultural agencies have on communities producing results that benefit all. For example, the Delaware Theater Company, through grants provided by the NEA, has created a partnership with Ferris School, a maximum security facility for improvisational play-writing residencies that incorporate writing skills and art for incarcerated boys between the ages of 14 and 18. The NET has also supported projects at the University of Delaware that have both local and national impact, including preservation and access funds for education and the conservation of material cultural collections.

It is important for us to remember as a body the collective benefits that this does, not only for our districts, but for the country as a whole. I urge all of my colleagues to support this amendment.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise today in strong support of the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Washington (Mr. DICKS) and the gentleman from California (Mr. HORN) to increase by $15 million dollars funding for our national arts agencies: the National Endowment for the Arts, the National Endowment for the Humanities and the Institute for Museums and Library Services. These additional funds will enable children, youth, and adults to create, produce, learn from, and enjoy our Nation's arts and humanities.

Mr. Chairman, H.R. 1, the Elementary and Secondary Education Reauthorization Act which we approved in the House by a bipartisan vote authorized numerous structural changes to assure our children would be well read, well educated, and well adjusted. As a former educator, I value all that we did in H.R. 1.

But we must do more for our children than structural changes alone. We must also provide opportunities for their creativity to flourish and for them to gain a sense of our Nation's rich culture so that they may be the best leaders for the future.

Even more significant, we know that exposure to and participation in the arts reduces youth violence. H.R. 1 also authorized increased funding for arts education. This amendment, using NEA and NEH funds, provides such opportunities for our children.

For example, the NET is helping to fund a new project in my district, the Lewis and Clark Centennial Celebration. This project will be inclusive of Native American populations living in the region during this historic period of exploration, and will employ experts from Science City at Kansas City's Union Station to discuss the scientific methods employed by Lewis and Clark to map our frontier. This project will make history come alive through experiential learning and historic representations.

NEA also grants help to The Writer's Place to produce the Poets at Large event where critically acclaimed poets from across the United States inspire children and adults to embrace the written word as an art form. NEA funding enables children around the country to explore and appreciate our individual and collective identities as both Americans and global citizens, helping children to nurture their own love of reading, writing poetry, creating song lyrics, and drama.

Mr. Chairman, I urge adoption of this amendment to increase support for this funding. This support sends a message that art and music in the classroom and the community expand and enrich our lives and make our Nation a better place.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

□ 1145

Mr. MORAN of Virginia. Mr. Chairman, I wanted to respond to the previous gentleman who spoke about the cut to the National Forest Service.

If we leave the forests alone, our national forests, they are going to grow just fine, but if the most prosperous nation in the history of western civilization does not make an investment in the arts in this country, then a whole lot of cultural initiatives are going to die on the vine. We cannot let that happen.

Mr. Chairman, we have been beating up and gutting the National Endowment for the Arts now for the last several years. Of 117,000 grants that have been awarded by the NEA, fewer than 20 have been controversial. That is a much lower percentage than any of the other arts granting agencies: the Pulitzer prizes, the National Book Awards, you name it. There ought to be some controversy in the arts.

But the strongest argument for supporting this increase is our own experience in our own communities. Last week I went to a performance of the Classica Theater in Arlington. Here are a group of Russian emigrés who brought with them an invaluable experience in the classical Russian theatrical tradition.

What they are doing with a very small grant from the NEA is extraordinarily impressive. The NEA grant gave them the credibility to go out and raise substantially more money. Then they went to the school system, and they found about 100 immigrant kids from Somalia, Bosnia, and Afghanistan, who were suffering from the same kind of language and cultural barriers that they had. These kids were not succeeding in school. They taught them how to succeed through their theatrical tradition. They brought the history of Virginia to life in a play that employed their vocal and dramatic talents.

That theater was crowded and not just with their parents. They got a sustained ovation, but most importantly, every one of those kids saw their lives transformed. They were proud of themselves. For a few thousand bucks, we had a wonderful artistic expression by people who now know that they have tremendous potential for the rest of their lives. That is happening in communities all over the country.

Mr. Chairman, this is good money. It is a good investment. We ought to be increasing the NEA, not bashing it. The fact is the NEA, the NEH, and our museums are something we ought to be proud of all over the world. The rest of the world is proud. This Congress ought to be proud and support it.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I thank the gentlewoman for yielding time to me.

A previous speaker from the podium a few moments ago decried the fact that this bill funds inadequately the National Park Service, and that this amendment takes money away from that very much needed program.

This is true. It is true. But the fact of the matter is that there are many things that are underfunded in this overall budgetary program. The reason for that is that the majority party insisted on a $3 trillion tax cut earlier this year, and that is why we do not have enough money to do the kinds of things that we really ought to be doing.

We are here today to talk about giving a little bit more money to the National Endowment for the Arts and the National Endowment for the Humanities, one of the tiniest programs in the Federal budget, I would say much to our chagrin, much to our shame. It ought to be much bigger.

But where is that program today? In this budget, it is funded at $105 million for the National Endowment for the Arts and $120 million for the National Endowment for the Humanities. In 1995, NEA was funded at $57 million higher than it is today. NEH was funded at $52 million, higher than it is today in this budget.

One of the most shameful things that the majority party did when it came into power here in 1995 was to dramatically slash funding for the arts and the humanities. Programs in schools all across our country and museums all across our country were slashed.

Now, to their credit, our previous subcommittee chairman and our present subcommittee chairman, the gentleman from New Mexico (Mr. SKEEN), have worked to try to bring the funding level back up. I applaud them for it. But we are still woefully below where we ought to be, $57 million lower than in 1995 for the arts, $52 million lower than this 1995 for the humanities.

We have got to fund these programs adequately. It is shameful the way we have treated these programs in the Congress. That is why this amendment is so important, because it moves these funding levels up slightly, and brings them back in the right direction.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I thank the gentlewoman for yielding me time to speak here.

Mr. Chairman, many critics for the national endowments believe funding given to the NEA goes only to museums in big cities. As a former member of the National Council, I can assure the Members that rural communities receive more funding than ever through Challenge America and arts education programs.

Challenge America is a major NEA initiative that was newly funded by Congress in fiscal year 2001. The legislation provided $7 million for arts education and public outreach activities.

One of the challenges of the Challenge America program is to target areas of this country that have been underrepresented among NEA grant recipients. This year, 400 small grants will be provided for these underserved communities. Of the funding appropriated for NEA by Congress, more than 40 percent is directed to State and regional art agencies, which in turn make grants and offer services to community-based arts organizations in our communities.

I urge my colleagues to support this amendment. I think everybody here could get a map. This is a map of North Carolina, with all of the direct grants and indirect grants that are applied using the National Endowment. Each State can have this map.

In North Carolina. We had ten direct grants and 75 indirect grants. One of the really important ones, as far as I was concerned, is that we brought into Hickory, North Carolina, a thing called a Fry Street Quartet. It was helped paid for by the NEA.

The Hickory school system had a spring program founded by a teacher there named Dellinger, currently the director of an orchestra at the Hickory school. Chamber music study has always been part of the program at Hickory, North Carolina. It has been expanded. Currently the program has 198 students in grades six to twelve.

It is unbelievable what has been used by our community to attract new industry and new jobs by the outstanding effort by the community in developing the National Endowment. It is hard to say how many industries and jobs we have brought into our community because of its support of the arts.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, there is no reason, other than an ideological one,

to oppose this amendment. As has been already pointed out, the Endowment for the Arts as recently as 1995 was funded at $170 million level. This amendment simply seeks to fund it at $115 million.

For those people who live in big cities or for those Members of Congress who regularly frequent Washington, D.C., any time they want they can go to the Kennedy Center, they can go to the Folger Library, they can go to the Corcoran, they can go to many of the cultural institutions in this town.

It is a lot different if your are a child in small town America. Very often the endowment is the only thing that will introduce children in smaller communities in this country to the fine arts and to many other experiences that come under the rubric of the arts and humanities.

I think of one entertainer in my district, for instance, who goes into schools, who helps schoolchildren to write down their thoughts about life and then put those thoughts to music. Then he turns that into CDs for those local schools. The value in that kind of an effort is immeasurable.

As far as I am concerned, the Endowment for the Arts is one of those tiny facilities of government that helps children from all over this country dig much more deeply into their own souls than they even know is possible. I think that to oppose this amendment for ideological grounds or on ideological grounds is shortsighted. I think it neglects the fact that the Endowment helps children to grow in many, many ways.

I would urge support for the amendment.

Ms. SLAUGHTER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I am so proud to join with many of my colleagues on both sides of the aisle to support her amendment.

Economically, support for the arts and humanities just makes sense. The arts industry contributes nearly $4 billion into our economy, and provides more than $1.3 million full-time jobs. Furthermore, the arts industry returns $3.4 billion to the Federal Government in taxes, and arts education improves life skills, including self-esteem. It costs each American the equivalent of a postage stamp to support the National Endowment for the Arts.

In turn, last year the NEA awarded over $83 million in grants nationwide, and over $1.7 million in my home State of Illinois. There we have the Illinois Arts Council and the Illinois Humanities Council providing critical leadership and support and development of programs that touch the lives of thousands and thousands of Illinoisans.

For example, there is the Lyra Ensemble in Chicago, the only professional performing arts company specializing in the performance, research, and preservation of Polish music, song, and dance. Another project is the Beacon Street Gallery Theater, a program that supports the uptown youth and cultural heritage preservation program.

This initiative promotes cross-cultural understanding, strengthens intergenerational ties, enhances literacy, and builds job readiness.

These kinds of programs deserve our support.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that debate on the following specified amendments to the bill and any amendment thereto be limited to the time specified, equally divided and controlled by the proponent and an opponent: one, an amendment to be offered by the gentleman from Vermont (Mr. SANDERS) related to payment in lieu of taxes for 30 minutes; and two, an amendment to be offered by the gentleman from West Virginia (Mr. RAHALL) regarding the Mineral Leasing Act for 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. DICKS. Reserving the right to object, Mr. Chairman, as I understand it, there would be 15 minutes on each side for both amendments?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, the gentleman is correct.

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), the vice-chairman of the subcommittee.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I stand in opposition to this amendment, but I want to say I am a supporter of art. I support, and have every year since I have been in Congress, the Congressional Art Award in my district. My father is a docent at an art museum. I have two children who are artists, and one who would like to continue being one in the form of acting for a career.

But Mr. Chairman, I think we in Congress always fall in a trap that the NEA is the arts statement for America. I would like to speak about that.

First of all, I want to say to the proponents of this that I am glad that the NEA has reformed somewhat. They have eliminated a lot of the art that was so controversial, the Mapplethorpe exhibits, the watermelon women, and the things that caused so much controversy. I am glad that they have reduced that.

I will point out that they did it very reluctantly. It was a Supreme Court decision that said if the Federal government is funding art, then the artist does give up some freedom of expression and has to work as a contractor for the taxpayers. So there has been progress made, for whatever reason.

One area they have not made any progress in, as so many of the proponents have pointed out, is that in 1975, the funding for the arts was about $150 million. It has been reduced, and that vacuum, that void, should have been replaced by private dollars. We have done this in lots of other Federal Government programs, and it was the job of the NEA to go out and seek alternative funds. I think they have done a little bit of that, but they certainly have a long way to go.

□ 1200

Does the Federal Government support art beyond the NEA, which every year we hear, oh, this is what sophisticated countries do? They take the money out of the people who work in paper mills. They take the paycheck from the guy who works in the chicken factory.

They take the paycheck from the guy who is out there driving a long-haul truck right now and spend it on art and that is the sign of a sophisticated and compassionate country.

Mr. Chairman, we, in America, spend a lot of money on art education on our State level and on our Federal levels, teaching kids in all levels of school about art. We also have tremendous tax advantages, billions of dollars for write-offs if you donate to art museums or give generously.

In my town, in Savannah, Georgia, we have one of the largest private art colleges in the country, the Savannah College of Art and Design. It is not only one of the largest ones, but it is privately funded and one of the most successful ones, turning out hundreds of artists into our society from all over the country every year.

And, thirdly, our Federal Government does a lot of art purchasing. We buy objects of arts to put on the walls in Federal buildings and to put on the plazas, and we are major purchasers of arts and there is no ban against that.

Fourth, we fund lots of art beyond this and lots of museums.

I will give my colleagues an example. The Smithsonian alone gets nearly $500 million from this bill, and people should realize that we are very committed to cultural history.

Finally, let me talk about art versus nature. It is as the gentleman from Ohio (Mr. REGULA) has said, art and beauty is in the eye of the beholder. If

we look at the Grand Canyon or if we look at the forest, is it not art, maybe made by God versus made by man, but it certainly is art.

What we are doing here is we are taking money out of one resource and putting it into this man-made resource. I have to say there are some provincial politics driving this. It is interesting the disproportion of speakers who have spoken today who are from New York. Well, there is a reason for that. For the NEA, 70 percent of their money is spent in New York.

I know that is where lots of the art and theater companies are, but they come down South or they come down to the heartland of America, dusting off their halo and they put on an exhibition during the summertime and they feel good about themselves and then they go back home and we appreciate the visit. The reality is, 70 percent of the money for the NEA goes to New York.

Where are they getting the money from? They are getting it from fire. Is there anybody in the U.S. Congress that does not know about the fires that we suffered throughout the West? This money comes out of fire suppression accounts.

It comes from hazardous fuel accounts, facility backlogs, rehabilitation and restoration accounts, joint fire science so that we can prevent forest fire and volunteer fire services so that people in small rural areas can fight forest fires. That is where this money comes from.

Let us talk about needs versus wants. In my opinion, we need firefighting. We might want NEA, but we do not need to have it; and we certainly do not need to have this increase.

Mr. Chairman, lots of Members of this Congress would eliminate the NEA if it was up to them, but we are not on the committee doing that. We are keeping the funding level, and it is odd that a friend on the other side of the aisle has said that level funding in Washington means a cut. Well, maybe it is time to go back home and bounce that off your kid, because my daughter, Ann, who is 13 years old, she gets $3 a week allowance if she does her chores. I do not consider myself cutting her allowance 1 week to the next when I give her $3 on one Sunday and $3 on the next Sunday.

That is what we have been told. Level funding is a cut; go sell that to the taxpayers back home. Again, these are the people who drive trucks, who work in paper mills, who work in farms, who work in chicken factories. They are the ones who are paying for this. This is not Congress' money. This is not Washington's money. This is not government's money.

This is hard-earned taxpayers' money, and we need to be very careful how we spend it. It is 12 o'clock in the Eastern Standard Time zone. That means that there are a bunch of folks right now who are wearing hardhats who will be taking them off for 30 minutes to eat a lunch out of a lunch pail, and then at 12:30 they will be back, they will punch the timeclock and they will be back.

Mr. Chairman, they are the ones paying for this, not Washington, not the Department of the Interior; and I suggest, Mr. Chairman, we should pay them the honor that they deserve for the hard work that they are doing, and we should reject this amendment and stick with what the committee has worked out under a careful compromise.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Washington State (Mr. DICKS), the ranking member of the Subcommittee on Interior.

Mr. DICKS. Mr. Chairman, I want to compliment all of our speakers here today. They have done an outstanding job of presenting a strong case for a very modest amendment.

Mr. Chairman, what we are talking about is increasing the funding for the National Endowment for the Arts by $10 million, $3 million for the National Endowment for the Humanities, and $2 million for library services.

I have served on this subcommittee for 25 years, and I can remember when I was first on this committee we had two significant challenge grants for the State of Washington, and we saw our Pacific Northwest Ballet grow into a major institution.

We saw our symphony grow. We saw the theaters in Seattle grow, and people talk about this all being New York and Chicago. I can tell my colleagues that the work of the Endowment has helped spread the arts throughout the country. Sometimes we have to accept a win.

The committee has insisted that the Endowments emphasize quality; they do. The grants that are going out today are for the best art, the best humanities in this country.

Mr. Chairman, I would just say, I think it helps our country to have this diversity. I bet a lot of people go down to Georgia to attend the performing arts just like they do in the Northwest or for the Shakespeare Festival in Oregon.

Each community is proud of its art institutions, and I can tell my colleagues that the young people in my district enjoy being in the symphony, enjoy being members of their theater group; and I think for our children giving them a chance to have something to do after school, to be involved, like the kids are at the Middle School in Tacoma that help develop ''Chihuly's Glass.''

These are the kind of important things that will help our kids throughout their entire lives. Let us vote for this amendment. If there is any difficulty with the offset, we will work that out in the conference. Everybody knows that. This is a chance to support the arts, the humanities, and our museums.

The CHAIRMAN. The gentlewoman from New York (Mrs. SLAUGHTER) has 30 seconds remaining and the gentleman from New Mexico (Mr. SKEEN) has the right to close.

Ms. SLAUGHTER. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, I just want to say to my colleagues who just simply love art but do not want to fund any of it, see how important it would be, I would like to challenge them to go back into their districts and talk to the art programs that are there, see how many of them are seed money from the National Endowment for the Arts and see when those troops come through and buy tickets in their areas, how much that adds to the local economy.

Mr. Chairman, if they want to make these programs available to more people in the country then pass this small amount of money, the truck drivers on the long hauls who enjoy the good music at night, then, will be grateful as will the country.

The vast majority of Americans approve of this and want it, and I urge the adoption of this amendment.

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

Mr. SKEEN. Mr. Chairman, I yield to the gentleman from Georgia (Mr. KINGSTON) the balance of my time.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) for the time, and I wanted to also join with the gentleman from Washington (Mr. DICKS) in complimenting everybody who has participated in this debate.

Mr. Chairman, I do want to say to the gentlewoman from New York (Ms. SLAUGHTER), my good friend, that that is one of the problems with the NEA and the rest of the country. As I go around to my art community, Savannah, Georgia, is blessed with a great and a very strong active art community; but there is no NEA presence there whatsoever.

I would just say, again, if I was from New York.

Ms. SLAUGHTER. Would the gentleman yield?

Mr. KINGSTON. Actually, I have not yielded to the gentlewoman from New York, but I did overhear the statement. Let me say this: again, that is one of the situations with the NEA that it is disproportionately spent in New York.

Mr. KINGSTON. Mr. Chairman, I would say that this is one of the problems, and I would urge the NEA in their own distribution to go out to the rest of the country and make the their presence known. I can say this, we do not get any letters. Yes, let us do something for the NEA back home, because they are invisible.

We get lots of art, locally State-funded stuff, privately funded. We have a great symphony. We have a great art museum, a huge fund-raiser and lots of good things going on.

But one of the big vision differences here, Mr. Chairman, is that there are those who believe that government has to be the only funder and the only provider of things. Then there are others who think that funding as much as possible whenever possible should be driven by the private sector and locally.

I am going to support NEA funding, and I will support the committee mark, as I did at the subcommittee and the full committee level; but I will not support an increase.

Mr. LARSEN of Washington. Mr. Chairman, I rise today in strong support of the Slaughter/Dicks Amendment and to highlight the importance of NEA and IMLS funding for the smaller towns in my own district.

Last year's NEA funding increase created the Challenge America program, to help smaller communities gain access to the arts. The Arts Council of Snohomish Country in my home district was one of the first organizations to receive this grant. This organization offers weekly art classes to juvenile offenders, many of which have no adult role models in their lives, and provides them with opportunities to express creatively and interact in a forum outside of a detention center. Without this grant, the program would have had to cut back drastically or even be eliminated. That would be truly unfortunate, Mr. Chairman, because it is programs like these where the arts can provide hope and opportunity for troubled youth. Challenge America is doing great things for youth in my district, yet this program would not exist if the NEA did not receive increased funding last Congress.

I would also like to offer my support for IMLS, which also funds key services in my district. The Museum of Northwest Art in La Conner—a town of 900—received a key grant from the IMLS to help attract more tourists to the Skagit Valley region in my district. Because of the IMLS grant, La Conner brings in many more visitors who come to experience the Skagit Valley, thereby boosting their economy. Unfortunately, other museums in my district do not receive funding because of the lack of IMLS funding. The executive director of the Whatcom Museum contacted me earlier this year to share his frustration that the Whatcom Museum and Bellingham Library were denied important funding, not because of their qualifications, but because of the lack of funding for the IMLS. The Slaughter/Dicks amendment will provide key funding increases for the IMLS, and help small libraries and museums in districts like mine continue to flourish and reach out to the community.

Mr. Chairman, let's continue to show our support for the arts, the humanities and our museums and libraries by supporting the Slaughter/Dicks amendment. Thank you.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Slaughter-Dicks-Horn-Johnson Amendment, to make important increases to the NEA, NEH, and the Institute of Museum and Library Services.

We know that the arts are crucial to the development of our culture and our economy, and beneficial to all our citizens. As a recent member of the National Council on the Arts, I have seen first-hand the grant selection process, and I applaud the NEA for successfully increasing all Americans' access to the arts, through programs such as "Challenge America."

I was very proud last year, when for the first time since 1992, we increased funding year after year, and had repeatedly battled threats to the very existence of this important program.

We must recognize, however, that last year's funding increase was not the conclusion of a struggle, but rather, a first step toward funding the arts and humanities at levels appropriate for the importance we place on them in our society. A $10 million increase to the NEA budget would not only support extraordinary artistic work, but would also generate federal revenue and foster local economic activity.

Let's use this opportunity to continue providing a level of resources to the NEA and the NEH of which we can all be proud.

My colleagues, I urge you to support the Slaughter-Dicks-Horn-Johnson amendment.

Mr. FARR of California. Mr. Chairman, I would like to express my strong support for the Slaughter/Dicks amendment to the FY02 Department of the Interior Appropriations bill (HR 2217) to increase funding for the National Endowments for the Arts and the Humanities and the Institute of Museum and Library Services (IMLS).

A small investment in these agencies will provide our nation with limitless cultural, educational, and economic returns. Yet, each has been subject to massive budget cuts over the past six years, with the NEA receiving its first budget increase last year since 1992. The modest increases proposed by this amendment represent a step in the right direction toward ensuring that the arts and humanities have the increased funding they richly need and deserve.

The mission of these agencies is to provide access to the arts for all Americans, thus nurturing our nation's diversity and creativity, fostering community spirit, educating our citizens, and helping our struggling youth. The arts teach us to think, encourage us to feel, challenge us to see the world from different perspectives, and help us to grow. They improve the critical thinking skills and raise the self-esteem of our children through highly successful arts in schools and after-school arts programs. They reach into underserved areas, exposing smaller communities to the many intangible benefits the arts have to offer. That is why when we deprive our arts, humanities, and museums agencies of necessary funding, we are really depriving the heart and soul of this entire nation.

And investment in the arts and humanities just makes "cents." The NEA budget represents less than one-hundreth of one percent (0.01%) of the Federal budget and costs each American the equivalent of one postage stamp per year. Each year, the nonprofit arts industry returns $3.4 billion to the federal treasury, generates $36.8 billion in economic activity, and supports at least 1.3 million jobs. Without a doubt, the arts contribute to the economic health and growth both of our communities and of the nation as a whole.

The Central Coast of California has a vibrant arts community, and I want to ensure that our well-loved cultural traditions—like the Monterey Jazz Festival, the Cabrillo Music Festival, and the Kuumbwa Jazz Society—continue to thrive and are accessible to all. We must increase funding for the NEA, NEH and IMLS and ensure that they have the resources to help our diverse local arts community continue to shine.

Mr. HOLT. Mr. Chairman, I strongly support this amendment to add much-needed funds to the National Endowment of the Arts, the National Endowment for the Humanities and the Institute for Museum Services.

The National Endowment for the Arts and the National Endowment for the Humanities play crucial roles in American cultural life. Since 1965, the NEA has provided over 111,000 grants for projects ranging from theater and film festivals, to poetry readings and workshops, to radio and TV broadcasts, to museum exhibitions, to city design and downtown renewal. NEA funds often help to bring excellent performances and exhibitions beyond big cities to small towns and rural areas throughout the United States. Also, together with the state arts agencies, the NEA provides some $30 million in annual support for more than 7,800 arts education projects in more than 2,400 communities.

The NEH serves to advance the nation's scholarly and cultural life. The additional funding contained in this amendment would enable NEH to improve the quality of humanities education to America's school children and college students, offer lifelong learning opportunities through a range of public programs, and support new projects that encourage Americans to discover their wonderful American heritage.

The IMLS supports museums, including art, history, science, as well as zoos and aquariums. Increased funding in this area would help reinforce museum's educational role, encourage public access, and enable museums to care for our national treasures.

In central New Jersey, the NEA has supported arts opportunities for local residents in places like Lambertville, where a grant is helping support the annual New Jersey Teen Arts Festival and in New Brunswick where the NEA is helping the George Street Playhouse stage writing workshops for seventh to 12th grade students in local schools. The NEH and the Institute for Museum Services help support other important cultural opportunities for citizens throughout the state of New Jersey.

As a former teacher, I can tell you, arts education helps children be better students and helps them learn critical thinking skills. This is a long overdue, modest funding increase to build programs that use the strength of the arts and our nation's cultural life to enhance communities in every state of America.

I urge my colleagues to join me in support the Slaughter amendment.

Mr. CLEMENT. Mr. Chairman, I rise today in strong support of the Slaughter/Dicks/Horn/Johnson amendment. I believe that the NEA funds extremely valuable and important educational programs and worthwhile events. The NEA provides funding for many programs in Tennessee, including the Nashville Symphony

Association, Fisk University, and the Tennessee Arts Commission. I believe it is important to ensure that adequate funding for these programs continues.

NEH has also funded numerous worthwhile programs in my district and across the state—from Vanderbilt University's Robert Penn Warren Center for the Humanities to the Tennessee Performing Arts Center's Humanities Outreach programs to the Southern Festival of Books. NEH funding has allowed outstanding K–12 humanities teachers to conduct research that enhance their classroom lessons. And NEH grants have permitted the Tennessee Literacy Coalition to promote their adult education classes.

Mr. Chairman, this is just a small sampling of what NEA and NEH have done in my state. But the need is so much larger than the funds available. For every worthwhile request that receives funding, many other equally worthwhile proposals are rejected simply for a lack of available funds. I urge my colleagues to support the cultural events that these agencies support. These programs preserve and provide access to cultural and educational resources to our citizens. They provide opportunities for lifelong learning in arts and humanities. And they strengthen teaching and learning in history, literature, language and arts in schools, colleges and the surrounding communities.

Just as we need to continue to fund scientific research, we must continue to fund the arts and humanities. A world without the arts and humanities would be devoid of cultural meaning. Research shows that the arts and humanities benefit our nation's young people by improving reading, writing, speaking and listening skills and by helping to develop problem-solving and decision-making abilities essential in today's global marketplace.

I urge my colleagues to support this amendment and enhance the arts and humanities across our great country.

Mr. GILMAN. Mr. Chairman, I rise in support of the Slaughter-Dicks-Johnson-Horn amendment which calls for increases of $10 million for the National Endowment for the Arts, $3 million for the National Endowment for the Humanities, and $2 million for the Institute for Museums and Library Services. Over the past 30 years, our quality of life has been improved by the arts. Support for the arts and federal funding for the NEA illustrates our Nation's commitment to freedom of expression, one of the basic principles on which our nation is founded. Cutting funding for the arts will deny citizens this freedom, and detract from the quality of life in our nation as a whole.

Recent reports have made several recommendations about the need to strengthen support for culture in our country. In addition to applauding our American spirit, and observing that an energetic cultural life contributes to a strong democracy, these reports also highlighted the United States' unique tradition of philantrophy. However, it was also noted that the ''Baby-Boomer'' generation, and new American corporations, are not fulfilling this standard of giving. It saddens me that something as important as the Arts, which has been so integral to our American heritage, is being cast aside by our younger generations as something of little value.

By eliminating funding for the Arts, our nation would be the first among cultured nations to eliminate the Arts from our priorities. As Chairman Emeritus of the International Relations Committee, I recognize the importance of the Arts internationally, as they help foster a common appreciation of history and culture that are so essential to our humanity. If we eliminate the NEA, we would be erasing part of our civilization.

Moreover, let us consider the importance of the Arts on our nation's children. Whether it is music or drama or dance, children are drawn to the Arts. Many after school programs give children the opportunity to express themselves in a positive venue, away from the temptations of drugs and violence. By giving children something to be proud of and passionate about, they can make good choices and avoid following the crowd down dark paths. However, many children are not able to enjoy the feeling of pride that comes with performing or creating because their schools are cutting arts programming or not offering it altogether. We need to ensure that this does not continue to happen. I am doing my part by introducing legislation to encourage the development of after school programs at schools around the country that not only offer sports and academic programming, but also music and arts activities. Increasing children's access to the Arts will benefit this country as a whole.

It is our responsibility to ensure that our children have access to the Arts. I strongly support increased funding for the NEA and I urge my colleagues to oppose any amendments which seek to decrease NEA funding and I support the Slaughter-Dick-Johnson-Horn amendment.

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Slaughter/Dicks amendment which calls for increased funding for the NEA/NEH and IMLS.

I commend Mr. DICKS, the ranking Member of the Interior Subcommittee, for his support of this important priority and Ms. SLAUGHTER for her leadership as Chair of the Arts Caucus. We owe a debt of gratitude to LOUISE for the time and energy she has given to promoting the arts on behalf of her colleagues and on behalf of the citizens of this country and to NORM for his continued steadfast support.

National Endowment for the Arts Chairman Bill Ivey envisions ''An America where the arts play a central role in the lives of all Americans,'' and the NEA has indeed had great success in bringing the arts to the center of community life. Through its Challenge America initiative, the NEA has been focusing on access to the arts, cultural heritage preservation and alternatives for at-risk youth. An increase in funding is critical for ensuring access to the arts for citizens of all economic backgrounds and in all regions of the country. The NEA has substantially increased arts activity in every state in the country but it is imperative that we do more to ensure that art is reaching all Americans in communities across the nation.

The arts are important for our economy and yield major economic benefits: the industry generates $3.86 billion annually, supports $1.3 million jobs and returns $3.4 billion in income taxes to the federal government. The NEA represents less than one-hundredth of one percent of the federal budget and costs each American the equivalent of one postage stamp per year.

More importantly, the arts are important for our children. Research continues to show that students exposed to the arts often perform better in school. The confidence children find through the arts better equips them to face both academic and other life challenges more effectively.

But the founding fathers of our country knew this without the benefit of research. In a letter written to Abigail Adams, our second President, John Adams, wrote:

> ''I must study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history, naval architecture, navigation, commerce, and agriculture in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain.''

Let's fund the arts so that we can guarantee our children the right to develop their creativity and imagination in order to express themselves freely while gaining confidence.

The Poet Shelley once wrote that ''the greatest force for moral good is imagination.'' With all the challenges facing our nation's children, it is clear that we need all of the imagination they can muster. We must encourage a child's creativity for its own sake and for the confidence it engenders in the child.

Support creativity, support imagination, support the Slaughter/Dicks amendment.

Mr. MCGOVERN. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from New York, and Representatives HORN, JOHNSON and DICKS.

I am a strong supporter of the NEA, the NEH and the IMLS. This amendment provides for a very modest increase in funding for these important programs.

Yesterday we found several billion dollars to increase funding for the Pentagon.

Today, we need to support our school, libraries, museums, and artistic programs, programs that make our communities more livable and our children more likely to succeed.

I would like to point out that schools in my congressional district, in Attleboro, Foxboro, Worcester, Wrentham and Fall River, have all benefited from NEA grants and NEA-funded programs just in this last year.

The NEA brought performing artists and companies to communities across the country, including Worcester and Fall River, Massachusetts.

I have spoken before on this floor about the programs funded by the NEH and the Institute for Museum and Library Services program that have helped preserve history and protect important collections in my district. The arts, scholarship, research, collaboration—these are the fundamental services provided by these programs.

I believe it is important to protect and promote our artistic and historical heritage. I believe it is a fundamental obligation for government at all levels—federal, state and municipal—to support these efforts.

I fully support this amendment and urge my colleagues to vote in support of this modest increase.

Mrs. MALONEY of New York. Mr. Chairman, I would like to voice my strong support

for this amendment which will add additional funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services.

Mr. Chairman, the NEA serves a vital role in benefitting our communities, our children, and our economy. By providing grants to local communities, millions of children are exposed to the rich rewards of the arts. Studies have shown that children who experience the arts develop improved reading, writing, speaking, and listening skills, and are more likely to stay out of trouble.

Aside from the benefits to young people, we cannot overlook the tremendous economic value that the arts provide.

The creative industries reap more than $60 billion annually in overseas sales, and represent our nation's leading export.

Additionally, the arts employ millions of Americans who depend upon this critical federal funding for their livelihoods.

The Congress took an important step last year in approving a $7 million increase for the NEA, the first increase since 1992. We must continue this trend, and I urge all of my colleagues to support the Slaughter-Dicks-Horn-Johnson amendment.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of the amendment offered by the distinguished gentlelady from New York (Ms. SLAUGHTER) and the distinguished gentleman from Washington (Mr. DICKS). The amendment would increase funding for the National Endowment for the Arts (NEA) by $10 million, the National Endowment for the Humanities (NEH) by $3 million and the Institute for Museums and Library Services by $2 million. The funds would be taken from the Clean Coal Technology Program and which would not be available until September 29, 2002.

Nebraska is extremely well-served by the Nebraska Arts Council. For FY2001, the Council received a total of $522,600, from the formula NEA grant and additional competitive grants. This Member has been particularly supportive of the Nebraska Arts Council efforts to provide arts education and artists visits to rural schools, where there would be little or no access to arts education without the Council's involvement. Additionally, as part of a statewide effort, the Nebraska Arts Council is hoping to have sufficient resources to provide funding for a series of murals in Nebraska City to commemorate the bicentennial of the Lewis and Clark Corps of Discovery expedition. This effort will contribute to the success of the Lewis and Clark events scheduled in Nebraska City and will enhance the experience of those visiting for the Lewis and Clark bicentennial.

Federal funding for the arts allows small towns and communities across Nebraska to bring dancers and poets to schools, and lectures on Impressionist painting to town halls in the Sandhills. Federal support of the arts means that Lincoln, Nebraska, has a Civic Symphony and Omaha, Nebraska, a children's theater. These programs and institutions enrich all Nebraskans and are deserving of our wholehearted and enthusiastic support.

In addition, this Member is strongly supportive of the excellent work done by the Nebraska Council on the Humanities. In an earlier statement today, this Member mentioned, as an example, the Humanities involvement in the Lewis and Clark bicentennial.

In addition to the Teacher Institute, which will be held over the next few years, the Nebraska Humanities Council has many other programs that are related to the Lewis and Clark commemorations in Nebraska. There is a scholar-in-residence program, in which a nationally known expert share his knowledge and enthusiasm with students in six to ten schools over several years. Several annual Chautauquas will be devoted to the Lewis and Clark bicentennial through 2005. There will be teacher seminars and lectures in addition to the continuing availability of the existing speakers bureau.

In closing, Mr. Chairman, this Member urges his colleagues to support the Slaughter/Dicks amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I urge you today to vote in favor of the bi-partisan amendment introduced by Representatives SLAUGHTER, HORN, DICKS and JOHNSON. The amendment will increase funding for the National Endowment for the Arts, the National Humanities Council and the Office of Museum Services by $15 million, of which $10 million will go to the NEA.

This increase would take the NEA budget to $120 million. Though not the $150 million the agency requested to fully support the Challenge America initiative, it makes important inroads into funding the arts in parts of our country which have not received NEA support before. In a community like my own, these new monies will reach out to community organizations and cultural groups, previously unfunded, working to bring the arts to our children in after school programs.

Challenge America is designed to strengthen communities through the creation of partnerships that support arts programs. This program funds projects serving arts education, access for underserved areas, youth-at-risk, cultural heritage preservation and community arts partnerships. These partnerships represent what the arts do so well. Arts organizations working with schools, libraries, local businesses to make the arts available for everyone.

There are numerous studies that point to the benefits of art experience and instruction. The arts increase the ability of students to perform better in all areas of education. There are numerous studies that point out the economic impact of the arts in communities small and large. And we all know that quality of life is enhanced when the arts are a central part of a community's life.

The NEA has for over 30 years been a partner in those partnerships. Challenge America will being federal dollars into more communities to help more children and families. I urge you to support the Slaughter amendment and increase the budget of the federal cultural agencies by $15 million.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 193, answered ''present'' 1, not voting 18, as follows:

[Roll No. 177]

AYES—221

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Foley
Ford
Fossella
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogers (MI)
Ross
Rothman
Roukema
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—193

Akin
Armey
Baker
Barr
Bartlett
Barton
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr

Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ferguson
Flake
Fletcher
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McIntyre
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (KY)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—18

Aderholt
Baca
Bachus
Callahan
Cox
Cramer
Cubin
Dingell
Everett
Fattah
Houghton
Kaptur
Kilpatrick
McInnis
Riley
Rohrabacher
Roybal-Allard
Rush

□ 1234

Messrs. HUNTER, SHUSTER, HUTCHINSON, HILLEARY and GUTKNECHT changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BACA. Mr. Chairman, I regret that due to a physician's appointment I was unable to cast a vote on the Slaughter amendment to H.R. 2217 (Roll 177), to increase funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services by $15 million.

Had I been present, I would have voted "aye."

Mr. FARR of California. Mr. Chairman, I move to strike the last word. I would like to engage the distinguished chairman of the subcommittee in a colloquy.

Mr. Chairman, I want to thank the gentleman from New Mexico for his hard work and leadership on the interior appropriations bill and mention that it is not the same on the agriculture appropriations bill without the gentleman's presence.

Mr. Chairman, I want to address an issue concerning a devastating disease. It is called the sudden oak death syndrome; and as the gentleman knows, sudden oak death has left miles of dead tanoaks and oaks in woodlands across California. In addition to its forest impacts, this disease has a potential impact on interstate and international trade. Both Canada and the State of Oregon have issued emergency quarantines banning the importation of nursery stock such as rhododendrons, azaleas and huckleberries.

Mr. Chairman, I am concerned that this bill does not include the resources necessary to address the lack of fundamental knowledge and tools for effective eradication or containment of sudden oak death.

I am prepared to offer an amendment to increase the funding for the Forest Service and Range Land Research Account. However, I am encouraged to hear by the gentleman's efforts that he has agreed to work with me; and will, therefore, withhold offering my amendment at this time.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the gentleman for his kind words, and I assure the gentleman that I will work in conference to address his concerns regarding the search for funds for sudden oak death.

Mr. FARR of California. Mr. Chairman, I thank the gentleman. I look forward to working with him in solving this problem in much of the West.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word. I rise to enter into a colloquy with the gentleman from New Mexico (Mr. SKEEN), the chairman of the subcommittee, as well as the gentleman from Washington (Mr. DICKS), the ranking member.

Mr. Chairman, it was my initial intention to offer an amendment to increase funding for the Indian Health Services Loan Repayment Program by $17 million. The Indian Loan Repayment Program is designed as a recruitment and retention tool for health care professionals who are willing to serve in the American Indian and Alaskan Native communities in exchange for relief from their substantial loan burdens.

As my colleagues from New Mexico and Washington know, the state of health care in Indian country is far from ideal. American Indians and Alaskan Natives have incidences that are 950 percent higher for diabetes, 630 percent higher with respect to tuberculosis, and 350 percent higher when it comes to diabetes when compared to their non-Native counterparts.

In the area of mental health, the incidence of suicide among Native Americans is 72 percent higher, and greater than the rate for all other races in the United States.

As a new member of the Committee on Appropriations, let me commend the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Washington (Mr. DICKS) for increasing the overall Indian Health Services budget by $124 million, for a total of almost $2.4 billion. I have been witness to the difficult budget decisions that the gentlemen must have made; and given the accounts in this bill, I appreciate their consideration on this issue. I think we all can agree that historical funding levels for IHS have represented only a fraction of the resources necessary to equalize the health care between Native and non-Native communities.

I believe that the subcommittee has approached the pressing need of Indian health with the utmost sincerity, and to this point has made the most of what has been allocated. For this reason I have decided not to offer my amendment, instead opting to ask that the gentleman from New Mexico and the gentleman from Washington proceed to conference with the United States Senate so they can consider increasing the allocation for the loan repayment program.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from New Mexico.

Mr. SKEEN. I thank the gentleman for his comments. As a strong proponent for programs of American Indians and Alaskan Native people, I share his concerns about the condition of health care in Indian country. I want to assure the gentleman that funding for the Indian Health Service remains a top priority. I look forward to working with the gentleman to try and increase IHS funding as the process moves forward.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I join my colleagues in their assertion that the IHS needs more resources to address the health care disparities within Indian country. The health care needs of many American Indian and Alaskan Natives are not being met. Clearly it is our responsibility to address these health disparities. I appreciate the gentleman's efforts, and look forward to

working with him as we complete the fiscal year 2002 budget process. I appreciate his leadership on this issue.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the ranking member and the subcommittee chairman.

Mr. ALLEN. Mr. Chairman, I move to strike the last word. I would like to enter into a colloquy with the chairman of the Subcommittee On Interior of the Committee On Appropriations.

Much of the land within the Rachel Carson National Wildlife Refuge in Maine is protected today. However, several in-holdings and other areas of critical concern are not. The Rachel Carson Wildlife Refuge consists of tidal creeks, coastal uplands, sandy dunes, salt ponds, and various types of wetlands that provide precious nesting and feeding habitat for a variety of migratory waterfowl, and a nursery for many shellfish and fin fish.

The refuge also serves our communities by providing countless individuals and school groups the opportunity to gain firsthand knowledge of the critical and unusual nature of Maine's coastal habitats.

Mr. Chairman, there is an opportunity in fiscal year 2002 to purchase properties for the Rachel Carson National Wildlife Refuge. Southern Maine is witnessing rapid development. Without preservation, coastal and wetland habitats are at great risk. I ask for the gentleman's assistance to identify funding for a $3 million appropriation from the Land and Water Conservation Fund. This would ensure that the opportunity to protect these properties is not lost.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the gentleman for bringing this project to the committee's attention; and we will give his request serious consideration as we move to conference.

Mr. ALLEN. Mr. Chairman, I thank the gentleman.

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Chairman, last night I should have voted ''yes'' as opposed to ''no'' on the final passage of the supplemental appropriations bill.

The CHAIRMAN. The gentleman needs to make his unanimous consent request when the body sits in the House, not the Committee of the Whole.

AMENDMENT NO. 6 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SANDERS:

Page 7, line 11, insert ''(increased by $12,000,000)'' after ''$200,000,000''.

Page 87, line 13, insert ''(reduced by $52,000,000)'' after ''$579,000,000''.

Page 89, line 5, insert ''(increased by $36,000,000)'' after ''$940,805,000''.

Page 89, line 6, insert ''(increased by $24,000,000)'' after ''$311,000,000''.

Page 89, line 11, insert ''(increased by $24,000,000)'' after ''$249,000,000''.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

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

Mr. Chairman, I am pleased to offer this tripartisan amendment which is cosponsored by the gentleman from New York (Mr. QUINN), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New York (Mr. GILMAN), the gentleman from Oregon (Mr. BLUMENAUER), and the gentleman from Wisconsin (Mr. KIND).

This amendment is similar in many ways to an amendment that was passed by voice vote last year, and that passed with 248 votes 2 years ago. This amendment is also supported by a broad coalition of environmental and public interest groups, including the League of Conservation Voters, the Sierra Club, the Natural Resources Defense Council, Public Citizen, U.S. Public Interest Research Group, and the National Association of State Energy Officials.

□ 1245

This amendment accomplishes three primary goals. First, in the midst of the worst energy crisis that this country has faced in 25 years, this amendment adds $24 million to the very successful weatherization program. All over this country, lower income people and senior citizens are wasting huge amounts of energy because their homes are inadequately insulated. While I appreciate the good work of Ranking Members OBEY and DICKS and Chairmen YOUNG and SKEEN to increase funding for this program from last year, it is still not enough. In fact, the $249 million provided in this bill for weatherization is $24 million less than the President's budget request. In other words, all that we are doing here is funding the weatherization program at the same level the President has requested. I should tell Members that I have been very critical of the President's funding for energy in general.

In addition, Mr. Chairman, this amendment provides an additional $12 million for a number of other energy conservation programs. The various programs have been highly successful in leveraging State and private funds in terms of reducing the energy used by homeowners, schools, hospitals, farmers and others. No one denies that our country can do much more in a wide range of energy conservation efforts, and this additional funding will provide some help in that direction.

Lastly, Mr. Chairman, this amendment also increases the payments in lieu of taxes program by $12 million, something that I and many other Members have been deeply interested in for a number of years. Mr. Chairman, the PILT program was established to address the fact that the Federal Government does not pay taxes on the land that it owns. These Federal lands can include national forests, national parks, fish and wildlife refuges and land owned by the Bureau of Land Management. Like local property taxes, PILT payments are used to pay for school budgets, law enforcement, search and rescue, fire fighting, parks and recreation and other municipal expenses. The PILT program benefits 1,789 counties in 49 States throughout the country. I appreciate the committee's increasing funding for this program. They have. But once again because of woefully inadequate funding in recent years, we have got a long way to go. We cannot talk about respect for local government and then not pay them the amounts of money that we have to.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

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

I rise in support of the Sanders-Quinn-Kind amendment. This amendment to the fiscal year 2002 Interior appropriations bill increases funding to provide $48 million for the weatherization assistance program, for PILT and for energy conservation. The weatherization assistance program has been highly successful and helped so many of our constituents. Increasing the weatherization assistance program by $24 million raises funding to the level that President Bush has requested in his fiscal year 2002 budget, as the gentleman from Vermont has pointed out.

Mr. Chairman, weatherization does work. It is a vital program that improves the energy efficiency for low-income families throughout our great Nation. These programs assist those most in need, those least able to afford the high cost of energy. This beneficial program saves our low-income constituents about $200 a year in heating costs. That is $200 more that our hard-working families can now spend on food, clothing, housing costs and for other necessities.

Mr. Chairman, in this energy crisis, energy conservation is and should be on everyone's mind. The energy conservation program has a proven track record. This program assists our hospitals, our farmers, our homeowners, our schools and others to be able to reduce their cost of energy. The savings on energy allow our hospitals and schools to use the funds that would have gone towards energy costs to go towards education and medical care.

One reason for the success of the energy conservation program is the effective leveraging of significant amounts of State and private funds.

Mr. Chairman, the exorbitant costs of gasoline and other sources of energy have been devastating to our small businesses, to our truckers and so many of our constituents. In order to remedy this energy crisis and to mitigate its effects on the future, we need to invest in energy efficient technologies. We need these technologies now. We must invest in our future and in the future of our children.

Mr. Chairman, another important provision of the Sanders-Quinn-Kind weatherization/PILT amendment is the $12 million allocated towards payments in lieu of taxes which provides our counties and towns with welcome relief from the burden of supporting nontaxable Federal lands. I have a good portion of those lands in my district. In addition, through PILT, the Federal Government has the opportunity to give back to the communities for the services they provide to the lands. My congressional district is among the 1,789 counties throughout 49 States that benefit from PILT.

In closing, Mr. Chairman, in the face of this energy crisis, we need to be proactive in order to combat the high prices for energy and to create energy-saving and energy-efficient technologies. The Sanders-Kind-Quinn amendment is proactive and laudable. Accordingly, I urge my colleagues to support this amendment.

Mr. KINGSTON. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Georgia will be recognized for 15 minutes.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, no one in this House has been a more longstanding supporter of the weatherization program than I have, but this amendment deserves to be defeated. I oppose it on two grounds: First of all, we had a major victory in the committee on the issue of weatherization. This bill includes $311 million. That is a 63 percent increase over last year. The committee's original number was $60 million lower. We negotiated it up to double that amount.

The gentleman mentions the $24 million by which it is below the President. That is only because that $24 million was used to insulate schools and hospitals which is an equally deserving requirement. None of us should be ashamed of doing that.

Secondly, I would point out that this amendment actually reduces funds for fossil energy research. We need a balanced research program in all areas of energy research. That includes research on more efficient power plants and distributed generation technologies which are part of the fossil energy program that this amendment seeks to cut. In fact, the Democratic minority in the committee supported an amendment by the gentleman from New York (Mr. HINCHEY) to increase fossil fuel energy research along with energy conservation by $200 million. I think it would be foolish for us to support an amendment today which reduces funding for any energy research program.

This amendment seeks to increase a fund which we have already increased by 63 percent by cutting further a fund which is already $4 million below last year. That makes no sense if we are trying to achieve a balanced program.

I urge a ''no'' vote on this amendment.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise in opposition to the gentleman's amendment. No one in the House is a bigger supporter of the weatherization program than this Member. Weatherization funds are critical to lower income families who look for long-term savings in the cost of home energy through conservation, in particular insulating their homes.

I oppose this amendment, however, for two important reasons. First, the chairman and the committee have been extremely generous, as the gentleman from Wisconsin (Mr. OBEY) has pointed out, to the weatherization program in the committee bill. The bill includes $311 million for weatherization and State energy assistance. This is a $120 million, 63 percent increase over last year. Yes, the gentleman is correct, the committee has allocated $24 million of this increase to programs to insulate schools and hospitals. I personally believe that this is a reasonable accommodation given the energy use of these facilities. The bottom line is that I want to support the chairman in his overall generosity to these programs.

Second and equally important, I cannot support an amendment which reduces funding for fossil energy research. I believe that the lesson of the current energy crisis is that we need a larger and a balanced research program in all areas of energy research. This includes research on more efficient power plants and distributed generation technologies, which are part of the fossil energy program. The minority supported an amendment by the gentleman from New York (Mr. HINCHEY) in committee to increase fossil energy along with energy conservation research by $200 million. I do not think we should support an amendment today which reduces funding for energy research programs. Therefore, I rise in very strong opposition to this amendment.

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

My friends, of course, are right. We do take money from the fossil fuel energy research and development program in order to fund weatherization, in order to fund energy conservation, in order to fund the long overdue efforts to bring PILT payments to where they should be.

Mr. Chairman, regarding the fossil fuel energy research and development program, let me quote from the report of the fiscal year 1997 Republican budget resolution:

''The Department of Energy has spent billions of dollars on research and development since the oil crisis in 1973 triggered this activity. Returns on this investment have not been cost effective, particularly for applied research and development which industry has ample incentive to undertake. Some of this activity is simply corporate welfare for the oil, gas and utility industries. Much of it duplicates what industry is already doing. Some has gone to fund technology in which the market has no interest.''

That is the Republican budget resolution of 1997, not BERNIE SANDERS.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of this amendment. First of all, we appreciate the work that is being done in the Committee on Appropriations between the chairman and the ranking member and the subcommittee chairman and ranking member, but the fight is not here with this amendment. The fight is with an administration that submitted a budget that drastically reduced energy research programs by between 48 and 52 percent across the board, whether it was alternative or renewable energy sources. It is also an administration that claims that they will restore funding to these programs but only after they collect oil royalties from drilling up in the Arctic National Wildlife Refuge. If there is a skewing of priorities here, I would submit it is with the administration in their energy plan and the budget that they had submitted.

This weatherization program is important to people across the country, not only in my district in western Wisconsin but throughout the United States. In light of the fact that we just passed a large tax cut about a month ago which disproportionately benefits the wealthiest of the wealthy in this country, this weatherization program assists low-income families in order to weatherize their homes and businesses so that they can better deal with the rising energy costs that are sweeping across the country right now.

Just a couple of short months after the Vice President's now infamous statement that conservation may be a noble value but it is not any real underpinning of a sensible energy policy,

the State of California has reduced their energy consumption by 11 percent, which shows you the value of conservation and increased energy efficiency in this country.

That is all this amendment is trying to do, bolster those types of programs in energy conservation, in energy efficiency for low-income families, as well as provide some much needed revenue relief back to local districts with the PILT program who are financing the nontaxable Federal property that exists in their local communities. That is why we feel that this amendment is eminently fair, why we need to make this investment. I appreciate my friend from Vermont highlighting some of the difficulties a lot of analysts have revealed in regard to the coal research program, which I think needs further exploration.

Mr. Chairman, much of the focus on our current energy crisis has been the rising price of gasoline. But in my district and throughout the country, the price of heating oil has risen as much as 40 percent in the past year. Conservation efforts such as the Weatherization Assistance Program go a long way to helping us become less dependent on foreign oil.

The Weatherization Assistance Program helps correct the disproportionate energy burden faced by low-income Americans. The program has helped make over five million homes more energy efficient and the average home has seen heating savings of 23 percent. With many low-income households spending over $1,100 on energy costs annually, this energy efficiency savings can further help these families afford the basic necessities of life. Mr. Chairman, we do not want any of our citizens having to make the difficult choice between food and fuel. I urge my colleagues to support this measure.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. REGULA), the past chairman of the subcommittee and an active and current member.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me this time. I want to associate myself with the remarks of the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Washington (Mr. DICKS). I do not want to be repetitive, they had it exactly right.

There are a couple of other things I would like to point out and, that is, this takes money from research on pipelines. Last year, in connection with the Northeast heating oil program, we put tanks in New York Harbor because there are not enough pipelines in the Northeast to deliver fuel. Here we have a chance to do research on putting these pipelines in without disturbing the surface. That program of research is cut.

Something else I want to point out, and that is that in the LIHEAP program, which is in the Labor, Health, Human Services and Education bill, 15 percent of the LIHEAP money goes to weatherization. So the effect of the $300 million that we added in the supplemental this week actually provides 45 million additional dollars for weatherization.

What we are talking about here today in effect is a double dip. I think this is a bad amendment. It takes money from research that is vitally important for fuel cells and for other forms of alternative fuels.

□ 1300

As we face an energy crisis, one of the great hopes we have is to develop alternative ways of providing fuel rather than to just scatter this in other programs. For all the reasons, and particularly as they were outlined by the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Washington (Mr. DICKS), it is a bad amendment in terms of our overall energy policy; and I urge a strong ''no'' vote on this.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Vermont (Mr. SANDERS) for yielding me this time.

Mr. Chairman, it is true, this would take some money from fossil energy. For instance, Chevron, whose profits last year were $5.2 billion, up from $2 billion in 1999, that is a $3 billion 1-year increase, they will get $5 million or more under this bill as they did last year. The Phillips Petroleum, profits 1999 only $700 million, last year $1.9 billion. They got $7 million from this program last year.

Am I being told that Phillips Petroleum and Chevron will not make these investments themselves, and they cannot afford to make it themselves? That is not true. There are millions of Americans who cannot afford to make even more cost-effective investments themselves in weatherization. We can get three or four times as many kilowatts with weatherization for the price in today's market. We can get three or four times more with conservation programs than we can in the most efficient fossil-fired fuel plants in this country.

This amendment makes sense for individual Americans and for residential ratepayers; but it does not, I must admit my colleagues are right, it does not make sense for Westinghouse, Phillips Petroleum, GE, and other companies that just cannot afford to make these investments on their own.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, we have 600 years of coal reserves underneath the ground. Even in my district people want to burn coal cleanly, and in order to burn coal cleanly we have to have research to do that. It is absolutely essential to my district, as well as western Pennsylvania.

We have lost 10,000 or 12,000 coal miners in western Pennsylvania in the last 20 years. The thing that worries us is that if we do not do the research, in the end we will not be able to burn the coal cleanly.

Every year, we try to balance in this bill all the agencies that need money. We increased weatherization. We increased fossil research. The gentleman from New York (Mr. HINCHEY) offered the amendment. We supported the amendment. Now that we are going through an energy crisis, when 52 percent of our electricity is produced by coal production, it would be foolish for us to eliminate this resource.

So I would urge all the Members in the House to vote against this amendment. It is essential to the future of this country to have a consistent, low-cost energy resource. So I would hope that we would vote against this amendment and get on with the bill.

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

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT), a member of the committee.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman from Georgia (Mr. KINGSTON) very much for yielding me this time.

Mr. Chairman, I rise in opposition to the Sanders amendment. I want to offer a little different perspective. Certainly we can acknowledge that the increase in the weatherization has been substantial, 64 percent I think it is in the committee, and yet we have reduced the energy research account as well; but now the gentleman from Vermont (Mr. SANDERS) wants to reduce it even more. I think that is a mistake.

My perspective is this: energy research on fossil fuels, oil and gas and coal in this country, is conducted primarily by small outfits, small independent companies that have either family owned or small entrepreneurial operations that have small numbers of employees. So this is not a big oil-and-gas reduction attempt. This is going to hurt small companies and jobs in smaller communities that will add to the research that we need to make sure that we do achieve greater independence in the years ahead on fossil fuels. Whether we like it or not, we are dependent on fossil fuels in this country; 52 percent coal dependent, substantial oil and gas dependence.

What we do not want to do is be dependent for our national security interests on foreign imports from countries around the world. That is dangerous for our country. This energy fossil fuel research and technology development will allow us to be more independent in the coming years, and it is critically important that we do that research to become more independent and become technologically adept at meeting the challenges of energy supply.

I am one who favors PILT, increase in the PILT account; but I think under this circumstance it is a balanced approach that we have adopted, and I urge a rejection of the amendment.

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

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Vermont (Mr. SANDERS). At a time when the entire country's attention is focused on the need for a national energy policy which is comprehensive, balanced and improves the overall national security by reducing our dependency on foreign sources, I believe a move to slash $52 million from energy R&D will produce unwarranted and detrimental effects that will only make the current situation worse. Now is not the time to be short-sighted in making our funding decisions.

We have heard the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Washington (Mr. DICKS) speak eloquently to the fact that both of these programs, which we all support, PILT and weatherization, have been adequately funded in this bill. The gentleman from Vermont (Mr. SANDERS) talks about the benefit of energy R&D research. If Members do take time to do a brief cost-benefit analysis, they will find that supporting energy R&D efforts is the most efficient, effective, and timely investment we can make; and for those Members who think that slashing $52 million from fossil energy research, that they are somehow going to improve the environment, they should think again about that disjointed logic of such a conclusion.

Consider the following that has occurred as a result of energy R&D: we now see the possibility of zero-emission power plants using coal, natural gas, municipal waste and biomass; and research is under way to capture and sequester carbon dioxide. DOE's FE research program has a solid record of success. We have over $9 billion of commercial sales, of fluidized bed combustors that have been made, a commercial return of over $9 for every $1 of DOE investment. More than 200 commercial fuel cells operate in the United States and overseas and the most efficient, cleanest gas turbine in the world has ''Made in America'' stamped on it.

Without question, FE R&D is a lot more than just coal and fossil energy research, and development does more than one might have imagined to help all of our constituents meet their needs when it comes to paying their energy needs. Please defeat this amendment.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, my friends talk about slashing fossil fuel research. If our amendment passes, it would represent an increase of $58 million more than the President wanted and $75 million more than fiscal year 2001. That is not exactly slashing.

Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of this amendment, and I do so with the full understanding and appreciation for the increase in the weatherization program. I appreciate that, but the realty is that if there is not enough in the pot to begin with, we cannot get out of it what is not there.

I come from an environment where it is always too hot or too cold, always. I have more than 165,000 low-income consumers who live at or below the poverty level in a high-priced economic market. All of the time, every day of their lives, they are always moaning, groaning, crying about the inability to have a comfortable environment in which to live.

While I appreciate research, am a strong proponent of it, we know that weatherization works. We know that it works. I support this amendment and would urge its passage to give relief to those individuals who need it now because we know that weatherization does work.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Vermont (Mr. SANDERS), not because of the programs that he wishes to fund, but from where he is taking the money from.

We are in an energy crisis, and we need to take full advantage of all of our own natural resources. We should be increasing investment in research and development, not decreasing it.

I represent the androcyte coal fields of Pennsylvania, and there is a DOE-funded program there taking advantage of a decades' old technology of converting coal and waste coal into gasoline.

We need to do that. We are too dependent upon foreign oil.

I had the opportunity to visit Penn State University a few months ago and look at the noncombustible applications that are being done there in their research and development, where they can convert coal and waste coal again into graphite, which is strong and light; and the automobile industry and the aircraft industry are looking at it for applications there because of its strength and how light it is.

We need to up our investment in research and development of fossil fuels, not decrease it. I urge all of my colleagues to vote against this amendment.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, let me just make a couple of points. According to the Republican Committee on the Budget, the fossil fuel research program is largely corporate welfare and ineffective. According to the CBO, let me quote, ''The appropriateness of Federal Government funding for such research and development is questionable,'' CBO.

Mr. Chairman, I can understand why some of my good friends want to see this research, fossil fuel research, expanded. Thirty-eight percent of the money goes to two States. Weatherization goes to 50 States. The bottom line, Mr. Chairman, is that we are increasing funding for weatherization desperately needed. Hundreds of thousands of Americans cannot get into a program which saves them money and protects the environment. We are expanding money for other energy conservation programs, and we are putting more money in to programs that compensate local governments when the Federal Government is using their property, the PILT program.

Mr. Chairman, we are in the midst of a major energy crisis, the worst crisis this country has experienced in over 25 years. Let us stand with lower-income people all over this country. Let us help them weatherize the homes in which they are living. Let us stand with small communities all over this country who deserve fair PILT funding. Let us stand with those people who say we are doing nowhere near enough in terms of energy conservation.

This is a good amendment, and I urge its passage.

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

Mr. KINGSTON. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY), because I know he had some points he wanted to make.

Mr. OBEY. Mr. Chairman, I thank the gentleman from Georgia (Mr. KINGSTON) for yielding me this time.

Mr. Chairman, let me repeat again, this amendment increases a program which we have already increased by 63 percent. It cuts fossil fuels which we have already cut by 4 percent. There is nothing wrong with research for more efficient power plants or distributed generation technologies or pipeline improvement. Those are some of the programs this amendment would cut. This amendment is well meaning but it is ill advised and ill targeted.

I have defended weatherization longer than any other person in this Chamber, and I stand here today urging a no vote on this amendment.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I wanted to say this, again summarizing our bipartisan opposition to this amendment, that PILT is funded at the historically high level in this bill of $200 million. That is $50 million above the budget request.

□ 1315

Weatherization programs receive a 70 percent increase in funding above last year.

Here we are in an energy crisis, and energy conservation research funding has been restored to last year's historically high level, which is a good increase. But we need to continue that research. We need to keep the commitment. Fossil energy research after deducting the President's clean coal power initiative is below last year's level. Further cuts would be foolhardy.

This amendment is bad for our energy security, bad for the consumer who purchases energy, and bad for the economy. We need to continue our research. We need to vote no on this amendment.

Mr. QUINN. Mr. Chairman, I rise in strong support of the Sanders-Quinn-Kind amendment to increase funding for low-income weatherization and energy efficiency.

What we do in this amendment is fairly simple. Most significantly, we increase weatherization by $24 million which would bring overall funding up to the Bush administration requested level of $273 million. Weatherization is a program that is proven and really works to increase energy conservation.

Through this program, low income families save $200 a year in heating costs, and these modest savings can be used for other important family needs such as food, clothing, housing and other basic necessities of life.

In addition, we increase overall state conservation programs by $12 million, and increases the Payments in Lieu of Taxes (PILT) program by $12 million.

We would offset these increases by cutting the Fossil Fuel R&D program by $52 million.

Last year's amendment on this issue passed by a voice vote, and I hope that this year we will have a similar level of support from this Body. I urge Members to pass the Sanders-Quinn amendment.

The CHAIRMAN pro tempore (Mr. WHITFIELD). The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY of New York:

Page 36, beginning at line 1, strike ''under a comparable royalty-in-value program'' and insert ''under the existing royalty-in-value program, including the royalty valuation procedures established by the final rule published by the Minerals Management Service on March 15, 2000 (65 Fed. Reg. 14022 et seq.)''.

Mr. Chairman, I would like to thank the ranking member and the Chair for working with me on this amendment.

Mr. Chairman, I offer this amendment in an attempt to stop giving corporate welfare to America's oil companies. This amendment simply clarifies that royalty-in-kind must earn at least as much money for the Federal Government as a royalty-in-value program operating under the new rules put in effect last year.

For too long, major oil companies were paying fees to the Federal Government based on prices that were lower than market value. Basically the oil companies kept two sets of books; one which they paid each other based on market value, and one which was much lower that they paid to the Federal Government and the American taxpayers. Now, it is one thing for oil to be slick; it is quite another for oil companies to be slick at the expense of the American taxpayer.

In a bipartisan way, the gentleman from California (Mr. HORN) and I held hearings to investigate money that major oil companies owed the Federal Government. Our hearings showed that many of these companies were underpaying fees, costing the American taxpayer nearly $100 million a year.

Many companies were sued by the Federal Government for deliberate underpayment of fees. Most have elected to settle, and to date over $425 million has been collected. Combined with State and private lawsuits, the oil industry has reluctantly paid to the government close to $5 billion to settle these underpayment claims.

The Interior Department's new oil valuation rule, which was announced last year, will save taxpayers at least $67 million each year by ensuring that oil companies pay the fair market value for the oil that is taken from Federal lands.

Now that we have finally put a stop to the industry's secret scheme and are collecting a fair amount for fees for the American taxpayer, we are now being asked to examine an entirely new system of fee collection. Now the oil industry is telling us that they do not want to pay in money, they want to pay in oil.

The last I heard, money was still the currency of the United States, and the American taxpayer should demand no less. The oil companies call it a new way to pay; I call it a new way to stiff America's taxpayers.

Today I offer an amendment to guarantee that the industry fees, the so-called royalty-in-kind program, earns at least fair market value or more. Why the need for this amendment? Independent analysis shows that in almost all cases, the government, under the oil industry plan, would have lost revenue compared to actual market prices. In fact, the government actually lost almost $3 million when you compare what was received via royalty-in-kind with what would have been collected with fair market value.

Mr. Chairman, the royalty-in-kind program puts the Federal Government into the oil business; not because it will save taxpayers money. It will actually cost them more. Not because it is more efficient; that has not been shown. No, we are asking the Federal Government to enter into the oil business because big oil can no longer get away with cheating taxpayers out of their fair share of royalties received for value. That is the only reason that I have seen to support this particular program.

Today, all we are asking is that if you are going to move ahead with this program, we should make sure that it is not costing taxpayers money, that it in fact is tied to fair market value.

I hope that my colleagues will support in a bipartisan way this amendment.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I have no objection to the gentlewoman's amendment. My reading of the amendment is it just codifies the current program.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to say to the gentleman from New Mexico (Chairman SKEEN) that we appreciate his willingness to accept the amendment, and compliment the gentlewoman for her hard work on this issue.

Mrs. MALONEY of New York. Mr. Chairman, reclaiming my time, I thank the gentleman from New Mexico (Chairman SKEEN) and the gentleman from Washington (Mr. DICKS).

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The text of title II is as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $236,979,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management,

cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $277,771,000, to remain available until expended, as authorized by law, of which $60,000,000 is for the Forest Legacy Program, $8,000,000 is for the Stewardship Incentives Program, and $36,000,000 is for the Urban and Community Forestry Program, defined in section 250(c)(4)(E)(ix) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That, hereafter, ''Forest Service State and Private Forestry, Stewardship Incentives Program'' shall be considered to be within the ''State and Other Conservation sub-category'' in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations provide to the Secretary, in writing, a list of specific acquisitions to be undertaken with such funds.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided, for management, protection, improvement, and utilization of the National Forest System, $1,326,445,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2002 shall be displayed by budget line item in the fiscal year 2003 budget justification: *Provided further*, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,402,305,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2000 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to federal emergency response, and wildfire suppression activities of the Forest Service; *Provided further*, That of the funds provided, $227,010,000 is for hazardous fuel treatment, $81,000,000 is for rehabilitation and restoration, $38,000,000 is for capital improvement and maintenance of fire facilities, $27,265,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $50,383,000 is for state fire assistance, $8,262,000 is for volunteer fire assistance, $11,974,000 is for forest health activities on state, private, and federal lands, and $12,472,000 is for economic action programs: *Provided further*, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', ''Forest and Rangeland Research'', and ''Capital Improvement and Maintenance'' accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: *Provided further*, That:

(1) In expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups;

(C) small or micro-businesses; or

(D) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

(2)(A) The Secretary of Agriculture may transfer or reimburse funds to the United States Fish and Wildlife Service of the Department of the Interior, or the National Marine Fisheries Service of the Department of Commerce, for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference as required by section 7 of such Act in connection with wildland fire management activities in fiscal years 2001 and 2002.

(B) Only those funds appropriated for fiscal years 2001 and 2002 to Forest Service (USDA) for wildland fire management are available to the Secretary of Agriculture for such transfer or reimbursement.

(C) The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing in connection with wildland fire management activities affecting National Forest System lands.

For an additional amount, to liquidate obligations previously incurred, $274,147,000.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $535,513,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which $50,000,000 is for ''Federal Infrastructure Improvement'', defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Forest Service shall be transferred to and merged with this appropriation, and shall remain available until expended: *Provided further*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $130,877,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(iv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,488,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which eight will be used primarily for law enforcement purposes and of which 130 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (5) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (6) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Secretary may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: *Provided further*, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may

be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund indirect expenses, that is expenses not directly related to specific programs or to the accomplishment of specific work on-the-ground, from any funds available to the Forest Service: *Provided*, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: *Provided further*, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: *Provided*, That during fiscal year 2002 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund. Obligations in excess of 20 percent which would otherwise be charged to the above funds may be charged to appropriated funds available to the Forest Service subject to notification of the Committees on Appropriations of the House and Senate.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $750,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $579,000,000, to remain available until expended, of which $150,000,000 is to be available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development and demonstration of commercial scale technologies to reduce the barriers to continued and expanded coal use: *Provided*, That all awards shall be cost-shared with industry participants: *Provided further*, That in order to enhance the return to the taxpayer, provisions for royalties from commercialization of funded technologies shall be included in the program solicitation, including provisions for reasonable royalties from sale or licensing of technologies from both domestic and foreign transactions: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out engineering studies to determine thecost of development, the predicted rate and quantity of petroleum recovery, the methodology, and the equipment specifications for development of Shannon Formation at Naval Petroleum Reserve Numbered 3, utilizing a below-the-reservoir production method, $17,371,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to be derived by transfer from funds appropriated in prior years under the heading ''Clean Coal Technology''.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $940,805,000 to remain available until expended: *Provided*, That $311,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $249,000,000 for weatherization assistance grants and $62,000,000 for State energy conservation grants: *Provided further*, That notwithstanding any other provision of law, in fiscal year 2002 and thereafter sums appropriated for weatherization assistance grants shall be contingent on a non-Federal cost share of 25 percent by each participating State or other qualified participant: *Provided further*, That the Secretary of Energy may waive up to fifty percent of the cost-sharing requirement for weatherization assistance for a State which he finds to be experiencing fiscal hardship or major changes in energy markets or suppliers or other temporary limitations on its ability to provide matching funds, provided that the State is demonstrably engaged in continuing activities to secure non-Federal resources and that such waiver is limited to one fiscal year and that no State may be granted such waiver more than twice: *Provided further*, That, hereafter, Indian tribal direct grantees of weatherization assistance shall not be required to provide matching funds.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,996,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $179,009,000, to remain available until expended, of which $8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $78,499,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on

such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,390,014,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $445,776,000 for contract medical care shall remain available for obligation until September 30, 2003: *Provided further*, That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2003: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,234,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2002, of which not to exceed $20,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That such costs should be paid at a rate commensurate with existing contracts and no new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements shall be entered into once the $20,000,000 has been committed: *Provided further*, That no existing self-determination contract, grant, self-governance compact or annual funding agreement shall receive direct contract support costs in excess of the amount received in fiscal year 2001 for such costs: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $369,795,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to start a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, subject to a negotiated project agreement between the YKHC and the Indian Health Service: *Provided further*, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further*, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further*, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further*, That $5,000,000 shall remain available until expended for the purpose of funding up to two joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: *Provided further*, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2002, the financial capability necessary to provide an appropriate facility: *Provided further*, That joint venture funds unallocated after March 1, 2002, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: *Provided further*, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further*, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: *Provided further*, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian

Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $15,148,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $4,490,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $396,200,000, of which not to exceed $53,030,000 is for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, Latino programming, and outreach, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W., building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $67,900,000, to remain available until expended, of which $10,000,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $30,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval by the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $68,967,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $14,220,000, to remain

available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $15,000,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $19,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $7,796,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $98,234,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $104,882,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,622,000, to remain available until expended, of which $11,622,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $24,899,000, to remain available until expended.

CHALLENGE AMERICA ARTS FUND

CHALLENGE AMERICA GRANTS

For necessary expenses as authorized by Public Law 89–209, as amended, $7,000,000, for support for arts education and public outreach activities to be administered by the National Endowment for the Arts, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,274,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,400,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: *Provided*, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended (36 U.S.C. 2301–2310), $36,028,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $22,427,000, shall be available to the Presidio Trust, to remain available until expended.

The CHAIRMAN pro tempore. Are there any points of order against the provisions of title II?

POINT OF ORDER

Mr. BURR of North Carolina. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BURR of North Carolina. Mr. Chairman, I raise a point of order that the language beginning with the words ''provided further'' appearing on page 89, line 13, and following through the words ''qualified participants'' on line 18 violates clause 2 of rule XXI of the rules of the House of Representatives prohibiting legislation on an appropriations bill.

The language in question directly contradicts current law by making weatherization assistance grants contingent on a 25 percent matching share from recipients. The Energy, Conservation and Production Act imposes no such requirement. Accordingly, the language changes current laws and constitutes a violation of clause 2 of rule XXI, and I must regrettably insist on my point of order.

The CHAIRMAN pro tempore. Does any other Member wish to speak on the point of order?

Mr. SKEEN. Mr. Chairman, I concede the point of order.

The CHAIRMAN pro tempore. The gentleman concedes the point of order.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order of the gentleman from North Carolina is sustained, and the provision is stricken from the bill.

Mr. LUCAS of Oklahoma. Mr. Chairman, I move to strike the last word for the purpose of engaging the gentleman from New Mexico (Mr. SKEEN) in a colloquy.

Mr. Chairman, last March the U.S. Fish and Wildlife Service published a rule designating critical habitat for the Arkansas River shiner. The designated areas include 300 feet on either side of more than 1,100 miles of river in four States, including Oklahoma. This critical habitat for the Arkansas River shiner was designated as a result of a lawsuit filed by the Center for Biological Diversity.

Recently, the Tenth Circuit Court of Appeals ruled that the way the Fish and Wildlife Service conducts economic analysis for critical habitat designations does not comply with the Endangered Species Act and the court set aside the designation for critical habitat for the Southwestern willow flycatcher. The same type of analysis invalidated in that case was used in the Arkansas River shiner habitat designation.

This recent court decision casts a shadow of doubt on all recent critical habitat designations. The original intent of the Endangered Species Act has been lost as designations of critical habitat have gotten completely out of

hand, while true endangered species recovery efforts are ignored.

Mr. Chairman, if I had my way, we would prohibit any finding in this bill to be used for the implementation of the critical habitat for the Arkansas River shiner. However, I know this debate is greater than just one species.

I would challenge my colleagues to join me in calling for much needed reform of the Endangered Species Act. If we do not do something soon, then it will be our farmers and landowners impacted by these designations that will become extinct.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. LUCAS of Oklahoma. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I empathize fully with the gentleman's frustration with the Endangered Species Act and critical habitat designation requirements. The gentleman is exactly right in calling for reform of the act, and I look forward to working with him and the legislative committee of jurisdiction to see if we can address this problem in the 107th Congress.

Mr. UNDERWOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to bring attention to an issue that is of concern to the people of Guam and within this Interior appropriations bill.

I believe an increase in funding for Compact Impact to Guam can be accomplished through an overall increase in funding for the Office of Insular Affairs. This issue is basically one of fairness for the people of Guam. In the past couple of years we have received funding, in fiscal year 2000 for $7.58 million, and in fiscal year 2001, the current year, we are receiving $9.58 million. The President's request is $4.58 million. I appreciate the subcommittee adding $800,000 to that.

However, the government of Guam has indicated that this kind of assistance, which is assistance that is given to the people of Guam as recompense, as reimbursement for the unrestricted migration from the Compacts of Free Association, is actually costing the government of Guam anywhere between $15 million and $25 million annually to provide educational and social services for these migrants.

I must point out to the House and to the American people that these are the only citizens of foreign countries that are allowed to freely migrate into the United States unmonitored and without restriction, and, by and large, the vast majority of them end up in Guam.

Even the Department of Interior acknowledges that best estimates are that annually the people of Guam spend at least $12.8 million for Compact Impact costs to Guam directly, and we have, for the record, a letter from Secretary of Interior Gale Norton detailing how the Department of Interior arrived at this calculation.

Regardless of the differences between the government of Guam and the Department of Interior, it is clear that the current funding level of $5.38 million, as recommended by the committee, is inadequate. We will continue to work on this in conference, and hopefully Members of both the majority and the minority, as well as Members in the other body, will see fit to increase the amounts for Compact Impact Aid assistance to Guam.

This is an issue of fairness, it is doable, and the people of Guam deserve it.

The CHAIRMAN pro tempore. Are there further amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2001.

SEC. 307. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 308. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 309. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2002, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 310. Notwithstanding any other provision of law, amounts appropriated to or earmarked in Committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, and 106–291 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2001 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 311. Notwithstanding any other provision of law, for fiscal year 2002 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 312. (a) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Subsection (f) of section 315 of the Department of the Interior

and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is amended—

(1) by striking ''commence on October 1, 1995, and end on September 30, 2002'' and inserting ''end on September 30, 2006''; and

(2) by striking ''September 30, 2005'' and inserting ''September 30, 2009''.

(b) EXPANSION OF PROGRAM.—Subsection (b) of such section is amended by striking ''no fewer than 10, but as many as 100,''.

(c) REVENUE SHARING.—Subsection (d)(1) of such section is amended by inserting ''the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note),'' before ''and any other provision''.

(d) DISCOUNTED FEES.—Subsection (b)(2) of such section is amended by inserting after ''testing'' the following: '', including the provision of discounted or free admission or use as the Secretary considers appropriate''.

(e) SPECIAL USE PERMITS.—Subsection (b) of such section is amended—

(1) in paragraph (4), by striking ''and'' at the end of the paragraph;

(2) in paragraph (5), by striking the period at the end of the paragraph and inserting ''; and''; and

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

''(6) in fiscal year 2003 and thereafter may retain, for distribution and use as provided in subsection (c), fees imposed by the Forest Service for the issuance of recreation special use authorizations not exceeding one year under any provision of law.''.

(f) CAPITAL PROJECTS.—Subsection (c)(2) of such section is amended by adding at the end the following new subparagraph:

''(D) None of the funds collected under this section may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate if the estimated total cost of the structure exceeds $500,000.''.

□ 1330

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DEFAZIO:

Page 118, line 3, strike ''2006'' and insert ''2003''.

Page 118, line 5, strike ''2009'' and insert ''2006''.

Page 118, strike lines 6 though 8 (and redesignate the subsequent subsections accordingly).

Page 118, strike line 18 and all that follows through page 119, line 5 (and redesignate the subsequent subsection accordingly).

Mr. DEFAZIO. Mr. Chairman, I am attempting here to craft what I would see as a reasonable compromise on the contentious issue of the continued authorization of the so-called Recreation Fee Demonstration Program without any consideration, without one moment's consideration, by the authorizing committee on which I sit.

Now, this is a tax on the American people, plain and simple. We all agree that for years we have been charging to access parks, to access developed camp grounds, special fee use areas; those things have ongoing maintenance costs that are directly attributable to the users. There is no issue over that and my amendment does not touch that authority.

However, the special new authority in the Recreation Fee Demonstration Program allows the United States Forest Service and the Bureau of Land Management to charge people to drive on Forest Service logging roads paid for by tax dollars to roadside areas, pull-offs, or the end of the road and have to pay a fee to do that.

Now, I represent many communities that are surrounded by national forests and for the people in those communities to recreate, they have to buy a pass to go out and hunt or picnic with their kids, drive the roads and park the car if they want to get out. Now, that is by any measure a tax on Americans, on average Americans who use our public lands. We essentially have created a new king's domain here: you can use the lands if you pay your fee.

Now, the rationale is we do not have enough money in the budget to pay for recreation use on these lands, even though these people may not be incurring any costs since they are using already developed Forest Service roads, turnouts, parking areas, whatever. These are already there; they do not require any maintenance that is paid for out of this program. So the question becomes, should we continue to assess this fee without having a deliberation and a consideration.

Now, on October 1 of this year, the GAO will render a new, updated report on the Recreation Fee Demo Program. I believe that that will point to a direction for some changes that are sorely needed. It will also point out how the money is being spent or has been spent.

In their first report, we find out that it generated $31.9 million on Forest Service lands. It cost almost $5 billion to collect that $31.9 million, so 18 percent of the revenue went to collection on the Forest Service, 18 percent went to administration over and above that. For the whole program, 21 percent went to collection costs. In addition to that, there is a general fund appropriation to subsidize the collection costs of $1.5 million, not a very efficient way to raise funds and, obviously, a very small amount of money, a tiny fraction of many of the giveaways in the recent tax bill.

So the question would be, why are we assessing this tax on tens of thousands of individual Americans, many of modest means, many of whom will be eligible for nothing in the tax bill because their incomes are so low, they are retired, they are not paying Federal income taxes; they may only be paying FICA taxes if they are still working, they are going to have to pay more than they are going to get back because we are saying we cannot afford to pay for these services.

So the compromise I offer is, since the then-subcommittee chairman, the now full committee chairman assured me 2 years ago when I did not ask for a recorded vote on this amendment that it would go through the proper authorizing process. It would actually have, God forbid, hearings; we would actually, God forbid, invite in the public; we might even go to some of the areas affected and hold a hearing, although that might be going a little far, and then we would actually act to authorize any future extension in the shape of this program and the levying of this tax on the American people.

This bill, without a single hearing, without a moment's hearing, will extend it for 4 years. My compromise would be to extend it for 1 year, receive the GAO report, and give the authorizing committee the opportunity to hold hearings and mark up a proper authorization. If we want a long-term authorization, I believe it should go through the authorizing committee and the proper process. If the committee cannot accept that amendment, we will then move on to my amendment to strike this provision all together. But in the interests of comity and time of the body, I would be willing, after we hear from at least one other speaker in support, to offer this as a compromise. If the committee is unwilling to accept it, we will then proceed to the debate and a recorded vote on a total repeal of this program.

Mr. SKEEN. Mr. Chairman, I rise in opposition to this amendment.

The Recreation Fee Demonstration Program has come a long way and it is improving. Through fiscal year 2002, it will have raised over $900 million to help fix the huge backlog in deferred maintenance in our national parks, forests, refuges, and public lands. Yes, there have been a few problems along the way, but we have provided congressional oversight and have improved the program every year.

The President has requested a 4-year extension and that is what I support as well. Similar amendments have been soundly defeated by the House in the past, and I ask the Members to defeat this amendment as well.

Mrs. BONO. Mr. Chairman, I move to strike the last word.

I rise today in support of the DeFazio amendment. For centuries, our forests have remained free and open to the public. So when Congress decided to start charging families for the right to park their car on the side of the road in order just to walk their dog or catch a sunset, it did not seem right. When I am told that the fee is not much, I cannot help but think of the families struggling to make it by month to month. Our public lands are a way they can share valued time off without the worries of being able to afford it.

Mr. Chairman, I am a great supporter of the national forest system and its personnel. The U.S. Forest Service staff are dedicated individuals for whom I have the utmost amount of respect, and I realize they do not operate with enough resources. However, I believe that the forests are for the entire Nation and should be supported through the traditional funding processes like most all other Federal Government programs.

This amendment seeks to extend the Adventure Pass program for only a year, because that would give Congress an opportunity to review the GAO report on this issue due out this fall. The more facts we have about this program, the better we are able to address it. Let us give ourselves a chance to learn more and maybe even improve on this program without making our constituents pay for it.

Mr. Chairman, I urge my colleagues to support the DeFazio amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was rejected.

AMENDMENT NO. 1 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DEFAZIO: Page 117, beginning on line 18, strike section 312 (relating to recreational fee demonstration program).

Mr. DEFAZIO. Mr. Chairman, here we are again. We are about to extend a tax which nicks the American people least able to afford it, people living in rural areas; certainly, some people who recreate on Federal lands can afford the $35, but many whom I represent in depressed logging communities and former mill communities cannot. To say that somehow we should extract $35 from each family so they can take the kids out, park the car by the side of a logging road and swim in their favorite stream that they have been swimming in for generations, or to go hunting for rocks or go hunting in the fall.

This is extraordinary to me. These are public lands. These are not developed areas. These do not require recurring costs to the Federal Government. We are creating a new king's domain. I mean let us be straight about it here. Let us admit we are charging the American people for something they have already paid for in their tax dollars. We are charging them to use logging roads and turnouts that were subsidized by their tax dollars. We are charging them to drive on public lands and park their car, public lands that are paid for and maintained out of the general fund of the United States in terms of forest firefighting and other issues.

Should those people be charged and be caused to bear those costs? I think not. This is not a fair fee or a fair tax.

The amendment I am offering, since the committee has turned down a reasonable proposal; I suppose perhaps there is something to hide here. Perhaps we do not want to go through the regular authorizing process as the subcommittee chairman promised me we would do 2 years ago; perhaps we do not want to hold hearings in areas that are affected by this tax. Perhaps we are worried about the outcome. Perhaps the people on the Committee on Resources on which I sit, who represent people in the areas which are most affected, might not be totally receptive to this. Perhaps it would be a risk. Perhaps the program would be modified, changed, or maybe it would not even get through. That would be a true legislative process. Instead, buried deep in an appropriations bill without a single hearing is a 4-year extension of a new tax created in 1996. That is not right. It is not fair.

If my colleagues have confidence in this, because I heard in the debate last year, oh, people love this program. Of course, the Forest Service says something different. The people who are trying to enforce it are being abused and threatened. They have had more vandalism of the signs for this program than anything else. A lot of people do not even know where to pay the fee. The sign does not tell you. You get to the end of the logging road, this has happened to me, and there is a sign there saying, you must pay a fee to use the site. It is too far from anywhere for them to put one of those dead-man kind of collection things because someone will pull it out and take the money out of it. So it just says, you have to pay this fee somewhere, somehow, some time, or you are going to get a ticket if you park here. People do not even know where to go.

Yes, the program has been slightly simplified. No longer do you have to have 50 or 60 different passes to drive throughout forests in the Western U.S. In the Northwest, you can get away with just a couple. That is $70. Seventy bucks is a lot of money for an average working family. I know it does not nick people in this place too much, but it certainly does the people who I represent.

It is not fair to do this and it is not right to do this without going through the authorizing process, without holding hearings, without taking public testimony, without assessing the next GAO report on how much of this is going to administrative costs and collection costs because in the first cut, almost 40 percent of this program was going to administration costs and collection costs. Forty percent of a new tax. So every American family paying $35 is contributing 40 percent of that for bureaucracy and maybe the other 60 percent goes to something they care about. Since this money is not centrally controlled or not spent according to any plan, it is up to the discretion of the local forests. Some forests have done better than others in spending these excess funds out of this new tax. Others have not. They spend it in ways that the people who paid it do not want to see it happen.

So I urge my colleagues to support this amendment, to strike this section from the bill. It would still run for 1 year from next October, even if this is struck from the bill, and that would give the Committee on Resources a year to read and digest the GAO report, report an authorization, and take it up before the entire House. That is the way we normally do things around here, except when we have something to hide, and I guess in this case we have something to hide: an unfair tax on the American people that has never been properly authorized or commented upon.

□ 1345

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the DeFazio amendment on recreation fees. At the height of summer recreation season when tens of millions of Americans most enjoy their national parks and other public lands, the bill before us expands the recreation fees that are financially unfair to seniors, families, and children.

After just passing a tax cut, there are those who want to give money with the one hand and take it back with the other.

I am concerned with the scope and nature of the recreation fees being charged, and the fees' impact on senior citizens, families, and other recreational users. I am especially disturbed by the fact that while recreational trail users of our Federal lands are being asked to bear an increased financial burden for the management of these lands, the same is not being asked of many subsidized individuals, businesses, and industries whose consumptive use of Federal lands have far more impact.

It is unfortunate, Mr. Chairman, that proponents propose substantial increases in recreation fees at the height of the summer recreation season, yet have been unwilling to reduce the generous subsidy corporations receive from the use of public resources.

It is regrettable that proponents apparently believe that only private citizens, not the corporations that profit from the resources of this Nation, should be called upon to pay more. How much additional revenue can the majority expect to squeeze out of families and senior citizens?

Our national shrines and the national heritage embodied in our public lands

provide an exceptional and unique place in which to instill a solid value system in our children. We should be encouraging this family value, not hindering it. It will be a sad day when families and other visitors have to look in their wallets to see if they can afford to use our great system of national parks, forests, and public lands in which they, the public, share ownership.

Mr. Chairman, I support the DeFazio amendment. I do not believe it is right that our constituents should have to pay to simply walk in our national forests or watch a sunset on our public lands.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the elimination of this amendment. The fee program has worked extremely well. It has raised about $400 million that has been used to improve campsites, repair sanitation facilities, roads, bridges, and safety.

I heard this characterized as a tax. It is a user fee, and the people that pay the fee get the benefit. If one does not use the facilities, they are not paying for them.

We know that the backlog of maintenance in the national parks is about $5 billion, maybe $10 billion, no one knows for sure. But when we do not have maintenance, this means that the visitors do not have an opportunity to enjoy these facilities, as has been described.

By having a very modest fee, and usually the fee for a whole carload of people is about the price of one ticket to Disneyland, or maybe even less than that, they have the benefit of the trails, the campsites, the sanitation facilities, the enhancement of visitor locations.

Thus far, we have raised over $600 million. Under the language, this money has to be on top of the base support of the park program in the bill. This is not a substitute for what we would be normally spending. Therefore, the money is used to enhance the visitors' experience.

When I talk to the superintendents, they say that the vast majority, the vast majority of the people are happy to pay a fee. In fact, oftentimes they will contribute extra if they have a box for contributions. People appreciate the parks and forests and the recreational opportunities afforded to them, and they are perfectly willing in most cases to pay a very modest fee.

This program over the next year or year and a half will produce a total of over $900 million. Members can imagine what that means in fixing up rundown campgrounds and picnic sites, and fixing cultural parks that are part of our great parks and forest system.

Sometimes campgrounds are closed because they do not have the money to maintain them. By having the fee program, they have an opportunity to open these campgrounds and give more visitors a chance to use the facilities.

One other thing I am told by park and forest superintendents is that vandalism is substantially reduced, because when people pay a certain small fee they have a greater appreciation of the facility, plus the fact that they do not go in there in a careless way.

I still remember visiting the Angelos National Forest, where they built a beautiful picnic area with slides and charcoal burners and picnic tables. Obviously, what had happened the night before we were there, someone with one of these vehicles with huge tires had come into this facility and just drove over it, drove over the gate, smashed everything in sight. Had they paid a fee they would not have done that, because they would have known that somebody at the gate knew they were in there. But at that time, there was no fee program.

This is just one example of how vandalism would be reduced under this program.

I think if we talk to park and forest superintendents, if we talk to the vast majority of people who use the parks and forests for recreation, they will be very supportive of this program. It has worked well. A lot of the facilities are in far better condition than they would be otherwise, had there not been the program of modest fees.

I think this is a bad thing, this amendment, it is a bad thing for the parks and forests. It would take away from them an opportunity to work with the visitors in improving their experience when they do use our parks and recreation facilities.

Mr. Chairman, I urge a strong no vote on this amendment.

Mr. DeFAZIO. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Oregon.

Mr. DeFAZIO. Mr. Chairman, the gentleman has always been gracious in dealing with our disagreements over this, and I appreciate it.

I would just like to clarify, the gentleman kept saying parks and park superintendents. This amendment applies only to the Forest Service and the BLM, so the parks and park superintendents are not at issue here. They would still be allowed to go there.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. REGULA was allowed to proceed for 1 additional minute.)

Mr. REGULA. Mr. Chairman, in the mind of the public, the forests and parks are oftentimes indistinguishable.

I might say, the forests are a very rapidly growing source of recreation. In fact, what used to a source of wood fiber is now a source of recreation, and I think the gentleman will find in this bill a lot of commitment of money to enhancing the recreation dimension of the national forests. So obviously the fee program works there as effectively, and will, as it does in the parks.

Mr. DeFAZIO. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Oregon.

Mr. efAZIO. Mr. Chairman, the gentleman admits this will not affect the Park Service, it is only the Forest Service and the BLM.

Mr. REGULA. The committee in their wisdom chose to structure it that way.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the amendment of my friend, the gentleman from Oregon (Mr. DeFAZIO). I frankly believe, based on my own visits to the parks, that the American people are delighted. Not everyone is delighted, obviously, but the vast majority are willing to make a small contribution for the maintenance of the parks, which, as we all know, is something that has been underfunded.

Last year, when I offered the conservation amendment with the gentleman from Wisconsin (Mr. OBEY), one of the things we had in it was a lot of additional money for maintenance. We recognized that our parks, our national forests, our recreation areas, need additional maintenance.

Under this program, 80 percent of the money that is collected stays at that local park, and when people see the signs about the improvements that are being made on the trails, in the housing for the workers, in the facilities, we have all kind of these facilities that are very, very old that need to have their sewers repaired, that need to have their septic tanks repaired, need to have work done on the water systems, many of which are old. People I think are willing to make this contribution.

The authorizing committees have had a lot of time here. This has been in place now for several years. They have time to have acted, and they have not acted. I think one of the reasons they have not acted is because they basically believe, as I do, that this program is working.

I want to commend the gentleman from Ohio (Mr. REGULA). He put this together. I supported him. I think it is working. We are doing better on maintenance, we are keeping these facilities in better condition, and the other 20 percent goes to the lesser parks, the lesser facilities. I think that also makes sense.

We are not substituting the money. Where in the past the money was sent back to Washington and then they would get the 80 percent locally but

they would cut the amount of money that goes to that park, they are not doing that.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I ask the gentleman to consider this.

Mr. DICKS. Mr. Chairman, I have tried to help the gentleman with meetings with the Forest Service to try to clear up the problems in the gentleman's area.

Mr. DEFAZIO. I appreciate that the program is better than when it started, and we do not need 15 different forest passes in Oregon again.

But the gentleman from Washington and the gentleman from Ohio keep referring to parks. There is a huge infrastructure backlog in the parks. This amendment does not go to the parks, it goes to undeveloped recreation sites, off-logging roads, in the national forests and on BLM land.

If I could, one further point, the gentleman who preceded the gentleman, I would disagree with what he said, that people do not differentiate between parks and Forest Service land.

I am certain that the people in Oregon, as they do in Washington, discriminate between the parks and the forest lands. No one is contesting charging park fees. We are talking about a new fee on using Forest Service lands and BLM lands.

Mr. DICKS. I appreciate that, Mr. Chairman.

I would point out to the gentleman, however, that in terms of recreational opportunity, that our National Forest lands have more recreational opportunity than do our national parks. We have to keep and maintain those National Forest campgrounds and hiking sites.

I look forward to continuing to work with the gentleman from Oregon, but I think we should defeat his amendment here today and keep this bill moving forward to final passage before we have to leave today.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment. A statement was made a few moments ago of the poverty in sawmill towns. That is one part of the statement from a previous speaker that I will agree with. He has been successful at helping create a lot of poverty in sawmill towns.

But when we go beyond that, we own one-third of America. The backlog on the Forest Service, the Fish and Wildlife Service, and the BLM is $12 billion to $15 billion, forgetting the Park Service, $12 billion to $15 billion.

Hearings were held. There were many chances to be heard. Let us look at the program and how it has worked. Visitors to the Forest Service and BLM are up. Why are they up? When we have the funds to maintain the trails, get the old logs out of there where trees have fallen, to maintain the facilities, to maintain and open new parking areas so people can come in, that is good.

I hear complaints where sometimes there are not enough parking areas, places to park and access our public land. It costs money for water and sewer and buildings and trails and roads. It costs a lot of money. Have we adequately put the money behind all of the land we purchased? No, we have not. In fact, we have taken money that should go to maintenance and we keep buying more land in all of these jurisdictions.

Trails have been reopened and improved with the demonstration fee money. Facilities have been updated. Boating areas have been expanded. Roads have been improved. Parking areas have been improved, and water and sewer made available. These are the things that the people need when they are out there.

Yes, the poor people of America use our parks, the working people of America use our parks. A little bit ago we had an amendment that took that money away and gave it to some of the richest in America, the arts folks. Those are the richest people in America. The working people of America use our parks, and the vast majority support this program. There will be some that will not, but the vast majority of the people support this program because it works. They see what is happening. They see better roads. They see better facilities. They see better boating areas. The proof is in the pudding.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Oregon.

Mr. DEFAZIO. So I would ask the gentleman, Mr. Chairman, he wants to charge for users of public lands?

Mr. PETERSON of Pennsylvania. Only in limited areas.

Mr. DEFAZIO. If the gentleman will continue to yield, Mr. Chairman, I would ask him, how about oil, gas, mining, and mineral extraction? Would the gentleman be agreeable to a fee for mineral extraction from Federal lands?

Mr. PETERSON of Pennsylvania. Mineral extraction is big, it is paid for.

Mr. DEFAZIO. Mineral extraction is not paid for, there is no royalty. It is $3.50 cents an acre under the 1872 mining law.

I am glad the gentleman will support a fee on mining. I will have a bill to him in the near future.

□ 1400

Mr. PETERSON of Pennsylvania. Mr. Chairman, reclaiming my time, this program has benefited the people of America. Our facilities, we own a third of it, it ought to be accessible. Our facilities ought to be good. Our roads ought to be decent and safe. Our water and sewer facilities ought to be there.

We ought to make it accessible and a fun experience for all of those who want to use it. Mr. Chairman, I urge the continuation. If it needs altering, we will alter it. It has been a demonstration project. It is only on selected sites.

I have the Allegheny National Forest in my district, and they have some fees. I have not had complaints on those fees. People want to see those areas more accessible, brought up to date and where the experience is a good experience.

We, as a Congress, have historically not been willing to invest the money in the investment we have made in owning a third of America. This helps us do that. I urge a continuation. Should we alter it down the road? Probably.

But let us let this project move forward. It is the only hope of the public land having good facilities, well maintained, is having a fee schedule that helps us do that, because this Congress has been unwilling to put the dollars where their land is.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The text of the remainder of title III is as follows:

SEC. 313. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust, hereafter shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

SEC. 314. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 315. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided

through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 316. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 317. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 318. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 319. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 320. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 321. Amounts deposited during fiscal year 2001 in the roads and trails fund provided for in the fourteenth paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 322. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 323. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: *Provided*, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2001, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2001, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 324. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2002 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 325. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 326. For fiscal years 2002 and 2003, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

SEC. 327. EXPEDITIOUS TREATMENT OF FOREST PLAN REVISIONS.—The Secretary of Agriculture shall complete revisions to all land and resource management plans to manage a unit of the National Forest System pursuant to Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) as expeditiously as practicable using the funds provided for that purpose by this Act.

SEC. 328. Until September 30, 2003, the authority of the Secretary of Agriculture to enter into a cooperative agreement under the first section of Public Law 94–148 (16 U.S.C. 565a–1) for a purpose described in such section includes the authority to use that legal instrument when the principal purpose of the resulting relationship is to the mutually significant benefit of the Forest Service and the other party or parties to the agreement, including nonprofit entities.

SEC. 329. (a) PILOT PROGRAM AUTHORIZING CONVEYANCE OF EXCESS FOREST SERVICE STRUCTURES.—The Secretary of Agriculture may convey, by sale or exchange, any or all right, title, and interest of the United States in and to excess buildings and other structures located on National Forest System lands and under the jurisdiction of the Forest Service. The conveyance may include the land on which the building or other structure is located and such other land immediately adjacent to the building or structure as the Secretary considers necessary.

(b) LIMITATION.—Not more than 10 conveyances may be made under the authority of this section, and the Secretary of Agriculture shall obtain the concurrence of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate in advance of each conveyance.

(c) USE OF PROCEEDS.—The proceeds derived from the sale of a building or other structure under this section shall be retained by the Secretary of Agriculture and shall be available to the Secretary, without further appropriation until expended, for maintenance and rehabilitation activities within the Forest Service Region in which the building or structure is located.

(d) DURATION OF AUTHORITY.—The authority provided by this section expires on September 30, 2005.

SEC. 330. Section 551(c) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61(c)) is amended by striking ''2002'' and inserting ''2004''.

SEC. 331. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, Div. A, section 101(e) is amended by inserting ''and fiscal years 2002 through 2005,'' before ''to the extent funds are otherwise available''.

AMENDMENT NO. 9 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. TRAFICANT:

SEC. . No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

Mr. TRAFICANT. Mr. Chairman, this is standard ''buy American'' language that has been placed on appropriation bills.

Mr. Chairman, I yield to the gentleman from New Mexico (Mr. SKEEN), the distinguished chairman of the Subcommittee on the Interior.

Mr. SKEEN. Mr. Chairman, I accept the Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I accept the Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I would just hope that we continue to focus on buying American goods and products wherever we can. I appreciate the fine work of the gentleman from New Mexico (Chairman SKEEN), his consideration, and the gentleman from Washington (Mr. DICKS), ranking member of the Subcommittee on the Interior. Mr. Chairman, I ask for an aye vote.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mr. DEAL of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from New Mexico (Mr. SKEEN), the chairman of the Subcommittee on the Interior.

Mr. Chairman, the administration included a land acquisition request for several tracts of land along the Chattahoochee River within the Chattahoochee National Forest in my Ninth Congressional District of Georgia.

This particular acquisition ranked third on the Forest Service's fiscal year 2002 national land acquisition priority list. Recently, I was informed that the owners of these tracts have delayed their decision to sell their properties.

Fortunately, there are other landowners in the area with similarly important tracts of land who wish to convey them to the Forest Service. The land now available will provide habitat and watershed protection, as well as recreation opportunities.

The committee report provides $1 million for the Forest Service to acquire lands along the Chattahoochee River within the Chattahoochee National Forest.

Given the recent changes with land availability, I ask that the gentleman work with me in conference to remove the report language in the Forest Service land acquisition table referring to the Chattahoochee River and simply appropriate the $1 million to the Chattahoochee National Forest so they may purchase the key tracts now available.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from New Mexico.

Mr. SKEEN. We have consulted with the Forest Service and the gentleman from Georgia (Mr. DEAL) is correct that the original tracts of land requested by the administration are no longer available. However, new tracts of land have become available that will help the forest to meet its management objectives.

Mr. Chairman, I will be happy to work with the gentleman as this bill moves forward to conference.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know that the gentleman from New Mexico (Chairman SKEEN) earlier was referring to the Maloney amendment and it was accepted, but I have some concerns with it; and I hope that in conference committee, the gentleman will consider these concerns.

The amendment wrongfully substitutes the use of ''spot'' prices as an index for the oil and gas value for royalty purposes in all cases.

The Clinton administration, when publishing the final oil valuation rule in March 2000, agreed with the Rocky Mountain producers that the use of spot prices was not an appropriate measure of the value. In fact, the current rule allows the use of comparable arm's-length sales of crude oil in the field to establish that value.

What the Maloney amendment really does is have Congress endorse the ''duty-to-market'' concept in the oil and gas valuation rules. It wrongfully requires lessees to pay royalties based on downstream value-added system, rather than the ''wellhead'' value which is required by existing leases and current mineral leases statutes.

This amendment seeks to prevent further royalty-in-kind crude oil pilot projects like in Wyoming, despite the analysis by the Minerals Management Service and the State of Wyoming, that the government received 45 cents per barrel more in revenue than it had received under the original or the current royalty-in-value system.

Saved administrative costs should not be ignored as a policy matter, and the royalty-in-kind involves far less administration by the Department of the Interior than the royalty in value.

The materials management service pilot project increasingly shows that the royalty-in-kind works. And in my home State of Texas, we have had a successful royalty-in-kind program for a number of years, and it can and does work very well.

The minerals management service recently completed its evaluation of the Wyoming royalty-in-kind pilot project

and published that report in the Federal Register for public comment, and yet there were no objections submitted by the public.

The minerals management service based its Wyoming pilot on the criteria that to be successful the pilot must provide simplicity, accuracy, and certainty for leases and the government.

The revenue should be revenue neutral or better for the government and must reduce the administrative burden for leases and the government.

The Wyoming pilot met these criteria. Royalty-in-kind receipts exceeded comparable in-value royalties by approximately $810,000. In addition, the royalty-in-kind streamlined processes have established a foundation for administrative savings for the minerals management service and also the industry.

Mr. Chairman, I hope the minerals management has made it clear that they would not force any Federal lands into the royalty-in-kind and States where the State is not a partner, and there is no mandatory royalty-in-kind program or mandatory expansion.

The minerals management service should be allowed to manage the minerals and have the choice to use royalty-in-value or royalty-in-kind as allowed by the lease conditions, the market and the Federal statutes.

At this critical point, we need to address our Nation's energy needs. We should not restrict or limit the government's ability to conduct programs that benefit us all, particularly the taxpayers.

Mr. Chairman, I urge my colleagues to look at this amendment in conference committee, so it will benefit the taxpayers and also the producers.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I understand the gentleman's concerns, and we will definitely take a look at this during the conference with the House and the Senate.

Mr. OTTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the gentleman from New Mexico (Chairman SKEEN). The land acquisition that I would like to bring to the gentleman's attention today is 5,988 acres which is in-holding called Thunder Mountain. Thunder Mountain is located in the Payette National Forest in West Central Idaho and is located in the heart of the Frank Church-River of No Return Wilderness area.

This area is home to five listed species and large populations of game, large game including elk, deer, moose, and bighorn sheep. The purchase of this land would allow the Forest Service to protect the critical areas that are necessary for generations to come.

I offer my appreciation to the gentleman from New Mexico (Mr. SKEEN) in advance for the gentleman's sincere consideration of this effort.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. OTTER. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the gentleman for bringing this land acquisition request to our attention and for making his interests known. There were many worthy land acquisition projects requested for fiscal year 2002.

We tried to fund as many as we could; nevertheless, we will closely examine this request should the opportunity arise in conference.

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

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. OTTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I have been in that area that the gentleman is talking about, and I think it is something we ought to look at very closely.

We appreciate the concern of the gentleman from Idaho for endangered species. That is kind of a new thing from Idaho, and we appreciate it.

Mr. OTTER. Reclaiming my time, Mr. Chairman, I want to say to the gentleman from Washington (Mr. DICKS) I appreciate his concern for those of us in Idaho who are becoming more endangered every year.

AMENDMENT NO. 5 OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 5 offered by Mr. RAHALL:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

Mr. CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. RAHALL).

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

Mr. Chairman, America's national monuments are under siege. Under the guise of an energy crisis, both the President and his Interior Secretary have publicly suggested that some of our national monuments might be pretty nice places for oil and gas drilling or perhaps even a coal mine.

In my view, this is not what America is about. Americans are rightfully concerned about energy security, but I do not think that the majority of Americans believe that we are in such a sorry state of affairs that we must unleash big oil onto some of our most cherished and sacred public lands.

Make no mistake about it, some of the oil and gas companies have been hankering to get into these areas for years. They are salivating over the thought that these monuments might be opened.

Mr. Chairman, I maintain that our national monuments, our national heritage must not be sacrificed on the altar of greed and profit.

Mr. Chairman, my amendment would simply prohibit the issuance of new energy leases in designated national monuments.

It would not, it would not vanquish any valid existing right, nor would it prevent leasing in any situation where that activity was authorized when the monument was established. Establishment of a national monument is an authority vested with the President under what is known as the Antiquities Act.

Beginning with that great Republican conservative Teddy Roosevelt, 14 of the 17 Presidents who served since 1906 have used this power. In all, they have established 122 national monuments, with Congress subsequently redesignating 30 of them as national parks.

We are talking about places like the California Coastal National Monument and the Giant Sequoia National Monument in California. The Craters of the Moon National Monument in Idaho and Vermillion Cliffs National Monument in Arizona.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I wanted to ask the gentleman from West Virginia (Mr. RAHALL) a question. I did not want to interrupt the gentleman, and I will be glad to give him some additional time.

I say to the gentleman, is it not true that before these became monuments, these were all Federal lands? Mr. Chairman, sometimes people think that Presidents go out and create just out of whole cloth wilderness or whatever area, but the monument has to have been Federal land before it became a monument; is that not correct?

Mr. RAHALL. Reclaiming my time, the gentleman from Washington (Mr. DICKS), the distinguished ranking member, is exactly right.

Mr. Chairman, I yield further to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I just wanted to point that out to my colleagues.

Mr. Chairman, I ask that the gentleman from West Virginia be granted an additional minute due to my interruption.

The CHAIRMAN. The Chair is unable to grant that request unless there is a unanimous consent request that each side get an additional minute, because this is a controlled-time debate.

Mr. RAHALL. Mr. Chairman, reclaiming my time, these places I just mentioned, they are incredible treasures. They are incredible treasures; from the Atlantic to the Pacific, historic sites, glacial fjords, towering mountains and fragile deserts. Indeed, they are a lasting legacy that we as Americans can hand down for generations to come.

Are we really that desperate that we will allow coal mining or oil and gas drilling in these national monuments? I do not believe so. Yet there are some, there are some who see things differently.

Under the Bush administration, the Interior Department has conducted a new analysis of the energy potential of national monument lands, not all monuments, mind you, not an analysis of all monuments, just those it so happened were designated by President Clinton.

What a surprise. This new analysis found that a number of our national monuments may contain some oil and gas and coal resources. These areas apparently now represent the administration's monument hit list. So the question comes down to this: 95 percent of BLM lands in the western energy-producing States are already open to oil, gas and coal leasing; 95 percent BLM lands are already open to oil, gas and coal leasing.

□ 1415

Must we now sacrifice the remaining 5 percent of protected areas, our wilderness, our historic sites, our wildlife preserves? Must they now be subjected to exploitation and speculation? I say no, and I sincerely hope that this body says no as well.

Vote for our heritage. Vote for our legacy. Vote for our future generations. Vote for American values. And vote for this amendment.

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

Mr. SKEEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

This amendment would put in place a moratorium, stopping any new energy development within the current boundaries of the newly created national monuments without regard to the energy needs of the Nation. Passage of this amendment would limit the Department's capability to consider actions through the land planning process that could be in our Nation's interest. If after extensive consultation with all parties the President determines that it is in the best interest of the American people to modify a monument boundary, while still maintaining the integrity of our precious national monuments, he should not be prohibited from doing so.

Members have been rightfully concerned about the electricity situation in California and the rest of the West right now, and about supply and price problems of various energy fuels. This amendment sends the wrong message. It says regardless of the energy situation, we are going to place certain lands off limits, even if the President determines that leasing of those lands will not interfere with their national monument significance.

Therefore, I must ask for my colleagues' support in defeating this amendment.

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

Mr. RADANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the House Committee on Education and the Workforce and a former ranking member of the Committee on Resources.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and we must support this amendment. We must support this amendment so the energy crisis in California and the West Coast is not allowed to be used as a battering ram by this administration to batter down the designation of national monuments and some of the most valuable and most prized and most beautiful and sacred lands in this entire country.

This administration now wants to come in, after all the effort was made to delineate and to make determinations about the values of these lands in terms of their cultural and historic significance, and after the designation of the monument has been given in the name of the people of the United States of America, this administration would try to batter down those designations at the very time when millions of Americans are taking their children and other members of their family and traveling across this country visiting monuments of this country, recognizing the historical importance of these, the cultural importance of these lands, the Craters of the Moon, the Effigy Mounds, the Little Bighorn Battlefield, Scotts Bluff, the Statute of Liberty, Bandelier National Monument, Gila Cliff Dwellings, White Sands, Governor's Island, Oregon Caves. These are all different. In the West we have some monuments, in the East we have different monuments, but this is about the culture of this Nation.

You tried to use the energy crisis in California to batter the California consumers, Mr. President, and that did not work. And now we see finally you are taking some actions to help those consumers. You should not use this energy crisis to batter down the designation of these lands. These lands belong to the people of the United States. And when your Secretary of the Interior sends a letter suggesting to consult with just local officials, these are not local parks, these are not local districts, these are national monuments. Why are we not consulting with all the people of this Nation? That is what President Clinton did before he made the designation. There were public hearings, there was a process, because we knew the significance and the importance of a monument designation.

We should not cower behind our energy problems in California to try to change the status of these great public lands.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind all Members that remarks during debate should be directed to the Chair.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, first of all, the amendment is nothing more than an attempt by the Democrats to congressionally legitimize those actions taken by President Clinton during the last hours, without adequate public input, in the dead of night.

These proclamations, of course, clearly abused the letter and the spirit of the Antiquities Act of 1906, when they knew what they were doing. The Antiquities Act, among other things, mandates that when a President declares a monument it ''shall be confined to the smallest area available, compatible with the proper care and management of the objects to be protected.'' Now, I know that that means we must question ourselves as to what we mean by objects or what we might mean by protected. However, as we all know, President Clinton blatantly used this act solely for political purposes like no other before him.

Mr. Chairman, passing this amendment would in effect put a congressional rubber stamp on those actions and those boundaries taken by these ill-considered proclamations. Secondly, if the boundaries of the national monuments do change, this amendment to the bill today is totally unnecessary. Most, if not all, the proclamations withdraw the lands from all forms of mineral entry, including oil and gas leasing, except when subject to valid and existing rights. This amendment keeps the exemption for valid and existing rights, thus actually does nothing at all, Mr. Chairman, for the monument boundaries if they are never adjusted.

Lastly, and however very important, by agreeing to this amendment we also prevent future oil and gas leasing in these areas that would not be withdrawn as a national monument if the boundaries ever did change. If the

boundaries are to be adjusted to meet the real intent of the 1906 Antiquities Act and the real intent of protecting the object of significance contained in those monuments, then the areas withdrawn, which would not contain any significant objects, could be open to gas and oil and other exploration.

Eliminating future options for our country's resources is simply not acceptable, and I submit that the other side cannot have it both ways. You cannot suck and blow in the same breath, and, Mr. Chairman, that is precisely what they are doing.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND), a valued member of our committee and the ranking member on the Subcommittee Committee on Energy and Mineral Resources.

Mr. KIND. Mr. Chairman, I thank the ranking member of the Committee on Resources for yielding me this time. As ranking member on the Subcommittee on Energy and Mineral Resources, I rise in strong support of the Rahall amendment that prohibits funding for new leasing for oil and gas exploration in our national monuments.

Mr. Chairman, Teddy Roosevelt must be rolling in his grave right now. A great Republican conservationist, he was the first President to use his powers of the Antiquities Act to designate national monuments throughout the country. Now, 100 years later, a Republican President is suggesting opening up these same very precious lands to oil and gas exploration. Our national monuments should be the last place open for energy development, not the first. We should instead be focusing on effectively managing the millions of acres of Federal land that are already available for energy development.

In fact, the work we have been doing in the Subcommittee on Energy and Mineral Resources, the gentlewoman from Wyoming (Mrs. CUBIN) and I have demonstrated that 95 percent of the available Federal lands are already accessible to oil and gas exploration. We should be keeping our focus on that rather than the remaining 5 percent that is not. Granted, there may be some permitting problems that have come out during the course of these hearings that we need to work through, but there is sufficient Federal lands already for the oil and gas energy needs that this country faces.

Rather than opening our national monuments to oil drilling, we should instead bring balance to our national energy policy by developing renewable and alternative energy sources, such as solar, wind, and biomass. We should be increasing our funding for those programs instead of cutting them, as the administration now proposes.

We should also be encouraging the development of hybrid cars in this country. The big three in this country have fallen behind the competitive scale when it comes to developing these hybrids, which are more energy efficient and more environmentally friendly. We have waiting lines across the country of consumers wanting to buy the foreign-made hybrid cars. So there is a market demand for this, Mr. Chairman.

Clearly, the American people would like to see more fuel efficient, environmentally friendly vehicles, not more drilling in the national monuments, and so I would encourage my colleagues to support this amendment.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that debate on the following specified amendments to the bill, and any amendments thereto, be limited to the time specified, equally divided and controlled by the proponent and an opponent.

An amendment to be offered by the gentleman from Florida (Mr. DAVIS) related to oil and gas leasing in Florida for 30 minutes; an amendment to be offered by the gentleman from Washington (Mr. INSLEE) regarding hardrock mining for 30 minutes; an amendment offered by the gentleman from Florida (Mr. DEUTSCH) regarding Biscayne National Park for 10 minutes; and an amendment offered by the gentleman from Florida (Mr. STEARNS) regarding the National Endowment for the Arts for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. DICKS. Mr. Chairman, reserving the right to object, I want to make certain on the Stearns amendment that I would have the 5 minutes in opposition; if we could just have that understanding.

Mr. SKEEN. I will yield that.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The unanimous consent agreement is agreed to.

Mr. SKEEN. Mr. Chairman, I yield 5 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, this is a very interesting debate we are in. My good friend from West Virginia, I am afraid I am going to have to go to the other side on this one, and I want to explain why, because I have great respect for him and the ability he has.

I noticed when I read his statement this morning, he talked about the crown jewels that we were going to protect under this amendment. I would agree with that, if they were the crown jewels. If we go back to the 1906 Antiquities Law and carry it out and find out where we are going, those original ones truly did fit that category, the Grand Canyon, the Zion, the Bryce, and the others, they are the crown jewels, and we compliment Teddy Roosevelt for taking the time, the initiative, and having the enlightenment to come up with the idea of taking care of those crown jewels.

But now we find ourselves in an entirely different situation today. What do we have on these crown jewels? Let me point out, Mr. Chairman, that we have a whole group of energy problems. I do not think there is any intelligent person in America that does not realize we are going to have a tremendous energy problem. It is going to be coal, it is going to be natural gas. We are talking about alternative sources, and we get 2 percent, that huge amount of 2 percent of alternative sources that everybody is talking about, and then we have got coal at 52 percent.

Now let me talk about one of these crown jewels my good friend from West Virginia talked about. On September 16, 1996, standing safely on the south rim of the Grand Canyon, President Clinton got up and he declared that he was going to put 1.7 million acres into one of these crown jewels. The interesting thing about it is that President Clinton had never been there. When he was asked where it was, he put it in Nevada, though that is immaterial. That is a little different than someone like Teddy Roosevelt, who had lived on the ground, who had been to the Grand Canyon, who had hunted in the Grand Canyon, had floated in the river, had hiked those canyons. He knew it from one inch to the other.

Now, do my colleagues know what the law says? I thought we were bound by the law. I thought it was necessary we follow the law. We are a Nation of laws. Yet this President comes along and he talks about the three things we are supposed to name in the 1906 Antiquities Law.

□ 1430

What are they? One is a scientific site. Another is an archeological site like Rainbow Bridge, obviously one. Another one is an historic site where the two trains came together. That is obviously an historic site.

This is the first President, and I have sat on this committee and chaired the Subcommittee on Parks and Lands, and now I am the chairman of the Committee on Resources, I cannot find a President who has violated that up to this point. This President did not state any one of the three. Not one.

What is the next thing that the law says, the law that we put our hand to the square and said, we will uphold this law. And the next part says this. It says, and he shall use the smallest acreage available to protect that site. In the first place, my colleagues, President Clinton did not name the site. In the second place, he gives us 1.7 million acres.

Mr. Chairman, let me go back to the idea of energy. What is in this area? I asked John Leshy, the solicitor for the Department of Interior, explain this beautiful area that President Clinton is

taking care of. He did not know what he was talking about, and I say that respectfully, because he said where there is 1 trillion tons, get that word ''trillion,'' 1 trillion tons of low sulfur coal, the best in the world, right in the Kaiparowits Plateau.

Mr. Chairman, have any of my colleagues been there? It amazes me, we are so good about talking about places, but often my colleagues have never been there. Well, I have been there. My dad had mines on it. As a private pilot, I put airplanes down in the craziest places, I repent for doing that, but all through that area, and I can tell my colleagues without any equivocation, if my colleagues like rolling hills of sagebrush and nothing else but hot, dry land with bugs flying around, that is two-thirds of the Grand Staircase Escalante. Two-thirds of it is nothing but sagebrush. But there is a trillion tons of low sulfur coal.

Now we are talking about President Carter who says our ace in the hole is coal; and yet we say we cannot do that under the gentleman's amendment. We cannot take care of that.

What I have heard on some of these other 18 crown jewels that came about: fossil fuels, natural gas. All of these things, and these are not, my friends, the crown jewels that my good friend of West Virginia talked about. These are areas put in there, obviously abusing the 1906 antiquity law, obviously there for political reasons. In fact, we subpoenaed the papers and we wrote a pamphlet called ''Behind Closed Doors.'' I do not have the quotes here, I was at another meeting and just ran over, and so I quote from memory, ''These grounds do not deserve protection.'' Kathleen McGinty, working for President Clinton and Al Gore, ''These grounds do not deserve protection,'' yet we say they are crown jewels. Give me a break.

Why are we doing this anyway? Another thing between the Department of Interior and the White House, another statement, ''These grounds do not deserve that kind of protection.'' Yet today, we are here saying we have an energy crisis on our hands and we cannot handle it, so let us close up areas of rolling sagebrush.

The Grand Staircase Escalante does not deserve that protection.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in allowing me to speak in support of his amendment.

Mr. Chairman, I disagree with my colleague from Idaho who talked about sneaking this in the last hours in the dead of night. I am speaking just to one monument in the State of Oregon, the Cascade-Siskiyous, where approximately a year ago 52,000 acres were protected. I would suggest that there is significant support in our State, and the notion that this would be an area where we should open up to mineral exploration, energy exploration, is something that would be opposed by the people in our community.

Mr. Chairman, we may disagree over issues that deal with energy. I am sure we will have spirited debate, but I would hope that this is one area where we could step back and recognize that these are areas that deserve protection.

If the Congress wants to overturn the Presidential designation, if there is one that is inappropriate, by all means come forward and we will have the debate, have Members vote them up or down. But unless and until my colleagues are willing to step forward and show where they think it is not worthy of protection, I think we ought to support the gentleman's amendment, and I know that the people in Oregon appreciate it.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I have been in my office listening to the debate on the gentleman's amendment, and I have never heard so much energy wasted on an amendment that very frankly does damage to this Nation and not to the monuments. When I hear people talk about the Statute of Liberty and the Grand Canyon, they are full of it. That is really, in fact, not what this is all about.

Mr. Chairman, if my colleagues want to know what it is about, read this report called ''A Monumental Abuse: The Clinton Administration's Campaign of Misinformation in the Establishment of the Grand Staircase Escalante National Monument.'' I have it right here. This was passed by the Committee on Resources. Read it. It is the greatest blatant political piece of trash that administration did. There was no danger to that area of the Escalante, but because the environmentalists wanted it and Kathleen McGinty wanted it, they set this vast area of land, without consulting with the governor and without consulting with the local representative, and by the way he lost, because there was a huge coal deposit there and they did not want that coal deposit developed. Read your RECORD. Do not vote for this amendment. It is nothing but a bunch of hot air.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, as far as the debate earlier on the recreation fee demo amendments, they are something that should be subject to the Committee on Resources, on which I serve, which is a tax on the average American people. It is hidden in this bill to avoid accountability and responsibility.

Now here hidden in this bill is the authority to go into and drill on national monuments. If my colleagues want to undo the national monuments, have the courage of their convictions. Introduce legislation. Hold hearings. Have a debate. Bring it to the floor. Have a vote. See if it can be gotten out of the House of Representatives.

Mr. Chairman, I do not think that is going to happen. I do not believe this body is going to undo formally any monuments. So do not have this subterranean subterfuge of drilling. Be honest. If my colleagues want to undo the monuments, introduce the legislation and let us have a vote on it up or down.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I could not agree more with the last speaker when he says introduce legislation if Members want to change it, do not do it through a rider.

Mr. Chairman, I had a hearing in Lewistown, Montana a couple of weeks ago. I had just short of 300 people there. It took 8 hours. There is not consensus on this.

When I came to Congress, I made the determination I would try and change the rhetoric when it came to natural resources policy so we do not dig ourselves into corners and then have to litigate our way back out.

The President dropped a bad piece in our laps. We are trying to pick up the pieces. We will do the best we can. We want full disclosure and full debate, but let us not close the door to a reasonable conclusion to something that is very emotional in my State of Montana.

Over 80,000 acres of private property were included in this monument. What reasonable President, if he had gone through the appropriate process of debate and consideration, would have allowed that to happen?

Secretary Norton recently sent out a letter to over 200 local officials asking their opinion. She has stated the position that she will not make changes without adequate consideration and due process. There is only one reason this amendment has been introduced, and that is to shut the door further on what we believe the President did in the first place.

Mr. Chairman, I hope my colleagues will vote against this amendment.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

Mr. Chairman, this amendment will prohibit oil and gas leasing and preleasing in our national monuments. Without this amendment, we may have to rename some of our national monuments to reflect their new status. The Statue of Liberty National Monument,

for example, could become the ''Statue of Fossil Fuels Production National Monument,'' with an actual flame burning at the top of the torch. Of course, we will have to change the inscription to read:

Give me your drill bits, your rigs,
Your huddled oil companies yearning to drill free,
To dump their wretched refuse on our pristine shores,
Send these, your well-heeled executives to me:
I lift my lamp besides their golden doors.

Of course, there are other types of national monuments in our country. Here is a photograph from the Upper Missouri River Breaks National Monument. It is beautiful. But perhaps the oil industry could improve upon the view? Bam. Oil rigs in the national monument. How much oil would we retrieve from the Upper Missouri River Breaks? One hour's worth of our national consumption. One hour. What this amendment says is that one hour of our oil use in the United States is worth despoiling this pristine view forever.

Mr. Chairman, we cannot condone this wanton disregard of our responsibilities to succeeding generations. Our national monuments represent the most unique, most irreplaceable, the most breathtaking of all of the natural wonders in this great land. All we are asking is that we meet our energy needs outside the boundaries of these special treasures, not on top of them.

Mr. Chairman, I urge the committee to adopt the Rahall amendment. First, let us make SUVs and air conditioners and refrigerators more efficient before we tell every succeeding generation of Americans that we had no other option but to take the national monuments and to despoil them for one hour's worth of energy, and to damage them permanently.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, after listening to the last few speakers, I have to tell my colleagues, if rhetoric were fast food, Members would have to walk through golden arches to enter this floor, because I have never heard so much rhetoric as I have just heard from the gentleman from Massachusetts who just spoke. He talks about the beauty of these things, and many are beautiful.

But some of them, my colleagues ought to come to Idaho and look at the expansion of the Craters of the Moon. It is a bunch of lava rock. And we are still trying to figure out what the imminent threat was to the Craters of the Moon when they designated it as a national monument, yet they decided they had to do it. It was under no imminent threat. That is the reality.

Mr. Chairman, clearly my colleagues on the other side of the aisle are passionate about national monuments. So am I; and so is anybody on this side of the aisle. We all love our public lands and want to protect them, but look at what this amendment does. What this amendment does is say that we cannot have any preleasing, any leasing, or any related activities on a national monument as it existed prior to January 20, 2001.

Now, the gentleman from Oregon that spoke said we are not going to change any of those things. If Members want to change any of those things, bring them to the floor. We have done that in this Congress. Many of my colleagues voted for it because it went by suspension. We changed a national monument in Idaho to a national preserve, so we do change them occasionally and we need to look at that.

Mr. Chairman, the reality is the real purpose of the Rahall amendment is to freeze the dozens of monuments that President Clinton declared during the waning days of his administration and prohibit mineral leasing activities in these areas. That is the intent of this amendment. This would occur even if Congress enacted a law which adjusted a boundary to a national monument or if President Bush reduced the size of a monument by administrative order.

□ 1445

The effect of the Rahall amendment will be to lock up acres of coal, gas, oil and other much needed energy resources at a time the United States needs these domestic resources to avert a further energy crisis. The House of Representatives, as I have said, has already changed one to a national preserve, so the reality is we do look at them, we do change them, we do change the boundaries. But under current law, 30 United States Code section 181, mineral leasing cannot take place on national monuments. If you look at most of the national monument designations that have been made, they prevent mineral leasing in the designation.

I would bet the gentleman from Oregon that spoke earlier about the beauty of the national monument in his State if he would look at the designation would see that it is prevented in the designation of that national monument. So we are not going to go out and drill in these areas, Mr. Chairman. We should not tie Congress' hands and the President's hands with this ill-advised, unnecessary, silly amendment.

Mr. Chairman, the people on this side of the aisle care as much about our public lands and our national monuments as they do. That is why we live there, because we love the beauty of our rivers and mountains and streams. That is what we want to preserve. But yes, there are legitimate reasons to look at our national monuments for other purposes.

Mr. Chairman, I urge my colleagues to not adopt this amendment. It is silly and unnecessary.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding time. As a Rocky Mountain westerner, I rise in support of this amendment and I share the sentiments of the gentleman from Idaho (Mr. SIMPSON) that we do love these lands in the West. I have been dismayed, though, to some extent to hear my colleagues describe these lands as sagebrush and rolling hills and nothing but black lava rock. But as we know, those lands provide us with solitude and great viewscapes, clean air, and clean water. They are God's creation. We should set them aside in perpetuity as President Clinton had the wisdom to do.

In our State, rapid population growth is putting increased pressure on all our Federal lands. We have become aware of the need to preserve and protect those lands. That is simply what President Clinton has done. But President Bush seems to be going the other way. In fact, I am tempted to borrow an old phrase and suggest that maybe we are on the verge of a ''war on the West.''

Unless we restore some balance, this energy policy will be a war on wilderness, a war on wildlife, a war on our open spaces, and ultimately a war on our economy which is dependent now on these open spaces and the clean air and the clean water.

This amendment will limit the potential of that potential attack. I hope it will be unnecessary. I hope that the President will pull back and not open our national monuments to drilling, but let us be safe rather than sorry. I urge support of this important amendment by the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time.

Secretary Norton has written a series of letters to various State and local officials encouraging reassessments of existing national monuments. I would like to quote directly from the Secretary's March 28 letter to the Governor of Arizona:

I would like to hear from you about what role these monuments should play in Arizona. Are there boundary adjustments that the Department of Interior should consider recommending? Are there existing uses inside these monuments that we should accommodate?

Mr. Chairman, I think this clearly shows that our monuments are under threat. The President, on March 13, additionally said, and I quote, ''there are parts of monuments where we can explore.''

Vote for this amendment. Protect our heritage. Protect our national monuments.

Mr HOLT. Mr. Chairman, I support the amendment offered by my colleague from the state of West Virginia, Congressman RAHALL, to protect National Monuments from energy

and mineral development. National monument status designation has been used to protect some of our most unique and significant natural and historic areas. In the last 95 years, 122 national monuments have been designated through the use of the Antiquities Act. Clearly, presidents from the time of Theodore Roosevelt have realized the wisdom of protecting sensitive public lands, already owned by the public, from natural resource exploitation.

The designation of national monuments follows a serious and deliberate process, including extensive study and involvement by the public. The process relies heavily on the input of local officials and citizens, those who will be most directly affected by the designations. Impacts are weighed in light of the benefits that will be enjoyed by the American public and the fact that a natural resources legacy has been created for future generations.

Some coal, natural gas, and oil does underlie a number of our national monument lands. However, the significance of these resources when compared to our overall energy supply was part of the consideration before the monument status was bestowed. Ninety-five percent of the public land managed by the Bureau of Land Management already is open to energy leasing. This amounts to millions of acres of federal land. We should be focused on doing a better job managing and developing fuels from the lands already available for leasing rather than looking at the remaining five percent for further exploitation.

The high cost of electricity and the rising costs of gasoline and home heating oil will not be reduced by drilling on national monument lands. The amount of energy resources on these lands is only a small fraction of what is available elsewhere. Our monuments must be protected against the forces of commercialization that would use them to enrich a few at the expense of the many by sacrificing our most spectacular and prized natural landscapes and historical sites. I urge you to join me and support the Rahall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) will be postponed.

Mr. CASTLE. Mr. Chairman, I move to strike the last word for the purpose of entering into a very brief colloquy with the chairman on a matter of importance to my State.

As chairman of the House Interior appropriations subcommittee, I know the gentleman from New Mexico is faced with many funding requests and faces a difficult task in balancing competing demands.

As the gentleman may know, Delaware has a rich heritage in the underground railroad. There are 18 underground railroad sites in Delaware, including the Governor's house at Woodburn where I lived, the courthouse where abolitionist Thomas Garrett was tried, and numerous other sites utilized by the principal underground railroad conductor Harriet Tubman.

Sadly, there is more information about Delaware's role in the underground railroad in the museum shop at Ford's Theater in Washington, D.C. than in Delaware's museums. Delaware is rallying to correct this oversight by filming a documentary about the underground railroad and sponsoring a lecture series at Delaware State University.

Pursuant to the National Underground Railroad Network to Freedom Act of 1998, the Delaware Underground Railroad Coalition is seeking $250,000 to develop a heritage plan to highlight Delaware's role in the underground railroad.

I seek the gentleman's support in working to provide funding for this heritage plan as the fiscal year 2002 Interior appropriations bill moves forward.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from New Mexico.

Mr. SKEEN. It is true the committee views funding the National Underground Railroad Network to Freedom Act of 1998 as a priority. I pledge to work with the gentleman from Delaware as this legislation moves forward to accommodate this request if the opportunity for additional funding arises.

Mr. CASTLE. I thank the gentleman and I appreciate his support.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 6 offered by the gentleman from Vermont (Mr. SANDERS); amendment No. 1 offered by the gentleman from Oregon (Mr. DEFAZIO); and amendment No. 5 offered by the gentleman from West Virginia (Mr. RAHALL).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 262, not voting 17, as follows:

[Roll No. 178]

AYES—153

Abercrombie
Ackerman
Andrews
Baird
Baldwin
Barrett
Bass
Becerra
Bereuter
Berman
Berry
Blagojevich
Blumenauer
Boehlert
Boswell
Brown (OH)
Cannon
Capuano
Carson (IN)
Castle
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
Deutsch
Dingell
Doggett
Emerson
Engel
Eshoo
Etheridge
Farr
Ferguson
Filner
Ford
Frank
Ganske
Gephardt
Gilman
Green (WI)
Grucci
Gutierrez
Hall (OH)
Hansen
Harman
Hinojosa
Holt
Honda
Hooley
Hulshof
Inslee
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Jones (OH)
Kelly
Kennedy (MN)
Kildee
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lipinski
LoBiondo
Lowey
Luther
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Morella
Nadler
Napolitano
Nussle
Owens
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Petri
Platts
Quinn
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Ryan (WI)
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Sensenbrenner
Shays
Sherwood
Simmons
Slaughter
Smith (NJ)
Solis
Stark
Sununu
Sweeney
Tanner
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Woolsey
Wu

NOES—262

Akin
Allen
Armey
Baca
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bentsen
Berkley
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (OK)
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Crane
Crenshaw
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Evans
Fattah
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall (TX)

Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (RI)
Kerns
Kilpatrick
Kingston
Kirk
Knollenberg
Kolbe
Lampson
Largent
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
McCrery
McKeon
Meek (FL)
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pelosi
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryun (KS)
Sabo
Sandlin
Schaffer
Schiff
Schrock
Scott
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Aderholt
Bachus
Callahan
Cox
Cramer
Cubin
Everett
Herger
Houghton
Israel
Kaptur
Lewis (GA)
McInnis
Neal
Riley
Rush
Serrano

□ 1514

Mr. CALVERT, Mrs. MEEK of Florida, Mr. HASTINGS of Florida, Ms. GRANGER and Mrs. TAUSCHER changed their vote from ''aye'' to ''no.''

Messrs. QUINN, SHAYS, HONDA, BERRY, KING, ROTHMAN, WELDON of Pennsylvania, Mrs. MINK of Hawaii, Ms. HOOLEY of Oregon and Ms. MILLENDER-McDONALD changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 1 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 287, not voting 16, as follows:

[Roll No. 179]

AYES—129

Ackerman
Allen
Baldacci
Barcia
Bass
Becerra
Berkley
Blagojevich
Blumenauer
Bono
Boswell
Boucher
Brady (PA)
Capps
Capuano
Carson (IN)
Carson (OK)
Chabot
Clay
Clayton
Conyers
Coyne
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Deutsch
Doggett
Doolittle
Dreier
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Gallegly
Gephardt
Graves
Gutierrez
Hall (OH)
Hall (TX)
Hayworth
Herger
Hill
Hinchey
Holt
Honda
Hooley
Hulshof
Hunter
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Jones (NC)
Jones (OH)
Kildee
Kucinich
LaFalce
Langevin
Larsen (WA)
Lee
Lewis (CA)
Lipinski
LoBiondo
Luther
Maloney (NY)
Manzullo
Markey
McCollum
McDermott
McGovern
McKinney
McNulty
Meeks (NY)
Menendez
Mink
Moran (KS)
Nadler
Napolitano
Ney
Owens
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Sanders
Saxton
Schakowsky
Schiff
Sessions
Shadegg
Sherman
Shows
Slaughter
Smith (NJ)
Solis
Stark
Strickland
Stump
Sununu
Tancredo
Taylor (MS)
Terry
Thompson (CA)
Towns
Udall (CO)
Udall (NM)
Velázquez
Walden
Waters
Watt (NC)
Wexler
Woolsey
Wu
Wynn

NOES—287

Abercrombie
Akin
Andrews
Armey
Baca
Baird
Baker
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Castle
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Hoyer
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Scarborough
Schaffer
Schrock
Scott
Sensenbrenner
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Aderholt
Bachus
Callahan
Cox
Cramer
Cubin
Everett
Houghton
Israel
Kaptur
Lewis (GA)
McInnis
Neal
Riley
Rush
Serrano

□ 1523

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. RAHALL

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 5 offered by the

gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed, and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 173, not voting 17, as follows:

[Roll No. 180]

AYES—242

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Bass
Bentsen
Berkley
Berman
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Scott
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sununu
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—173

Akin
Armey
Baker
Ballenger
Barr
Barton
Bereuter
Berry
Biggert
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Culberson
Cunningham
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Flake
Fletcher
Foley
Gallegly
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kerns
Kingston
Knollenberg
Kolbe
Largent
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Norwood
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Aderholt
Bachus
Becerra
Callahan
Cox
Cramer
Cubin
Everett
Houghton
Israel
Kaptur
Lewis (GA)
McInnis
Neal
Riley
Rush
Serrano

□ 1532

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1530

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman of the subcommittee and with the ranking member with respect to what I believe to be an oversight in this legislation.

Years ago, in 1986, the Compact of Free Association was entered into between various entities in Micronesia, the Marshall Islands, and with Palau. It provided citizens of the Freely Associated States certain rights and privileges. One of the rights and privileges was free access to the United States. The 1986 Compact allowed citizens of the Free Associated States from the Marshalls, Micronesia, Palau and other places, unrestricted entry into the United States and access to residence, education, employment and all of the various services. Hawaii was always a major destination for these migrants.

Congress provided, in the legislation at that time, that beginning from September 30, 1985, such sums as may be necessary to cover the costs incurred by the State of Hawaii, the Territories of Guam and American Samoa resulting from the increased demand; the problem was the increased entry from these entities into Hawaii and Guam that has caused very serious additional expenses upon my State and Guam specifically. The costs to Hawaii since 1986 exceeds $64 million, $10 million just in the year 2000. Many of the Compact migrants who come to Hawaii have significant health problems, including Hansen's Disease, hepatitis, tuberculosis and so forth, and they increase the costs of my State.

The intent of Congress and the legislation was to compensate the State of Hawaii and Guam and others for these additional expenses. So we had hoped that the committee would take this into consideration. All of us from the State of Hawaii and from Guam wrote the committee.

My purpose in raising this issue today, because this was not covered in the legislation, is to ask the chairman and the ranking member if they would comment on the reasons for noninclusion. Is there a legal restriction from being able to qualify for the monies that were intended to come to our State? But since the very beginning, in 1986, we have not been considered at all for compensation under this legislation. I would hope that I might get a very encouraging response from either the ranking member or the chairman of this committee. I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentlewoman for yielding, and let me just say this. We appreciate the gentlewoman's concern on it, and we will see if there is anything, but it is a question of funding and just a limited bill and lots of choices. But we are early in the process and the gentlewoman is showing a lot of concern, and we will just have to see. I am sorry I cannot be more specific.

Mrs. MINK of Hawaii. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I appreciate the gentlewoman's hard work on this issue. I know this is a major concern. I want to work with the gentlewoman on this, and hopefully we can have a meeting before the conference and go through the details of this and try to work with our friends in the other body who now are chairmen of major committees that might be able to help us find some solutions to this.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for his words of encouragement. There is every indication that the Senate will comply with this request, and I am hopeful that the conferees from this body will agree to those additions to the legislation.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. DAVIS OF FLORIDA

Mr. DAVIS of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Florida:

On page 131 after line 4 insert the following new section:

SEC. .None of the funds in this Act may be used to execute a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as Lease Sale 181 prior to April 1, 2002.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Florida (Mr. DAVIS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I yield myself such time as I may consume.

I am offering this amendment today with the gentleman from Florida (Mr. SCARBOROUGH). The effect of the amendment, which has been read in its entirety, is to prohibit the Secretary of Interior from signing any new leases off the coast of Florida that would allow oil and gas drilling to proceed for the first 6 months of the next fiscal year.

The reason the amendment is necessary is because the Interior Secretary has expressed her intention to continue with a process which could well result in the issuance of oil and gas leases within 30 miles of Pensacola, with some of the most pristine beaches, not just in the State of Florida, but I would submit in the United States and the world, and 200 miles off the coast of the Tampa Bay area, my home.

I remember as a small child what happened when the last oil spill occurred in Tampa Bay. It took us years to recover from that. We in Florida do not want to see that happen again. This amendment will assure that what occurred in Tampa Bay some years ago and, unfortunately, has happened in other parts of the United States, does not happen to our precious coastline.

Our coastline is not just something that is precious to Floridians, because we cherish our environment and it is integral to our economy. This is truly a national treasure. I would urge all of my colleagues, Democrats and Republicans, to think about where their constituents are headed this summer. They are headed south. They are headed to our beaches, because they are beautiful beaches. We want to protect those beaches.

We are against quick fixes to solve our energy problems. We do not want to see oil drilling right off the coast of Florida at the expense of Floridians.

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

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, this sale was included in the Mineral Management Service's 5-year plan, and the Congress has voted specifically to exclude sale 181 from the current leasing moratorium for the past 6 years. More importantly, it is necessary that the sale of 181 may hold as much as 7.8 trillion cubic feet of natural gas. This is enough natural gas to supply 4.6 million households for 20 years. This sale represents one of the Nation's best short-term hopes for increasing much-needed natural gas supplies.

Energy issues have dominated the debate lately, especially as they relate to both prices and supply of energy fuels. This amendment sends the wrong message. It says, regardless of the energy situation, we are going to place certain lands off limits. We cannot continue to lock up the Nation's energy resources and then expect to let our energy problems simply solve themselves. That is why we ask for our colleagues' support in opposing this amendment.

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

Mr. DAVIS of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SCARBOROUGH), the cosponsor of this amendment,

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman from Florida, and I would like to stand beside him and other Members from Florida and across the country who support the Davis-Scarborough amendment.

As the gentleman from Florida said, we do have some of the most pristine beaches, not only in Florida or the United States, but, in fact, they are recognized as some of the most pristine beaches across the world, and are consistently rated at the top of every list that comes out. Yet, lease sale 181 would allow drilling and exploration less than 20 miles off of our shores.

We certainly do welcome tourists from across the country, across the world, and I disagree that this amendment sends the wrong message. I think it sends the right message. It recognizes that the people of the State of Florida, the Republicans and Democrats alike, the Republican Governor Jeb Bush, and all of us oppose oil and gas exploration less than 20 miles off the shore.

I applaud the gentleman from Florida (Mr. YOUNG) and the gentleman from Florida (Mr. GOSS) and other people that have led on this issue year in and year out. It is important to remember that this amendment will simply prohibit the Minerals Management Service from finalizing the lease sale on area 181, which is less than 17 miles off the coast of my district.

The gentleman from Florida (Mr. YOUNG) once again spearheaded the amendment that has kept Florida's waters rig-free for the past decade. This amendment builds on the chairman's language to include the 181 lease sale, and I commend the gentleman from Florida (Mr. GOSS) and the gentleman from Florida (Mr. DAVIS) and several others for supporting it. It is important. It is important not only to northwest Florida, it is important to the State and it is important that the country recognize, recognize the desires of the people of the State of Florida. In my home district, we do not want exploration less than 20 miles off of our shores.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER) a member of the committee.

□ 1545

Mr. WICKER. Mr. Chairman, I thank the gentleman for yielding time to me.

I have a map which I think will be helpful to our colleagues. Mr. Chairman, I rise in strong opposition to the amendment offered by my friend, the gentleman from Florida, and supported by many of my friends from Florida.

I would think that we would realize we are now in an energy crisis in the United States of America. We are increasingly dependent on foreign sources of oil, but the one product in abundance we have here in the United States in North America is natural gas. That is what we are talking about primarily here, natural gas in lease sale 181.

This amendment would cripple one of the largest sources of natural gas we have in North America. As the chairman said, it is $7.8 trillion cubic feet of natural gas. My friend, the gentleman from Florida, when he introduced this amendment, said we do not need a quick fix in this area. My goodness gracious, this has been under review for 5 years, Mr. Chairman, an exhaustive review process. It began in 1996. For 5 years, sale 181 has been subjected to careful review and study to ensure all concerns are addressed.

In fact, then Governor Lawton Chiles expressed his appreciation to the Department of the Interior for recognizing his request to exclude any tracts within 100 miles of the Florida coast.

What are we talking about here? If my friends can look at the map, and those on the other side, I would appreciate it if they would come over here, we are talking about an area here that is 213 miles from Tampa, 108 miles from the coastline near Panama City. This little part that goes up near Pensacola, that is Alabama territory. Alabama gets to make the choice there. That is why it comes so close to Pensacola, because it is Alabama offshore territory.

It is true that the previous administration called for a moratorium on the exploration and drilling in the eastern Gulf of Members, but not for lease sale 181, not even the previous administration. Even this Congress took action to impose a moratorium on drilling in the eastern Gulf, except for lease area 181.

The last administration and this Congress have both recognized the critical importance of lease sale 181 in meeting our natural gas demand. I repeat, we are talking about 7.8 trillion cubic feet of sale of natural gas, one of the cleanest types of energy we could produce, during the time of an energy crisis.

With production declining over here in the western area and in the central area of the Gulf of Mexico, this part of the eastern section, just sale 181, hundreds of miles out in the Gulf of Mexico, is crucial to meeting our national energy needs. The sale of 181 is critical to that effort.

Mr. Chairman, with the current energy crisis, you would think our politicians might have learned their lesson about restricting the production of needed and environmentally-friendly energy sources.

I urge the defeat of this amendment. This may be one of the most important votes we take this summer.

Mr. DAVIS of Florida. Mr. Chairman, I yield 45 seconds to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for yielding time to me.

The gentleman from Mississippi is correct, it may be a couple hundreds miles away from Tampa, but it is only about 15 miles away from the beaches of northwest Florida, where the gentleman from Mississippi and his family come to vacation every summer.

Mr. DAVIS of Florida. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

I thank the gentleman for bringing this issue to the forefront, and for his continued efforts on behalf of Florida.

I would say to the gentleman from Mississippi, 181, it does not matter, it could be down in the Keys next, it could be someplace near Tampa. It is just the fact and idea that we do not want this open at all in Florida. I would say to the gentleman that this amendment is about Floridians and their wants; or, in this case, what they do not want. They do not want drilling off the coast of Florida.

Governor Jeb Bush has said that he, and I would say that 94 percent of the people who have contacted me from the nature coast, oppose further oil and gas drilling off the coast of Florida. Florida's economy and general welfare depend on a healthy marine environment, including clean beaches. An offshore accident of any size seriously threatens not only our shoreline, but it also will hurt our seafood and fishing beds. Clearly we must do all we can to protect Florida's sensitive seacoast.

What Floridians do want, though, what I have advocated, and so have many others on this floor, is a prudent, responsible energy policy that includes safe, clean supplies and reduced demand through conservation and energy efficiency.

Up to now, we have done too little in these areas. Renewable resources, such as solar and wind, I have to tell the Members, these energies could be providing energy today if we would just use the technology. We could be well down the road to a sensible energy policy if the majority had only considered in 1999 or 2000 the energy tax credit bill that my Democratic colleagues and I supported.

Instead of funding and using sources we now have, we again are debating issues that should have been settled by now. Years ago Congress first imposed the moratorium on expanded drilling in the Gulf. The past administration accepted the ban on drilling. The current administration does not.

If the administration forgets about oil drilling near Florida and if Congress would restore Bush budget cuts for energy efficiency and renewable energy programs, we can move forward to an energy policy that serves all Americans and does not include drilling off the coast of Florida. I support the Davis amendment.

Mr. SKEEN. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in these times this amendment makes no sense, and it is the height of irresponsibility. This lease is not off the coast of Florida, it is in the Gulf of Mexico. It is off the coast of Louisiana and Mississippi. This amendment makes about as much sense as shutting down all exploration in the Gulf of Mexico. It weakens our energy security.

Our long-term energy security, particularly at this time, requires us to seek out new sources of oil and natural gas. America is growing increasingly dependent on foreign sources of oil. That trend endangers our national security. When the proportion of oil we import from a volatile region rises, average Americans grow more vulnerable to supply interruptions and international conflicts.

When we have an opportunity to reverse this trend, we need to seize upon it. We need to take responsible steps to decrease our dependence on foreign sources, and when we discover a promising domestic reserve of natural gas and oil, we need to move forward by opening that area to safe exploration.

Lease sale 181 has the potential to play a very important role in strengthening our energy security. It could hold trillions of cubic feet of natural gas and billions of barrels of oil. Natural gas and oil produced at home lowers the sway that potentially hostile foreign leaders would hold over average Americans.

Recently we have seen fluctuations in the price of natural gas because supplies have run short. This clean-burning fuel is becoming an increasingly important source of energy. Each additional source adds to the supply and can offset new demand for natural gas. Lease sale 181 can make natural gas prices lower and more stable.

Now, some Members oppose exploration in this area because they are concerned about environmental risks. That is a radical notion, because what we think is a reasonable and understandable concern is not a concern at all. We do not face an either/or proposition. Lease sale 181 can be explored safely. Today advances in technology let drilling platforms probe much larger areas. Sophisticated new drilling devices provide multiple protections against oil spills.

We can add these resources to our energy supply without compromising environmental standards. I say to the gentlewoman from Florida, the best fishing in the world is around these platforms, if the gentlewoman has ever taken the time to visit one. Over the past 20 years, oil exploration firms operating in the Gulf have built a solid track record of environmental stewardship.

Defeat this amendment.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would say respectfully to my dear friend, the gentleman from Texas, that perhaps the people of Florida would much rather have artificial reefs around which their fishing can be improved instead of oil platforms.

In addition to that, while we might say that it is radical to protect our environment, perhaps more and more Americans are becoming radical because, to look at the polls in this country, the American people strongly defend their environment. I do not think the American people want drilling off

the coast of one of the most pristine areas in this country, because it belongs not only to Florida, it belongs to the people of my State in Ohio, it belongs to the people all over this country.

There are people who want to drill in the Great Lakes, which represent 20 percent of the fresh water supply of America. When do we stop trying to trade the treasure of this Nation to industries which are gouging the public, which are raising prices to unconscionable levels, which are withholding supplies?

We are going to put our trust in the gas and oil industry and forfeit our natural treasures? I think not. Support Scarborough-Davis.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, section 181 is located 64 miles from my district. It is much closer to my district in Louisiana, and much closer, by the way, to Alabama and Mississippi than it is to Florida. That is point number one.

Point number two, right adjacent to section 181 BP just discovered 1.5 billion barrels of oil. There are huge reserves there, 7.8 trillion feet of natural gas probably in section 181. Section 181 is under a 5-year plan approved by President Clinton in his executive order 98, signed off by Florida and the other States of the area, that in fact respects the rights of Florida not to have drilling within 100 miles of its coast.

Section 181 can help us through a terrible crisis we are about to face. It is not moratorium, it is in the 5-year leasing plan, and it needs to be developed.

Ninety-two percent of the new electric power plants that are planned to be built in this country are being planned to be built with natural gas. Yet, we produce 14 percent less natural gas in this country than we did in 1973.

Section 181 is critical. It has, on best estimates, 7.8 trillion cubic feet of natural gas available for this country. We are not going to drill it? We are not talking about moratoriumed areas, we are not talking about monuments, we are talking about an area in the Gulf of Mexico right next to an area in Louisiana that is currently being drilled, currently being processed, for oil and gas for our country. It is an area rich in oil and gas for a nation that desperately need natural gas.

Seven out of twelve fertilizer plants in Louisiana were shut down this year because we could not afford the natural gas to process fertilizer for the rest of this country. Do Members want to see more problems? Shut down section 181 and we will begin to shut down America's farm belt. We will begin to shut down clean power for America. We literally predict a crisis that will come true.

Defeat this amendment for the good of the country.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Orlando, Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise today in strong support of the Davis amendment. We need oil rigs off the Florida beaches about as much as we need crackhouses next to our churches.

Florida is home to this Nation's finest beaches. We have a tourism-based economy. The last thing we need is oil drilling 17 miles off the shores of our Pensacola beaches in north Florida.

I represented the world's number one vacation destination. I get to meet thousands of tourists every year. I have never yet heard a child to me say, "I want to see Mickey Mouse, Shamu, and wouldn't it be great to see a couple oil rigs off the beaches?"

Reasonable people surely can differ on this issue. It genuinely is a risk-versus-benefits analysis, but in the case of Florida, in light of our economy, the risks outweigh the benefits.

□ 1600

To the extent we need more energy supply, and we do, let us start with places that actually want the oil drillings and not the Florida beaches.

Mr. SKEEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN), the chairman of the Subcommittee of the Interior, for yielding me the time.

I am proud to follow some of my colleagues. As a country, we cannot enjoy a growing and cleaner economy without more domestic production of natural gas. It is clear that our Nation's demand for natural gas is growing significantly.

If our Nation is to meet its growing demand, then we have to have access to gas-prone areas like Sale 181, which is really closer to other States than it is to Florida.

We cannot set aside Florida. I wonder about my colleagues who want to have a vacation destination. People will not be able to drive there to enjoy Mickey Mouse unless we have production domestically.

We cannot have it both ways. We cannot demand lower energy prices and continued reliability and at the same time discourage domestic production. Exploration and production of domestic energy sources are keys to staying in front of our energy needs.

Sure, we need to conserve. Sure, we need to have alternatives, but conservation and alternatives will not satisfy the demands of the American people. We have to have production, particularly from natural gas, to fuel all of these cleaner-burning power plants that are on the drawing boards and actually being built.

Mr. Chairman, Sale 181 actually during the last administration was left out of President Clinton's executive order in 1998 because it was agreed to by all the States, including Florida. In fact, the sale was specifically excluded from the current leasing moratorium language.

Key stakeholders including Alabama, Florida and the Department of Defense were consulted on the 5-year plan. The sale of the area was drawn to ensure it was consistent with Florida's request for no oil and gas activities within 100 miles, but what we are talking about is within the Alabama border, and that is why we need this production.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Miami, Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, when are people going to get it in their minds that the people of Florida do not want oil and gas drilling in the sea bed of the Gulf of Mexico? It does not take a Ph.D. to figure that out. It is simple. Why is it my colleagues cannot figure that out?

Our Governor, Jeb Bush, has made it explicitly clear even to his brother that he does not want this to happen. Why can we not listen to those people who know what the deleterious effects will be of this in Florida? Within 30 miles of Perdido Key you want to drill. Sixteen million Americans residing in the State of Florida do not want it.

Mr. Chairman, I will repeat it again, I do not have much time, the people of Florida do not want it. The Governor does not wanted it. So do not push the President into wanting it. Please remember we do not want it. Do my colleagues want to ruin our beaches? My colleagues want to turn us into another Planet of the Apes.

We do not want it, the toxic pollution, offshore oil drillings, air pollution, spills. These things will happen. Why would we want to put our natural system at risk? We have Everglades here. We have the beauty that God has given us. Let us keep it. It is not that important.

We are not going to stand for it. We are not going to allow it to happen. We will not allow Bush I or II and their best friends to destroy this beautiful natural system. Let us protect Florida's coastline and beaches. Support the Davis amendment.

Mr. SKEEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, we face a real energy crisis in this country which is only going to grow; and to meet that crisis, we need a balanced long-term approach.

We are not going to drill our way out of the crisis, nor are we going to conserve our way out of the crisis, nor are

we going to work our way out of the crisis through pure energy efficiency.

The bottom line is that clearly we have to do all of these things. The problem with this amendment is it takes safe, clear opportunity for domestic oil and gas production off the table, and we have been doing that for 30 years, taking more and more off the table.

That is exactly the sort of not-in-my-backyard mentality which has us where we are today. That is exactly what we have to get beyond if we are going to have a balanced comprehensive approach to meeting our Nation's energy needs.

The most ironic thing about this not-in-my-backyard argument, it is not even in their backyard. In fact, it is in Federal territory, and it is more in the backyards of Alabama and Mississippi and Louisiana than it is in their backyard.

Mr. Chairman, if my colleagues want to be so parochial in their approach, then maybe we could make a deal with them: I will not go to Florida beaches for a while. I will just go to Gulf Shores in Alabama, but my colleagues should not demand that and should not use energy from the rest of the country including everything that we explore and drill for and produce in Louisiana.

Obviously, we need to get beyond that narrow-mindedness and that parochialism and have a balanced approach, including producing this clean, safe energy.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Palm Beach, Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I want people to focus a little bit on the debate for a moment. It is very, very simple. We have heard people from other States, Texas, Louisiana, all say they are for oil drilling. You can have all you want. You can do it in your home State. You can do it off your shores.

Florida is making a very simple and specific request, leave us out of your dialogue and leave us out of your drawings. We believe strongly in having a cohesive environmental policy. In fact, in the 1970s I worked in a Shell gas station, and I remember having people antagonized over the fact they could not fill their tanks; but since the 1970s we have done very little to have a comprehensive energy policy. But just suggesting that we start putting pipes in the ground is not a solution.

A lot of people are paying attention and wanting to know when can we set the rigs. Florida is simply saying not in our backyard. We are delighted to say it and proud to say it.

Democrats and Republicans in the delegation joined together trying to urge Congress to leave us out of this. Have it in Alabama. Have it in Louisiana. Go to Texas. Go to California, and even in Alaska if you want. Yes, it may be controversial, but the sovereign right of that State should be heard. Our sovereign right is expressing opposition, and I urge my colleagues to join us in this initiative.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, actually, this would be a lot more fun if it was real. It is the phoniest debate I have heard in a long, long time.

If we look at the amendment, this significant move on the part of Florida is going to last until April 1, 2002; maybe April 2001 is more appropriate than 2002. The fact of the matter is if they were serious, they would have made it permanent. They did not make it permanent because it costs money.

We have heard about this particular area. It is in the Gulf of Mexico. The area looks like this. Why does it have this long neck? Because Florida said they did not want any drilling over there within 100 miles of their coastline. Frankly, most of the natural gas is probably in this area. So there was an agreement between Florida and the other States.

Mr. Chairman, this literally is 200 miles from Florida there and 100 miles from Florida there. But here is the dirty little secret that no one in Florida will tell you. Guess what this line is right across the gulf? That is an already-agreed-upon pipeline 740 miles to supply oil and gas to Florida. No, they do not want to drill near you, but they want the oil and gas to use.

How hypocritical can you be? How far is 100 miles? It is from New York City to Scranton, Pennsylvania. It is from Madison, Wisconsin, to Waterloo, Iowa. And if we cannot drill in an already-approved area in which the State of Florida was a negotiator and the lines were drawn to fit them, it really will be our Waterloo when we are trying to be self-sufficient for energy.

Here is the question, Members, when my colleagues vote: If it was worth fighting for oil and gas in the Persian Gulf, why is it not worth looking for in the gulf near America?

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from Miami, Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to strongly support the Scarborough-Davis amendment that would prohibit the Secretary of the Interior from executing a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as Lease Sale 181.

The beaches on the gulf coast of Florida are comprised of some of the most pristine and beautiful areas that would be devastated by an oil spill in the Gulf of Mexico. Our tourism and fishing industries would also be devastated by such a spill.

Many of my congressional colleagues have told me recently that they will be visiting this area of Florida during the July 4th holiday.

People come to Florida for the beaches. So please join the citizens of the State of Florida who overwhelmingly and in a bipartisan way oppose drilling off of our waters.

We are talking about 17 miles off of Pensacola Florida. Florida's white sand, clear waters, and gorgeous sunsets have truly not only become a treasure for our State, but they are a treasure for our Nation and the millions of tourists who visit Florida's beaches every year.

Please join the State of Florida in protecting our beaches and crystal blue waters by opposing offshore drilling. All of our constituents will thank you for it.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida (Mr. DAVIS), the bipartisan amendment. Certainly, Members from Louisiana and Texas and Florida and even Indiana and Ohio have every right to speak on this amendment.

Sixteen million Floridians do not want drilling off their shore. Tens of thousands of people from Indiana and Ohio and Illinois that go down to Fort Lauderdale, Long Key, Sanibel Island, also enjoy the tourism, the fishing, the environmental areas down there; and we want to see that protected.

There is an old saying that you cannot have it both ways. The problem with the Bush administration's energy policy is in energy you need to have it both ways. You need to have production and conservation. They only emphasize production and drilling and more drilling and drilling in Alaska.

We need to make sure we have a balanced approach to protect our environment. We need to make sure we enhance the new technologies out there to drill in prior areas and get more out of those areas rather than going into pristine environmental areas.

Support the Davis amendment. Support bipartisan environmental concerns and support going toward a balanced energy policy.

Mr. DAVIS of Florida. Mr. Chairman, I yield 15 seconds to the gentleman from Florida (Mr. SCARBOROUGH), a cosponsor of the amendment.

Mr. SCARBOROUGH. Mr. Chairman, I just wanted to give another point of reference to the gentleman from California (Mr. THOMAS), who was talking about 100 miles or 200 miles from Waterloo to whatever. We are talking about 17 miles which will not get you from the United States capitol to the airport. Seventeen miles is what we are talking about, that will not even get you to Washington's airport at Dulles so you can fly home to California.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond to some of the statements that were made. Let us go back to the facts. Nobody has questioned the statement of the gentleman from Florida (Mr. SCARBOROUGH) that this is 17 miles from the coast of Florida.

Let us be perfectly clear. This is drilling for oil, crude oil, as well as gas; and there are 21 days of crude oil in Sale 181. If we raise fuel efficiency standards by 16 miles per hour, that achieves 10 times more result than proceeding with Sale 181.

Mr. Chairman, with the exception of the gentleman from California (Mr. THOMAS), every Member of Congress that told Florida that we should put our coastline at risk is from an oil-producing State, and they do not have to apologize for protecting jobs in their States. But our tourists do not wash up on their beaches, and we do not want their oil washing up on ours.

Let me just further say, with respect to the gentleman from Texas (Mr. DELAY), if being against the risk of oil spills in Florida makes us radical by Texas' environmental standards, then we proudly wear that label.

The point is, as the gentleman from Indiana (Mr. ROEMER) said, we need a balance here; and we support solutions to our energy problem. But let us have a thoughtful debate. Let us not engage in quick fixes at the expense of Floridians. We have suffered oil spills before. I saw one when I was a small child in Tampa Bay. I do not want my children or grandchildren to see that again.

□ 1615

This is in Florida's waters. This is something we are entitled to protect. We can do better. Let us adopt this amendment. Let us slow this down for 6 months and find a balanced solution to the energy challenges that face our country and not do so at the expense of Florida and its coastline.

The CHAIRMAN. The gentleman yields back the balance of his time.

The gentleman from New Mexico (Mr. SKEEN) has 45 seconds remaining.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, the entire Alabama delegation is on record supporting Sale 181. Unfortunately, the delegation is in Alabama with the President of the United States and will be unable to vote. I submit for the RECORD herewith the delegation letters in support of Sale 181.

UNITED STATES SENATE,
Washington, DC, April 9, 2001.

Hon. George W. Bush,
President of the United States, The White House, Washington, DC.

DEAR PRESIDENT BUSH: We are writing to endorse the State of Alabama's strong support for Outer Continental Shelf (OCS) Lease Sale 181 scheduled for December 2001. H.J. Res. 13, as passed by the Alabama Legislature and signed by Governor Siegelman unequivocally recognizes the positive benefits of Sale 181. We agree with the Governor's stated position supporting the proposed sale so long as no blocks are leased within 15 miles of the Alabama coast and safety measures are ensured.

We agree this sale is a crucial component of a strategy to develop new, diverse supplies of oil and natural gas to meet the ever-increasing energy demands of our nation's new economy. As production declines in the western and central portions of the Gulf of Mexico, there is a growing recognition of the need for the vast resources contained in this eastern segment of the Gulf. Importantly, all of Sale 181's tracts are outside the areas that are off-limits to exploration and production under the mandated federal moratorium area. The Gulf Of Mexico now provides about 24% of U.S. oil production and about 26% of U.S. natural gas production. The resources contained in this sale area are estimated to hold approximately 7.8 trillion cubic feet of gas and 1.9 billion barrels of oil.

The oil and natural gas industry has been good for Alabama, providing fuel and employment, to thousands of our state's residents, contributing to our economy and depositing millions of dollars into our state's treasury. It is estimated the oil and gas industry spends over $50 million annually on Alabama and Mississippi products and services. State funds derived from lease agreements in the Gulf of Mexico are utilized to improve our environment and protect unique coastal and estuarine habitats. The successful and timely continuation of Sale 181 would only further enhance these benefits to our state.

Alabama and the offshore industry have coexisted to the mutual benefit of both for decades. As you know, the oil and natural gas industry has an outstanding record for operating safety on the more than 3,800 offshore platform, which are subject to extremely rigorous environment standards. It is anticipated this excellent record will continue to improve as new technology allows the extraction of more oil and gas from wider areas using fewer wells and platform protecting seabeds and marine life.

Like other Gulf of Mexico states, Alabama has a thriving and expanding tourism business. The oil and natural gas activities offshore have not discouraged visitors to our beaches and other recreational areas along our coast.

We urge you to continue your support of responsible development of our domestic resources, including the Sale 181 area. Alabama is proud of our contribution to national energy security and economic growth through the prudent and environmentally sound development of our offshore energy resources.

With kind regards, we are

Sincerely,

Richard Shelby, U.S.S., Sonny Callahan, M.C., Spencer Bachus, M.C., Terry Everett, M.C., Bob Riley, M.C., Jeff Sessions, U.S.S., Robert Aderholt, M.C. Robert E. ''Bud'' Cramer, M.C., Earl Hilliard, M.C.

PROPOSED LEASE SALE 181,
DON SIEGELMAN, GOVERNOR,
April 24, 2001.

President Bush asked me to help with this proposed lease sale and I am pleased to lend my support as long as there are no blocks sold within 15 miles of the Alabama coast and safety measures are ensured. I believe this is in the country's and Alabama's best long-term interest. Because Alabama is an energy producing state, this proposed lease sale will help Alabama propel its economic development effort. It is my hope that this would help increase supply and reduce prices for consumers. At my request, we will meet with the Mineral Management Service on May 7th, to ensure that all safety measures are in place before moving forward with the lease sale. If I am satisfied that the necessary precautions are in place, I look forward to proceeding with proposed lease sale 181.

DON SIEGELMAN, GOVERNOR,
State of Alabama, January 24, 2001.

DEAR MR. OYNES: With respect to your letter of December 1, 2000, concerning the draft environmental Impact Statement for proposed Eastern Gulf of Mexico Lease Sale 181, we offer the following comments.

I am pleased the Minerals Management Service is not offering any blocks in proposed Lease Sale 181 within 15 miles of the Alabama coast. The Interior secretary's decision to delete blocks within 15 miles offshore Baldwin County in the eastern Gulf of Mexico serves to mitigate the concerns of Alabama's residents regarding visual impacts from new natural gas structures in the areas of Gulf Shores and Orange Beach. In the future, I will continue to oppose the leasing of any unleased blocks southward and within 15 miles of the Baldwin County coast. We recognize that new natural gas structures may be installed on currently leased federal blocks, and we support and appreciate MMS's efforts to work cooperatively with the industry and the state of Alabama to minimize the visual impacts of new natural gas structures offshore Baldwin County. I request that you continue to work with the Geological Survey/State Oil and Gas Board of Alabama to find realistic methods for addressing this viewshed issue.

As you are aware, the state of Alabama consistently has supported protection for live bottoms, pinnacle reefs, chemosynthetic communities and other sensitive environments of offshore Alabama in the Central Gulf of Mexico Planning Area. We certainly support these same types of protection for Lease Sale 181 in the Eastern Gulf of Mexico Planning Area.

We continue to support MMS's nonenergy minerals program. It is important that MMS continue to gather geological and environmental information regarding Outer Continental Shelf sand resources that may be required for coastal erosion management. We appreciate MMS's interaction with the state of Alabama to identify these resources which may have both short- and long-term utility.

We have concerns regarding statements on page IV–128 of the DEIS which indicate that coastal Alabama has the highest probability of contact if a large offshore spill occurred in the area for proposed Lease Sale 181. In addition, we have concerns regarding the number of new pipeline landfalls (page IV–221), new gas processing plants (page IV–238), new oil pipeline shore facilities (page IV–238), and adverse impacts to air quality (page IV–287). These matters are of particular concern, given that the vast majority of blocks available for lease in proposed Lease Sale 181 are located offshore Florida. It would appear that the coastal Alabama area could be significantly impacted by OCS activities occurring offshore Florida as a result of the proposed sale. I request that MMS meet with representatives of the Geological Survey/State Oil and Gas Board of Alabama and discuss all of these matters in detail in the near future.

The state of Alabama supports a balanced and reasonable Outer Continental Shelf (OCS) leasing program that leads to exploration, development and production, with the stipulation that all OCS activities be carried out in full compliance with relevant Alabama laws, rules, and regulations, and be consistent with our Coastal Zone Management Program.

We appreciate the opportunity to comment on the Draft Environmental Impact Statement for proposed Eastern Gulf of Mexico Lease Sale 181 and look forward to working cooperatively with MMS in the successful and safe development of the hydrocarbon resources located offshore Alabama and in sharing in the benefits of OCS leasing and production activities.

Sincerely,

Don Siegelman, Governor.

HOUSE JOINT RESOLUTION

Whereas, Alabama annual natural gas production from onshore and offshore wells, combined, is 433 billion cubic feet, of which 217 billion cubic feet come from offshore wells; and

Whereas, Alabama Gulf Coast and Dauphin Island tourism economy co-exist in harmony through mutual use of Alabama's natural resources with Alabama offshore natural gas production operations; and

Whereas, Alabama's recreational fishing and commercial fishing industry co-exist in harmony through mutual use of Alabama's natural resources with Alabama offshore natural gas production operations; and

Whereas, Alabama benefits from offshore natural gas operations in many ways, including, but not limited to, local and state revenues from severance taxes, and state revenues from Trust Fund interest, including royalty state payments, federal 8(g) royalties, and lease sale proceeds; and

Whereas, Alabama jobs, income taxes, and other positive economic benefits have been created by Alabama's offshore natural gas developments, including exploration and drilling, platform fabrication and installation, pipeline contracting and construction, onshore gas treatment plant construction, operation, and maintenance, and goods, services, and supplies purchased; and

Whereas, Additional positive economic benefits related to Alabama offshore natural gas developments include direct effects such as direct purchases, indirect effects such as purchases by contractors and suppliers, and induced effects such as the re-circulation of wages, salaries, and profits; and

Whereas, Alabama offshore natural gas developments and operations have performed in a safe and environmentally-sensitive manner, with benefits to Alabama citizens far outweighing any/all perceived risks; and

Whereas, Alabama citizens and industries, and individual natural gas consumers and industries outside Alabama continue to use and need more clean-burning natural gas supplies; and

Whereas, areas in the Eastern Gulf of Mexico Outer Continental Shelf (OCS) 25 miles and further south of Alabama's and Florida's coastlines represent a major prospect for drilling and producing future supplies of clean-burning natural gas; and

Whereas, two eastern Gulf of Mexico Outer Continental Shelf (OCS) areas, specifically an area known as the Destin Dome and Federal Lease Sale 181 Area, if drilled in a safe and environmentally-sensitive manner, are predicted to hold large natural gas reserves; and

Whereas, Coastal Alabama is the likely natural gas infrastructure area to take new reserves to market, increasing Alabama's economic benefits directly related to new natural gas production from the Eastern Gulf of Mexico; now therefore, be it

Resolved by the legislature of Alabama, both houses thereof Concurring, That we express our support for natural gas drilling and development in the federal Outer Continental shelf (OCS) Eastern Gulf of Mexico areas of the Destin Dome and Federal Lease Sale 181 Area. Be it further

Resolved, That copies of this resolution be sent to each member of Alabama's U.S. Congressional Delegation and to President Clinton, Secretary of Commerce William Daley, The Minerals Management Service, the National Oceanic and Atmospheric Administration, the Department of Energy, and the environmental Protection Agency.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. PETERSON), a valued member of the Subcommittee on Interior.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I tell my friends briefly, in terms of a response, it is only 6 months, and the lines that are on the map are the lines that the Floridians agreed to. It is 100 miles from the Florida border, as agreed to by Florida's governor. So I understand my colleagues' concern, but as a matter of fact, what is going to be put in that pipeline? It is going to be some other State's gas. Come on.

Mr. PETERSON of Pennsylvania. Reclaiming my time, Mr. Chairman, in conclusion, gas prices last year doubled. We have put a huge amount of electric generation on this year, all natural gas. Next year home heating natural gas costs could double again and our energy sensitive businesses are going to be priced right out of business.

When my colleagues' seniors cannot afford to heat their homes next year, when they get the second year in a row with high natural gas prices, and look at any of the curves, the natural gas uses for electric generation exceeds any new gas coming out of the ground, My colleagues' seniors are going to be very angry with this decision.

Mr. HOLT. Mr. Chairman, I would like to express my support for an amendment offered by my colleagues from Florida, Representatives DAVIS and SCARBOROUGH, to prohibit oil and gas exploration and development off the coast of Florida. The issue at hand is the sale of Lease Sale 181 in the Gulf of Mexico, although offshore drilling threatens all coastal communities, including those of New Jersey. We in New Jersey thought we had put to rest the idea of drilling off the New Jersey coast, but recently we have begun to wonder.

Sale 181 contains 5.9 million acres of an offshore area in the Gulf, in water ranging from 108 to over 10,000 feet deep. The sale is scheduled for December, 2001. Although both the past administration and the present governor of Florida support a ban on oil and gas development within 100 miles of the coast of Florida, part of Sale 181 come to within 15 miles of the Alabama coast.

I see this sale as a potential threat to the economy and environment of the gulf states. Although cleaner than in the past, oil and gas exploration cannot be done without threatening our natural resources, commercial fishing industries, tourism, and marine ecology. Nearly 90 percent of the reef fish resources of the Gulf of Mexico are caught on the West Florida Shelf. Oil and gas development would threaten the shallow, clean water marine communities found on the Florida outer continental shelf. Ecology and environment are central to the economy of Florida. Damage to the environment would threaten the tourism industry upon which much of their economy is based.

Furthermore, there is no evidence that drilling in Lease 181 would have a significant impact on our energy supply. Increased conservation and efficiency would do more to meet our country's energy needs than drilling off of the coast of Florida, and the impact of conservation would be immediate with little environmental cost.

I endorse this amendment as a strong message to Secretary Norton to maintain the moratorium on offshore drilling and not to sacrifice our marine ecosystem in an attempt to satisfy our energy demands. I strongly support this amendment to prohibit the sale of the Sale 181 area and I urge my colleagues, particularly those who represent coastal states, to join me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. DAVIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DAVIS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. DAVIS) will be postponed.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to suspend or revise the final regulations published in the Federal Register on November 21, 2000, that amended part 3809 of title 43, Code of Federal Regulations.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that, notwithstanding the unanimous consent agreement that was previously reached, we limit this amendment to 20 minutes, 10 minutes on each side.

The CHAIRMAN. And all amendments thereto?

Mr. DICKS. And all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SKEEN. We approve.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

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

This is a bipartisan amendment offered by the gentleman from California (Mr. HORN) and myself. It is a bipartisan amendment intended to maintain, maintain, existing environmental protections. It is about arsenic, it is about cyanide, it is about sulfuric acid, it is about making sure that we do not roll back existing rules in place today that have been implemented to prevent the discharge of arsenic and cyanide and other toxics into our streams and rivers.

Mr. Chairman, here is why this amendment is necessary. Before the adoption of these rules, we had a scandalous situation in mining and release of toxics. Twelve thousand miles of streams in the West are polluted from mining tailings, 40 percent of streams in the West. Ninety-six percent of all of the arsenic compounds artificially released in the environment have been from the mining industry, without these rules that have now been implemented; 600 million pounds of arsenic and arsenic compounds a year from the mining industry.

Mr. Chairman, we need to make sure in this appropriation bill that no hand is taken to reduce the effectiveness or repeal these rules that have been adopted after 4 years and 35,000 pieces of input from the American public.

Now, let me tell my colleagues, there are three things at risk here: Number one, the existing rules adopted by rule. Number one has environmental performance standards, standards that every mining operation has to meet to prevent the discharge of cyanide. And because of the implementation of cyanide heap leach mining, this is extremely important.

Number two, we have got to have a way for local communities to have input in these decisions of siting, and we do not want to allow any hand to remove the ability to have local communities where there is substantial irreparable harm to a local community. This is a local control issue.

Number three, we want to make sure the mines put up adequate bonding capability. Under this rule, the administration, to its credit, has said they will keep this part, this one-third of the bill, and this is the part we want to make sure we keep the administration policy in hand.

So, Mr. Chairman, this is a bipartisan bill, and so we seek bipartisan support. It is a strong problem that deserves that we keep the status quo for the environment.

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

The CHAIRMAN. Does the gentleman from New Mexico seek time in opposition?

Mr. SKEEN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 10 minutes.

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

Mr. Chairman, I cannot support the gentleman's amendment. I see nothing wrong with the Department of Interior reevaluating regulations that were finalized in the last days of the past administration. In fact, it is my understanding that this type of review is commonplace during the changes of administration.

We should allow the rulemaking process to continue and not preempt the process by establishing yet another moratorium on this bill. The Interior bill is not the appropriate place to address the changes in the Mining Law of 1872. This is best left to the authorizing committee which has jurisdiction over this issue.

After reviewing the National Research Council report on hardrock mining on Federal lands, it is obvious to me that the previous administration went too far in amending the mining regulations. It is my opinion that these rules will have a significant economic impact on the mining sector. However, while I personally would like to limit any changes to these regulations to the regulatory gaps identified by the National Research Council, I have refrained from doing so because we have an appropriate rulemaking process in place to address this issue.

I therefore ask for my colleagues' support in opposing this amendment. Amen.

Mr. INSLEE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HORN), the cosponsor of this amendment.

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

I rise today to urge my colleagues to support this amendment, which seeks to continue our commitment to responsible public land management. Environmental mining rules, also known as 3809 regulations, provide critical Federal oversight specifically for hardrock mining on lands managed by the Bureau of Land Management.

The current regulations were enacted because the old regulations failed to keep pace with modern mining techniques. The current rule is critical because it requires mining companies to pay for the full cost of environmental cleanup rather than being able to shift those costs to taxpayers. Right now, because of the old mining rules, taxpayers are on the hook for $1 billion in cleanup costs just at currently operating mines.

The current rule puts strong environmental standards in place to protect water supplies from excessive contamination of arsenic and other heavy metals by directing mining operators to protect surface and groundwater resources. As of the year 2000, the Environmental Protection Agency estimated that 40 percent of the headwaters of all the western watersheds are polluted by mining. This is due in part to the fact that the old mining rules had no environmental performance standards.

This amendment simply states that no funds shall be used to suspend or revise the final regulations published in the Federal Register on November 21, 2000. This will ensure the protection of our waters from arsenic, cyanide and other toxic pollutants and give certainty that the taxpayers are protected as well.

I again urge my colleagues to support this amendment and keep the current rule in place.

Mr. SKEEN. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from New Mexico, the chairman of the subcommittee.

Mr. Chairman, I rise in strong opposition to this rider on an appropriation bill. I listened with interest, Mr. Chairman, to my good friend from Washington State, because in a previous Congress, both on October 4 of 1999 and October 21 of 1999, he told us how horrible it was to have riders added to appropriation bills. In fact, he likened them to fleas.

Well, I will tell my colleague what is going to flee. With the passage of some of these anti-mining and anti-jobs riders, say good-bye to the jobs. If my colleagues care about endangered species, I wish we cared one whit about the people of America who earn a solid, decent, honest living from mining. But we can laugh and watch the other countries put up help wanted signs and kiss off another industry, when the fact is that already on the books there is effective regulation that has ended the scourge of environmental harm. The industry has changed.

Look, all we are saying is let the current administration have the same courtesy the previous administration did. Let a reexamination of section 3809 take place, rules that took effect in the last nanosecond of the previous administration on January 20. Why not have a situation where we can review them?

This body has twice directed the Department of the Interior to not promulgate rules inconsistent with the recommendations of a congressionally mandated study of hardrock mining on Federal lands by the National Research Council of the National Academy of Sciences. We hear so much about the NAS and its studies, we hear so much lip service paid to science, yet when we have a provision here that says let us stand up for sound science, we want to abandon it, and with it the jobs of this

industry, to make headlines in terms of what some deem to be politically correct.

What this amendment will do is set the precedent my friend from Washington State was so concerned about in 1999. This will unfurl a cascade of riders for the remainder of this appropriations process. And what again this will do, and this is the tragedy of the situation, Mr. Chairman, we will add more regulation and cost more jobs. For my friend from California, who is interested in high-tech, I wonder how his computers are going to work when we do not have the copper wiring any more.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume to respond that we seek to maintain the existing regulation, which is fully consistent with the NAS study that concluded we needed better regulations against arsenic and cyanide in our waters.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise in support of the amendment by my esteemed colleague, the gentleman from Washington, (Mr. INSLEE), to keep standards in place that protect our water resources from mining pollution.

Clean water is the most fundamental quality of life issue we have in this country. That is why I support funding the U.S. Geological Survey's water science programs and its 54 State Water Institutes in the amount recommended by the Subcommittee on Interior.

□ 1630

We cannot live without clean water. This amendment will strengthen the committee's wise decision to fund the USGS water programs by adding environmental safeguards to protect our water resources from pollution caused by mining. The USGS mission from its inception has focused on water resources. They must remain focused on our water resources in order to preserve the health of every American.

In New Jersey alone, our percentage of impaired waters have worsened from 50 percent of our streams and rivers in 1993 to 65 percent today. Changing the USGS focus away from these crucial water programs in order to protect any industry is the very last thing we should be allowing.

Mr. Chairman, I ask for total support of this amendment.

Mr. Chairman, I rise in support of the amendment by my esteemed colleague from Washington, Mr. INSLEE, to keep standards in place that protect our water resources from mining pollution.

Clear water is the most fundamental quality-of-life issue we have in this country. That is why I support funding the US Geological Survey's water science programs and its 54 State Water Institutes in the amount recommended by the Interior Subcommittee of Appropriations—We cannot live without clean water!

Mr. Chairman, this amendment will strengthen the Committee's wise decision to fund the USGS water programs, by adding environmental safeguards to protect our water resources from pollution caused by mining.

The Department of the Interior proposes to change the mission of the US Geological Services away from water in order to focus more on mining. But focusing on mining at the expense of our water science and clean water protection is the wrong approach!

The USGS mission, from its inception, has correctly focused on water resources—and it must remain focused on our water resources, in order to preserve the health of very American!

Without the US Geological Survey's water programs and USGS State University Institutes—including our own Rugers Institute—we cannot assess the quality of our water, or train our future water professionals. These programs are the core of the USGS! The Geological Survey must remain much more than simple mining protection!

The USGS ability to track and map problems with our water is a vital component in helping our state environmental agencies, so we can visualize problems while solutions are still doable and still cost effective.

In New Jersey alone, our percentage of "impaired" waters has worsened from 50% of our streams and rivers in 1993, to 65% today, according to the most recent study.

In our state, data from USGS has helped us see that worsening pollution follows our "sprawl line"—and I know that in every state the causes of pollution may differ, whether it is sprawl, or acid rain, or mining, or some combination of pollutants.

But Mr. Chairman, it is only with these important USGS tolls that we can learn about these pollutants, and learn what does not work in the way we manage our water resources and land use! Changing the USGS focus away from these crucial water programs, in order to protect the mining industry, is the very last thing we should allow, if we want to continue preserving our water and our health!

Mr. INSLEE's amendment is exactly what is needed to help protect these threatened resources, by allowing our communities and land management agencies to protect our water from pollution.

Our communities already struggle to keep our fragile watersheds pure—as we well know in New Jersey. So I want to commend the Chair and Ranking Member of the Interior Subcommittee, and all of my Appropriations colleagues, for supporting our water science programs, and voting unanimously to restore more than $90 million in funding to the USGS.

And I want to thank my many colleagues on both sides of the aisle for helping me to champion the USGS water science programs—the Honorable ASA HUTCHINSON, and MICHAEL BILIRAKIS; and my colleagues Mr. GIBBONS, and Mr. GREEN and Mr. BOEHLERT, as well as many of my Republican colleagues.

I also want to thank my esteemed colleagues form this side of the aisle—Mr. KIND, Mrs. NAPOLITANO and Mrs. MALONEY; Mr. BLUMENAUER and Mr. PAYNE, Mrs. MINK and Mr. PALLONE—and many, many others of you who have recognized—as I do—the importance of the USGS water programs to our nation's health.

Mr. Chairman, I know, and my esteemed colleagues know that the USGS is our "early warning system" in the battle against deadly toxins and pollution in our water. We must not tolerate the dismantling of these vital programs or a change in the USGS mission away from water, to focus on mining.

I urge all of my colleagues to support the full funding that was appropriated for all U.S. Geological Survey water programs, and to support Mr. INSLEE's amendment protecting our water resources from deadly mining pollution.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I want to respond, and I want to oppose the amendment of the gentleman from Washington (Mr. INSLEE).

Mr. Chairman, the National Academy of Sciences indicated prior to the issuance of the regulations that we are questioning today, the 3809 changes by the Clinton administration, the National Academy of Sciences issued a report prior to the existence of those regulations that the current 3809 regulations on hardrock mining on public lands, stated that the ''existing array of Federal and State laws regulating mining is effective in protecting the environment.'' They did not say we needed additional regulations for that. They said the existing array of regulations are effective in protecting the environment.

What we have here, Mr. Chairman, is an attack on the mining industry. I am proud to say that America's mining industry is the world's most modern, technically advanced and environmentally responsible mining industry, and I am proud as an American to have the mining industry especially in our State, the State of Nevada.

Mr. Chairman, this regulatory change that is being attempted here obviously goes to addressing the issue of whether or not this administration has the right to address regulations. We are going about it by saying if legislative fiat is what we are after to change and stop an administrative ability to change regulations, then that is what we should be doing. But then let us do it in all cases as well, and let us take away the administrative power for making changes to regulatory action, which is in the realm and the authority of the administration.

Let me say that the mining industry today is already responsible for and applicable to the Clean Water Act. It cannot pollute the water and not be responsible for it. That is a myth that is being propagated out there. It is already responsible for the Clean Air Act. It cannot pollute the air and not be responsible for it.

Mr. Chairman, I oppose this gentleman's amendment.

Mr. INSLEE. Mr. Chairman, if I may inquire as to the time remaining?

The CHAIRMAN. The gentleman from Washington (Mr. INSLEE) has 4¼ minutes remaining. The gentleman from New Mexico (Mr. SKEEN) has 4 minutes remaining.

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

Mr. Chairman, I note that the argument just propounded essentially was rejected in a lawsuit which refused to stay implementation of these rules several weeks ago.

Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I thank the cosponsor of this amendment, the gentleman from Washington (Mr. INSLEE) for yielding me this time.

Mr. Chairman, normally I would have offered this type of amendment, being the usual suspect, because I have a long history on the issue that it touches upon. I have invested a great deal of time, indeed years, in an effort to reform the Mining Law of 1872.

To be clear, I fully support this amendment. It represents a type of policy that should be in place. At the same time, it is far past time to be doing piecemeal reform of the Mining Law of 1872. The solution is, without a doubt, comprehensive reform, not this piecemeal fashion that we have been doing. I have stood on this floor with amendments and bills on this issue, yet the hard heads in the hardrock mining industry just do not get it. They have not gotten it yet. Their allies in this body, although in a minority, are in a position to block comprehensive reform measures from being considered in committee; so we are forced to come to the floor with amendments of this nature or amendments that I have offered in the past on efforts to stop the patenting of mining claims and to uphold the millsite decision. This will continue until the mining industry comes to the table.

Mr. Chairman, I say to the industry, come to the table. Negotiate. Compromise. My door is open. We will find common ground. Not ground sold for $2.50 an acre under a 19th century law. No, not that common ground. Not ground from the public's gold and silver that is mined with no royalty paid to the true owners of the land, the American people.

I believe we can reach a sensible agreement on how to address issues which swirl around this industry and plague this industry in its investment decisions, and I understand the need for stability and certainty before making those types of investment in large equipment that is needed to mine our Nation's resources.

Mr. Chairman, there is new leadership at the National Mining Association. I have told them my door is open. Let us work together to restore the public faith and interest in this matter.

In the meantime, I urge a ''yes'' vote on the Inslee amendment. I say to my colleague, the gentleman from Arizona, who described these regulations as promulgated by the last administration in the last nanosecond, that is because a Republican Congress for five times has delayed through appropriations riders these regulations.

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

Mr. Chairman, just to expand on the comments of the gentleman from West Virginia (Mr. RAHALL), for 4–5 years, the administration could not act even though 35,000 people had impact on this decision. Now it is time for us.

Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I strongly support the Inslee amendment. The gentleman from Arizona said let the law stand. That is what we are trying to do here. We are trying to let section 3809, which was the law, the regulations properly adopted, we would like to see those sustained. The Bush administration has suspended the 3809 rule and intends to revise the rule. Remember, this is just on BLM lands. The Clinton administration also granted BLM the authority to deny permits to irresponsible mines in places where they would cause substantial, irreparable harm to environmental and cultural resources. The mining industry opposed both of those provisions.

Mr. Chairman, I think the Inslee amendment is called for; and I intend to support it.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, this is not a rollback of environmental laws. Critics of the mining industry charge that reviewing the Clinton-Babbitt 3809 regulations constitutes a rollback of environmental laws. This is not true. The industry is not fighting to lessen any necessary environmental regulations governing hardrock mining on Federal lands. In fact, it supports and complies with all existing environmental statutes and supports the addition of any new rules consistent with the recommendations of the study on hardrock mining on Federal lands completed for Congress by the National Academy of Sciences.

The new 3809 regulations are extremely burdensome, complex and counterproductive, and contradict the NAS report. They go far beyond filling the narrow regulatory gaps identified by the report and add onerous regulatory burdens that will deter mineral exploration in mining activity in the western United States.

Unnecessarily strict new performance standards and expanded liabilities are created under the new regulations that the amendment before the House would keep in place. This would greatly disrupt the preexisting coordination between the Bureau of Land Management and the western States regarding the environmental regulations of mining. A number of new performance standards are prescriptive, one-size-fits-all requirements which are inconsistent with the Academy's recommendations that mining regulations should be based on site-specific performance standards.

There are strong environmental laws in effect that will not be rolled back or lessened in any way by suspending the new 3809 regulations. For instance, the disposal of mining wastes is strictly regulated on Federal, State and private lands through the Resource Conservation and Recovery Act and the Clean Water Act, as well as numerous State laws and regulations protecting groundwater resources. All facets of mining are covered by equally comprehensive legal frameworks.

The mining industry pays millions of dollars each year to comply with laws to ensure the protection of the environment. That is hardly the mark of an industry trying to flout its responsibility by fighting to roll back environmental laws.

The CHAIRMAN. The gentleman from Washington (Mr. INSLEE) has 1 minute remaining. The gentleman from New Mexico (Mr. SKEEN) has 2 minutes remaining, and the right to close.

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

Mr. Chairman, when there was a discussion about rolling back arsenic standards some time ago, the American people went into basic revulsion. If we reject this amendment today, we will be heading in the same direction, rolling back standards designed to keep arsenic out of our streams and rivers, cyanide out of our streams and rivers, sulfuric acid out of our streams and rivers.

I believe the American public made their position very clear on this during the last several months while people in this town were discussing going backwards on the environment. I stand here today to say that in this appropriation process, we should not go backwards on arsenic. We should not go backwards on cyanide. That history has given us 12,000 miles of polluted rivers and a problem with arsenic in our water. That is why the League of Conservation Voters is so keenly interested in this vote. That is why I hope we stand together on a bipartisan basis and make sure that we adhere to the existing standards on arsenic.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, we have heard much about how old this law is and how unnecessary it is in this day

and age. I suspect that is consistent with what we have heard today for quite awhile. Mr. Chairman, it seems we forget that there was also a law written in the late 1700s. We call it the Constitution today; yet that law has sustained us pretty well because, for the most part, we have tried to adhere to it.

Mr. Chairman, that law written in 1872 was written in the best of times for mining because it was one of the most important economies to the United States. But I would also remind my colleagues, consistent, I suspect with the inconsistency that we hear here that one day it is a good idea to put a rider on the bill and the next day it is not.

I am confused by all of this admittedly, Mr. Chairman, and I have only been here 165 days, but I am beginning to learn; and I am beginning to learn that what the people feel about Congress being out of touch, Americans out in the country that feel that Congress is no longer representative of them, now I understand.

There is no need to be consistent up here, Mr. Chairman. I have seen it happen. I have seen it happen to my colleagues that have been here far beyond my days and far beyond my years. Because not only do they not remember what they said yesterday, they do not remember that it is the very government that they now want to completely entrust in this day and age with the safeguards of our environment, was the very government that went to the Coeur d'Alene mining district during World War I and World War II and said forget about what you might do to the rivers and lakes, we need those minerals for the defense of that very Constitution, and we need these minerals for the very defense of this country.

So if I cannot ask for anything else, I would ask my more learned colleagues who maybe are more learned because they have been here longer to be consistent, if nothing else, and be representative of the law that was written in the 1700s as well as 1872.

Mr. HOLT. Mr. Chairman. I would like to express my support for an amendment offered by my two colleagues, Representatives INSLEE and HORN, regarding the Bureau of Land Management hard rock mining rules. New mining regulations were put into place at the end of the Clinton Administration, after a four-year period of intense public comment, hearings, and Congressional input. These new regulations are a vast improvement over the old BLM rules under the 1872 Mining Law. The old rules did not protect the public from the financial burden of failed mining ventures—leaving a legacy of thousands of abandoned mines, and the risk of a further billion dollars for potential cleanup of ongoing operations. Furthermore, the old regulations did not protect the public from the massive pollution potential at modern large-scale mines.

The new mining regulations provide these protections, and I believe that they ought to be preserved. They require mining companies to pay the full cost of environmental cleanup, rather than shifting the cost to the taxpayer. The new rules put into place standards to protect surface and ground water from harmful mine drainage. EPA estimates that 40 percent of the western watersheds are polluted from mine drainage and leaching. Finally, the new rules prevent mining companies from staking a claim on public lands without regard to environmental and archeological resources or consideration of local communities.

The Inslee/Horn amendment will protect public lands and local communities by ensuring that the new mining regulations are kept in place. We cannot afford to retreat on environmental and public health safeguards by weakening protective standards. The values of the 1800s no longer apply to the mining industry of today and the old rules do not offer the protection that is needed. Too much is at stake for us to allow mining companies to contaminate our water supply or lands. This amendment is the best way we have to protect our communities from outdated and harmful practices. I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. INSLEE) will be postponed.

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AMENDMENT OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEUTSCH:

Insert before the short title at the end the following new section:

SEC. ____. (a) LIMITATION.—None of the funds appropriated or otherwise made available in this Act may be used to pay the salaries or expenses of personnel of the Department of the Interior to extend the leases, any standstill agreement, or the terms of the settlement agreement that took effect March 30, 2001, concerning the holders of interests in seven campsite leases in Biscayne National Park, Florida, identified as campsite leases 2173A, 2146A, 2167A, 2159A, 2213A, 2157A, and 2303A and collectively known as ''Stiltsville''.

The CHAIRMAN. Pursuant to the previous order of the Committee of today, the gentleman from Florida (Mr. DEUTSCH) and the gentleman from New Mexico (Mr. SKEEN) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. DEUTSCH).

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

Mr. Chairman, this is a limiting amendment to prevent the implementation of rules that the Secretary of Interior has overturned of the previous administration dealing with seven leasehold parcels in Biscayne National Park, parcels whose leases ran out 3 years ago, six of whom were subsequent leaseholders who purchased those leases from the original leaseholders at fair market value. So we have seven leaseholders who have not paid rent for 3 years.

Under the prior administration, regulations were in place to develop a management plan. The Secretary of the Interior overturned that regulation upon her assumption of that office. This is really not just an issue about these seven leaseholders. This is really an issue about private use of a national park or public lands. That is what this issue is about. This happened in my district, in my area. I represent 90 percent of Biscayne National Park. But this could happen tomorrow in any of the national parks, the 400 national parks in the United States of America.

I urge my colleagues to overwhelmingly and sincerely support this amendment to prevent this from happening.

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

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong opposition to the Deutsch amendment introduced at the 11th hour affecting a very important area in my congressional district. Stiltsville is in my congressional district, miles away from the district of the gentleman from Florida (Mr. DEUTSCH). Stiltsville is a group of seven homes located south of Key Biscayne in my district that has been part of the landscape and seascape of our young community since the 1930s.

This amendment prevents the Secretary of the Interior from extending any further standstill agreements. After much negotiation between Stiltsville homeowners and the Park Service, a standstill agreement was reached earlier this year that expires on March 31, 2002. This agreement is crucial because it prevents both parties from acting against each other and allows time for constructive negotiations and prevents the houses from being unfairly torn down. The Deutsch amendment ties the Secretary's hands and allows the clock to run out on further talks, putting Stiltsville owners at a negotiating disadvantage.

The Deutsch amendment is an underhanded attempt at tearing down these historic homes without coming out and saying so. The houses that make up Stiltsville are internationally known as the place that has that little village in the middle of the bay.

And who supports Stiltsville? Governor Jeb Bush. Who else supports Stiltsville? The Florida House of Representatives that passed a unanimous resolution in support of preserving

Stiltsville. The Miami-Dade County Commission supports Stiltsville. The city of Miami. Let me tell my colleagues the cities that have said we want to support these homes: the City of Miami; the City of Miami Beach; the City of Coral Gables; the City of Hialeah Gardens; Homestead; Miami Springs; South Miami; West Miami; Key Biscayne, Key Biscayne that is just miles from these beautiful homes; Sweetwater; Virginia Gardens. I could go on and on.

It is incredible that the gentleman from Florida (Mr. DEUTSCH) would come here and present this amendment when literally thousands of homeowners support the preservation of Stiltsville.

Mr. DEUTSCH. Mr. Chairman, I yield myself 30 seconds just to respond to some specific points.

First of all, I represent 90 percent of Biscayne National Park. My district is literally feet, not miles, from Stiltsville. My colleague represents 10 percent of the park. It so happens these structures are there. But I think the critical distinction that we need to make, number one, I support Stiltsville. This is not about Stiltsville. What this is about is freeloaders in a national park. My colleague said owners. These people are not owners. These are leaseholders. The people that own that property are us, the people of the United States of America, not the seven leaseholders. There is a difference between leaseholders and owners. We, as the owners, deserve to do what we want, which is to keep Stiltsville, but use it for public purpose, not private gain.

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

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, I talked to my son Danny today. He is 16 years old. He is no owner of one of these houses. He and his friends, however, through the generosity and the courtesy of the folks that lease here, they go out there and they fish and they swim. I talked to Danny today. I said, ''Danny, there is going to be an amendment to, in effect, knock these houses down. What should I tell my colleagues?''

He said, ''Dad, that's a Florida tradition. Nature is taking care of that.''

So why should now Congress intervene and knock down these homes? This is a really unfortunate amendment that our colleague from the other side of the aisle has brought forward. Let the kids go out there and swim and fish.

Mr. DEUTSCH. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, in 1980 this Congress created Biscayne National Park, a park for all the people of the entire country. At that time there were seven leaseholders in the park who held campsites by lease. They were given a period of time to remove themselves from the national park. In 1990, they asked for an extension. That extension was given to them, and they had until 1999. They have had 20 years now for these leaseholders to get out of a national park. They are denying access to the public by holding these leases. This is a park that has been designated by the Congress for the enjoyment of all the people of the country. Anyone should be able to go there. They should not be able to be stopped by people who have illegal leaseholds. That is precisely what this is.

The issue here is a very simple one. In a national park, are we going to allow private people who are intruders, who are violating the law, who have overstayed their welcome, to continue to be there and prevent the rest of the public from using that public land appropriately as the Congress has designated? That is the issue.

I think that most people here would say no to that. We want the national parks to be used for the right purpose, to be used by all people, not by a few who have special interests, who have the ear of the Governor, or who have the ear of one of us Members of the Congress. I do not think any of us want to uphold that kind of a policy for public lands. A national park is there for all the people of the country. Let us make sure that this national park, Biscayne National Park, finally achieves that status and these people who have overstayed their welcome can finally leave quietly so that the rest of the public can enjoy that national park appropriately.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Utah (Mr. HANSEN), the distinguished chairman of the Committee on Resources.

Mr. HANSEN. Mr. Chairman, I think this is a very interesting debate. I find this interesting because I took the time to go down there. I held a hearing on it as chairman of the Subcommittee on National Parks and Public Lands a few years back. We could not find any problems at all with any of the scientists we brought up of hurting any of the environment.

A lot of people have said they have overstayed their welcome. I find that very interesting because these homes were there 50 years before the park. Who overstayed their welcome? Who was there first?

Another thing my colleagues may find interesting on this, I come from Utah. We do not have big pieces of Biscayne Bay. But what we do have, we have these beautiful cabins that are scattered all over the Forest Service and BLM and they are leased to those areas. What do those folks do with them? They go up there, they hold Boy Scout things, they teach young kids how to be good Americans, they use them and they take awfully good care of them. I wondered, what can they do in Florida with that old flat land down there? I cannot believe it.

Then I went down with the gentlewoman. What did I find down there? I found that exactly the same thing was going on. They take Boy Scouts out there. I got in this power boat with some guys and we went out and looked at that thing. They have Boy Scouts, people go out, they enjoy it. It turns out to be one of the things that they are very proud of.

Now, my colleagues worry about that. I think a few hurricanes may take care of it but right now it is one of the beautiful things they have got in that area. This is part of their heritage. This is part of something they love and believe in. I did not talk to a soul and when we held the hearings everybody that came up there said we love this area, we like Stiltsville.

What this amendment would do, Mr. Chairman, is in effect say, the heck with Stiltsville, it is gone. And one of the best parts that America can have in Florida will go with it. Why do you want to go away with that heritage? Why do we want to take away the things that people have built? Why, this would be like taking Temple Square out of Salt Lake City.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Florida.

Mr. SHAW. I would like to congratulate the gentleman on his statement and also express the appreciation of those who have lived in south Florida, I for my entire life, in going down and seeing that unique little village that we have, and it is not even a village anymore. It is not doing any harm. It is part of our heritage. Let us leave it alone. Some day a hurricane will take it out, but until then let us leave it alone and let us let it continue as it is.

Mr. DEUTSCH. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I think my colleagues on the other side of the aisle have made the case for this amendment. This is a great area, everybody loves it, everybody uses it, everybody likes it the way it is, except that it is not open to the public. That is the agreement that we made with the people that had these leases. They got a 25-year lease, the lease is now at the end, and now we have had some political intervention so they do not have to vacate the leasehold so that in fact all of the public can use it.

I will grant that one of the people leasing these properties let a Congressman's son come go fishing there, but what about other people that want to go fishing there? It is nice that they let

some Boy Scouts in. The whole purpose of this is open up these leaseholds for public uses and public purposes so that whether it is the Boy Scouts or other organizations can come and use these facilities. There is a planning process that is going on so that this in fact can be a public facility of which it is. Because the original leaseholders made a decision, they have sold their interest, they entered into those leases, those leases have expired, and now it is just a question of whether you are going to use the power and the might of the United States Congress or the Secretary of Interior's office so she can close out the public so that seven entities get to continue to control what everybody says here is a wonderful asset that the public would love to use.

We ought to support the Deutsch-Hinchey amendment on this and open it up in fact to the public like all national parks.

Mr. DEUTSCH. Mr. Chairman, I yield myself the balance of my time.

I support Stiltsville. I think Stiltsville is a wonderful part of our community of south Florida. I live in south Florida. My family was raised there. I want to stay there for the rest of my life and hopefully for generations after. But again this is literally private use of public lands. These are leaseholds that ran out 3 years ago. Six of the seven people bought those leases at fair market value from the original leaseholders. They ran out 3 years, they have not paid anything, on us the owners. They have not paid anything to us as the owners, the people of the United States of America, for the last 3 years. They have been freeloading. If it can happen in Biscayne National Park, it can happen anywhere. Let us stop this policy of the Secretary of the Interior.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. DEUTSCH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEUTSCH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. DEUTSCH) will be postponed.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

At the end of the bill, preceding the short title, insert the following:

SEC. . The amounts otherwise provided by this Act—

(1) for ''CHALLENGE AMERICAN ARTS FUND—CHALLENGE AMERICA GRANTS'' are hereby reduced by, and

(2) for ''DEPARTMENT OF ENERGY—ENERGY CONSERVATION'' are hereby supplemented by an additional appropriation for energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) in the amount of, $10,000,000 each.

Mr. STEARNS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Pursuant to the previous order of the Committee of today, the gentleman from Florida (Mr. STEARNS) and the gentleman from Washington (Mr. DICKS) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I ask my colleague, is there any way we can get more time than that?

Mr. DICKS. No. This is the end of this bill. The gentleman is having the second shot at this.

Mr. STEARNS. By unanimous consent, Mr. Chairman, I request 10 minutes apiece.

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, I rise today to offer an amendment which would basically do something very simple. As many of my colleagues know, this morning we passed an increase for the National Endowment for the Arts by another, I believe it was $10 million. All my amendment does is quite simple, is reduce that $10 million back to level funding.

□ 1700

So it is not a cut. So a lot of people who come on the floor who will be voting for my amendment should realize this is not about cutting the National Endowment for the Arts. This is basically keeping level funding for this program and, in fact, taking the $10 million which was added on to this program and using it for the Department of Energy; more specifically, for energy conservation for grant programs to help across this Nation for people who need increased amount of energy and in a larger sense to help low-income people in weatherization of their homes.

So I ask my colleagues to consider the priority of the two, increasing $10 million for the National Endowment for the Arts or increasing the Department of Energy's energy conservation program.

Now, this debate used to be about reducing or, as that side would say, cutting the NEA; but this is not a debate about that. So I want to take that off the table, and I hope that side will realize that the debate and focus has changed.

Mr. Ivey, who is head of the department of National Endowment for the Arts, has made a great effort to change the image of the National Endowment for the Arts, and I applaud him for his efforts. I think at this point he has been successful so that our debate today is more about should we increase that program at the expense of energy conservation.

Now let me just take my colleagues on a little, small journey on what we could do with this money. Items funded under this program include research and development projects that develop new and improved existing technologies; Federal energy management; low-income weatherization assistance; and State energy program grants.

Through these projects and research, we can continue to sustain future economic growth while at the same time, Mr. Chairman, increasing America's awareness of new energy efficiency.

In my home State of Florida we expect to need about 10,000 to 15,000 megawatts of new generation to keep pace with demand. Florida is one of the foremost populous States, increasing by over 20 percent last year since 1990 in population. In addition, we are the sixth highest in energy consumption.

The need for energy conservation is clear. We need to focus funds where the need is. We are not in a position where we can say we are not in a crisis, because we are. We could have rolling blackouts across this country. Arts is important, I know it is, but energy is also important. So surely, Mr. Chairman, the money provided for energy conservation under this amendment will serve the taxpayers, I believe, in a much more satisfactory manner.

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

Mr. DICKS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York (Ms. SLAUGHTER), in opposition to the amendment.

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding me this time.

Mr. Chairman, this amendment is being offered for one purpose and one purpose only: to squash a fair and hard-fought victory that we had 4 hours ago to increase funds for the National Endowment for the Arts and other cultural agencies.

Similar to our debate last year, some Members have resorted to last minute shenanigans to reverse support for arts funding and to wrongfully deny the NEA, a most worthy agency, from receiving the funds it justly deserves.

At the last minute, without warning, the gentleman from Florida (Mr. STEARNS) has designed an amendment to eliminate the entire amount that we had granted the NEA, a modest boost of $10 million. The amendment is an obvious attempt to sabotage this, the first clean, overwhelming positive vote that we have had on NEA in years.

Witnessing our amendment win fair and square, some Members have gotten nervous and put forth yet another cheap tactic to deny this agency the

small pot of money that it deserves. With today's vote of 221 to 193 in favor of increasing funds for the cultural agencies, the House has taken its stand in support of them.

It is ludicrous and unconscionable to consider this amendment on the heels of this victory and a great disservice to those Members and the constituents they represent to go back on their word. I urge a no vote.

Mr. STEARNS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from Florida (Mr. STEARNS) for yielding me this time.

Mr. Chairman, I stand in strong support of this. This amendment simply puts the NEA back to the funding level that it should be at, and the funding level that was passed on a bipartisan level by the committee. More importantly than that, it invests the money in energy conservation.

Here are some of the things that the NEA does: promotes poetry, promotes puppetry, promotes jazz. All these things are very important. These are things they do in my area; and frankly, my folks can do this without the NEA's help. Given the choice between a puppet show and gas selling at $1.50 a gallon versus $1.20 a gallon, we would rather have gas at $1.20 a gallon, and then we would write our own checks to promote art locally.

I believe we need heat for hospitals, light for learning and gas for going places; and that is what the Stearns amendment does. It puts money into energy conservation so there will be more energy, more source of energy for all of us; and I believe that this is a far more needed expenditure than spending additional money on the NEA at this time.

Mr. DICKS. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, this amendment has as much to do with energy as it has to do with my dead dog. All it is is an effort to try to get a second kick at the cat and thereby eliminate a fairly won decision to increase funding for the arts.

For those of you who are interested in seeing this bill completed today, I simply want to remind you, if this double-backed maneuver were to succeed, and I do not believe it will, but if it were to succeed, and if this amendment would be adopted, that would require yet another revolt in the full House, again further delaying the adjournment of this House tonight.

I do not think you want to do that. I also do not think that you want to have to explain another vote reversal. So I think for the good of all concerned, I would advise you to stick with your final vote. It is consistent; it is fair; and it is a whole lot easier to explain to the folks back home.

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

Mr. DICKS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York (Mr. HINCHEY), a member of the subcommittee.

Mr. HINCHEY. Mr. Chairman, what we have learned this afternoon is that some Members in the majority party here hate the National Endowment for the Arts more than they hate energy conservation. If they really liked energy conservation, they had an opportunity to pass some responsible amendments to this bill, both in the Committee on Appropriations where it was defeated by a party line vote and out here on the full floor where they denied us the opportunity to have a vote on a bill that would have brought about $200 million in energy conservation.

We are talking real energy conservation, not this little bit that the gentleman is talking about here. The gentleman does not want any energy conservation. He just cannot stand the National Endowment for the Arts more than he cannot stand energy conservation. He says it is not a cut. His bill gives us $57 million less for the National Endowment for the Arts than we had for it in 1995, and now we have a $10 million increase making us still $47 million lower than we had in 1995; and the gentleman wants to take that $10 million away. He ought to be ashamed of himself.

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

Mr. DICKS. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HORN), a cosponsor of our amendment.

Mr. HORN. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding me this time.

Mr. Chairman, I must say I am disappointed with this further attack on the NEA and the NEH and the Institute of Museums and Libraries. I cannot believe that. When little kids in rural America and urban America need to get this type of culture and music and this great history of this Nation, I cannot believe it when individuals start and say let us get rid of people that study history or everything else. It is just plain wrong.

Mr. STEARNS. Mr. Chairman, I yield 25 seconds to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, when George Bush became President, he promised the American people fiscal discipline; that he would limit the size of government; that they would get some of their money back in tax cuts and we would pay down the public debt. So far Congress has kept faith with the President, and we want to limit the size of government. Why are we getting such a huge increase to NEA? This controversial agency has not had a funding increase that big in almost 20 years. This is $10 million more than the President asked for. I urge my colleagues to do the right thing for fiscal restraint and support this amendment.

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

Mr. Chairman, I conclude by just saying this is not about cutting the NEA. This is continuing the level of funding and moving the money that we increased to energy conservation, a priority between energy conservation and increasing the NEA.

Mr. DICKS. Mr. Chairman, I yield myself 1 minute to close.

Mr. Chairman, I would hope that my colleagues would not do what we did last year when we reversed this vote. I would ask everyone to use good common sense. This amendment was offered. We had a good hour debate. Everybody had a chance to present their point of view and clearly the people of this House, by a good majority, 221 to 193, voted to give modest increases to the National Endowment for the Arts, for the Humanities and Museum Services. Now the gentleman from Florida (Mr. STEARNS) comes in and tries to reverse that decision. We increased the budget for energy programs by over $300 million. So the budget is not lacking in funding for energy conservation, where the gentleman tries to add the money. So this is done strictly for a political purpose. I would say let us stay with this. This is a good decision. It is a modest increase. This House has sent a strong message to the NEA and they have responded. They are now making grants that are quality grants, and so I think this is a vote that we do not want to have to repeat in the House. Let us just vote no and sustain the position in the committee.

The CHAIRMAN. All time for debate has expired. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

Are there further amendments to the bill?

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2002''.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: an amendment by the gentleman from Florida (Mr.

DAVIS); an amendment by the gentleman from Washington (Mr. INSLEE); an amendment by the gentleman from Florida (Mr. DEUTSCH); and an amendment by the gentleman from Florida (Mr. STEARNS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. DAVIS OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 164, not voting 21, as follows:

[Roll No. 181]

AYES—247

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Becerra
Berkley
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Doyle
Dunn
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gilchrest
Gilman
Gordon
Goss
Graham
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meek (FL)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Ney
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Platts
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Rivers
Roemer
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Scott
Shaw
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—164

Akin
Armey
Baker
Ballenger
Barr
Barton
Bass
Bentsen
Bereuter
Biggert
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Cannon
Cantor
Carson (OK)
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Edwards
Emerson
Flake
Fletcher
Gekas
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (TX)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson, Sam
Kennedy (MN)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
Lucas (OK)
McCrery
McKeon
Mica
Miller, Gary
Mollohan
Moran (KS)
Nethercutt
Northup
Norwood
Nussle
Ortiz
Osborne
Otter
Oxley
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Pryce (OH)
Radanovich
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rohrabacher
Royce
Ryun (KS)
Sandlin
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stenholm
Stump
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—21

Aderholt
Bachus
Berman
Callahan
Calvert
Cox
Cramer
Cubin
Everett
Houghton
Israel
Kaptur
Lewis (GA)
Linder
McInnis
Meehan
Meeks (NY)
Neal
Riley
Rush
Serrano

□ 1736

Messrs. ENGLISH, SWEENEY, HUTCHINSON, NEY and STRICKLAND changed their votes from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XXVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. INSLEE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216 noes 194, not voting 22, as follows:

[Roll No. 182]

AYES—216

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bass
Becerra
Bentsen
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frelinghuysen
Frost
Ganske
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty

Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Scott
Shays
Sherman
Shows
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sununu
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Woolsey
Wu
Wynn

NOES—194

Akin
Armey
Ballenger
Barr
Bartlett
Barton
Bereuter
Berkley
Berry
Biggert
Bilirakis
Blunt
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Flake
Fletcher
Foley
Fossella
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Aderholt
Bachus
Baker
Berman
Boehner
Callahan
Calvert
Cox
Cramer
Cubin
Everett
Houghton
Israel
Kaptur
Lewis (GA)
McInnis
Meehan
Neal
Riley
Roukema
Rush
Serrano

□ 1744

Ms. BROWN of Florida. Mr. ENGLISH and Mr. SHOWS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DEUTSCH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DEUTSCH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 222, not voting 23, as follows:

[Roll No. 183]

AYES—187

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Shays
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—222

Abercrombie
Akin
Armey
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (NY)
Manzullo
McCrery
McHugh
McKeon
Meek (FL)
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—23

Aderholt
Bachus
Baker
Berman
Callahan
Calvert

Cox
Cramer
Cubin
Everett
Graham
Houghton
Israel
Kaptur
Lewis (GA)
McInnis
Meehan
Neal
Pitts
Riley
Roukema
Rush
Serrano

□ 1751

Mr. DAVIS of Illinois changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 264, not voting 23, as follows:

[Roll No. 184]

AYES—145

Akin
Armey
Barr
Bartlett
Barton
Bilirakis
Blunt
Boehner
Bonilla
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Camp
Cannon
Cantor
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Emerson
Flake
Fletcher
Ganske
Gibbons
Goode
Goodlatte
Graham
Graves
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Largent
Latham
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McIntyre
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Otter
Oxley
Paul
Pence
Petri
Pickering
Pitts
Pombo
Putnam
Radanovich
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Toomey
Upton
Vitter
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOES—264

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Harman
Hart
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Shaw
Shays
Sherman
Sherwood
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walden
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOT VOTING—23

Aderholt
Bachus
Baker
Berman
Callahan
Calvert
Cox
Cramer
Cubin
Everett
Houghton
Israel
Kaptur
Lewis (GA)
McCarthy (NY)
McInnis
Meehan
Neal
Peterson (PA)
Riley
Roukema
Rush
Serrano

□ 1759

Messrs. TAUZIN, BONILLA, and MORAN of Kansas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 174, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 376, nays 32, not voting 24, as follows:

[Roll No. 185]

YEAS—376

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch

Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—32

Barr
Berry
Cannon
Crane
Culberson
Emerson
Flake
Gibbons
Goode
Goodlatte
Green (WI)
Hefley
Hostettler
Johnson, Sam
Jones (NC)
Moran (KS)
Otter
Paul
Petri
Rohrabacher
Royce
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (MI)
Stearns
Thornberry
Toomey
Whitfield

NOT VOTING—24

Aderholt
Bachus
Baker
Berman
Callahan
Calvert
Cox
Cramer
Cubin
Everett
Ford
Houghton
Israel
Kaptur
Lewis (GA)
McInnis
Meehan
Neal
Riley
Roukema
Rush
Scarborough
Serrano
Watson (CA)

□ 1819

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT FRIDAY, JUNE 22, 2001, TO FILE REPORT ON DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight tomorrow, June 22, to file a privileged report making appropriations for the Department of Transportation and Related Agencies for the fiscal year ending September 30, 2002, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved on the bill.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, I was unavoidably detained on rollcall number 177, the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER). Please let the RECORD show that had I been present I would have voted ''aye.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2172

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2172.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I wish to inquire of the distinguished majority leader the schedule for the remainder of the week and next week, and I yield to the majority leader.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. I should mention, however, that many Members of the House have moved their business to their field of dreams.

Mr. BONIOR. Dreams is the important word there, Mr. Speaker.

Mr. ARMEY. Dreams is the important word. It is the annual charity baseball game between the Democrat and Republican Members of the House, with a beautiful trophy at stake and bragging rights for at least a year. I am sure our champions of the diamond will acquit themselves well on our behalf. Nevertheless, we will have no further business on this floor until the crowing begins next week.

The first opportunity for that, for one side or the other, will be when the House next meets for legislative business on Monday, June 25, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. On Monday, no recorded votes are expected before 6 p.m.

On Tuesday and the balance of the week, the House will consider the following measures:

H.R. 2213, the 2001 Crop Year Economic Assistance Act;

The Transportation Appropriations Act for fiscal year 2002;

The Agriculture Appropriations Act for fiscal year 2002;

And the Energy and Water Appropriations Act for fiscal year 2002.

I thank the gentleman for yielding.

Mr. BONIOR. If I could just inquire of my colleague on a couple of points.

Can the gentleman tell us or does the gentleman know which days the appropriation bills will be brought up on transportation, agriculture, and energy? Do we have a day for those yet, or what order they will be in?

Mr. ARMEY. I thank the gentleman for asking. The transportation bill will be up on Tuesday. We would expect to do agriculture on Wednesday and Thursday and energy and water on Thursday and Friday, if necessary.

Mr. BONIOR. I thank my colleague for that. We definitely think we will be in on Friday next week; is that where we are going with this at this point?

Mr. ARMEY. Mr. Speaker, I appreciate the gentleman's inquiry; and yes, I think it is the last week before a major recess period and the schedule

has announced that since January. We would, of course, hope to have expeditious work on these appropriation bills. Since some Members would like to have a break on that, if at all possible we would hope to see it turn out that way. But all Members should, I think in the better part of prudence, be prepared to be here at work on Friday of next week.

Mr. BONIOR. The gentleman is correct, he has notified us way in advance that we would be working this next Friday. I understand the need to finish the bills; and hopefully, we will do it expeditiously and perhaps maybe not have that Friday session.

Mr. Leader, may I also ask this question: the Tauzin-Dingell bill on telecommunications and broad band, can you give us any sense of when that may be brought to the floor? Next week perhaps or, if not then, when?

Mr. ARMEY. Again, if the gentleman will continue to yield, I thank the gentleman for asking. This bill is very important legislation dealing with a major sector of the American economy. The Committee on the Judiciary, as the gentleman knows, also has exercised jurisdiction on that, and I think at this point what we would prefer to do is examine the work of the Committee on the Judiciary.

There is nothing planned at this time with respect to scheduling that bill for floor debate. Certainly I would not see it next week, and I could not tell the gentleman at what time we might expect it following the recess.

Mr. BONIOR. And on H.R. 7, the Charitable Choice bill, might the gentleman give us any indication when that would be brought to the floor.

Mr. ARMEY. Again, I thank the gentleman for his inquiry. The committees are marking up on that bill. They expect to have a markup on Tuesday. It is my anticipation that that bill also would, while it may be reported by the committees, would probably not be available to the floor until after the recess.

Mr. BONIOR. Finally, let me ask this: Is the HMO bill coming to the floor before the July 4 recess?

Mr. ARMEY. Again, I appreciate the gentleman's inquiry. That is a very important subject, and we are working feverishly on it; but again I do not expect it before the recess.

Mr. BONIOR. How about the campaign finance bill coming to the floor the first week when we come back from recess?

Mr. ARMEY. Again, if the gentleman will continue to yield, the committee is working on that. The committee will have a markup next week. It is our very fervent hope that we can have the committee report the bill next week and it be available to the floor on the week we return.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his responses.

RANKING OF MEMBER ON COMMITTEE ON RESOURCES

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 176) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 176

Resolved, That on the Committee on Resources, Mr. Hayworth shall rank after Mr. Tancredo.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, JUNE 25, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO HAVE UNTIL 5 P.M. FRIDAY, JUNE 22, 2001, TO FILE REPORT ON H.R. 1954, ILSA EXTENSION ACT OF 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Committee on International Relations have until 5 p.m. tomorrow, June 22, to file a report on H.R. 1954.

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

There was no objection.

WISHING BASEBALL GAME PARTICIPANTS GOOD HEALTH AND FELLOWSHIP

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that all Members of this body join me in a fervent prayer that all our happy warriors tonight from both sides of the aisle complete their evening's activities without mortal damage to any of our participants and that they all walk away happy and in good fellowship.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (Mr. KIRK). The Chair will entertain 1-minute requests.

CURRENT ENERGY PROBLEM

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

Mr. OSBORNE. Mr. Speaker, I would like to discuss our current energy problem. It has taken more than 20 years to develop; and obviously, there is no quick solution. But I guess the good news is that we have a plan, where before we had none. It provides for the conservation of energy, exploration and development of new energy sources; and it presents a plan for alternative fuels.

I would like to just briefly mention the Gasoline Access and Stability Act, which has recently been introduced and I think can be part of the solution. This has been sponsored by the House leadership and the entire Nebraska delegation has signed on. This act reduces 45 blends of gasoline to 3.

Currently, our refineries have to shut down totally when a new blend is introduced, and they have to clear their pipes. This is very time consuming and expensive. This bill would require 2 percent oxygenated fuel in the summer and 2.7 percent oxygenated fuel in the winter. The benefits would reduce green house gas emissions by 25 to 30 percent, save motorists up to 12 cents per gallon of gasoline, protect consumers from price spikes, and certainly reduce our independence on foreign oil.

NUCLEAR ENGINEERING EDUCATION

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

Mr. KNOLLENBERG. Mr. Speaker, I rise today to urge support for H.R. 2126, the Department of Energy University Nuclear Science and Engineering Act, which was introduced by the gentlewoman from Illinois (Mrs. BIGGERT), and I am proud to be an original cosponsor.

The crisis in California has awakened our Nation to the lack of energy supply that confronts us. Nuclear power currently provides 20 percent of America's electricity. Interestingly, it provides 30

percent of California's electricity; and it is an obvious answer, I believe, to our energy needs.

The nuclear science and engineering programs in our universities are crucial to this research in that they provide the critical foundation for our nuclear industry.

□ 1830

Currently support for nuclear science and engineering programs is at a 35-year low. H.R. 2126 authorizes a critical investment of roughly $240 million over 5 years from the Department of Energy.

Mr. Speaker, this modest investment will ensure that nuclear power will be able to meet California's needs and this Nation's demands. It is imperative that this crucial piece of legislation receives our support.

CONGRESS NEEDS TO PASS BUSH ENERGY PLAN

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

Mrs. BIGGERT. Mr. Speaker, we have been hearing a lot about how big oil and big energy companies are picking on California. We are told they are gouging their citizens and only price controls can stop this. Has anyone asked the question, Why California? Why are the big oil and energy companies not picking on Illinois, Pennsylvania, Ohio or New York?

Maybe it is because they are not picking on anyone at all. Energy costs are high across the country, but energy prices are higher in California because that State has prevented through burdensome regulations the construction of new power plants for the last 10 years. The prices that the rest of the country is paying are high because we are trying to meet today's needs with yesterday's energy infrastructure, and it is not working.

Our energy demands have increased 47 percent over the past 30 years, and yet we have half as many oil refineries, static pipeline capacity and 20 times as many mandated gasoline blends.

Low prices throughout the 1980s and 1990s have lulled American consumers and producers into a belief that low prices will always be here. But we know now that is not true.

President Bush has proposed the first comprehensive energy plan in a decade that will increase efficiency, improve how our energy is delivered, diversify our energy sources, protect the environment and assist low-income Americans through these current price increases.

I suggest we get off the rhetorical high horse and get to work passing this energy plan.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KIRK). 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.

TROPICAL STORM ALLISON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise to share some more stories on the devastation left in my hometown of Houston by Tropical Storm Allison. From Tuesday, June 5, when landfall was made through Sunday, June 10, when the rains began to taper off and the water began to recede, it is now estimated that over $4 billion of damage was done by this seemingly minor tropical storm. It also cost 23 lives in the Houston area. Of course this storm not only damaged Houston, but also Louisiana, Mississippi; and it dumped a great deal of water in Pennsylvania this past weekend.

For my colleagues not from coastal areas, this was just a tropical storm. Damage was exclusively from flooding. There was no damage from high winds, tornadoes or other weather events had it been a full-blown hurricane.

While many areas of Houston had significant flooding, the 29th district was particularly hard hit. Many of the city's bayous run through my district. Bayous such as Hunting and Greens, overflowed their banks, causing widespread flooding in businesses and residential areas.

Over 10,000 residents were forced from their homes by Greens Bayou alone, as flooding reached the 1,000-year flood level. Even those who were not flooded out of their residences suffered thousands of dollars worth of damage to their homes and personal belongings.

Damage estimates for homes have not yet been completed, but the total is significant. 303 homes totally destroyed; 12,451 with major damage and are uninhabitable; and 20,491 homes have minor damage, with families able to at least partially begin the process of moving back in.

I would like to thank the Federal Energy Management Agency, FEMA, for their prompt response in the Houston area. Almost as soon as the rains stopped, FEMA personnel were establishing a command center in the Greens Point area and setting up disaster relief centers where victims could register for home inspections, SBA loans, or temporary housing assistance and other Federal benefits, along with State agencies in these centers.

As of 6 p.m. last night, 47,000 people had registered with FEMA on their toll-free hot line; over 41,000 have registered for the disaster housing program; and $17 million in funding has been approved. For individual and family grant programs, almost 17,500 registrations have been received; and nearly $13 million in funding has been approved.

I would like to recognize the thousands of volunteers from the American Red Cross and the Salvation Army in their role in the recovery process. These organizations quickly opened shelters for those driven from their homes. They have provided more than 800,000 meals to victims of this disaster and currently are offering additional aid so that individuals can begin to replace clothing and other belongings that were ruined or swept away during the floods. Also our Army, Air Force and National Guard, and AmeriCorps, and numerous other government agencies have contributed to helping Houstonians and people who live in Harris County clean up and begin the long process of rebuilding their lives.

The task ahead of us, though, is going to be long and arduous. For example, the damage to our hospitals will place a heavy burden on our health care infrastructure for the near future. Let me share some of the numbers: in my district, East Houston Medical Center, complete evacuation for 2 or 3 months before reopening; maybe 1 year for complete restoration.

Hermann Memorial Hospital, one of our two Tier I trauma centers in Houston, evacuated and closed for an estimated 6 to 8 weeks.

Methodist Hospital closed due to extensive damage, potential partial reopening this week, but 6 months to restore completely.

St. Luke's Hospital, their emergency room suffered extensive damage. Six months to 1 year for complete restoration.

St. Joseph's Hospital, emergency room closed for extensive damage, 3 to 6 months before reopening, and 1 year before complete restoration.

Northwest Columbia Hospital, closed and unable to operate possibly for 1 year due to extensive damage.

Ben Taub, one of our public hospitals, full to capacity; emergency room on diversion status except for extreme cases.

LBJ Hospital, damaged but still operating, another one of our public hospitals, full to capacity with emergency room operators up 260 percent compared to prestorm level.

Park Plaza, emergency room operations up 440 percent compared to prestorm levels.

Even though classes were out and summer school had not yet begun, our public schools were not spared. 155 of the 300 schools in Houston ISD suffered flood damage, with 13 of those sustaining substantial damage.

Other districts were not spared, either. North Forest ISD's schools and administration building suffered severe

damage, especially for office equipment and computers. They were also forced to postpone their summer school program.

Additionally, the Sheldon Independent School District suffered severe flooding in all but two of their schools, and they have been forced to cancel part of their summer school program.

There is a great deal of work to do, Mr. Speaker, but we will continue to rebuild our homes and schools and our business. I thank the agencies that helped us.

EAST SIDE ACCESS AND SECOND AVENUE SUBWAY CRUCIAL NEW YORK CITY TRANSPORTATION PROJECTS

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

Mrs. MALONEY of New York. Mr. Speaker, in New York City there are two crucial transportation projects: the East Side Access and the Second Avenue Subway. These two projects would provide the New York region with the first significant expansion of transit capacity in over half a century.

The MTA is moving forward with both projects on a fast track. Because they will be intersecting benefits and impacts, they need to advance together. The New York delegation is united in wanting to provide support to these projects in this year's title III appropriations bill. We have joined the MTA in requesting $149 million for the East Side Access and $20.5 million for the Second Avenue Subway.

The Committee on Appropriations had made a very serious mistake by providing only $10 million for the East Side Access and absolutely no funding for the Second Avenue Subway. This is a terrible decision that seriously undermines New York's ability to meet its transportation needs for the 21st century.

The New York City region is the largest transit market in the United States with nearly 8 million daily trips. Our subways and railroads have twice the ridership of the rest of the Nation's rail system combined.

At the same time, the MTA is the most efficient transit system in the country, covering over 60 percent of its operating cost from the fare box. New York City is serious about the need to continue investment in our transit system. The MTA expects to fund over 70 percent of its 2000–2004 capital program with city, State and internal resources, a commitment of over $12 billion.

New York State has included $1.05 billion for the Second Avenue Subway and its MTA 5-year capital plan and $1.5 billion for the East Side Access. The MTA is committed to funding 50 percent of the cost for the Second Avenue Subway and East Side Access.

The Second Avenue Subway, which will run from East Harlem to the tip of Manhattan and provide for eventual extensions into the Bronx, Brooklyn, and Queens, is the most important project to the MTA's agenda. It will bring subway service to underserved areas of Manhattan, enable East Side Access passengers to travel to their jobs, and provide relief to passengers on the Lexington Avenue Subway, which is the most overcrowded subway in the entire country. The east side of Manhattan is one of the most densely populated areas in the country. We are continuing to grow in population, but our communities are served by only one subway line. We have neighborhoods with over 200,000 residents per square mile, and many must walk 15 or 20 minutes to reach the nearest subway. The project is vitally important to the economic health of the New York region.

The East Side Access will connect the Long Island Railroad to Manhattan's East Side, enabling over 70,000 Long Island and Queens residents to reach their jobs in the Grand Central terminal area, the most densely populated business district in the United States.

70,000 East Side Access riders cannot fit on the Lexington Avenue line, which already carries thousands of riders more than it was designed for. They need the Second Avenue line. Unless these new riders have another transportation option, they will overwhelm the Lex, and reduce the capacity with disastrous results for people who live in my district and Manhattan and Queens, as well as those who live in the Bronx and Brooklyn.

The Second Avenue Subway, which will provide an alternative route to hundreds of thousands of riders, is the only solution to this problem. The Second Avenue Subway and East Side Access have the support of the New York delegation, the MTA, the governor, and the mayor. What is more, the Second Avenue Subway has had the financial support, serious support from the City, the State, and the Federal Government.

It makes absolutely no sense for Congress to stop funding the Second Avenue Subway now that it is underway by providing only $10 million for the East Side Access and no money for the Second Avenue Subway. This transportation appropriations bill gravely shortchanges the New York metropolitan region and undermines our financial future.

Mr. Speaker, I urge my colleagues and particularly the New York delegation to vote against the transportation bill when it comes to the floor because the Second Avenue Subway was not continued in its funding. It is a safety hazard, a transportation hazard and it is just plain wrong, particularly when the State has committed over $1 billion to fund this project.

Mr. Speaker, in New York City there are two crucial transportation projects—East Side Access and Second Avenue Subway.

These two projects would provide the New York Region with the first significant expansion of transit capacity in over half a century.

The MTA is moving both projects forward on a fast track.

Because they will have intersecting benefits and impacts, they need to advance together.

The New York delegation is united in wanting to provide support to these projects in this year's Title III appropriation.

We have joined the Metropolitan Transportation Authority in requesting $149.5 million for East Side Access and $20.5 million for the Second Avenue subway.

The Appropriations Committee has made a serious mistake by providing only $10 million for East Side Access and no funding for the Second Avenue Subway.

This is a terrible decision that seriously undermines New York's ability to meet its transportation needs for the 21st Century.

The New York City Region is the largest transit market in the United States; with nearly 8 million daily trips.

Our subways and railroads have twice the ridership of the rest of the nation's rail systems combined.

At the same time the MTA is the most efficient transit system in the country, covering over 60 percent of its operating costs from the farebox.

New York is serious about the need to continue investment in our transit system.

The MTA expects to fund over 70 percent of its 2000–2004 Capital program with City, State, and internal resources, a commitment of over $12 billion dollars.

It has included $1.05 billion dollars for the Second Avenue Subway and $1.5 billion dollars for East Side Access in its Capital Plan.

The MTA is committed to funding 50 percent of the cost for the Second Avenue subway and East Side Access.

The Second Avenue subway, which will run from East Harlem to the tip of Lower Manhattan, and provide for eventual extensions into The Bronx, Brooklyn, and Queens, is the most important project on the MTA's agenda.

It will bring subway service to underserved areas of Manhattan, enable East Side Access passengers to travel to their jobs and provide relief to passengers on the Lexington Avenue line, which is the most overcrowded subway line in the country.

The East Side of Manhattan is one of the most densely populated areas of the country.

We are continuing to grow in population, but our communities are served by only one subway line.

We have neighborhoods with over 200,000 residents per square mile, where many must walk 15 or 20 minutes to reach the nearest subway.

This project is vitally important to the economic health of the New York region.

The MTA is moving forward quickly with its plans to build the subway.

It has completed a Draft Environmental Impact Statement for the upper portion of the line and is working on a Supplemental DEIS for the remainder of the project.

Additionally, the MTA has completed a screening of qualifications and developed a

short list of three consultant teams for the engineering and design consultant for this project.

It is currently preparing a request for proposals and it will award a contract and begin work on preliminary engineering this year.

East Side Access will connect the Long Island Rail Road to Manhattan's East Side, enabling over 70,000 Long Island and Queens residents to reach their jobs in the Grand Central Terminal area, the most densely developed business district in the United States.

Each of these riders will see their daily journey to work reduced by over 30 minutes.

The Final DEIS has been completed.

East Side Access received $8 million from Congress last year and $370.6 million from the State under the MTA Capital Plan.

The MTA has awarded contracts for engineering for tunnels in November 1998 and for the rest of the project in February 1999. They are awaiting a record of decision from the FTA.

It is the consensus opinion of most elected leaders in New York that these two projects must be completed together.

Seventy thousand East Side Access riders cannot fit onto the Lexington Avenue line which already carries thousands of riders more than it is designed for—they need the Second Avenue Subway.

Unless these new riders have another transportation option, they will overwhelm the Lex and actually reduce its capacity, with disastrous results for people who live in my district in Manhattan and Queens, as well as those who live in The Bronx and Brooklyn.

The Second Avenue subway, which will provide an alternative route to hundreds of thousands of riders, is the only solution to this problem.

The Second Avenue Subway and East Side Access have the support of the New York delegation, the MTA, the Governor and the Mayor.

What's more, the Second Avenue Subway has had the financial support of the City, the State and the Federal government.

The Speaker of the Assembly, Sheldon Silver, held up the MTA Capital Plan until he received a commitment for a full-length Second Avenue Subway. As a result $1.05 billion is budgeted for the Subway in the MTA's five year.

The Manhattan Borough President, C. Virginia Fields, committed $1 million from her budget for the Subway. The Second Avenue Subway was authorized under TEA–21 and last year, Congress provided $3 million in new start funds.

It makes no sense for Congress to stop funding the Second Avenue Subway now that it is underway.

By providing only $10 million for East Side Access and no money for the Second Avenue Subway, this Transportation Appropriations bill gravely short-changes the New York Metropolitan region and undermines our financial future.

I urge my colleagues, and particularly the New York delegation, to vote against this Transportation Appropriations bill.

□ 1845

AMERICA'S ENERGY CRISIS

The SPEAKER pro tempore (Mr. KIRK). Under a previous order of the House, the gentleman from Montana (Mr. REHBERG) is recognized for 5 minutes.

Mr. REHBERG. Mr. Speaker, I rise today because I wish to speak to America about our current energy crisis. While prices rise at the pump to over $2 a gallon in some places and Californians are forced to contend with blackouts, this Nation is still in a position to extricate ourselves from this crisis and once and for all prevent future energy and fuel shortages.

There is no quick fix or one-stop-shop solution to this problem. Through a balanced approach combining research and development, capital investment and conservation measures, we can once and for all provide our Nation with clean, abundant energy.

We must commit ourselves to developing cheaper and more efficient ways of harnessing renewable sources of energy. We can now only meet a fraction of our energy needs with solar, hydro and wind powers. If we invest in developing these clean, unending energy sources, we will in time be able to satisfy much of our demand without using a drop of oil or a lump of coal.

While research and development will take time to show their benefits, there are things we can do now to ameliorate our situation. Building new power plants will start us on the road to providing energy for the near future. Improving our energy infrastructure will deliver what energy we have to homes, businesses and industries in a more efficient manner.

Finally, we must face the reality that energy is wasted. Eliminating this waste will not be easy, but a small sacrifice now will avoid the necessity of even greater sacrifices later. Fellow citizens, by turning your lights out at night, buying energy-efficient appliances and taking public transportation, you can reduce our collective energy need drastically. Every time you turn off a light you will be brightening the light of America's future.

I have confidence in American solutions to America's energy problems. Ingenuity, self-sacrifice and faith in science and the future will deliver us into an era in which we will no longer have to worry about our energy needs.

ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GRUCCI) is recognized for 5 minutes.

Mr. GRUCCI. Mr. Speaker, I rise today to address a crucial issue to this country, an issue that many Members have taken to the floor to highlight, an issue that is incredibly important to not only my district but to the entire Nation. That issue is energy.

America in the year 2001 faces the most serious energy shortage since the 1970s, and the effects are being felt in the homes of all Americans. For years, the White House ignored this crucial matter and did not act. Now, with new leadership, we have a new beginning. We have started a much needed dialogue on a viable new energy policy.

My district, the First Congressional District of New York, is at the east end of Long Island. As we are isolated from many large power sources, I am here to stress the importance of improving the distribution of power. Distribution constraints are resulting in high prices for consumers. Energy is the entity that knows no boundaries and we should work to get power across the Nation safely, efficiently and productively.

My State, New York, has worked successfully with the State of Connecticut in developing environmentally safe delivery alternatives such as a power cable beneath the Long Island Sound. It is with this spirit of collaboration that we can work as a region to remedy this growing problem. In order to move ahead with a feasible energy policy, we must continue to highlight and support the use of renewable energy sources. Such sources as wind, solar and hydroelectric power are crucial to producing clean and environmentally sound energy.

I applaud President Bush and his energy task force for recognizing the need for renewable and alternative sources of energy. The Energy Policy Development Group has suggested tax incentives for electricity generated by renewable energy sources, which is a step in the right direction. We must support these technologies and the research that makes these discoveries possible. As we continue to expend our precious oil, coal and gas reserves, we must be proactive in finding ways to make renewable energy technology affordable, effective and abundant.

While renewable energy is crucial to the future, we must work in the present to find a cleaner and more environmentally friendly way to use conventional fuels. We need to update our decades-old power plants so we can continue to produce affordable energy while protecting the environment for future generations. We must also continue to invest in clean coal technology, allowing us to burn coal cleaner and more efficiently.

Nowhere is the crunch of the energy crisis felt more than at the pump. In some areas of my district, people are paying over $2 a gallon for gasoline. Hardworking, middle-class American families need relief from high gas prices. By reducing our country's reliance on oil for power needs, we can hopefully see some relief from skyrocketing gas prices.

Mr. Speaker, I urge my colleagues to come to the table and work together in

a bipartisan manner to curb this looming energy crisis.

HONORING DR. MARTIN OF GREAT BLACKS IN WAX MUSEUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to pay tribute to Dr. Elmer Martin, cofounder and president of the Great Blacks in Wax Museum located in my district of Baltimore.

Dr. Martin can very well be described as an educator and historian. In fact, he was well-educated, earning a Bachelor's Degree in sociology from Lincoln University in Jefferson City, Missouri in 1968, a Master's Degree from Atlanta University in 1971, and a doctorate in social welfare from Case Western Reserve University in Cleveland, Ohio, in 1975. Dr. Martin was a professor at Morgan State University and also an author of several books dealing with the African American community.

The adjectives that I believe most aptly describe Dr. Martin's spirit are ''visionary'' and ''dreamer.'' Dr. Martin had a vision of how to breathe life into African American history. He envisioned a museum that would tell the story of a people stripped of their culture, language, families and religion and brought to a foreign land to survive as slaves; the story of a people that, despite this injustice and years of continued racial strife, has still triumphed. Dr. Martin's dream was to instill pride in African Americans while at the same time educating this Nation about our history and culture.

His dream became reality in early 1980 when he bought a store front with $30,000 he had saved to purchase a home and opened the Great Blacks in Wax Museum, the first wax museum dedicated to African American history. He initially commissioned four wax figures—Frederick Douglass, Mary McLeod Bethune, Harriet Tubman, and Nat Turner—which were hauled to schools, churches and malls for history lessons. The figures were popular at the museum and the museum was on its way.

What better way to memorialize the story of African Americans than through life size wax figures and scenes of historic events. From slave ships to enslavement, through reconstruction and Jim Crow, before and after segregation and throughout the present civil rights era, every period of African American history is presented. The museum honors African Americans that played key roles during each of these periods, slaves, abolitionists, educators, religious leaders, politicians, civil rights activists and inventors.

Not only did he found a museum, but Dr. Martin's mission included youth advocacy, classroom and cultural awareness programs. Further, employment and job training programs are sponsored to encourage at-risk youth to develop their entrepreneurial skills. Community service is also a focus, providing citizens the opportunity to improve their neighborhoods while taking part in cultural activities.

Today, the museum is a 10,000 square foot facility located in a community rich with its own African American history and attracts about 275,000 visitors annually. It is a tribute not only to African Americans but now to its founder, Dr. Martin. Sadly, last week Dr. Martin passed. However, his dream still lives on.

Every person that visits the Great Blacks in Wax Museum will get an education not only in African American history but the history of this Nation, for our history is this Nation's history. Every person that visits the museum will feel the aura that exudes from the realistic figures of those persons that made significant contributions to the African American community and this Nation. And every person that visits the museum will leave with an understanding of how a race of people turned strife and struggle into victory. Yes, Dr. Martin's dream of educating us about African Americans will live on.

In paying tribute to this great dreamer and visionary and his family, I encourage all Members of this body to visit the Great Blacks in Wax Museum and personally experience Dr. Martin's dream. Finally, I say thank you to a great dreamer. And, as he stated, ''Thank you to that higher power that grants all dreamers the courage to dream.''

STANDARD TRADE NEGOTIATING AUTHORITY, LABOR AND ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, during the last 2 weeks, I have introduced the House to my Standard Trade Negotiating Authority Act that I have introduced which in my view offers a new approach to trade promotion authority.

I have highlighted the portion of the bill which provides for a congressional preauthorization process, increasing accountability and transparency in trade policy. Beyond that, H.R. 1446 allows for full and appropriate consideration of labor and environmental issues as important trade agreements are negotiated.

We know that not every trade agreement raises blue and green concerns. For example, labor and environmental provisions are not appropriate to append to financial services or competition policy agreements. However, where serious disparities exist between America and a potential trading partner in the scope or enforcement of workplace protections, labor rights or environmental regulation, so much so that normal social costs become a significant competitive disadvantage in attracting or retaining jobs, under these circumstances, Mr. Speaker, our trade negotiators should be allowed to encompass basic labor and environmental standards as part of an enforceable agreement.

Most Americans recognize that some of our trading partners do not give workers the right to strike or the right to organize. Some do not give workers livable working conditions or guarantee workplace safety. We need to be able to establish a level playing field for our workers competing in the global marketplace through agreements that will protect the environment and workers and promote a healthy economic competition that strengthens and promotes and expands American values.

My bill ensures that no country could engage in a race to the bottom in order to lure jobs by sacrificing the environment or debasing the common rights of its citizens. This bill provides for an assessment of labor and environmental issues with every potential trading partner when the President indicates to Congress he would like to begin negotiations. By establishing a commission made up of representatives of government and private agencies with real expertise in these areas, my bill addresses blue and green concerns at the start of the process instead of as an afterthought.

The commission, once created, will assess the labor and environmental standards of the countries involved, the enforcement and implementation of those standards, and make recommendations on how to comply with the objectives set forth by Congress. Congress and the President would then review the commission's findings and include applicable language in the preauthorization that as a part of its scope would address specific labor and environmental concerns with that country.

Mr. Speaker, this fundamental reform of fast track brings labor and environmental issues into the appropriate focus in trade policy. It represents a conceptual compromise on how to incorporate these very real issues into trade policy. We should be confident that a voluntary exchange of goods and services will buttress our values and strengthen the rights of workers in countries that do business in our market and create an economy that in the long run financially supports environmental challenges.

I urge my colleagues to think about trade policy reform outside of the box, avoiding a debate of sterile extremes that all too often has blighted fast

track proposals in the past. I call on every one of my colleagues to step back from partisan posturing and ideological preconceptions and consider how we can unite in defense of our national economic interest.

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THE INCREDIBLE TRAVESTY OCCURRING IN KLAMATH BASIN IN OREGON

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

Mr. WALDEN of Oregon. Mr. Speaker, I rise tonight to address my colleagues in this House about the incredible travesty that is occurring in the Klamath Basin in Oregon.

What I will do tonight is talk about the background of the Klamath Project, which also includes the Tulelake area of Northern California, and about the devastation that has occurred there because of the Federal Government's decision to overappropriate the water and basically tell the farmers they cannot have a drop this year.

That is the first time since this project was created back in 1905 that the Federal Government has failed to keep its word to the people that it enticed, indeed lured, to this basin.

You may be able to see to my left here information from the family that sent me this. After each world war, the Federal Government enticed veterans to settle the Klamath Basin with a promise of water for life. You can see an application for permanent water rights. This is a picture of Jack and his wife Helen and their family in Tulelake, California. They were promised this. They were invited out as veterans to settle the reclaimed lake beds of the Klamath Basin, the Tulelake, California, area and to grow food to feed the world, indeed feed the country, indeed settle the West.

Let me talk about this basin for a moment, and then I will talk about the science that has gone into these decisions, the disputes that exist about that science, and really why the Klamath Basin has become ground zero in the battle over the Endangered Species Act.

First let me give some history. The U.S. Bureau of Reclamation, Klamath Irrigation Project, lies within three counties along the Oregon and California borders: Klamath County in Southern Oregon; Modoc and Siskiyou Counties in Northern California.

Under the 1902 Reclamation Act, the States of California and Oregon ceded lake and wetland areas of the Klamath Basin to the Federal Government for the purpose of draining and reclaiming land for agricultural homesteading. The United States declared that it would appropriate all unappropriated water use rights in the basin for use by the Klamath Project.

So under section 8 of the Reclamation Act, these water use rights would attach to the land irrigated as an appurtenance or appendage to that land.

During the mid-1940s, 214 World War II veterans were lured to the area by the United States Government with promises of homesteads and irrigated farmland and guaranteed water rights.

Established in 1905 as one of the reclamation's first projects, the project provides water for 1,400, that is right, 1,400 small family farms and ranch operations on approximately 200,000 acres. Municipal and industrial water comes from this project, and water for three national wildlife refuges.

Together, farmers and wildlife refuges need about 350,000 acre feet of water.

Now, in 1957, the two States formed the Klamath Compact, to which the Federal Government consented. The compact set the precedence for use in the following order: domestic use, irrigation use, recreation use, including use for fish and wildlife, industrial use and generation of hydroelectric power.

Now producers grow 40 percent of California's fresh potatoes, 35 percent of America's horseradish and wheat and barley. Water users claim that they use less than 5 percent of the water generated in the basin. Yet they generate in excess of $250 million in economic activity every year. Now I want you to think about that number: $250 million annually of economic activity in this basin.

On April 6 of this year, the Federal Government said, none of that is going to happen. We are not giving you a drop of water.

In 1988, the U.S. Fish and Wildlife Service listed the short-nosed and the lost river sucker fish as endangered under the Endangered Species Act. In the drought year of 1992, the U.S. Fish and Wildlife Service recommended that Upper Klamath Lake be kept above a minimum elevation of 4,139 feet during summer months, although it allowed that the lake could drop to as low as 4,137 feet in 4 of 10 years.

For the first time in Klamath Reclamation Project's history, irrigation deliveries were curtailed at the end of the growing season to meet minimum lake levels. That was in 1992, a year of a large drought.

In 1996, the Bureau of Reclamation agreed to meet certain minimum instream flows below Iron Gate Dam to protect habitat for tribal trust resources in anadromous fishruns. In 1997, Southern Oregon and Northern California coastal Coho salmon were listed under the Endangered Species Act as threatened. A 1999 biological opinion from the National Marine Fishery Service concludes Klamath Project operations would affect, but not likely jeopardize, the Coho; and then in the year 2000 a study that some consider to have used controversial experimental technology, to say the least, by Dr. Thomas Hardy, a Utah State University hydrologist, and it called for instream flows to protect the fish far higher than those set by the Federal Energy Regulatory Commission or those agreed by the reclamation in 1996.

Suits have been filed by environmental, tribal and fishing groups to enjoin the Bureau of Reclamation from operating the project without a current biological opinion for the Coho salmon.

Judge Sandra Armstrong subsequently ruled the project may not be operated without adequate flows sent downstream to the salmon.

Following a declaration of severe drought for the Klamath Basin in this year, 2001, a new biological opinion from the U.S. Fish and Wildlife Service for the suckers called for a minimum elevation in Klamath Lake to be raised to 4,140 feet. That is a foot higher than the minimum elevation required during the last drought in 1992, and that was allowed to drop to as low as 4,137. So you are really looking at a 3-foot difference in lake levels all of a sudden that are required, with no tolerance for lower elevations in drought years; no tolerance for lower elevations in drought years.

Then a new biological opinion based on this Hardy flow study called for increased flows below Iron Gate Dam to protect the Coho salmon habitat. On the one hand, you have a Fish and Wildlife biological opinion saying you must maintain a lake level of 4,140 feet with no exception to protect a bottom mud living sucker fish, and then you also have to have a whole bunch more water flowing down the river out of that lake for the Coho salmon.

Analysis of the studies underlying these opinions showed that requirements for the two species appropriate all, all, of the water available in a normal precipitation year; all of the water available in the normal precipitation year to take care of the suckers in the lake and the Coho salmon in the river, according to these new biological opinions. Yet there is incredible discussion, debate, frustration about these two biological opinions, how they were crafted, what they contain, the conclusions that they draw; and I will get into that in some detail soon.

In fact, in a study of historical flow data taken from the past 36 years, now this is important, Mr. Speaker, in the last 36 years annual flow targets were met in only 13 of those years and monthly targets were never achieved. So think about what this means for the people in this basin. Our veterans from World War I and World War II lured there to settle the lands with the

promise of water forever, now have the spigots turned off. The canals are dry, as are their fields.

Operations consistent with these biological opinions would rarely provide water for irrigation or, and this is important, wildlife refuges. Perhaps farming could occur 3 years out of 11; 3 years out of 11.

This is a very complex water system in this basin. They reclaimed lake beds, they built canals. They built diversions. They built sumps. They have added irrigation from pumps. They have moved the water around in this basin to accommodate the wildlife, to provide for the farmers and for the fish. Yet every year we seem to get a new set of biological opinions that say we need more water in the lake, more water in the river. Sorry, if you are a farmer, you are not going to get a drop.

So on April 6, 2001, the Klamath Project Water Allocation decision was announced stating that based on biological opinions and the requirements of the Endangered Species Act there would be no water available from Upper Klamath Lake to supply the farmers of the Klamath Project. Only a small area over in the Langell Valley and Bonanza would receive water from a different system in Clear Lake and Gerber Reservoirs.

Last Saturday, six Members of this House of Representatives, including four members of the House Committee on Resources, participated in a field hearing in Klamath Falls. So many people in that basin wanted to turn out to observe this hearing, and this was not a town meeting but this was an official hearing of the full Committee on Resources, that we had to move the hearing from the Ragland Theater that seats 750 or so people to the Klamath County Fairgrounds where more than 2,000, some have said as high as 3,000, people turned out. For 5½ hours, the grandstands in that fairgrounds contained people concerned about the future of that basin. They sat there with us as we took testimony and heard about the problems.

Somewhere here on one of these posters, I want to show what happened before the hearing started. I think this speaks to the magnitude of the problem, Mr. Speaker. What we see here is a semi-truck, a semi-truck loaded with food. In 5 days, we organized a food drive in Oregon, thanks to the Oregon Grocers Association, with most, if not all, of the grocery stores in the State participating. Eight semi-truck loads of food came down to replenish the food in the Klamath food bank. The number of people accessing that bank is up 1,400. Now, we are talking about a small rural community; 1,400 more people, I think was the number, of what they would normally have at this time of year, 1,400.

Think about this sad irony, Mr. Speaker. We have truckloads of food from all over Oregon from grocery stores that often compete but today were united, bringing food to a food bank to feed farmers, farmers going to a food bank. Think how they feel and how the people that work for them feel.

I thank the grocery industry in Oregon for their generosity. This will get us through the middle of August. That is all, the middle of August. Then we will be back looking for more help, and we can use it.

I said that science is always at issue in debate here, and I want to get into why I believe the Endangered Species Act needs to be revised to deal with the issue of science. In this case again we are dealing with two biological opinions, one from the Fish and Wildlife Service and one from the National Marine Fisheries Service.

The one from the Fish and Wildlife Service, I am told, was originally put together, the science there as part of the tribal trust obligations of the Department of Interior through the Bureau of Indian Affairs, to be used as data in water adjudication issues for the Klamath tribes, a legitimate purpose. It all makes sense, but those data and the analysis then came over to the other part of the Department of the Interior, the Fish and Wildlife Service, and used there to set the lake level, not part of the adjudication now but to set the lake levels they believed, these scientists believed, necessary to improve the lives of the suckers.

One of the things the Endangered Species Act does not require is that that data, those analyses, those data not be made public. I think it ought to require that, because I think each of us in this Chamber and those elsewhere should have an opportunity to review this science. I do not see what would be wrong with saying, you ought to have that opportunity and that ability and the law to specify that.

The law under the Endangered Species Act does not require that that science be independently reviewed, peer reviewed. It does not require that.

In this case, the Fish and Wildlife Service, to their credit, went to one of the great establishments in Oregon, educational institutions, Oregon State University, and asked for a review of their pre-decisional draft professional scientific review. They went to these outside scientists; said, you take a look at this and tell us what you think.

I want to read what the scientists at Oregon State University said in response to the biology that had been put together to make this decision. Now, again, this is the pre-decisional draft. This is not what they ended up with, but I just want to say what we started with.

Here is what they wrote. This review of the BO, the biological opinion, will address both the key scientific issues related to the opinion and editorial problems with the document. The editorial problems are of such magnitude that they severely influence this review. The misspelled words, incomplete sentences, apparent word omissions, missing or incomplete citations, repetitious statements, vagueness, illogical conclusions, inconsistent and contradictory statements, often back-to-back, factual inaccuracies, lack of rigor, rampant speculation, format content and organizational structure make it very difficult to evaluate this biological opinion.

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We urge in the strongest possible way that the Service revisit every single sentence for importance, applicability, grammar, spelling, content and internal consistency with other parts of the document. The document is excessively long. The problems are not, quote-unquote, window dressing. Rather, they obscure the data and make it very difficult to find validity in the claims. This document has the potential to have a severe negative impact on the Service's public credibility.

Now, as I said, in this case the biologists went for outside consultation, peer review, and they got it. They got it.

Now, it is important to understand this document was dated 6 March, 2001. The decision that set the new lake level came down 6 April, 2001, a month later. Now, to their credit, the folks at Oregon State reviewed the final decision of the Biological Opinion and said it is reasonable. They cleaned it up, they fixed it, and you could come to the conclusions they came to based on the data that is there.

Now, I have also seen an e-mail from one of the scientists that did this review who said he also thinks it errs on the side of the fish, and that you could reach a different conclusion. So the science is still being debated out there. But the one thing that is not debated out there is that there is no water for the farmers.

Now, take a look at this. Normally this would be a green field this time of year. Normally this would be a green field. This is a wheel line. You can see the wheel is mired down here in the dust of what should be a green field. The winds are kicking up the dust. And I realize it may not be the highest definition picture here, but suffice it to say, in many areas, this is what we are beginning to see happen. Farms that would be producing wheat or horseradish or alfalfa or other pasture or other grains, look like this. Some farmers tried to do their best to put a cover crop on so that it would not blow away. Most of them have succeeded in that. But as the summer sun bakes on this land and the winds kick up, we are seeing more and more of this problem. They have no water.

Now, I say the science is being questioned. In our Committee on Resources

hearing on Saturday, David A. Vogel testified, and he is a biologist with all the kind of background you would want, a Master of Science Degree in natural resources and fisheries from the University of Michigan, Bachelor of Science in biology from Bowling Green State University, worked in the Fishery Research and Fishery Resources Division of the Fish and Wildlife Service for 14 years, in the National Marine Fishery Service for a year, received numerous superior and outstanding achievement awards and commendations, on and on and on, has done a lot of research on the Klamath Basin.

Let me tell you what he said about what has happened here. I am quoting from his testimony before our committee.

''In my entire professional career, I have never been involved in a decision-making process that was as closed, segregated and poor as we now have in the Klamath Basin. The constructive science-based processes I have been involved in elsewhere have involved an honest and open dialogue among people having scientific expertise. Hypotheses are developed and rigorously developed against empirical evidence.''

That is pretty harsh stuff.

''None of those elements of good science characterize the decision making process for the Klamath project.''

Now, I would say as a disclaimer, the Klamath water users have hired his firm to evaluate this science. But if this was the fate of your farm, would you not be hiring well-qualified scientists to question the data that a month before it is put into use is ripped apart in a stern indictment. Now, again, they cleaned it up, but I got to tell you when no water is flowing and the only thing that is coming your way is a foreclosure notice, you ought to look at the science and hire quality people to do that. I believe they have done that here.

Some other things I want to point out, because I think it is important. Again from Mr. Vogel, who has credentials in this area:

''It is now very evident that the Upper Klamath Lake sucker populations have experienced substantial recruitment in recent years, and also exhibit recruitment every year. Only 3 years after the sucker listing, it also became apparent that the assumptions concerning the status of short-nosed suckers and Lost River suckers in the Lost River-Clear Lake watershed were in error. Surveys performed just after the sucker listing found substantial populations of suckers in Clear Lake reported as common, exhibiting a biologically desirable diverse age distribution. Within California, the U.S. Fish and Wildlife surveys considered populations of both species as relatively abundant, particularly short-nosed, and exist in mixed-age populations, indicating successful reproduction. Recent population estimates for suckers in the Lost River-Clear Lake watershed indicated their populations are substantial and that hybridization is no longer considered as rampant, as portrayed in the U.S. Fish and Wildlife Service study in 1988. Tens of thousands of short-nosed suckers exhibiting good recruitment are now known to exist in Gerber Reservoir.

''In 1994, the Clear Lake populations of Lost River suckers and the short-nosed suckers were estimated at 22,000 and 70,000 respectively, with both populations increasing in recent years exhibiting good recruitment and a diverse age distribution. Unlike the information provided by the U.S. Fish and Wildlife Service in the 1988 ESA listing, it is now obvious that the species' habitats were sufficiently good to provide suitable conditions for these populations. Additionally, the geographic range in which the suckers are found in the watershed is now known to be much larger than believed at the time of the listing.''

He goes on to say, ''I believe the U.S. Fish and Wildlife Service's recent biological opinion on the operations of the Klamath project has artificially created a regulatory crisis that did not have to occur.'' That did not have to occur.

He goes on, and I think this is very important, ''This circumstance was caused by the Fish and Wildlife Service focus on Upper Klamath Lake elevation and is a major step in the wrong direction for practical natural resource management. The U.S. Fish and Wildlife Service rationale for imposing high reservoir levels ranges from keeping the levels high early in the season to allow suckers spawning access to one small lakeshore spring, to keeping the lake high for presumed water quality improvements. This measure of artificially maintaining higher than historical lake elevations is likely to be detrimental, not beneficial, for sucker populations. These data do not show a relationship between lake elevations and sucker populations.''

Listen to that again. The data do not show a relationship between lake levels and sucker populations, ''and to maintain higher than normal lake elevations can actually promote fish kills in water bodies such as Klamath Lake.''

So which scientist do you believe? Which scientist do you believe? The problem is when it comes to the Endangered Species Act, the only ones that are believed are the ones that issued this biological opinion that resulted in no water for the farmers.

Mr. Vogel goes on to write, ''During the mid-1990s, I predicted that fish kills would occur if Upper Klamath Lake elevations were maintained at higher than historical levels. Subsequently, those fish kills did occur. The U.S. Fish and Wildlife Service recent biological opinion dismissed or ignored the biological lessons from fish kills that occurred in 1971, 1986, 1995, 1996 and 1997, and instead selectively reported only information to support the agency's concept of higher lake levels. All the empirical evidence and material demonstrate that huge fish kills have occurred when Upper Klamath Lake was near average or above average elevations, but not at low elevations. This is not an opinion, but a fact, extensively documented in the administrative record and subsequently ignored by U.S. Fish and Wildlife Service.''

So that is Mr. Vogel's comments.

Now I would like to share with my colleagues comments from another very learned individual, Mr. Harry Carlson, Superintendent, Farm Adviser, on the letterhead of the University of California. I will find his credentials here, because they are very solid.

He says, three degrees from the University of California at Davis, BS in wildlife and fisheries biology, MS in agronomy, and a PhD in ecology. Superintendent at the University of California Intermountain Research and Extension Center in Tulelake, California. He is also the university farm adviser for field and vegetable crops in Modoc and Siskiyou Counties. So in these roles he collaborates with many university researchers on issues of importance regarding agriculture in the Klamath Basin. Obviously a gentleman with incredible credentials and very capable of commenting on this science.

He says, ''Serious gaps and errors in logic in the 2001 NMFS Biological Opinion on Coho salmon severely damage the credibility of the report in demanding huge increases in flows for the protection of the species. The legal basis for issuing this opinion lies solely on the threatened status of Coho salmon in the greater southern Oregon-northern California region. Yet, the NMFS Biological Opinion is almost solely based upon Chinook salmon, not on threatened Coho species. Further, there is almost no discussion on the explicit effects of Klamath project operation on Coho populations in this area. Most of the discussion is centered on Chinook populations and life stages, while acknowledging that Coho life histories and the use of the river resource are very different from Chinook. This leads to serious errors in logic and invalid conclusions.''

He goes on to say, ''The report acknowledges that very little is known about the status of Coho in the Klamath River, but at the same time, ignores the detailed hatchery return data that are available. Full analysis of these data probably would show that there is very poor correlation between Iron Gate flow regimens, Coho survival and spawning returns.''

He writes, ''My overall conclusions are these: The salmon Biological Opinion never comes close to making a case

that proposed project operations and resultant flows in any way jeopardize the continued existence of Coho in the Klamath River. Science and logic dictate that the increased flow requirements demanded in the Biological Opinion will most likely have little impact on the continued existence of Coho salmon in southern Oregon and northern California. Similarly, the high lake levels demanded in the sucker fish Biological Opinion are not supported by logic or available data. Indeed, high lake levels may be part of the problem. An independent, unbiased review of the Biological Opinions would lead to the almost inescapable conclusion that the maintenance of high Klamath Lake levels and the increased demand for flows in the river will have little or no impact on the recovery of the threatened and endangered fish.''

Again, the University of California, Harry L. Carlson, Superintendent, Farm Adviser, PhD ecology, BS in wildlife and fisheries biology. Learned individuals who have also looked at these data and come up with much different conclusions.

Yet, again, the only conclusion these folks have who want to farm in this basin and were promised water is that there is nothing in the A Canal and nothing in their fields. I want to tell their story now. You heard about the conflict over the biology and the science.

Before I get to their story, I think it is important to again say, does this not speak volumes about the need for independent, blind, peer review of the data? Why should we not change the Endangered Species Act to require that? Should we not know that at the foundation of a decision that affects 1,400 farm families, ruins a $200 million economy, and threatens the survivability of bald eagles in the refuge that holds the most of them in the winter of anywhere in the lower 48 and is a major stopping point on the Pacific flyway, where 70 percent of the food is raised on farms like this. Where are those birds going to eat? They can eat dirt, and the bald eagles are going to suffer. The environmental organizations are threatening to sue over all of these decisions, because there is not water adequate enough for the refuge.

Let me share some of the stories of some of the people I represent in the Klamath Basin. Reading from boxes of testimony, you probably cannot see them, colleagues, but two full boxes of testimony over here that we picked up at the hearing from individuals who wanted their thoughts heard, so we have gone through that. I want to share some, because they are heartwrenching and they speak to the problem.

This is entitled ''Proud to be an American.'' ''When my daughter, who was raised here in the Basin, left to go to college, eager to live in a bigger city, I told her one day she would be back. I was right. She did come back, and married a wonderful, hard-working, caring and intelligent man. He happened to be a farmer. I felt blessed to be able to live near them. Soon they gave our family two more precious people to love, my grandchildren. Life seemed good. I was and am a proud grandparent, and I was a proud American. And I don't feel that now.

''My daughter spent her birthday this January in the hospital receiving the news her 5-year-old son has Type I diabetes. Our families were shocked and scared. As you can imagine, it has changed all of our lives forever. Then this. No water for farmers, no farming, no money, no health insurance for their son. I wake every night unable to sleep, tossing and turning with constant thoughts of all this mess. Driving to and from Merrill to Klamath Falls, I look at the fields, the sheep, the cattle, the horses, and all the types of birds soaring in the sky. It is hard to imagine that this will all be gone.

□ 1930

''The other grandparents and farmers are too and were in the process of retiring. Imagine trying to start a new career at the age you are supposed to be thinking of retirement. This is just one family. Some may be a little better off, some a little worse, only time will tell. I will never feel the same about our country or our flag that I was always so proud of. The men who fought for what it was supposed to represent have my pride, but it ends there. I would never have believed America would turn its back on its own. What a joke.

''My soon-to-be six-year-old-grandson can go by any field around here and he can tell you who it belongs to, what they are growing and knows all the equipment names and how they are used. No one can ever tell me that the love of farming was not born in this young boy.

''This is not about a drought, it is about destroying a way of life, taking away freedom, crushing hopes and dreams and changing forever the lives of generations to come. When this all started, I decided to make a scrapbook for my grandson, thinking it would be something he would be proud of: the farmers fighting for their rights and winning. I never dreamed I would be putting together a book that would show him how he lost his heritage as a fifth generation farmer. My heart breaks for my daughter and her family and all the other farmers facing the demise of their honorable profession. Proud to be an American? Not anymore.'' Signed, Susan Morin.

Jeffrey Boyd writes, ''This water crisis has the potential to destroy everything my grandfather, my father, and my family have worked to build. My grandfather is 92 years old and is confined to a bed in a rest home in Klamath Falls, Oregon. He may not be able to move, but he is aware of what is going on and he cannot believe what is happening to the Klamath project. My father will be 60 years old this year and this will be the first time in his 40-plus years of farming that no water will be delivered to the Klamath project, to the Tulelake irrigation district. His land values have fallen and he is worried that the bank will foreclose.

''As for myself, my family and I are determined to stay and fight for what we know is right. However, I am not able to get financing because of no water; and other than a minor amount of well water, I am not able to irrigate my crops. My father, out of the goodness of his heart, can employ me until October, and then my job is gone. To top all of that off, the potato packing shed that my wife works for will probably have to lay off people because the growers that run potatoes through the shed have no water and can raise no potatoes. I hope this sounds bad, because it is.''

It is bad. It is tragic, and it does not have to happen.

For Mary Lou Clark, she writes, ''As an educator, I am alarmed that the loss of hundreds of millions of dollars in property taxes and farm production will devastate our schools as well as all public services in the Klamath Basin. All sectors of our community are beginning to feel the devastation as farmers go bankrupt. Laborers go hungry and businesses supporting farmers are forced to close their doors. I urge you to help us right this terrible wrong. We are more than willing to participate in solutions, but the people of the Klamath Basin should not have to bear the brunt of the consequences of the Endangered Species Act and water shortages alone. Common sense has to prevail.''

This one from Richard and Nicola Biehn. ''It is crucial that the economic hardships of the people are considered. For us, the slowdown of the asphalt construction, my husband has lost days of work, as paved streets and driveways are not priorities when people are worried about mortgages and grocery bills. The construction trade is grinding to a halt. Thus, there will be less work in the future for local small companies.''

And from Deep Creek Ranch in Merrill, Oregon, Don and Connie and Julie Dean write, ''At 60 years of age and a lifetime effort expended maintaining a livestock and farming heritage established by my parents, how do I attempt to explain the heartache and the stress factor created by the complete loss of a year's production? Granted, we are not a large operation, but it provides for my mother, my wife, and myself and, I thought, future for my daughter, my sister-in-law and their children who are the next generation taking over this operation. What reassurance can there

be for the younger generation of a country that will blind side its citizens with such economic devastation? The initial loss of $150,000 in sales for 2001 together with approximately $125,000 of capital expenses for establishing an irrigation well and replanting the alfalfa acreage destroyed by the man-made drought erodes the financial stability of this family farm.

The passage of time used to be a comforting asset in the growing of crops, but under the present situation, time has become a mortal enemy, slowly moving many families in the Basin closer to total financial collapse. As we approach fall, the thoughts of thousands of farm families and town businesses finding themselves with their backs against the wall could make for a desperate group to deal with. It is with utmost sincerity that I request this honorable committee to take urgent action and the $221 million aid package being considered to rectify the taking of our contractual irrigation water.''

Indeed, this administration stepped forward immediately with a $20 million package in the supplemental appropriations that we approved yesterday in this House Chamber. Twenty million of a $250 million problem. I thank them for the initial help. Obviously, much more needs to happen.

Unfortunately, the others in the other body today, they worked on language to remove that $20 million. How heartless. How senseless. How wrongheaded. Hopefully, my colleagues will come to their senses and restore it, because if we cannot get $20 million, what are we really telling these people? We do not care at all? It is wrong. It has to change.

Mr. Speaker, the other sad irony in all of this, these people who have not had the water turned on at canal, who fought for our country in World War I and World War II and settled this land at the asking of the government, who are now having to go to food banks and beg with their banks not to foreclose on them and explain to their kids and workers who have worked the fields for them for 30 years that the future is bleak. They are also getting bills from the Federal Government to pay for the operations and management of a project that delivers no water to them; delivers no water. They get a bill for it.

We are going to try and change that too. I am going to call on the Department of Interior, the Bureau of Reclamation to take pity and mercy on these people and at least waive those fees for this year. If they are not going to get water, why should they have to pay when they have had another promise broken to them.

Here is another letter I received, and it is amazing how many people also send photos of themselves and when they settled here and what it was like and what it has become for them.

''The day of April 6, 2001 was as infamous to the people in this Valley of Tulelake as December 7, Pearl Harbor Day, was to the citizens of the United States.'' This from retired staff sergeant Fred Robison, I believe, U.S. Air Force, 1942 to 1946. He sent a picture here, my colleagues probably, I am sure, cannot see, but I will read the caption because it was on the front cover of Reclamation Era Magazine, February 1947.

''Fortune smiled on Fred and Velma Robison because we wanted our readers to see that others shared their joy.'' Here is the full picture from which the cover was made. Fred had to wait until number 61 was drawn before hearing the good news. You can tell by those big grins that it was well worth it. He was one of the Tulelake homestead winners, 1947. No water today. He fought for his country. They turn off the spigot.

A letter to the gentleman from Utah (Mr. HANSEN), chairman of the Committee on Resources from Darla Parks, a 40th generation farm family teacher and mother. She said the day they cut off the water was one of the worst days of her life. It says, ''Instead, I feel that I was naive and betrayed by a government that I knew was imperfect, but a government that I trusted not to breach contracts, a government that could use common sense and look at the real facts and would surely put entire communities before fish and find an equitable solution where both fish and farmers could survive.''

That is the argument I am trying to make tonight, is both can survive. They have, they can. These decisions are based on science that is in dispute, by certified, smart people. I read their credentials. They have looked at the same science and said, I get a different conclusion. But under the Endangered Species Act, there is only one conclusion that prevails, and that is the one that comes from the agency, and that is not right.

I have a lot of other letters here. I want to share a few comments and then I will yield my time back to the Chair. A couple of these I just feel like I have to share.

Bob and Lynn Baley, and Kylee and Allie and Bradlyn. ''I, Bob Baley and my wife Lynn are both third generation farmers in the Tulelake area. We have both worked to live in this community all of our lives. When we planned our family of three wonderful girls, it was our dream and intentions to raise them in the same town, attending the same schools, church, 4–H and FFA programs that we have had the experience and pleasure enjoying in this drug-free, nonviolent, rural community. Grandfather Baley raised his first commercial table stock potato crop in 1929 on this family farm. The Baleys have provided potatoes every year from then until this devastating water cutoff year of 2001. Along with commercial potatoes, this family farm has worked very hard to build itself into a very diversified family farming operation of 3,000 acres consisting of contracted Frito Lay potatoes for the past 32 years, contracted dehydrated onions for the past 41 years, contracted peppermint for oil, along with alfalfa for hay, barleys, wheat and peas, all of which are water-dependent crops. One year without fulfilling our contracts, we have a very high chance of never achieving them again, and that will financially destroy this operation.''

So I say to my colleagues, as we pick up a bag of Frito Lay potato chips, think about the Baleys, the fact that for years they have had contracts with companies like Frito Lay, to provide for the potatoes that go into those bags. I have to laugh, some people think you get milk from a carton and potato chips from a bag and you forget they are grown by men and women who take the risks, who work long days and in some cases long nights, who fight against Mother Nature's freezing temperatures and yes, droughts, and now our government who says they cannot have water.

And then they go up against some radical environmentalists. We had one that testified, who actually I have worked with and worked out some solutions with, but I was really disturbed by his comments to the committee because he said ''Locally, potatoes are being raised more for the government subsidies than the market.'' Totally erroneous. Factually in error. Sure, there are some potato growers here that probably have crop insurance, just like you and I have auto insurance, to protect us against the unexpected. It is a prudent business practice. But growing for subsidies? The Baleys do not grow for subsidies, they grow for Frito Lay. There are no subsidies for these crops.

This person also said, first it is marginal farmland. You put water on this land like they have since 1905 and it produces some of the best yields in America. I do not know many crops in the garden at my house if I fail to water it, if I do not go home this weekend and the water system does not work, they are not going to look very good on a summer weekend. Without water, we do not grow things in this country. I grew up on a cherry orchard. We did not water often, but the trees would not have survived if we did not water at all. That is what we have happening. We are getting dust bowl where we used to have a Basin that was so very productive and farmers who were successful.

Mr. Speaker, I want to close with just two other comments. This is from one of the outstanding commissioners, county commissioners; and we have some really great county commissioners in these counties. I am most familiar, of course, with the Klamath

County commissioners, Steve West, John Elliott, and Al Switzer, who have worked day and night with me on trying to do everything we can to get help. But I think Commissioner West who was asked to testify said it well. He said, ''In passing the Endangered Species Act legislation, the people's elected Federal representatives said that these species were important enough to the people of the United States to pass a powerful law.

The Endangered Species Act is the Federal law for all of the people of the United States. Therefore, all of the people of the United States should have to shoulder the cost of implementing this law, not just those that make the upper Klamath Basin their home. The people of Klamath County and the upper Klamath Basin cannot be asked to pay the entire costs of the Endangered Species Act for the entire Klamath River watershed. All of the problems of water quality, quantity and endangered species in the Klamath River system cannot be solved on the backs of the upper Klamath irrigation project, the people of Klamath county and the people of the upper Klamath Basin alone.''

These people want to work together with environmentalists, they want to respect the tribal rights of the Yuroks and the Klamath and others who have legitimate claims here that we need to respect and not trample their rights, but we do not need to trample the rights of the other people in this Basin.

So in closing, I want to thank the gentleman from Utah (Mr. HANSEN) for his willingness to allow us to have this full Committee on Resources hearing in my district. I want to thank the gentleman from California (Mr. HERGER) who has been tireless at my side and I at his as we work to find solutions. Sue Ellen Waldbridge over at the Department of Interior for agreeing to come out and testify but, moreover, for spending 82 hours on the ground out there trying to learn about every angle of this problem and look and work with us for solutions.

□ 1945

I want to thank the gentleman from Washington (Mr. HASTINGS), the gentleman from Nevada (Mr. GIBBONS), the gentleman from Idaho (Mr. SIMPSON), and especially the gentleman from California (Mr. POMBO), who joined me on the dais, and who participated for 5½ hours on Father's Day weekend to take testimony and hear about the problem. He pledged to work with me as we tried to find solutions so we do not have a dust bowl, so we do not have farmers going to food banks, so we have an Endangered Species Act that works for the species that does not pit one against the other, bald eagles against suckerfish, but one which works for all.

This reform is definitely needed.

ISSUES AFFECTING SOUTH DAKOTA AND THE UNITED STATES

The SPEAKER pro tempore (Mr. REHBERG). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Dakota (Mr. THUNE) is recognized for 14 minutes, the remainder of the leadership hour, as the designee of the majority leader.

Mr. THUNE. Mr. Speaker, I appreciate the opportunity to visit about some of the issues that are impacting not only my State of South Dakota but the entire country.

As most Members know, I represent the entire State of South Dakota, a State that consists of 77,000 square miles and about 750,000 people, which means there is a lot of real estate out there, and which makes us as a State very dependent upon energy.

Our number one industry is agriculture, a very energy-intensive sector of the economy. We rely heavily upon travel in our State during the summer months. People come to the Black Hills and Mt. Rushmore and many other sites in South Dakota. In order to make sure that that tourism industry thrives and prospers, we have to have an affordable supply of gasoline.

Of course, since people live in small towns, just to get back and forth to the doctor, to take advantage of many of the services that are provided in the more populated areas of my State, it requires sometimes driving great distances. So this energy crisis is a very real one.

Mr. Speaker, I would simply say, as well, that as I have looked at the farm economy in the last few years, and we have seen how we have had this chronic cycle of depressed agricultural commodity prices, and we see now increasing energy costs and input costs going up, the bridge, the gap between what it takes to run an operation and what a farmer or rancher can derive from income in that farm or ranch operation, the gap continues to grow or widen. It is increasingly difficult for our producers to make a living on the land.

This energy crisis, Mr. Speaker, I would argue has particular ramifications for areas like South Dakota and other rural areas across the country. In fact, last week at the elevator in South Dakota, one of the elevators I was looking at, the price for a bushel of corn was $1.45 a bushel. The price for gasoline in that same town was $1.59 a gallon, actually down about 20 cents from a couple of weeks previous. So they cannot even, as a farmer today, get for a bushel of corn what it costs to purchase a gallon of gasoline. There is something seriously wrong with that picture.

Mr. Speaker, we are in the process right now of writing a new farm bill in the Committee on Agriculture in hopes that we will be able to have that on the floor sometime before the end of this year, so we can put in place a new program that will enable our producers to make decisions about their future, hopefully with a bill that provides more stability, more predictability, more certainty about what the incomes and the costs and everything else are going to be associated with agriculture as we move into the future.

The one thing they cannot control is the cost of energy. Mr. Speaker, it is important that this Congress begin to focus and to zero in like a laser beam on this issue. It is our responsibility.

We can argue, and we have, about who is at fault for this. Frankly, we have not had an energy policy in this country for the past 8 years. That is one of the things we have all talked about. Republicans blame Democrats and Democrats blame Republicans, but the fact of the matter is, this is not a Republican or a Democrat problem, this is an an American problem, an American challenge. We need to work together across political aisles to find a solution.

Mr. Speaker, I believe that we have a good starting point. The President and his Commission on Energy came out with a report about a month ago. It is 170 pages or thereabouts long. It has 105 specific recommendations, many of which can be implemented by executive order, many of which are directives to agencies, and many of which require legislation by this Congress.

I think this Congress has a responsibility, Mr. Speaker, to take this report, to take those recommendations for legislation, and to act upon them, because we do not have any alternative.

The farmers and ranchers in South Dakota and the farmers and ranchers in Montana and North Dakota and all across the country, and the people who rely day in and day out upon energy, they do not have any choice or any alternative. They have to pay what they have to pay when they go get a gallon of gas. They have to pay whatever the utility company says it is going to cost them for electricity. There are people who are hurt and hurt deeply if we fail to act.

Mr. Speaker, I would hope, as we begin to debate this issue over the course of the next several weeks and months, that we will focus on a couple of key issues. One of the things that has been said is that the President's proposal is short or lacks somehow in the area of conservation and emphasis on alternative sources of energy.

If we read this carefully, nothing could be further from the truth. There are extensive incentives for alternative sources of energy. There is a great discussion on conservation, things we can all do to decrease the demand for energy in this country. Really, Mr. Speaker, we ought to be looking at one or two things. That is, what can we do that, one, will increase supply of energy, or two, decrease demand? The rest is conversation.

But I believe we ought to be looking at what we can do in terms of legislative action, administrative action, that will increase supply or decrease demand for energy in this country so we can close the gap and lessen our dependence upon foreign sources of energy. We cannot afford as a nation to have Saddam Hussein dictating energy policy in America.

The fact of the matter is that today we are even more dependent upon foreign sources of energy than we were 25, 30 years ago. Back in the early 1970s, at the time of the Arab oil embargo, the big discussion was that America is 35 percent dependent upon energy sources outside the United States. We talked about what a travesty that was and how something had to be done.

Yet today, we are more than 50 percent dependent upon energy sources that come from outside the United States of America, primarily the OPEC nations. That trend will only continue. Twenty years from now, the expectation is that two-thirds of our entire oil supply will come from outside the United States.

Mr. Speaker, we cannot afford to be in a situation where we are held hostage to countries around the world who have unstable political regimes and are very unreliable in terms of the supply that is coming into this country.

I believe we have to look at what we can do to generate more supply. That means environmentally-friendly supply, looking for new sources of oil, doing it in a way with technology that will allow us to capture and get at those oil reserves in a way that protects the environment, that minimizes any disruption. I believe that technology exists, Mr. Speaker. It is our responsibility to take the steps that are necessary to access the domestic oil reserves that we have here in America.

I also believe profoundly that we have to support alternative sources of energy. We have one in my State of South Dakota. It is corn. It is used to produce ethanol. We have an industry that is beginning to flourish, and with the President's recent action with respect to the California waiver, the Midwest has an opportunity to ramp up the supply of ethanol to meet the increasing and growing demand in this country.

Mr. Speaker, I do not think it is just California, but we ought to have an energy strategy that puts in place a demand for ethanol all across this country, because it helps clean up the environment. It helps lessen our dependence upon foreign sources of energy. It helps support American agriculture.

We have an economic crisis in agriculture today. We have an energy crisis in America. We can use renewable sources of energy to help meet the demand for energy. Mr. Speaker, I believe we need to put incentives in place through legislation that would encourage and stimulate more and more development of renewable sources of energy.

How about wind? How about nuclear, things that we have not perhaps talked about in the past becoming more economical in the present? Technology continues to advance. We have opportunities that we did not fathom possible a few years ago. But we need to be looking at alternative sources of energy, and supporting and encouraging and providing incentives for their development and expansion.

We need to be looking at what we can do to access the supplies of oil in this country and natural gas, doing it in an environmentally friendly way. Then, Mr. Speaker, of course we need to look at what we can do to lessen and to decrease the demand that we have for energy.

All of us in our daily lives can make decisions that will help preserve those sources of energy and lessen and decrease the demand for them in this country. There is not a family, I daresay, across America who could not do a better job of becoming more efficient.

We now have appliances that are more efficient and less energy-intensive. We have opportunities to turn the lights off when we leave the room, or to turn the computer off. We are much more reliant and dependent upon energy today than we were 20 years ago.

Look at the appliances in our very homes: microwaves, VCRs, DVDs, computers, all those things that perhaps 20, 25 years ago did not exist. Yet, we do not do a very good job of teaching the next generation about the importance of conservation of many of our natural resources.

So as we begin this debate, Mr. Speaker, I hope we can take some of the partisan vitriol out of that debate, some of the political attacks and accusations that occur oftentimes here on the floor of this House, and have an honest dialogue about what we can do as a country to increase the supply of energy, to decrease the demand, and to diversify our energy mix so that we are less reliant upon fossil fuels, on hydrocarbons, and more dependent upon alternative sources of energy that come from wind, from some of our renewable sources like corn and biomass.

Mr. Speaker, this is a crisis for America. It is something that becomes progressively worse over time if we do not act now. Yes, we need a short-term solution, but we need to put in place a long-term energy policy for America's future that recognizes the importance in a growing and expanding economy of having an affordable source of energy that powers our homes, powers our businesses, allows this economy to expand and grow and enhance and improve the quality of life for all Americans.

I am anxious to engage in that debate. It matters profoundly to the future of American agriculture, to the people that I represent, in the great State of South Dakota and all across the country.

Mr. Speaker, I encourage my colleagues, as we begin this debate, to not engage in partisan blasting and bashing, but to take what I think is a very thoughtful and meaningful starting point, which is the President's energy proposal, and work from this to develop an energy policy, an energy strategy that will serve this country well, not only in the immediate future but in the long term future.

It is critical to our children and to our grandchildren that we not deprive them of the opportunities that many of us have enjoyed because we do not have and have not put in place a coherent energy strategy and energy policy for America's future.

Mr. Speaker, I look forward to that debate. I encourage my colleagues to work together in a bipartisan and cooperative way to put in place many of the incentives that are going to be necessary to see that we have alternative sources of energy into the future, and to talk honestly, not in emotion but in a science-based, factual way, about getting at those sources, those resources we have here domestically here in this country in a technologically and environmentally friendly way for America's future.

LIVABILITY IN AMERICA'S COMMUNITIES

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

Mr. BLUMENAUER. Mr. Speaker, it is my pleasure this evening to address this Chamber dealing with issues, as I have often done on this floor, of livability: what the Federal government can do to be a better partner helping American families to be safe, healthy, and more economically secure.

□ 2000

And as we approach the notion of how to structure that partnership, there are those that suggest that there are areas of new rules or regulations, tax, fees, new government programs, and they all have their place, I suppose, in the toolkit towards enhancing liveability.

Mr. Speaker, I am of the opinion that the single most important factor that enters into the Federal Government being a better partner with our local communities is simply to lead by example. For the Federal Government to model the behavior that we expect of other entities, corporations, individuals, and governments, for the Federal Government to walk the talk, there is nothing that is more powerful, more

compelling, that is going to cost less and be more effective.

For instance, I have worked with many in this Chamber on a simple piece of legislation that would require the United States Post Office to obey local land-use laws, zoning codes, environmental regulations, to engage the American public in a constructive fashion on decisions that affect communities large and small in over 40,000 locations around the country.

It is not particularly revolutionary. It is not going to cost the taxpayer any money. It is not going to be in the long term more difficult for the post office. There is no real difference than their competitors like UPS, for instance, or FedEx. It will help change, however, the relationship that we have with the post office and local communities.

Mr. Speaker, as we reflect on ways that the Federal Government can lead by example, I am struck by how key the decisions that we make regarding the United States Department of Defense for our military which is the largest manager of infrastructure in the world, over $500 billion worth of roads, bridges, hospitals, docks, classrooms and apartments.

The military, however, is stuck in this struggle in terms of how it is going to promote liveability for enlisted personnel and for the communities in which we are surrounded. In fact, there is all the discussion we have in the United States about the consequences of unplanned growth, the consequences of sprawl; but I think we can make the argument that it is the United States military that is affected the most by the consequences of sprawl and unplanned growth.

Think for a moment about the controversies that are facing the military from Hawaii to Puerto Rico, where there is growing resistance to the areas in which the military is conducting its training exercises, people are trying to stop the use of live ammunition and equipment in Hawaii. And as we have seen, the Bush administration has recently announced that in 3 years we are going to stop these activities in Puerto Rico.

Mr. Speaker, the question arises where is the military, in fact, going to undertake these activities that are still essential to maintaining military readiness for the men and women who serve in the Armed Forces?

We are facing a question with this administration, as we did with the Clinton administration before us, what are we going to do with the inventory of military bases and other facilities that are in excess of what are necessary to maintain our fighting forces? Indeed, we have an inventory of military bases that basically reflects a tremendous overhang from World War I and World War II.

We have more inventory than we need for today's military bases. But as is well known to Members of this Chamber that when you try attempting to close them, there is a great storm of controversy.

There are some communities that are, frankly, very apprehensive about the consequences of losing the employment base in their community, but there are others who frankly are more concerned about what is going to be left once you shut down this base of operation. After you have recycled the jobs elsewhere, will there be an opportunity to use this land for productive purposes?

We look at Fort Ord 10 years after the BRAC process closed that base, we have yet to be able to fully transition all of that land to productive private sector uses. As we approach a new round of BRAC decisions, uncertainty about what is going to happen to communities and an unwillingness of the Federal Government to act in a prompt and thoughtful fashion, to clean it up and turn it over adds to the uncertainty.

It is going to make it more difficult for this administration politically, economically, and environmentally to do what is right for right-sizing the scale of American military operations.

It is going to end up costing us more money, and it is going to delay the use of these lands for more productive uses. There is another serious problem that is associated with it. Today we have an all-volunteer Army; and increasingly, we find that the skill level that is required for the men and women who are in uniform is rising ever higher, retaining these highly qualified men and women, the best and brightest of whom can transition into the private sector, have more certainty in their life, higher quality of life, earn more money, and have more career advancement.

In order for the military to retain the highly qualified, technically proficient men and women who make the modern military work we give to them a high quality of life.

If we are facing a situation where military housing is substandard, and I have seen reports that suggest half or more of a third of a million military housing units is substandard, it is very difficult to retain the men and women in uniform and their family members, because increasingly, these people are, in fact, more mature. They have their own families, and they care about quality of life.

Finally, Mr. Speaker, I would reference the difficulty the military faces with the exposure to liability for not having cleaned up after itself. Dealing with the environmental problems that are the legacy of military operations for over a century has the consequence, not only of denying productive use of this land to the community, but it is a distinct liability that the United States Government and the Department of Defense cannot escape. Ultimately, we are responsible for cleaning up after ourselves.

The bill is going to come due for the Department of Defense. The longer we evade, the longer we delay in cleaning it up in a forthright fashion, the more expensive it is going to be for the taxpayer, the more damage to the environment.

We are looking at what is happening in the State of Massachusetts with the Massachusetts military reservation where there is a toxic plume that is poisoning the aquifer on Martha's Vineyard, the source of drinking water for some of the exclusive properties in this pristine and valuable land. It has historic significance. It is very significant to some of the best and brightest around the country.

That is slowly being poisoned because we have not been able to move quickly with the Department of Defense to clean up after itself. The liability in Massachusetts on Martha's Vineyard is not going to get smaller over time; indeed, it is going to escalate. More environmental damage, a larger bill for the taxpayer.

One of the areas that I am most concerned about deals with the legacy of unexploded ordnance. We have across the country in over 1,000 sites with potential contamination of 20, 30, 40, maybe 50 million acres or more where we have the legacy of unexploded ordnance from past military activities.

We have had this visited upon people, burst on the scene in unexpected ways. My colleague, the gentlewoman from New York (Mrs. KELLY), had this occur in her district where on Storm King Mountain State Park, overlooking the Hudson River, the park actually was not a military range, but it was near West Point, and as effective and well trained and talented as the men and women are at West Point, often the targeted were missed.

The shells that they were using were lodged in the land in and around the Storm King Mountain State Park.

We had a situation here a couple of years ago where there was a serious forest fire and the firefighters were out to try to stop the blaze; and all of a sudden, there were a series of explosions where these shells that had been buried, in some cases for up to a century or more, started exploding due to the heat of the forest fire; and we were forced to close Storm King Mountain State Park, one of the examples of where the unexploded ordnance has returned to haunt the American public and the military.

Earlier this spring, Mr. Speaker, I led a group to the campus of American University and to Spring Valley, one of the most exclusive residential districts in the District of Columbia.

I am not talking about some far-flung area in the wilderness that had been used for military operations. I am talking about a location that is about

a 25-minute bicycle ride from where I am speaking this evening.

I have here a map, an aerial map that dates from 1922. It seems that the land adjacent to and surrounding American University, in fact, some of the land on the American University campus during World War I was the location of the American testing for chemical weapons.

We have here an aerial view that shows the location of test pits where they had goats and rabbits and hamsters, where they would inflict nerve gas, mustard gas on these animals, where we would manufacture it, where we had over a thousand structures and almost 2,000 men and women working during World War II.

Mr. Speaker, it was one of the most toxic sites in America. Some of the facilities were so contaminated they could not even tear the sheds down. They ended up burning a number of them and burying the residue, burying the leftover chemicals and weapons.

Now what we see, 83 years after World War I, we still have a toxic legacy here in the United States capital. In fact, Mr. Speaker, we had a situation in the mid-1990s after we had gone in with the work of the Corps of Engineers spending over $30 million, removing contaminated soils and materials and bombs.

There were working people out on this site escavating a foundation for one of the multimillion dollar homes for the Spring Valley Development, most of them are between $1 million to $5 million or more, and the workmen were busy with the backhoe.

It hit something, broke something and the work people were sent to the hospital because they had discovered a container of a toxic chemical.

□ 2015

As they went to the site and started working around it, they found a container of phosphorus where the steel container had rusted away and left the ceramic shell. And when they broke the shell open, the phosphorus came in contact with the oxygen in the air and burst into flames. The question occurs to a thoughtful person, what would have happened if it was a child who had been playing on a construction site who had found this waste from World War I?

Farfetched? Well, as I speak, we are spending another $40 million to try and decontaminate the site. As I speak, one can go out to this exclusive residential neighborhood and find little flags in various and sundry properties in the neighborhood where they are taking samples to try and find out where the contaminants are. If any of my colleagues were to go to a cocktail reception at the home of the Korean Ambassador, who lives in a little $10 million bungalow just off this site that I mentioned here, the Korean Ambassador to the United States, I would suggest they not go in his back yard, because they will find that it is all dug away as they are trying to remove the contaminants in his back yard.

Just up the hill and across the road from the Ambassador is the child care center from American University. It is a modern child care center. The playground equipment is visible in the yard. But it is vacant because the levels of arsenic in the soil upon which this child care center is built is 20, 40, 50 times the level that is regarded as safe.

There are young women who were on the rugby team, the girls that played on the girls intramural field at American University, who wondered why the rashes that they suffered when they were playing on that field did not heal properly, and questions have been raised as to whether or not the contamination on that field was a part of it.

I mention Spring Valley not because it is the worst site in America, I mention it because it is here, literally in the shadow of the American Capitol, and it is 83 years after World War I has concluded, after we have spent over $30 million cleaning it up, and we still have not been able to tell the residents around Spring Valley and the university community at American University that we have taken care of the problem.

It is not farfetched to speculate what might happen with children who come across unexploded ordnance in over a thousand locations around America. There was a tragic situation that occurred in San Diego where there were three junior high students, young boys, playing in a field in a subdivision that had been built on a formerly used defense site. They came across a shell. Now, 10-, 11-year-old boys will do what children will do. They were playing with it, trying to figure out what to do with it, if it was real, and seeing if they could open it up. It exploded. It killed two of them.

I have been able to identify 65 Americans who have been killed as a result of unexploded ordnance. And I suspect on America's military reservations, bases, bombing ranges, that if we had full access to all the information, that, in fact, we have probably had far more than these 65 that I have been able to identify.

In Portland, Oregon, just across the river from us, a half-hour's drive, there is a 3,800-acre military reservation, Camp Bonneville. No longer used for military purposes, it has been used for the better part of the last century. It is separated from the public, for most of the 3,800 acres, by three strands of barbed wire. No way we are going to keep out the public. People have been using these 3,800 acres for years. Children have played on it, people have ridden horseback, there are people who have hunted, folks who have used it just for a day hike, even though we attempt to post signs and keep people off it.

The military personnel who are responsible for it advise there is no way to secure it and people continue to use it. We do not yet know what all is on the site of Camp Bonneville. We have had situations where they have found 105-millimeter shells on the surface. Now, these are the shells that are about like this, that have seven and a half pounds that serve to detonate the shells.

There are ambitious plans to return these 3,800 acres to public use, for a wildlife refuge, for a park, and the people of Vancouver and Clark County, Washington, are excited about the prospect, but we have not yet been able to analyze what is on the site. We have not been able yet to understand what we need to make sure that it is clear and that we can turn it back over.

Mr. Speaker, I could go on and spend the remainder of the hour that has been allocated to me just talking about these examples. As I work with the men and women in this Chamber, virtually everybody I work with has a problem like this in their community or near it, my colleague, the gentleman from California (Mr. FARR), with Fort Ord in California. Ten years after Fort Ord has been closed, we still have not been able to turn over the 28,000-acre former home to the 30,000 men and women who were there.

We have a situation with my colleague, the gentleman from Colorado (Mr. UDALL), with Rocky Flats, Colorado, a former nuclear weapons production facility that they are attempting to be able to make the transition for.

We have situations with the Aberdeen Proving Ground, affecting the district of the gentleman from Maryland (Mr. EHRLICH) and the gentleman from Maryland (Mr. GILCHREST), that contains a number of closed ranges with unexploded ordnance and chemical weapons materials. Now, this is a problem not just for what is on the land there, but the potential of exposing the Chesapeake Bay and its tributaries and the potential contaminants in a plume that threatens Harford County's drinking water supply.

We have Savannah Army Depot, which concerns the gentleman from Illinois (Mr. EVANS) and the gentleman from Illinois (Mr. MANZULLO), some 9,000 to 10,000 acres that we would like to transfer to the Fish and Wildlife Service, but much of the acreage along the Mississippi River is not suitable for transfer or reuse because of UXO.

I could continue on and on and on this evening. I will not. Suffice it to say this is representative of over 1,000 locations around the country where we have these problems. It is something that knows no geographic limits because it is east and west, north and

south, and indeed it is the islands that the United States is responsible for off our territorial boundaries in Hawaii, in Guam, and in Puerto Rico. It is a situation where we are today, at today's rate of cleanup, looking at this problem continuing for one century, two centuries, 500 years, perhaps 1,000 years or more given the current rate of cleanup.

It is a situation where we do not even know what the dollar amount is. What we do know is that the estimates that have been provided by the Department of Defense are completely inaccurate. They are unreliable. They understate the problem in a dramatic sense. The most recent numbers are like $13 billion. It is off by an order of magnitude not just tenfold but it could be $200, $300, $400 billion or more to clean this up. But the notion that it is $13 billion is absolutely laughable.

Well, what needs to be done? It seems to me that first and foremost people in the United States Congress need to report to the game. Congress is missing in action in a battle that is still claiming casualties 141 years after some of these materials were deposited during the Civil War, 83 years after World War I, 56 years after World War II, and 25 years after Vietnam. We still have casualties, and not just in the United States.

Frankly, the technology that we should be developing to clean up military waste and contamination, unexploded ordnance, the technology that will help us determine whether it is a hubcap or an unexploded land mine will make a difference, and not just in the United States. Sadly, unexploded ordnance, bombs, shells, and land mines are found in former battlefields and current battlefields all across the world, in Kosovo, in the Balkans, and in sub-Saharan Africa. In Southeast Asia, on a trip with President Clinton this last fall, I looked at the children who were blind, maimed, missing limbs as a result of unexploded ordnance and land mines detonating. There are people in Vietnam, Cambodia, Laos, as we speak, every single week, who are being maimed and being killed.

We have a situation where there are some people who are so desperate economically that they are mining these fields trying to recover the military hardware at the risk of their lives. If the United States is able to develop the technology to more efficiently decontaminate, decommission, identify and remove, it will not only return tens of millions of acres to the public for reuse, for wildlife, for open space, for housing and parks, but it will help save lives around the world.

I suggest that what we need to do first and foremost is for the United States Congress to no longer be missing in action. I will be proposing legislation in this session of Congress to first of all put one person in charge. Right now the administration, Members of Congress, the public, the media cannot find out exactly what this problem is. There is nobody who is responsible for putting the pieces together. This is unconscionable. And by simply designating somebody in the Department of Defense, in EPA, or an independent agency to be responsible for monitoring, collecting the data, being in charge of the tens of millions of dollars of work that is going on right now to make a dent in it, this will help us in significant, significant ways.

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Second, we need to put more money into cleaning up after ourselves. At a time when this administration can propose spending $100 billion or $150 billion or more on unproven technology for an unproven threat of a missile attack from a so-called rogue nation like North Korea sometime in the next 10 years, with no expectation that after the $130 billion we have already spent on Star Wars, that it is going to be any more successful.

Put aside for the moment that military experts, and I think every Member of this Chamber will acknowledge that if a rogue nation really wanted to inflict damage on the United States, rather than spending a lot of time and money trying to put together a missile that may or may not hit us 10 years from now, which we could track, know who it is and bomb into the Stone Age, it would be much more simple for them to simply float a biological, chemical, or nuclear device into the New York harbor, into San Francisco Bay, into Seattle. They could bring it right here into our Nation's capitol. That is a much more real threat. It poses more danger and could happen tomorrow.

But put aside for a moment the logic, think about the numbers. If we are going to invest $100 billion or more on something that is unproven, against a threat that although unproven, will likely have destabilizing effects diplomatically, should we not put a few billion dollars a year into fixing something that threatens the health and safety and environment of American families all across the country? Absolutely, we should. The amount of money that I am talking about to double or triple what we are doing today is literally rounding error in the Pentagon's $350 billion budget.

The United States Congress should step to the plate and put $500 million, a billion dollars extra into accelerating the cleanup.

Second, they should put more money into research. I mentioned earlier a problem we have got. We have highly sophisticated techniques to detect metal way under the surface. But as I said, we do not know if that is a 105 millimeter Howitzer shell, a hub cap, or a land mine. If my colleagues meet with people in industry, as I have, they will tell my colleagues that with more concentrated research money, we can develop the technology to make it much more efficient and cost effective to know what is there and to move forward with the decontamination.

Finally, we need to make a long-term commitment to solve this problem.

When it is driven by political considerations, when something like Spring Valley happens, and it happens in the backyard of the rich and the famous in the shadow of the United States Capitol, then we can find $40 million extra to try to clean it up right, 83 years after we made the mess in the first place. But this is taking away from other problems around the country.

Mr. Speaker, we are just shifting from serious problem to serious problem based on what has the most media cache, what has the most political pressure. It should not be that way, and it is not the fault of the Corps of Engineers or the Department of Defense. They should not be in a situation where they are making these tradeoffs. It is the responsibility of the United States Congress to adequately fund the cleanup.

I would hope that before we recess for the summer we have stepped up and made a significant financial contribution to the research and the cleanup and we have put somebody in charge. What will happen if we do that? Again, if my colleagues talk to the firms that are involved with the military cleanup right now, they will tell my colleagues that if they make a concerted effort with adequate funding and a commitment for multiple years, you are going to see the private sector leap into action. They will invest more themselves.

We are going to have the research. They are going to develop their own techniques, and in fact we can issue contracts that enable them to do the research and to retain some rights in terms of developing the patent, the techniques, so they profit by helping us solve the problem. What that will do is it will bring more competition. It will drive down the per unit costs. We will have more momentum, and we will be able to decontaminate far more acreage than if we were sitting around doing this in fits and starts, bits and pieces.

Once we do that, the savings to the public multiply. As I mentioned, the liability for the Federal Government cleaning up after itself as the largest polluter of superfund sites in the United States, it is the Department of Defense. It is the Federal Government itself.

We cannot evade that responsibility by just putting up fences and pretending that it does not exist. And by going faster and being more efficient, what we have done is not only lower the per unit cost, we eliminate long-term responsibilities.

If we do not pollute the aquifers in suburban Maryland that threaten the

Chesapeake Bay or Martha's Vineyard, we are going to save the Federal Government a huge bill in the future.

Once we decontaminate that land, we are creating value. Right now these abandoned bases, the contaminated areas, are a liability. We spend money trying to keep people away. The trail in West Virginia that has a sign on it that says stay on the path, it is safe on the path. If you go off, they warn of explosions. Or the grade school children in Hope, Arkansas who take home flyers every year describing to children what the potential military waste looks like and that they should not touch it.

We are spending a lot of money now trying to keep people away from these destructive forces. If we are able to return the land to productive use, we are going to strengthen the environment. We are going to improve wildlife habitat. We will have more recreational opportunities in communities around the country where open space is a premium. We see unplanned growth and sprawl, and being able to turn these facilities back to the public, back to local government, back to park and recreational districts, which add value and quality of life.

Many of these facilities, abandoned bases and bombing ranges and military maneuvers, when they are returned have opportunities to be turned into commercial and housing uses, but they must be safe. Once we certify it is safe and we can turn it over, there are opportunities for colleges to be built and airports to be constructed, for parks and recreation, opportunities for commercial activities. These have tremendous, tremendous value.

In a nutshell, we will be adding value to communities, saving money and meeting our responsibilities for the environment.

Mr. Speaker, I am convinced that the American public is often ahead of the Federal Government and Members of this Chamber. In the energy debate of late it is interesting to note despite some of what I think is misleading information which has been presented by some in the Federal Government, the American public has a pretty good idea of what they want to have happen as far as energy is concerned. They want wise stewardship. They want conservation. They want us to have more fuel-efficient vehicles. The last thing they want to do is spoil the environment, drill in the Arctic Refuge and build massive numbers of power plants.

The same way when it comes to making our communities livable. Citizens would like us to do our job for the Federal Government to be a better partner with them. In over 500 referenda on the State and local level across America, the public has voted at the ballot box to purchase open space, to clean up contamination, to protect watersheds, to provide more transportation choices, to fight against sprawl.

The Federal Government has an opportunity to work with the citizens to kind of run to catch up with them, maybe not lead the charge, but to be a full partner. There is nothing that the Federal Government can do that will make more of a difference for improving the livability back home than for us to take these sites, whether it is Spring Valley near the American University campus here in Washington, D.C., Camp Bonneville near Portland, Oregon, the Massachusetts Military Reservation, or any of the other 1,000 sites across the country, clean up after ourselves and enter into a partnership with the American public.

Mr. Speaker, I am hopeful during this session of Congress we will no longer be missing in action. We will put the structure in place so somebody is in charge. We will put more money into research so we can do this job better. We will fund adequately over a specific period of time so the private sector can do its job, and we can make it easier to promote the livability of America's communities and make our families safe, healthy and more economically secure.

FAITH-BASED INITIATIVES

The SPEAKER pro tempore (Mr. REHBERG). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

Mr. SOUDER. Mr. Speaker, the subject I want to address tonight is one that has been in the news a lot lately, and a lot of people are confused and many Members of Congress are confused. I want to review some of the basics, and that is about the faith-based initiative or the so-called Community Solutions Act that will be marked up presumably next week in the Committee on the Judiciary and the Committee on Ways and Means, as well as hopefully brought to the House floor right after the July 4th break.

This is an area that has, as I said, a lot of controversy in it, a lot of conflict in it, and at the same time is so basic to how we are going to deliver social services and how we might address the problems of the United States that it is absolutely essential.

I would like to go into a little bit of overview as to what all of the fuss is about and why so many people are talking about faith. One would think from some of the media coverage this is a brand new idea discovered by President Bush and it was never talked about before in American history. In fact, it has been part of the United States from the very beginning. It has just been in recent years that we have tended to deny this.

The Pilgrims came here because they wanted to practice freedom of their faith. The Catholics in Maryland came because they wanted freedom for their faith.

The Quakers in Pennsylvania came to the United States because they wanted freedom to practice their faith. We have seen multiple revivals in American history, when George Whitfield came through and it swept through America right through the American Revolution, the Wesley brothers came and settled in south Georgia and then moved up the United States, and there was another evangelical revival.

On Monday on the House floor there is a proposal to build a memorial to John Adams and John Quincy Adams and Abigail Adams, but particularly focusing on John Adams.

The current second best-selling book in the United States by David McCullough, if you read that book, at the very beginning, it talks about how John Adams was raised in a religious family, and his father was a minister, and how John Adams initially started as a schoolteacher, and his dad wanted to be a minister. And it was only after deciding to become an attorney that he decided not to become a minister himself.

At the very end of that book when John Adams is giving advice, he says, ''Walk humbly and serve God.'' John Adams, from the beginning, the middle, and the end was a very religious man.

But it was not just John Adams. John Quincy Adams' son who died in Statutory Hall, which used to be the old House Chamber, his last words were that he was ready to meet his maker and he was ready to go to heaven. He wrote a special book for his son giving him advice from the Bible and telling him how to avoid all of the perils of the European culture when he was over in Europe.

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But it was not just the Adams family. Even those who were the least religious in the founding of our American Republic, arguably Thomas Jefferson and Ben Franklin, Thomas Jefferson was concerned enough about it that he did his own, in my belief, a phony Bible; but he took many of the teachings of the Bible with it because he believed it was a historic and important document for America's faith.

Ben Franklin repeatedly called on Congress at the very time when we were supposedly debating about the separation of church and state, right after they passed the religious liberty amendment Ben Franklin was among those who called and passed a resolution saying Jesus Christ was the one and only son of God and was the saviour of mankind.

Ben Franklin also had George Whitfield, probably the greatest evangelist ever to come to America, at his home; and Ben Franklin was not, in my terms, a particularly religious man, but he understood the power and importance of faith to America and how

it was so integrated in our culture, and he at least understood the power of faith.

We also saw that evolve. If Jefferson and Franklin were kind of the least religious of our Founding Fathers, we had the founders of the America Bible Society in our early Continental Congress, in our early Congresses. Most of the people in those Congresses were divinity school graduates.

Even when you look here in the House Chambers, and it will not be able to be seen on C–SPAN, but there are lawgivers all around this Chamber from Rome, from Greece and so on. All their heads on this side are turned that direction. On this side, they are turned that direction. There is only one facing towards Congress. It is Moses, Moses of Bible fame, who looks straight down on the chairman. Behind the chairman, it says, ''In God We Trust.''

So when we talk about separation of church and state, let us do not get too cute here. We have Moses looking down on us every time we debate this, with ''In God We Trust'' behind us.

What does this have to do with what we are talking about in public? It is because we have increasingly in America tried to deny this heritage and separate and act as though somehow we are not rooted in that and the people are not rooted in that, whereas the people in America are still a religious people; but the government has in effect tried to impose a secular alternative on this.

Let me look at the role of faith in social services. In fact, if religious organizations had not stepped in in the education field, all of our major universities were religious universities to begin with. They are not now, but Harvard and Princeton and Yale, all of these universities were founded as religious universities. All the major social organizations, hospitals, child abuse, juvenile centers, all of these things in America were religiously founded.

The book ''Tragedy of American Compassion,'' by Dr. Marvin Olasky, is a brilliant exposition of how we went from a basic religious-based provider of social services to the government taking over most of those options.

Now we had a terrible Depression. There were other things that were occurring as well, but he highlights how some of it has been a substitution of character mixing with private charity and helping others to a government takeover of social services initiatives.

I commend all of Dr. Olasky's books to us. He has a great book on compassionate conservatism that is probably the best single book out on that subject right now. He has several books on leadership and some of the American heritage to understand the mixing of how faith was so important in our country.

Going back to the social service providers, what has happened is government has taken over more of the social service providing. They do not have the character mix. I am not saying government employees are not committed, but they are not going to stay there in the evening. They often will move back to their suburbs rather than live and work in the communities where the problems actually are. It is a different type of commitment. It is not leveraged with private funds.

On top of that, what it has done it has absolved the rest of us from our obligations to help those who are hurting and those who have problems. We say now it is the government's business. It is partly because our Tax Code is high and partly because we see all of these billions of dollars being spent in the social programs; therefore we do not have to do it. But let us not kid ourselves. Part of this is an excuse. It covers our selfishness, and we have allowed the government to step in and provide social services that are really our responsibility as well.

I am not saying there is not a government role. Obviously, a safety net is needed; but it can be a supplemental role. President Bush is not proposing to have government replaced. He is proposing to have an additional add-on and to add the hearts and compassion of the America people on top of our tax money that is going to this. That is what we are trying to do with this, is to expand the base of how we do social services.

I want to read a couple of examples from World Magazine of which Dr. Olasky, who I referred to earlier, was one of the original founders. World Magazine is probably the best of the evangelical publications now. It is kind of like a Time Magazine for Christians, for lack of a better word. This week's issue, June 16, has a feature on compassionate conservatism and particularly looking at a lot of things related to this initiative of President Bush.

One of the articles is on Teen Challenge, and let me read a little bit about this. Then I am going to relate these into the larger question of how faith-based organizations and community solutions work. Quote, ''Just tell them it is a spiritual bootcamp,'' responds the man who runs the Teen Challenge. It is a 4-month induction phase to the 12-month Teen Challenge program. The New Orleans center serves as the ground level, weed-out program that grabs drug users off the street and incubates them in Biblical teaching. Those who stay off drugs and complete daily Bible lessons receive gold stamp certificates and a bus ticket to another 8-month training center that offers intensive Bible study and job skill training. Only 20 percent of the residents who enter the Teen Challenge program graduate after 12 months. Of those graduates, 86 percent remain drug-free 7 years after graduation, according to a study done by the National Institute of Drug Abuse in 1975 and later confirmed by university studies in 1994 and 1999.

''At this place, we deal with the problem of sin, not its effects,'' says Mr. Pallitta. The only way to change sin is through the deliverance power of Jesus Christ.

We had Teen Challenge at one of our committee hearings. They are one of the only programs that have been steadily audited by different groups who cannot believe their success rate because we are told, you mean clean for 7 years? That is amazing compared to our drug programs.

It is a difficult question because it is clearly an overtly Christian program. How do we deal with that in this Community Solutions Act and the faith-based initiative? That is part of what I am going to talk about as I develop tonight's Special Order.

Now here is another story. This one is in Dallas, a crime-infested area in Dallas. It says, ''We use Biblical principles to help children develop leadership skills,'' he said, explaining that there are no neighborhoods or parks in the area; just 10,000 apartment units that often host drug gangs and prostitution rings. These children are exposed to so much. Everything you would not want your child to see is right outside in the parking lot. It says that these children participate in community service programs, in a youth choir that performs at local nursing homes and malls. David Pruessner, a 45-year-old lawyer volunteer who teaches chess, quote, ''You have to learn to develop a strategy and think ahead.'' During the summer, he gives group lessons to 20 students at a time using ten game boards and hand-made wall charts but teaching about God is at the center of the program, for Mr. Gaddis states that the gospel is the only thing that really changes lives.

Now here is another story in this same issue of World Magazine on the Good Samaritan Center, actually Good Samaritan House in Orlando, or actually Sarasota, Florida. It says, at the Good Samaritan House, ''The right direction begins with a set of simple, nonnegotiable rules.'' Residents must remain alcohol and drug free and accompany Mr. Cooley to church and Bible study weekly. They must secure a full-time job or work as day laborers at a local temporary agency until they find permanent employment.

GSH residents must pay rent, $6 a night after their fifth free night of shelter. While they may spend a little money on personal needs, the men must save much of their earnings with the goal of becoming economically independent of this house. The rules include: in bed by 10:00; no foul language; no fighting; and no women, presumably at least outside of marriage.

I wanted to illustrate some of these examples because you can see that many of these groups are effective. How does this relate to the government

and how do we work through this question of religious liberty in America, because it is illegal to use taxpayer dollars to do proselytization or to do direct, overt funding of Christian activities or any other religious activities with taxpayer dollars. It is unconstitutional.

So how do we work through these? What you would think, from many people's criticism of this program, is that this is the type of thing that we are directly funding and we are directly funding the proselytization, but that is not the case.

Let me walk through a little bit first some of the legal questions. David Ackerman at the Congressional Research Service has probably done the most work on this subject. His most recent is April 18, 2001, analyzing this charitable choice part of the debate. There are three parts to this that I want to illustrate in this section.

The first is what is happening now. As he says in this document, that in the past, because contrary to public impression many faith-based organizations, hundreds and thousands of them, currently are involved in government. So what is this debate about? Well, the debate is that, as he says, these organizations have in the past generally required programs operated by religious organizations that receive public funding in the form of grants or contracts to be essentially secular in nature, essentially secular in nature. That means, for example, religious symbols and art had to be removed; religious worship instruction and proselytizing have been forbidden. Therefore, they are not really when they are doing these religious organizations anymore. So many religious organizations do not even apply to do social service work in any government grant program because they basically have to become, as is stated here, essentially secular in nature.

So what is the President proposing to do, and what are we going to look at here in the House? People think of it as just this charitable choice, but it is to help States set up their own versions of faith-based and community initiatives. It is to help implement the charitable choice measures. It is to help pilot programs in this, but it is also a whole series of tax initiatives including giving nonitemizers the right to claim charitable deductions; to permit tax-free withdrawals from IRAs; to have individual development accounts; to encourage States to adopt charitable gift tax credits; to increase the charitable donation from corporations to 10 to 15 percent. It is a series of tax incentives as well, and then also technical assistance to small community and faith-based organizations.

So are those things unconstitutional?

Now what David Ackerman writes, and this is the fundamental kind of guts of the argument, he says, more particularly, the Supreme Court now appears to interpret the establishment clause in a manner that does not automatically disqualify pervasively sectarian institutions from participating in direct aid programs and perceives them as able to honor restrictions to secular use even without intrusive government monitoring. But the court's revised interpretation still requires that direct aid be limited to secular use by recipient organizations and the court has left open the possibility that other limitations may apply as well. Moreover, all of the justices have expressed doubt that direct money grants to pervasively religious entities can pass constitutional muster.

The standards governing indirect aid, however, do not appear to have changed. Some aspects of the charitable choice proposals that have been enacted seem to satisfy these requirements. The provisions do not give religious institutions any special entitlement public aid but simply require that they be considered eligible on the same basis as nonreligious institutions.

In addition, they all bar the use of public aid for sectarian worship, instruction and proselytization; i.e. they require that the aid be used only for secular purposes. Then it is constitutional.

What we have been working through the last week in particular is some concerns regarding the original drafting of the bill and whether it met these constitutional questions.

Now let me illustrate some of the types of things that we are working with. To give you an example, there was a report that an official of the Department of Housing and Urban Development wrote to the bishop in charge of the St. Vincent de Paul Housing Center in San Francisco asking them to rename the building the Mr. Vincent de Paul Center because they got a government grant. That is how ridiculous some of this is getting.

In another case that was reported in the Washington Post January 28, 2001, in a George Will column, a city agency notified the local branch of the Salvation Army that it could be awarded a contract to help the homeless only on the condition that the organization remove the word ''salvation'' from its name.

Now those are extreme cases, but more generally the problem has become, as Dr. Amy Sherman has said, charitable choice, most important effect thus far, is that it made the collaboration plausible for those within government and the faith community who had previously assumed such partnering was somehow outside the bounds of constitutionality under their misguided interpretation of the first amendment.

In other words, much of this has not been unconstitutional. It is that people did not realize it was constitutional. So that was kind of attempting to address some of the constitutional questions.

Now let me explain and review again this mix of what we are trying to do with the Community Solutions Act.

First, and this is first because it is the most dollars and the most important, it is not government. It is the private sector.

Secondly, it is tax incentives, because the best way to help the private sector is to encourage more charitable giving. Then we do not have the debate about whether or not government is involved or not, and there are more dollars than the government will have in it.

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Thirdly, it is technical assistance for small communities and churches. There are lots of Hispanic and black churches in urban America that have 15 to 50 people in them. They do not have CPAs and accountants in their churches. They do not know how and when the government grants are coming. They need technical assistance, so, one, they do not get sued, and, secondly, so they can figure out how to be eligible for the grants.

Then we come to charitable choice. Let me go through each of those a little bit in particular here. First let me deal with the question of corporate philanthropy. This has become highlighted because of a speech that President Bush gave at the University of Notre Dame, as a graduate I would have to say arguably the best university in the United States.

But he chose that to address the question of why corporations have not been allowing, they do not allow their corporations to give to faith-based. In other words, we can complain about government, but Dr. Michael Joyce, who has been a leader in a lot of these things, Michael Joyce was with the Bradley Foundation and is now working with the Capital Research Center and other groups, and he is the person who called this to the attention of President Bush.

Listen to some of our biggest corporations in America and their standard for corporate giving, and then we can talk about the problem of faith-based, but let us first look at what is happening in the private sector. When the government starts to separate faith, but it is even the private sector that separates.

General Motors, number one in corporate giving, declares contributions are ''generally not provided to religious organizations.''

The Ford Motor Company fund, the number three corporation, ''as a general policy does not support the following religious or sectarian programs for religious purposes. That is in the same undesirable category as animal rights organizations or beauty or talent contests.''

So Ford and General Motors do not allow their funding to go to faith-based organizations.

The fourth largest, Exxon-Mobil, explains, ''we do not provide funds for political or religious causes.'' That is not exactly true, since the company touts its support of environmentalists, advocacy groups for women and groups performing ''public research.'' But no money for faith-based organizations.

But IBM, the number six corporation, ''does not make corporate donations or grants from corporate philanthropic fund to individuals, political, labor religious or fraternal organizations or sports groups,'' and many faith-based groups also have trouble with the last two words of IBM's ban which says that they will not give any money to organizations that discriminate, for example, on gender and sexual orientation, which means faith-based organizations like the Catholic church that do not allow female priests or any religion, which is most major religions, including Christianity, traditional orthodox Judaism, Muslims, on homosexuality. So they are ruled out because they have ''discrimination.''

So we have General Motors, Ford, Exxon-Mobil, IBM, saying no donations to faith-based groups. No wonder we are having a problem with faith-based groups getting funded. As Michael Joyce told the President, according to this article, ''I said the President is both the President of the government, but also President of the Nation. There is a huge private sector that spends billions emulating what the government does.'' So our lack and kind of our trying to separate ourselves from faith has resulted in the private sector also separating themselves from faith.

Now one of our colleagues here, the gentleman from Wisconsin (Mr. GREEN), has developed legislation which I am thrilled to cosponsor, and I praise him for his initiative, to try to have Congress go on record saying this is wrong out of the private sector. We need the private sector and the corporate sector leading in the effort to try to get more money to the people who are effective at the grassroots or actually changing people's lives.

Now, the second part of this is the tax incentives. I was in an earlier life in the eighties the Republican staff director of the House Committee on Children, Youth and Families, when Dan Coats was the ranking member, former Congressman and Senator.

We came to the conclusion after looking at so many of the problems in the United States that there was going to be a limitation on how far the Federal Government and even state governments and local governments are going to be able to go in assisting in solving our tremendous problems in this country, and that the best way to achieve this was going to be through faith-based organizations and the best way to achieve that was going to be through assisting in the Tax Code.

Let me give you an illustration. It does not matter whether the state has a Republican Governor or a Democratic Governor or who controls this Congress. We have not increased funds outside of education for most of the social problems in America to keep up with the problems of child abuse, with runaways.

There is not a probation department in America that does not realize that their caseload per probation officer is increasing. In Indiana, we are now entering, I think it is our 13th year of Democratic governors, and we have seen more money for education, but not for rehabilitation, not for a lot of the family services, not for child abuse, not for how we deal with the people when they are in prisons and try to help them; that no matter which party you are at the state level, we are a little slow here in Washington, you are saying the only way we are going to be able to address these problems is if we can extend the government dollars and get the faith-based groups involved.

The most direct way to do that, I have an act that we call the Give Act to try to increase the value of the charitable deduction. When I worked for Senator Coats, we developed the charitable tax credit. Senator SANTORUM and Senator LIEBERMAN in the Senate have introduced this Community Solutions Act as a tax bill, and as I mentioned earlier, it is part of our Community Solutions Act in the House. Arguably the most important.

Now, I am disappointed that we have cut back the President's proposal so much than the non-itemizers, but I understand we are under tremendous budget pressures. I am still enthusiastic about the bill. I will take whatever we can get.

But I am disappointed that we were able to come up with tax cuts for other groups, but not where we really need it in a lot of the social programs where the people are hurting the most, and I hope we can continue to increase that over the number of years, and I hope the President will keep the pressure on in the Senate, and in the next few years to increase that if our surplus continues to come in the way it is.

But the tax incentives and the private sector philanthropy, plus the efforts of Steve Goldsmith and now Les Linkowsky in a lot of everything, from AmeriCorps to a lot of the other public service things, in addition to the President's proposals in each department to see if the departments can look at how they can extend staff to help on faith-based, those are actually the biggest part and the most important part of the Community Solutions Act.

The next part is this technical assistance question. We have $25 million I believe in the bill to go to HHS. The President is also, I believe next week, having mayors in to talk about what they can do at the local level. We are encouraging states to set up initiatives.

It does not all have to come out of Washington. Most of the best execution and the better ideas do not come out of Washington, they come up towards Washington. Part of this is how are we going to help? The fundamental thing we are trying to address here really is how do we help those who need the help most and what is the gap?

One of the gaps is that we see at the grassroots level, even in the worst cases, as my friend Bob Woodson always points out, all you guys down there seem to do is focus on the failures. Why do you not focus on the successes?

When you look at the successes, in the worst places, I got challenged once by Bob when I first came in as a staff director and he said, ''Don't be a typical white guy who sits on your duff and pronounces what is wrong in our urban centers. Go in and talk to people who are successful and figure out what is working.''

When I have been into Harlem and Brooklyn and inner-city L.A. and in Detroit and Washington and Baltimore and most of the major cities of the United States over the last 15 years as a staffer and Member and talked to people, in the worst places possible, there is always a success story there. There is always somebody who is not failing, who is succeeding. At least 40 percent, even in the worst cases, are succeeding.

I remember one study by, I think it was David Farrington out of England, that if your parents are not married, one of them is gone from your home, they both have been in prison, they are both abusing drugs, neither are employed, and the chances of that child getting caught up in the juvenile delinquency system are only 33 percent. What happened to the other 67 percent?

Well, usually they got involved in some sort of a mentoring and faith-based hook. The fact is that success stories are when there are two parents involved, or when there a faith-based mentor involved, or a church involved, and there is work. We know what the keys to success are. We have to build on those successes, rather than trying to reinforce the failures.

Now, part of this is how do we help those little organizations? Pastor River's organization in Boston, they talk about how they have helped reduce the number of killings on the streets and so on, and you hear all these government programs bragging about it. But most government programs abandon that area and their neighborhoods in downtown Boston and the inner-city areas about 5:30 or 5 o'clock, maybe even at 4:30. The people who are left there are the people in the community and the churches.

But they do not get the grants. How do they know between June 15 and June 30 there is a grant on juvenile delinquency? How do they have the time or knowledge to write out the grant proposals? What we do in small business? For example, when I was in my 2-year MBA program at Notre Dame, one of the things we did in small business was we went out as students, and part of our requirement was to go out and help people prepare the grant requests.

We have microenterprise centers to help small businesses and start-up businesses get started in a lot of these communities to do that. Why do not we have that in social services? That is partly what the President is talking about in his compassion fund. That is partly what the President is talking about when he says the agencies need to help that.

We need to have the creativity and the entrepreneurship and the reinforcement in the social areas if we are really serious about addressing the problems, like we do in trying to provide jobs for people. The two things go hand-in-hand. Part of the solutions are economic and part of them are in here.

Broken families, you cannot educate somebody or you cannot educate a child if they are being beaten at home. If they are worried about whether their parents are going to get divorced, if they do not know where they are going to get their evening meal, it is pretty tough to educate them. It is a social problem and an economic problem, and we have to address both of themselves.

I hope our universities, one of my dreams is that some of the universities would say, look, we are going to work with some tech centers, we are going to have our students spend some volunteer times in the communities helping these small groups figure out how to apply for some of the grants, how to raise the private money from the philanthropic groups as they become more sensitive to the need for faith-based organizations.

So that is the technical assistance questions, because we have to come up with some creative ways to address that.

Now let me move to the most controversial part, which is charitable choice. So the basic question is, if someone chooses to attend a faith-based program, why should that be denied? That is really the fundamental question here. If you want to go in a drug treatment program and go to a faith-based program, why should that be denied?

For example, if you want to go to Salvation Army center for the homeless, why should you be denied that, if you want to go to the rescue mission. If you have a child care program and you want to go to a Catholic sponsored child care center, this include a hospice for the elderly, respite care, housing for people dying or trying to recover from AIDS, programs for juvenile delinquents.

If you want to go to a faith-based programs, why should you not be able to go to a faith-based program? Faith is a big part of most American's lives, whether it is Christian, Jewish, Muslim, Buddhist, whatever it is, why should you be denied, particularly at the time of your greatest crisis, any access to faith if you so desire?

Let me go through some of the difficulties with this. As I said before, one of the questions is, can you use my money, for example, I am a committed evangelical Christian, can you use my money to fund a Muslim program? Quite frankly, I do not want to fund the teaching of the Koran, but the money cannot be used for proselytization, and if we are trying to figure out how to help somebody who is dying from AIDS and provide a hospice shelter for them or recovery center when other people will not care for them, and they are Muslim and they want to go to a faith-based organization, and I am not being forced into that, and they cannot use my money for proselytization, why should I care, if that is what is going to be most effective and what that person wants?

Now, a key part of that, which is one of the things we have been battling about in this bill, is you have to have a choice. Let me give you a couple of illustrations with this.

I have a son, Zachary, who is 7th grade moving into 8th grade. Let us say his junior high has an after-school program, and so many of us are used to thinking of it in a different way, so let me phrase it this way. Let us say that the group that wins the bid for the after-school program is Muslim.

He comes home at night and tells me, hey, after we got started with the program we bowed down to Allah and had a prayer to Allah, and then a little later we had a study on the Koran.

I call up the school and say, what in the world are you doing, putting my son in an after-school program where they are bowing down to Allah and studying the Koran? They say, oh, that part was done with private money, not with Federal money.

Ha, I do not care. My son was in the middle of the program. You mean, he would have had to step out and have a big mess so he did not get up and embarrass himself in front of his friends? Look, if this is an after-school program and everybody is in there, you cannot mix it that way.

But now what if there were two after-school programs? What if he had the option of which one he wanted to go to, and there was a secular option, why should not those kids who wanted a Muslim program be able to go to a Muslim program? Not really a very good reason why they cannot, but you do have to have the option or clearly it is unconstitutional in my opinion.

Let me give you another illustration. A nutrition site, say, in Fort Wayne Indiana, not one of the more international cities of the world, but changing like the rest of the country. We have had a lot of influx of immigrants. Most people think, oh, Mexican and Central American Spanish-speaking people.

No, we have a problem, because in some of our areas, a problem in the sense the fire department talked to me about language problems, but it was not about the Spanish language. It was about the fact we have had the largest population of dissident Burmese in the United States in Fort Wayne, and one of the housing complexes on the north side of town is about half Burmese. Interestingly, what Chief Davey was talking to me about was the other half roughly of this complex, which are Bosnian.

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Now, if we put a nutrition site in Fort Wayne, Indiana; admittedly, a mostly Anglo, mostly Protestant and Catholic city, but in that area, if you do a nutrition site and it was faith-based it would probably either be Buddhist or Muslim. Now let us say you are a Christian in that neighborhood and the only nutrition site is either Buddhist or Muslim, you have a problem. But if you have a choice, which is critical to the faith-based option here, it is not a problem. If the Bosnians who come to Fort Wayne organize themselves, and I am not saying they do, but if they organize themselves around a Muslim church, or if the Buddhists are more comfortable with their faith in having something, say a respite care center that teaches the pacifistic and relaxing attributes of Buddhism and that is what they want for hospice care, and there is an alternative for the other people in the neighborhood, why is that wrong? It is part of their institutional strength of what a community builds upon. Faith cannot be separated from life for most people, regardless of what their faith is, somewhere around 80 to 90 percent of Americans of all types and all heritages and all religions.

So one of the things is we clearly have to have a choice, but we have to understand, those of us who are in the majority, that we are not always going to be in the majority in a given neighborhood and that religious liberty means religious liberty. Now, one problem that some conservatives are having with this is that say, what do you mean a Buddhist group can be funded? Hey, that is what religious liberty is. If this organization is the best to address the problems of that community and people want to choose that, that means it can be Buddhist or Muslim. It does not just mean that Christian organizations are going to be funded in this bill;

it means that any religious organization, as long as there is another provider, has the flexibility to do that, because faith means faith. It does not mean one kind of sectarian faith over another kind of sectarian faith. It has to be balanced. There has to be equal opportunity. And that goes in both directions.

If I am saying that if you want to have a Christian program or a Jewish program or a Muslim program or a Buddhist program, and you have to have a secular alternative, you ought to also have the opportunity, if there is a secular program, to be able to opt out and choose a faith-based program. It goes in both directions. We keep hearing here how you cannot have people forced into a faith-based program. Well, they should not be forced into a secular program either if they want to opt out and take that choice, for example, in drug treatment.

Now, one other thing that we have been debating here, and this is another very ticklish situation, is should the grants go directly to the church or should we set up 501(c)(3)s, meaning an independent entity much like Catholic charities or Catholic social services, Lutheran social services. Those are big churches, big denominational setups. Okay. Now, let us take an African American church in inner city Philadelphia like one of our witnesses was that is small, maybe 70 people. How do they set up a 501(c)(3)? That is our technical assistance question, and this is a very difficult question, because we need to help them set up a 501(c)(3), and what I have become aware of as I have worked more with this issue and I have carried charitable choice bills to the floor now about four times, is we have to be very careful we do not suck the church into a very ill-defined and increasingly changing court decision-making process on what constitutes the flexibility of religious freedom.

Now, for example, the bottom line is I do not want to sink the church in the name of faith, and that could happen here if we are not careful, because there are very difficult questions. Would the church be covered by minimum wage laws? Some say of course it should be covered by minimum wage laws, but what does that mean? We have run into this with a number of religious children's homes. What it means is you get paid for 40 hours and if there is a problem at your home and the kids need help and your 40 hours is up and the church does not have more money to pay you, you have to leave, regardless of what the problem is, because you are not allowed to volunteer. That was meant to protect workers in the United States from corporations taking advantage of them and saying, okay, your 40 hours is done, now I need you to stay a little bit of overtime and we are not going to count it because we are not going to pay you. It was meant to protect workers, but it has never applied to churches, because many people in the churches are volunteers and working for the church. Probably there are very few church secretaries, very few church staffers who do not both get paid for a certain number of hours and then volunteer when there is a revival, volunteer to take kids to an amusement park. You cannot do that if you lose your religious exemption.

Another tough question. As I mentioned earlier, some religions, some major religions, both in Protestant and in Catholic faiths and big parishes and churches believe in a very tough thing to say today, but in sex discrimination, they believe that in certain positions, there should not be male nuns, for example, and do they have the right to maintain their religious freedom. If the church gets sucked into that and gets government money, this is a tough, tough question.

One of the most hotly debated subjects in America today is homosexuality, and many, many, if not most faiths, still believe that that is morally wrong. They have the right in America as a church to have that view. If we put government money directly into the church, we endanger them, depending on where the court moves, on this subject, if they have a 501(c)(3) as a separate entity that receives it. The clarity is still being sorted through, but the church mission itself will not be at risk.

Now, the closer the 501(c)(3) is to a direct faith initiative; for example, Catholic schools basically are exempt also for the most part because of the religious exemption, because the mission of the school is very faith based. But the degree you move, for example, to an exercise class or if a church moves to say a Pepsi bottling plant, the farther they move away from their basic mission, the more they are covered by sex discrimination laws, minimum wage laws, and a very difficult one, hate crimes laws, because how we define that in America has become increasingly flexible and puts those who have strong views on certain moral issues in potential risk. These are crucial matters of religious freedom and how we draft this bill and move through is very important, because we do not want to destroy the church.

Now, a fundamental question here is, and I would suspect that many churches will not apply. Nobody has to apply for a government grant. If any church is fearful that they could be drawn in, then do not apply. It is very simple. You do not have to get caught up in this. But I believe, as in multiple votes here generally speaking with a margin of about 290 Members supporting, it has ranged from probably 240 to 300 and some, have supported charitable choice, because we believe that ultimately, it is going to be impossible to address the problems in this country without the help of faith-based initiatives, and I commend the President for his Community Solutions Act.

Let me finish with two things. One is a further quote from Michael Joyce. It is an article about him, and I will insert the full article from World Magazine into the RECORD at the end of my remarks.

Joyce says, ''Ordinary people understand this really well. We take human nature into account. We understand humans as they were wrought by God. These people wish to remake them,'' he means the government, ''and rearrange them. It is like that line in a Bob Marley song: 'Don't let them rearrange you. That is why they fail.' ''.

They are not accounting for the basic human emotions and needs and beliefs of the American people in many of these government programs.

One of the most moving things that I have had happen to me in my life was the first time I visited Freddie Garcia and Juan Rivera at the Victory Life Temple program for drug addicts that they operate in San Antonio and now throughout Texas. Admittedly, this illustrates several things. This program would not be eligible for a direct government grant, period, because it is overtly faith. They would benefit from corporate philanthropy, they would benefit from the tax exemptions, but this is why so many of us feel that faith-based things have to be involved in any programs.

I have just visited Johns Hopkins where they told me you could not go off crack cocaine without tremendous effort. I met in one day at least 150 former addicts who went cold turkey because they gave their lives to Jesus Christ. I met them in housing complexes. I met them in churches. I met them in neighborhoods. It was extraordinary. They told me over and over, we were dealers. Generally speaking, when I would come into the different housing complexes or places where they were, they would say, can we get you a drink of water, and I would say either yes or no, depending on if it was a hot day in San Antonio, and they would say, can I tell you how I met Jesus Christ? I was lost and he turned my life around. They do not operate a drug treatment program, they operate a turn-your-life-around program which gets people off drugs. Nobody disputes that they have the best success record.

Later that evening, after having met, like I say, 150 to 200 people, I was with Juan Rivera who was telling me his story, how he went cold turkey, and we were in this little building with the sandy streets around it, he talked about this tree where he first read the Bible and he was in his backyard, at the backyard of that, and I pictured kind of a woods and it was just one barren tree with sand everywhere, a little different than the Midwest, and he said how he just is so thankful because he

was on multiple drugs, how his life was a mess, like many of the others had told me, and he said, I was going to be a dead man. He said, now my life has changed. And I said, I am really embarrassed, because I have had a great life and I am not thankful enough. And he said, you should be ashamed and I said, well, I really am ashamed. He said, my dream is that some day my kids can have the opportunity that you have.

When we see people who are hurting in drug abuse and we see people who do not have opportunities; part of the reason we started government programs was in the area of AIDS because many people would not help people with AIDS because they thought they could catch it and only the churches went out because they were confident of their souls, so they were willing to take the risk, so they reached out, and that is partly how the government got involved in faith-based organizations, because only the Christians and the Buddhists were early on too, in the area of AIDS.

Then in the area of the homeless. We do not have enough dollars for the homeless. Organizations like the Salvation Army and the rescue missions and churches reached out to the homeless. We are going to tell these people, because faith is mixed in, you do not even get the option of going to faith based?

This has been a tragedy to watch how America went from Founding Fathers, from Congresses where we put Moses there and ''In God We Trust'' behind us, to the point where our major corporations in America will not even let their contributions go to faith based; where we have to fight about the Tax Code, where we have to try to get help for faith based and people object. If there is a guarantee you have another option, and if there is a protection, that people would still oppose faith-based groups getting in. You either care about people and want to help them in every way possible.

Mr. Speaker, I support the government programs that try to reach people, but we also need to strengthen our private sector. I hope that we can pass soon, and I am thrilled that President Bush has made this such a key part of his agenda, and I hope the House and Senate will have the courage to move forward with this.

[From World, June 16, 2001]

FRONT-LINE REPORTS

(By Marvin Olasky)

One journalism newsletter complained recently that reporters have overquoted me during this year's debate about President Bush's faith-based initiative. I agree. Reporters shouldn't be basing their stories on what Barry Lynn of Americans United for Separation of Church and State says. They shouldn't be basing their stories on what I say. They should be going out into the field and talking with people fighting poverty at the front lines.

That's what WORLD is trying to do this year with stories of four kinds—and over the next 22 pages you'll see examples of each. The first kind illuminates the debates going on within religious anti-poverty groups as they think through how to respond to the faith-based initiative. As the following story about Teen Challenge shows, evangelicals are not easily led, and the questioning is intense and good.

The second kind documents the perseverance of some social entrepreneurs. Journalists not familiar with their activities sometimes assume that the poor must wait on the lords of government. The articles beginning on p. 76 show how individuals—Mo Leverett in New Orleans, Ray and Carolyn Cooley in Sarasota, and Vincent Gaddis in Dallas—have created programs that inspire both those in need and volunteers willing to help.

The third variety extends the boundaries of compassionate conservatism to areas sometimes seem as apart from it. The day-to-day work of crisis pregnancy centers is probably the clearest example of compassionate conservatism around: Counselors suffer with individuals in need, working to save bodies and souls. Our story on p. 84 tells more about the major technological boost those counselors are now receiving.

While we roam the countryside we try through a fourth kind of story to cover the debate inside the Beltway, but even there we want to go beyond the usual suspect themes. In that vein we conclude this section with a look at visionary Mike Joyce's battle to get corporate and foundation givers to drop their frequent discrimination against religious groups.

[From World, June 16, 2001]

TEEN CHALLENGE'S NEWEST CHALLENGE

(By Candi Cushman)

''If all you're looking for is an oil change, this isn't the place. Because the oil will get dirty again,'' says dark-haired Enzo Pallitta, speaking with a thick New Jersey accent and dramatic hand mannerisms. ''Listen closely,'' he says, leaning over his desk and staring at his listener. ''This is not just about getting clean. This is about changing your lifestyle.''

Mr. Pallitta isn't selling cars. But as an ex-heroin addict turned Christian counselor, he doesn't mind high-pressuring the addicts who walk through his door. ''I don't like to give them time. I've seen so many guys walk out the door, get shot, or pop a pill and overdose. I'm trying to reach them before the cycle begins again.''

After drifting through six secular treatment centers, Mr. Pallitta broke his own cycle in 1995 by checking into Teen Challenge, a Christian drug-rehabilitation program. Founded 40 years ago by a Pentecostal minister, Teen Challenge has over 300 worldwide affiliates, including 147 U.S. chapters. At the New Orleans affiliate, Mr. Pallitta and six other ex-addicts run a street-front operation in the heart of the Ninth Ward ghetto. Their office—a weathered, two-story clapboard home—faces a grungy concrete bar called Paradise Lounge and rows of dilapidated wooden homes whose occupants sit in metal chairs beneath brightly striped awnings.

This morning's walk-in—a thin blond man in his late 20s with long sideburns and bleary eyes—slumps in a chair across from Mr. Pallitta and stares at the wall. He can't seem to kick his six-year heroin habit, he says, and his parents don't know how to help him. ''I stayed away from it for five days, but I crashed this weekend. . . . I need help, but I'm worried my dad won't like this place. He wanted me to go to a boot camp.''

''Just tell him it's a spiritual boot camp,'' responds Mr. Pallitta. As the four-month ''induction phase'' to the 12-month Teen Challenge program, the New Orleans center serves as a ground-level, weed-out program that grabs drug users off the street and incubates them in biblical teaching. Those who stay off drugs and complete daily Bible lessons receive gold-stamped certificates and a bus ticket to another eight-month ''training center'' that offers intensive Bible study and job-skills training.

Only 20 percent of residents who enter the Teen Challenge program graduate after 12 months. Of those graduates, 86 percent remain drug free seven years after graduation, according to a study done by the National Institute of Drug Abuse in 1975 and later confirmed by university studies in 1994 and 1999. ''At this place we deal with the problem—sin—not its effect,'' says Mr. Pallitta. ''And the only way to change sin is through the deliverance power of Jesus Christ.''

Drug addicts aren't the only ones undergoing change at Teen Challenge. As a poster child for President Bush's faith-based initiative, the organization has received unprecedented media attention in recent months, and as name recognition increases so does scrutiny. Critics note that many staff members are ex-addicts whose only degree is a Teen Challenge certificate. That, worries the liberal group People for the American Way, ''could nullify state regulations for substance abuse professionals by requiring states to recognize religious education as equivalent to any secular course work.''

The complaint marks the latest round of volleys fired at President Bush's efforts to allow faith-based social-service programs to compete for federal funding. At first, left-wing groups argued that putting Christ-drenched programs like Teen Challenge on a level playing field with secular programs amounted to state-funded ''proselytism.'' John Dilulio, head of the White House faith-based office, placated them in February and March by guaranteeing that programs like Teen Challenge wouldn't be eligible for grants. But after conservative pressure forced him to reverse that policy, opponents discovered another buzzword, quality control. At issue is how much oversight Uncle Sam should have over Christian groups that accept funding.

As a preemptive strike, Teen Challenge leaders have pushed voucher-style funding and prodded their own centers to adopt higher standards. The question is, can Teen Challenge accept more regulations without diminishing the grassroots flavor that makes it so effective?

All Teen Challenge affiliates currently follow 80 standards outlined in a 28-page manual published by the organization's national office in Missouri. Affiliates must keep written job descriptions and evaluations of each staff member, maintain student files for at least five years, and record each discipline ''incident'' and individual counseling session. They must also adhere to their own states' health and safety codes and pay for annual independent audits. To guarantee adherence, the national office collects monthly financial reports and conducts on-site inspections every four years.

This self-regulation is burdensome enough without adding onerous oversight from Uncle Sam, says Greg Dill, the New Orleans director. ''I'm already struggling to pay for the audit, which costs me $3,000 each year,'' he said. ''If they throw in another 10 regulations, that would be fine. But if they throw another manual on the table, that's another matter.''

Mr. Dill's center is cramped but clean. A tiny reception area doubles as a dining room filled with plastic round tables, fish tanks, and maroon couches. At the door, two parakeets greet visitors with cat calls they learned from the residents. Upstairs, 14 men wait in line for three showers and share three bedrooms, but each has his own bunk and closet space. Residents begin their day at 7:00 a.m. with group prayer, breakfast, and household chores followed by eight hours of mandatory Bible study, chapel, and choir practice, even if they can't sing. (''They have to learn to praise God instead of just asking Him to fix their problems,'' says one employee.)

At 8:30 a.m., they squeeze around an upstairs conference table covered with Bibles and spiral notebooks. Behind a small wooden podium stands Brother David Sampson, a 6-foot-2, 220-pounder with lots of gold rings on his fingers and a heavy silver cross hanging from his neck. ''Some of you guys figure, OK, this is Christian and that's good as long as I'm getting out of jail,'' says Brother Sampson. ''but the real jail is not a place; it's your mind. And if your spirit doesn't change, then your mind won't change.'' Brother Sampson ends his lesson with a commentary on the book of Romans: ''That guy Paul, he knew something.'' he concludes. ''He knew that no one becomes a Christian by accident. God never tricked a person into becoming his follower. This isn't a Burger King, 'have-it-your-way' religion.''

As the on-site ''dean of students.'' Brother Sampson teaches and counsels drug addicts eight hours a day. But he doesn't have a college degree. His qualifications are 15 years of street experience as a homeless crack addict and three years of Bible classes. After graduating from Florida's Teen Challenge training institute in 1995, he became a certified teacher making $50 a week. (''It's not that we're opposed to hiring MSWs [master of social work], it's just that most MSWs didn't go to school to make $50 a week,'' said Mr. Dill, who also graduated from the program. ''This is a ministry, not an occupation.'')

Mr. Dill and his colleagues are what national Teen Challenge leaders call ''street fighters''—ground troops working on the front lines to rescue prisoners from enemy territory. Street fighters aren't concerned with national strategy or whether the battalions are appropriately equipped; they simply want to save lives at any cost. ''Without them this organization would just be another institution. They are the only ones who can reach the people we want to reach,'' said Dave Scotch, the Teen Challenge accreditator, Problem is, most feisty street fighters tend to resist outside mandates. ''We're still trying to resist outside mandates. ''We're still trying to get them to wear our national logo,'' sighed Mr. Scotch.

And now he wants to convince them to accept more regulations so Teen Challenge can compete for faith-based funding. Texas became the first testing ground recently as some 40 Teen Challenge directors met for a southwest regional conference at the gleaming white Calvary Temple building in Irving, a Dallas suburb. ''If Teen Challenge is going to climb the mountain, we've got to learn to live with change,'' insisted Teen Challenge's president, John Castellini: ''Say, change.'' Some 40 directors mumbled, ''Change.''

A balding minister with bushy eyebrows and round cheeks, Mr. Castellini was trying to unite the independent-minded street fighters in a willingness to apply for government funds in order to expand their programs. He started out treading lightly, first telling a few introductory jokes about his grandchildren and reading a news article about how hotels earn five-star ratings. Then he levied the final punchline: ''You just think you've been inspected now. But just wait until this faith-based initiative takes off,'' he said, adding that some centers might need the pressure: ''The parents are the real inspectors. Can I be very honest? I would not drop off my son or daughter at some Teen Challenges.''

That comment irritated some directors, who still have fresh memories of their less-than-glamorous beginnings. ''When we first started, our place was dirty and run down, and all of our staff were wearing 15 different hats. But you know what? People got saved, delivered, and set free,'' argued Jim Heurich, director of the San Antonio affiliate. ''My concern is that we are going to be so evaluated that we are evaluated out of business.''

''Go Jim,'' whispered someone across the room. Mr. Castellini remained unfazed. ''We should treat the government like any other private donor and be accountable,'' he said. ''The government consists of taxpayers.'' Mr. Castellini believes the extra funding and added legal protection provided by faith-based legislation will outweigh the cost of conformance to regulations as long as those regulations don't change the Christian emphasis. But local affiliates remain skeptical.

Mr. Heurich has good reason to feel skittish. In 1995, state officials tried to shut down his San Antonio center, even though it was not state licensed, did not receive government funding, and defined itself as a ''discipleship program.'' After a much-publicized rally at the Alamo (see WORLD, July 29, 1995), then-Gov. Bush came to the rescue, pushing through a state law exempting faith-based social programs from state interference. That was the beginning of his compassionate conservative campaign.

So far, that campaign hasn't helped other Teen Challenge centers. Florida director Jerry Nance received food stamps for 17 centers and 650 residents every year until officials suddenly withdrew assistance in 1999, announcing that unlicensed facilities no longer qualified. Here's the catch: To obtain the license, Mr. Nance had to replace Bible lessons with group psychotherapy sessions and hire state-approved counselors. Explaining that his program was a ''discipleship model, not a medical model,'' he refused and lost $100,000.

''Does this make sense to you?'' Mr. Nance asked a White House drug abuse committee last year. ''Individuals can live in the streets, use drugs, rob people, and still get food stamps. But if they decide to get help and come into a faith -based program, they lose their stamps.''

At the heart of the dilemma is a difference in diagnosis: State-funded groups treat drug addiction as a disease, prescribing medical treatments and psychotherapy. But Teen Challenge says the disease began with a condition of the heart and prescribes a relationship with Jesus Christ. That difference threatens some people: ''This [faith-based funding] will roll us back 60 years, right back to when people thought you were an alcoholic merely because you didn't accept Jesus as your personal savior,'' fretted Bill McColl, spokesman for the National Association of Drug and Alcohol Counselors.

But Mr. Castellini says he just wants the right to offer his solution alongside others: ''We're not asking for a handout. We just want a level playing field so we can take care of people's basic needs.'' With that in mind, he is also offering his own ground troops a compromise: In exchange for federal vouchers for food stamps, emergency medical assistance, and lodging, Teen Challenge will accept reasonable government safety, health, and accountability standards. (''Just because you're saying the name Jesus doesn't mean you should build fire traps,'' he said.)

Mr. Castellini, however, emphasized that Teen Challenge will not accept extra regulations—like teacher education requirements or required psychotherapy sessions—that ultimately undercut faith-based initiative by eliminating differences between religious and secular entities. Ultimately, he said, the street fighters will have the final say: ''We will only lead those who want to be led.''

[From World, June 16, 2001]

LEADING YOUNG LEADERS

(By Candi Cushman)

Crowded with nondescript business buildings, dingy low-income apartments, and well-lit liquor stores, the northeast Dallas business district hardly seems a place for children. But every day at 3:30 p.m., backpack-laden children fill the sidewalks and weave their way through condemned apartment buildings and asphalt parking lots.

Like an urban deliverer, 42-year-old Vincent Gaddis stands on a street corner welcoming them into the tree-lined courtyard of the Fellowship Bible Church of Dallas. Wearing a navy cap and matching dress slacks, he escorts them into an office decorated with red and green round tables and wooden bookshelves full of Bible videos and Dr. Seuss books. Through his Youth Believing in Change ministry, Mr. Gaddis provides tutoring, Bible studies, and free meals for some 150 inner-city kids a year.

''We use biblical principles to help these children develop leadership skills,'' he said, explaining that there are no neighborhoods or parks in the area—just 10,000 apartment units that often host drug gangs and prostitution rings. ''These children are exposed to so much. Everything you wouldn't want your child to see is right outside in the parking lot.''

Mr. Gaddis, who is black, works with Hispanic children in a predominantly white church. But God was the original Deliverer, he insits—and he first heard the tune 12 years ago while pointing a revolver to his head. Mr. Gaddis at first made the Dean's List every semester at his college in Tennessee, but then his mother unexpectedly died of a brain hemorrhage during his second year there. Grieving and angry with God, he turned to drugs as an escape. Nine years later, a long-time drug dealer, he planned his final act of rebellion—suicide. But as he cocked the trigger, a Bible verse floated through his mind: What does it profit a man, if he shall gain the whole world but lose his own soul? His mother had taught him that.

''In spite of everything I had done, all of the Scriptures I learned as a child were still with me,'' Mr. Gaddis said, and instead of killing himself, he turned himself into local police. After serving a five-year prison sentence, he came to Dallas as a homeless man, found a church to attend, and earned enough money to attend college and seminary. He graduated from Dallas Theological Seminary in April 2000, with a master's degree in Christian education.

Now he identifies with the children who walk the city sidewalks. ''I want them to understand how the Scriptures apply practically to their life, not just memorize them. I didn't have that understanding growing up,'' said Mr. Gaddis. To accomplish his mission, he recruited the help of Fellowship

Bible Church, which supplies free office space and weekly volunteers. With a $240,000 annual budget, the program is funded by donations from individuals and churches.

Three nights a week, volunteers donate their time tutoring children, who mostly come from single-parent families that speak little or no English. Tonight's tutoring session begins with cheese cracker snacks and peer-led singing. The children hold hands in a circle as a fourth-grade boy named Bryan stands in the middle and loudly recites several Bible verses. With his hands raised in the air, he then leads his playmates in a boisterous chorus of ''Lord, I Lift Your Name on High.'' Afterward, the children go to their assigned tutors, including a college librarian in a starched yellow dress shirt, a bilingual businessman wearing khaki shorts and Birkenstock sandals, and a housewife in a long flowing broom skirt.

During the summers, YBC takes the place of the public school, providing free lunches for poor children and a refuge for latchkey kids stuck in crime-ridden apartments. Children who attend regularly can go to a riverside Bible camp in the Ozarks.

YBC children participate in community service projects and a youth choir that performs at local nursing homes and malls. Volunteer David Pruessner, a 45-year-old lawyer, teaches chess, where ''you have to learn to develop a strategy and think ahead,'' During the summer, he gives group lessons to 20 students at a time using 10 game boards and handmade wall charts. But teaching about God is at the center of the program, for Mr. Gaddis states that, ''The gospel is the only thing that really changes lives. When I sat in the car with a gun to my head and when I went to prison, I already had a good education. But that didn't help me. What really changed my life was the word of God. And that's what's going to save these kids.''

[From World, June 16, 2001]

THE GOOD SARASOTAN

(By Barbara Souders)

''The nerve!'' huffed Carolyn Cooley, hustling her two young daughters past the unkempt man who lay surrounded by beer cans, sprawled against a palm tree on church property. A battered hat shielded the man's eyes, but holes in the soles of his shoes seemed to watch church-goers' reactions. Mrs. Cooley's indignation dissolved into tears when, within the hour, she learned the man's identity. The ''bum'' was actually her pastor, Neville E. Gritt. He'd stationed himself outside the church that Sunday morning to awaken his congregation to needs he'd seen while driving through Sarasota, Fla.

Heartsick, Ray and Carolyn Cooley prayed that day in 1985 that they could begin to show Christ's love to such people. Feeling God's call, they spent the evening pruning their tight budget and gauging their financial ability to rent a house that would serve homeless men. They followed through, and during the past 16 years almost 2,000 men have found refuge at Good Samaritan House (GSH), honored this year with a Florida ''Points of Light'' award—and some have found hope. The home provides emergency housing for homeless men recovering from traumas (such as surgery, a mental breakdown, or a prison term) and a longer transitional program for those ready to try to get back on their feet.

Andrew Cunningham is one of the people helped. At age 22, he was on and off drugs, on and off the streets, and on and off in his relationship with God. Initial stints at Good Samaritan House and a Sarasota Salvation Army shelter didn't change him. But a stay in an abandoned house where he and a friend stayed ''strung out on crack cocaine'' convinced him to return to GSH. At 25, he emerged clean and sober. Now 13 years after that emergence, Mr. Cunningham is married with twin daughters, works as a certified nursing assistant, owns a home, and is an active church member. ''Ray set my feet in the right direction,'' he says.

At GSH, the right direction begins with a set of simple, nonnegotiable rules: Residents must remain alcohol- and drug-free, and accompany Mr. Cooley to church and Bible study weekly. They must secure a full-time job, or work as day laborers at a local temporary agency until they find permanent employment. GSH residents must pay rent: six dollars per night after their fifth free night of shelter. While they may spend a little money on personal needs, the men must save much of their earnings, with the goal of becoming economically independent of GSH. The rules include: In bed by 10:00 p.m., no foul language, no fighting, and no women.

The rules echo those of 19th-century Christian workhouses. While neighbors and church members in American towns generally cared for people made suddenly poor by calamity or death, townspeople built workhouses for men made poor by alcoholism or sloth. Residents of such homes were expected both to work and pursue virtue in exchange for their keep. At the Chelmsford workhouse in Massachusetts, for example, the ''master'' of the house could at his discretion reward faithful and industrious men, while punishing ''the idle, stubborn, disorderly and disobedient.'' Use of ''spirituous liquors'' was prohibited, and house rules demanded every man ''diligently to work and labor.''

Although the Cooley's efforts at GSH were grounded in such history, and in Scripture, many Sarasota Christians didn't support their efforts to help homeless individuals in the area.

The house in which the Cooleys launched GSH stood on the property of a small Sarasota church; the church's leadership agreed to let the Cooleys rent it and start the shelter there. ''But the church became upset with what we were doing,'' Mrs. Cooley said, ''and the numerous needy and homeless [on the property] giving the church a bad image.'' After 11 months, the church asked the Cooleys to leave. That's when they bought the 1920s-era home that is now Good Samaritan House.

The Cooleys don't hold fundraisers. Today, two churches regularly donate money and in-kind gifts to support GSH, but from the beginning, the couple financed—and still finance—the shelter largely with their own cash. That means Mr. Cooley, 61, continues to work five days a week as a zone technician for Verizon Wireless. After work he goes home to spend time with his family; at about 8 p.m., he heads for GSH. There, he spends most evenings talking and watching television with the men who pile in after their own day's work to sink into sofas and chairs that crowd the paneled living room. Mornings, the aroma of brewing coffee lures residents downstairs to grab a cup before biking or busing to work. Mr. Cooley also leaves, going home to his family (if his wife and son—his daughters are grown—haven't spent the night at GSH) before heading off to his day job again.

Mr. Cooley himself had struggled with alcoholism until a pastor's life inspired him to change. Today, he says his aim is ''to live his faith in front of the men, to plant seeds.'' During each man's stay at GHS, Mr. Cooley guides him through a substance-abuse recovery program that emphasizes Christ as the basis of healing and renewal. Mrs. Cooley supports her husband, spending time at the house with him and the men, attending church with them. Wednesday and Sunday evenings, and distributing free clothing to GSH residents and other Sarasota homeless people.

The Cooleys say they rarely hear again from men who leave GSH: ''They're embarrassed and don't want to be reminded'' of things like job loss, mental illness, or substance abuse that led them there in the first place. But some, like Everett Reid, 36, maintain contact. He learned of GSH through Sarasota agencies that appreciate the Cooleys' no-nonsense biblical approach to helping homeless men become self-sufficient. ''It's a good place for them to go. They have rules to follow,'' said Robert P. Kyllonen, executive director of Resurrection House, a day resource center for the homeless. Eleven months after showing up on GSH's oak-shaded front porch and starting to follow the rules, Mr. Reid moved to Jacksonville. He has completed the first year of a four-year sheet-metal apprenticeship.

In February, the Community Foundation of Sarasota County recognized GSH with its Unsung Hero Award and commended the Cooley for funding the program themselves, rather than waiting for outside assistance. With George W. Bush's offer to make faith-based programs eligible for federal grants, will the Cooleys now seek outside help? Mr. Cooley thinks not. He fears the Feds might tamper with GSH's staunchly biblical program. Still, he may seek funding for the Clothes Closet, a GSH clothing-distribution program that he sees as less vulnerable to government strings.

[From World, June 16, 2001]

A DAY IN THE LIFE . . .

(By Candi Cushman)

Richard Scarry has won fame for children's books with titles like What Do People Do All Day? Few people understand what New Orleans minister Mo Leverett does all day, and what he has done most days for the past 10 years. As founder of Desire Street Ministries (DSM), an outreach program that uses Christian principles to disciple youth and foster economic renewal, he is a white man who has dedicated his life to mentoring black kids in New Orleans' worst ghetto. Here's what he and two people he has inspired do on a typical day:

10 A.M. On a rainy summer morning, Mr. Leverett winds his car through narrow New Orleans streets named Pleasure and Abundance, showing a reporter the gutted warehouses, crumbling brick housing projects, and razor-wire fences of his neighborhood. On Desire Street, three miles north of the French Quarter, rows of graffiti-covered housing projects sit amid piles of dirt and broken glass. Behind thick metal doors, project residents stare like frightened prisoners through rectangular window slats.

This is the Ninth Ward, an area whose daily drug shoot-outs garnered it a reputation as ''New Orleans' murder capital.'' With 10,000 units in the center of the ward, the Desire projects gained notoriety during the 1950s as the second-largest (and one of the most dangerous) housing projects in the nation. Although city officials recently demolished most of the units, some 1,000 people still live inside the rat-infested rubble. Over half are children under the age of 17 whose single mothers live below the poverty level.

In 1991, Mr. Leverett moved into a tiny duplex home near the projects, his family of four becoming the only white family in the Ninth Ward. For the next nine years, he volunteered as an assistant football coach at the public high school and led locker-room Bible studies. He remembers how his passion for cross-cultural outreach began during high school years in Macon, Ga., where he felt forced to live a double life: Friday nights on the football field, with white and black teammate pursuing victory together, and Sunday mornings at all-white churches where racial jokes brought laughs.

''On the football field there were two cultures working together toward a common goal,'' he says, but at other times ''I had the heart-wrenching experience of discovering that the people who most resisted the struggle for freedom were white evangelical Southern men like me.'' After a broken hip dashed his dreams of a football career, he enrolled in Reformed Theological Seminary in Jackson, Miss., studied faith-based models for urban renewal, and became an ordained minister within the theologically conservative Presbyterian Church in America.

11 A.M. Wearing tube socks, khaki shorts, and a navy polo shirt, Mr. Leverett is standing before an office blackboard in the $3 million outreach center he opened last year across from the housing projects. With a slickly polished gymnasium, 10 classrooms, and 13 new computers, the 36,000-square-foot building built with private donations, doubles as a youth recreation center and a church.

Today he is training three of his 20 full-time employees. Like a coach explaining play-by-play strategy, he draws lots of little arrows and circles. But the game plan starts with a phrase: ''incarnational ministry.'' Mr. Leverett tells his students, ''Like Christ, you have to enter into their lives and suffer redemptively for them. Part of that suffering is just demonstrating a willingness, a willingness to hear gun shots at night, to feel insecure, unsafe, and exposed.''

In addition to offering weekly tutoring, Bible studies, and sports leagues, Mr. Leverett helps students start for-profit businesses, including the ''Brothers Realty'' housing renovation program. He's also planning for next year, when the outreach center will host the area's first private school—Desire Street Academy.

2 P.M. While Mr. Leverett does more mentoring, staff members like 25-year-old Heather Holdsworth are working the neighborhood. As DSM education director, Miss Holdsworth every afternoon visits Carver Washington High School, located three blocks from the projects and with the look of a giant warehouse. Outside are gray bricks and chain-link fences. Inside, the classroom doors have deadlocks, and the hallways are bare except for signs touting the school health clinic and day-care center.

Sporting tattooed arms and baseball caps turned backwards, the students have crowded into a small gymnasium for a school basketball game. Miss Holdsworth is there, sitting amid hundreds of shouting students in the gymnasium bleachers, greeting them and inviting them to after-school tutoring. When she first arrived three years ago, none of the students would speak to her. Even local police officers stopped her, asking if she had come to buy drugs. ''She was a white girl who came out of nowhere. So it took me a good three months to speak to her,'' said Dwana, a 17-year-old student.

Now, though, Dwana prays twice a week with Heather and attends DSM Bible studies and tutoring classes. Carrying a pink diaper bag, she leaves the basketball game at 3 p.m. to retrieve her 8-month-old baby. This June, Dwana will marry the baby's 18-year-old father inside the Desire Street Ministries building. ''I want my baby to grow up reading the Bible and doing the right things,'' she said.

Each year, Miss Holdsworth helps some 30 students like Dwana pass their ACT college admission tests and apply for financial aid. That's a noteworthy accomplishment considering that Carver students average a dismal 14 out of a possible 36 points on the ACT test. The welfare mentality that pervades the projects provides a formidable obstacle to her efforts, says Miss Holdsworth. While tutoring seniors, for instance, she discovered that several parents allowed their kids to apply for disability certificates instead of diplomas so the family could receive federal aid. That decision automatically disqualified them from college scholarships.

3:30 p.m. Mo Leverett is doing his best to break the underachieving mentality by emphasizing the second part of his game plan: indigenous leadership. Inside the DSM classrooms, students peruse books including the Westminster Confession of Faith. They are pupils in Mr. Leverett's first Urban Theological Institute, a school designed to create indigenous spiritual leaders.

Institute student Richard Johnson, one of Mr. Leverett's first disciples, says a lesson on the ''Noetic principle'' (man's blindness to sin) caught his attention: ''The principle applies to the projects: There's no family foundation for children to see here. All we had were guys and women just having sex and selling drugs. That's all our kids see and they don't see any wrong in it. In our community you are respected if you are a great athlete, a big drug dealer, or a murderer.''

During high school, Mr. Johnson says, he respected his older cousin, a drug user who eventually shot his mother seven times. Mr. Johnson believes he was destined for similar destruction until ''Coach Mo'' became his new role model: ''When he first walked on the field, we were like, man, somebody's going to jail. Because a lot of the guys on the team were selling drugs and we thought he was a cop. Coach Mo wasn't just another fly-by-night white dude. He stood firm and he coached, he preached and he loved.''

6 P.M. Dressed in baggy jean shorts and a black jacket, Mr. Johnson stands behind a wooden podium as some 100 high-school students file into the gym for a Tuesday night Bible study. Boys with spray-painted nylons tied around their heads and girls wearing lots of gold jewelry chat noisily. But the audience grows quiet as Mr. Johnson explains the concepts of original sin and undeserved grace.

''We can't overcome sin on our own because there is nothing in us that is spiritual,'' he tells them. ''If you are watching porno flicks or doing drugs, the only way to overcome those things is to let Christ rule in your heart.'' Later, Mr. Johnson confides that he feels a sense of urgency at every Bible study. Too often, unresponsive students walk out the door only to become victims of drive-by shootings or drug overdoses: ''Sometimes I feel like they aren't listening, but I keep preaching anyway. Knowing that Christ paid a debt I couldn't repay keeps me going.''

As Mr. Johnson teaches Bible study, ''Coach Mo'' squeezes in some family time at his 9-year-old daughter's softball game. Watching her play, he remembers other children he watched today, especially those who came to the Bible study to escape the drugs or physical abuse that pervade their own homes. ''I feel many different emotions as I think about that,'' says Mr. Leverett. ''I want to shelter my own children, but I also want to teach them the heart of Christ.'' Although his children attend a school outside the ward, Mr. Leverett encourages them to interact with playmates from the housing projects during after-school programs and Sunday school.

Some people have called Mr. Leverett's decision to move his family into the ghetto a foolhardy sacrifice. But sacrifice is just his point, he says: ''I want my children to see the incarnate gospel.''

[From World, June 16, 2001]

WHEN A PICTURE IS WORTH 1,000 LIVES

(By Leah Driggers)

Amber, 17, sits on a chair in an ultrasound room swinging sneaker-clad feet back and forth. Nearby, an embroidered pink quilt hangs on the wall proclaiming: ''God's love always forgives.'' A door swings open and ultrasound nurse Kay Morton strides in, white lab coat fluttering.

''How are you doing?'' asks Mrs. Morton, 50, smiling over multicolored reading glasses as she pages through the girl's medical file. The answer is sad: ''My fiancé just passed away,'' says Amber, her hands trembling. Amber's boyfriend hanged himself two weeks before, and Amber found the body, dangling. Now she is faced with a crisis pregnancy, and is in the process of choosing whether to carry or abort her child. The Dallas Pregnancy Resource Center is offering a free sonogram to help Amber decide.

''OK, just lie back,'' Mrs. Morton says in a soothing voice, laying a white blanket across Amber's legs. Amber holds her cotton T-shirt in place and pulls down black overalls to reveal a slightly rounded belly. Mrs. Morton squeezes a bottle that spits clear, blue gel on Amber's stomach. ''Oh!'' laughs Amber: ''That's cold!'' The room grows dim, and the jittery high-school senior freezes as Mrs. Morton presses a handheld transducer into her abdomen. A few feet from Amber's wide eyes, an image jumps on a small computer screen.

''See that flickering spot?'' Mrs. Morton asks, using a mouse to point a virtual arrow at a light that pulsates on-screen. ''That's your baby's heartbeat.'' A huge grim spreads across Amber's face. Mrs. Morton clicks the mouse again and an electronic line appears that she uses to measure the tiny image from head to toe. ''It looks like your baby's about seven weeks,'' she tells Amber. The girl nods slowly, eyes glued on the black-and-white monitor, her body stone-still. Mrs. Morton points out the baby's legs, arms, and the head; Amber clutches the top of her T-shirt, motionless.

Mrs. Morton types and two words appear on the screen: ''HI, MOM!'' The image shakes as Amber giggles. ''Isn't it incredible that your baby already has developed brain waves, a heartbeat, and individual fingers?'' Mrs. Morton asks. ''When I was in college studying to be a nurse, I didn't believe in God. But when I studied the development of the embryo, that's when I said there must be a God. Isn't your baby amazing?'' Amber nods, still staring at her sleeping child. Mrs. Morton prints a still shot from the sonogram while Amber wipes tears from her eyes. ''I can't wait for my Mom to see this,'' she murmurs, fingering the photo. ''Now it is real.''

Amber chose to keep her unborn baby alive, and many more moms are making similar decisions as crisis pregnancy centers

(CPCs) and support organizations nationwide discover the power of ultrasound to affect hearts and minds. Heartbeat International, one of the largest national CPC organizations, recently surveyed 114 CPCs that use ultrasound. CPC directors reported that 60 to 90 percent of abortion-minded clients decide to keep their babies after seeing live pictures of them.

''Ultrasound connects a woman with reality—what she's actually carrying in the womb,'' said Tom Glessner, president of the National Institute of Family and Life Advocates. ''It's no longer a 'condition' when the mother sees her moving child. A bonding takes place.''

Ultrasound also helps other people in a pregnant woman's life see a problem pregnancy as a person. Often, women choose abortion because of unsupportive boyfriends or parents. So centers strongly encourage clients to return with doubting friends and family. Technicians nationwide relate stories of bored boyfriends who shuffle in with arms crossed, but later break down in tears or exclaim something like, ''My son! That's my son!'' Grandparents, too, point at the screen in shock, demanding, "'Are you kidding me? Is that what's going on in her? Is that my granddaughter?''

The military first used ultrasound to locate submarines. But it wasn't until the early 1980s—at least a decade after *Roe* v. *Wade* opened the abortion floodgates in 1973—that CPCs began using ultrasound in their clinics. At least 200 CPCs nationwide now provide the service, and other among the estimated 3,000 CPCs across the country are converting themselves into medical clinics that offer ultrasound and other diagnostic pregnancy-related services. CPC directors say medical clinics draw more clients—especially abortion-minded ones—than nonmedical counseling centers.

Too bad ultrasound is so expensive: A machine costs about $30,000. But some manufacturers offer discounts for pro-life organizations, cutting the price tag to around $18,000. Support supplies like gloves, gel, and film run around $1,000 annually, but medical professionals are the major cost. Some CPCs that can't afford to buy a machine or employ a technican are networking with other ultrasound clinics. Such links save lives: When a counselor at a non-CPC clinic senses that her client will choose abortion, she can call a local ultrasound-CPC for an emergency visit.

To broaden the reach of ultrasound, some sonographers independently contract services with local CPCs, toting their own machines from center to center. Some OB/GYN doctors also offer ultrasound services in their offices. Dr. Wendell Ashby has offered sonography in his Amarillo, Texas, office for the past nine years. ''We are a visual society,'' he said. ''[Mothers] can't handle their conscience saying, 'You're killing your baby.' When they see little arms and legs kicking and moving, a heart beating, a brain, stomach, bladder, spine, and babies sucking their thumbs, it's no longer just tissue. [These women] say they had no idea—they thought it was just a little tadpole in there.''

Shari Richards believes it's never too early to detonate the tadpole myth. The founder of Sound Wave Images, an international ultrasound education group in West Bloomfield, Mich., has turned her attention to the next generation by developing an ultrasound video shown in over 5,000 classrooms worldwide. Schools using the ultrasound video as part of abstinence curricula report declines in teen pregnancy of up to 25 percent, Ms. Richards said.

After seeing the Sound Wave video, one student wrote, ''I've always thought abortion was a choice each woman should make. But after seeing the babies, I know that abortion is wrong.''

[From World, June 16, 2001]

MY BABY WOULDN'T BE HERE

(By Leah Driggers)

Tessa Malaspina was 22 years old when the cheap pregnancy test she bought turned positive. ''I was going to have an abortion,'' remembers Ms. Malaspina, a blonde club dancer who once was heavily into drinking and drugs: ''I was having way too much fun partying.'' When her mom convinced Ms. Malaspina to stop by the Dallas Pregnancy Resource Center, Ms. Malaspina warned her: ''It will not change my mind.'' She'd already had one abortion; three months pregnant, she climbed the stairs to the CPC's ultrasound room, determined to have another one.

''I didn't want to see it, but at the same time I didn't think it would matter,'' she says of the pending sonogram. ''But once I saw it was a moving person with a heartbeat, I couldn't do it,'' Ms. Malaspina told WORLD. ''I couldn't even think about [abortion] again. I never realized how advanced they were so early. . . . They give you information in school and stuff, but never enough. If I hadn't have seen it, I wouldn't have changed my mind. I don't know how anyone could go through with an abortion after seeing an ultrasound.''

The day she decided to keep her second child, she quit dancing, smoking, and taking drugs. ''It totally changed my life around,'' she says, pausing to tend blue-eyed son Riley, 6 months old. Ms. Malaspina, who now works full-time as a bill collector, says her mom helps her with the baby: ''It's hard,'' she says of being a single mom, ''but I wouldn't have it any other way.''

Beverly Wright, 29, was five months pregnant when she stepped through the glass door to Dallas Pregnancy Resource Center, seeking a free pregnancy test ''to make sure.'' She had just lost her job and her car, and was also behind on her rent. ''I had an option to pay my rent or get an abortion,'' she remembers. After the pregnancy test confirmed her pregnancy, Ms. Wright's CPC counselor asked if she would also like an ultrasound. ''I didn't know what to expect,'' Ms. Wright confesses. ''But my No. 1 choice was abortion, so I wasn't scared.''

When the picture popped up on the screen, Ms. Wright began crying. ''I was shocked,'' she says. ''They were all telling me, 'Look at her move! She's so pretty! Do you see the hand?' That's what did it. I saw what it really was—my baby. It gave me a change of heart.''

Ms. Wright took home the black-and-white sonogram photos and kept them on her dresser in a white envelope marked simply ''Baby.''

''It made me accept that I had her. And it made me fall in love with her,'' says Ms. Wright, now the proud mother of smiling 14-month-old Tia. ''I still have those pictures. If I had never seen the ultrasound, my baby wouldn't be here,'' she says, shuddering. ''From the bottom of my heart, she's the best thing that ever happened to me.''

Now Ms. Wright spends every day with Tia working as a live-in employee in a health care home. What would she say to other abortion-minded clients? ''Come get a sonogram, and see what you've got inside. It'll change everything.''

[From World, June 16, 2001]

SEPARATION OF CHURCH AND BUSINESS

(By Tim Graham)

The White House faith-based initiative is opening up a new front, and some of its guns are aimed squarely at big business.

''Faith-based organizations receive only a tiny percentage of overall corporate giving,'' President Bush announced late last month. ''Currently, six of the 10 largest corporate givers in America explicitly rule out or restrict donations to faith-based groups, regardless of their effectiveness. The federal government will not discriminate against faith-based organizations, and neither should corporate America.''

The president's numbers came from a study soon to be released by the Washington-based Capital Research Center, which has issued an annual guide to ''Patterns of Corporate Philanthropy'' since the mid-1980s. CRC's Christopher Yablonski has noted that policies posted on the websites of these top corporate givers often include rules to discriminate against charities that see a connection between material problems and spiritual problems. For instance:

General Motors (No. 1 in corporate giving) declares contributions ''are generally not provided to . . . religious organizations.''

The Ford Motor Company Fund (No. 3), ''as a general policy, does not support the following: religious or sectarian programs for religious purposes.'' That's in the same undesirable category as ''animal rights organizations'' and ''beauty or talent contests.''

ExxonMobil (No. 4) explains, ''We do not provide funds for political or religious causes.'' That's not exactly true, since the company also touts its support of environmentalists, advocacy groups for women and minorities, and groups performing ''public research.''

IBM (No. 6) ''does not make equipment donations or grants from corporate philanthropic funds to . . . individuals, political, labor, religious, or fraternal organizations or sports groups.'' Many faith-based groups might also have trouble with the last two words of IBM's ban on ''organizations that discriminate in any way against race, gender, ethnicity, or sexual orientation.''

The Citigroup Foundation (No. 7) declares: ''It is not our policy to make grants to . . . religious, veteran, or fraternal organizations, unless they are engaged in a significant project benefiting the entire community.''

AT&T (No. 8) will only fund groups that are ''nonsectarian and nondenominational.''

Wal-Mart, the No. 2 corporate benefactor, was the main contrarian. Mr. Yablonski said the company awards a lot of small grants, and on previous donation lists, it looked like ''every other grant'' was to a faith-based charity. And the other companies' policies don't always completely bar donations to religious groups. CRC found that in contributions of $10,000 or more, some bans were complete (IBM zero percent, AT&T 0.06 percent), but some let a little sunshine in (GM 2.2 percent, Ford 3.2 percent, Citigroup 3.9 percent). One top-10 giver without an explicit ban, Boeing McDonnell, still only gave 4.6 percent of its grant money to faith-based organizations.

Corporations today often view their contributions as a business expense. The CRC regularly finds liberal women's and minority groups at the top of the corporate donation list, which is a handy inoculation device against discrimination lawsuits. But faith-based groups barely register on the typical corporate radar screen. ''I was on a panel

with a corporate officer who said the First Amendment didn't allow them to give to religious groups,'' said conservative philanthropy executive Michael Joyce, commenting on the corporate mindset. ''Corporate leaders are working with some intellectual rot, or some pure ignorance.''

At a meeting at the White House in late January, Mr. Joyce took his turn to speak about corporate discrimination against faith-based groups: ''I said the president is both president of the government, but also president of the nation. There's huge private sector that spends billions emulating what government does. A few well-placed words from the president could have a profound effect. He could call in top CEOs and ask 'what's going on here?' The president picked up on that right away.''

This month, at age 58, Mr. Joyce is stepping down from the helm of the Milwaukee-based Lynde and Harry Bradley Foundation to lead two new nonprofit groups at the crossroads of business, politics, and faith-based initiatives. The first, based in Washington, will take on the ''short-term game'' of lobbying members of Congress and other Washington elites about the virtues of President Bush's plan, as summarized in the ''Community Solutions Act'' before the House of Representatives. The second, based in Phoenix, is a ''larger project, educating the culture, and private donors in particular, for the long haul.''

But how will Mr. Joyce's new groups deal with campaign-finance conspiracy theorists and follow-the-money investigative journalists in the major media? They may quickly insinuate that the groups are a clever way for Bush donors to puff up the presidential legacy without any troublesome contribution limits. Mr. Joyce thinks such a brouhaha would be a waste of breath. ''Barry Lynn [of Americans United for Separation of Church and State] and his crowd have a lot of resources. It isn't who funds anything. It's what they actually do.'' He plans on keeping in touch with the White House, but ''what we cannot do is carry out their wishes. We will have to operate independently. It's just that simple.''

Tom Riley, director of research at the Philanthropy Roundtable (which Mr. Joyce had a major role in creating decades ago) says Mr. Joyce was an atypical foundation executive during his 15 years at Bradley. Most program offices at large foundations are incredibly risk-averse, and since there's no risk of financial ruin, the biggest risk is bad press. Many corporations and foundations try to avoid controversy by avoiding charities that might be unpopular with the press. ''Michael Joyce took those risks, and he was strategic rather than reactive. He had a vision, a long-term approach of building a movement, an infrastructure.''

Mr. Joyce brings a similarly unorthodox approach to his new calling. Whenever the subject is the success of conservative philanthropy, Mr. Joyce sees no big secret. ''Ordinary people understand this really well,'' he said. ''We take human nature into account. We understand humans as they were wrought by God. These people wish to remake them and rearrange them. It's like that line in a Bob Marley song, 'don't let them rearrange you.' That's why they fail.''

BRADLEY'S FIGHTING VEHICLE

Neal Freeman of the Foundation Management Institute called Michael Joyce ''the chief operating officer of the conservative movement. . . . Over the period of his Bradley service, it's difficult to recall a single, serious thrust against incumbent liberalism that did not begin or end with Mike Joyce.''

From his perch at the top of the John Olin Foundation, another conservative heavyweight, Mr. Joyce took over the brand-new Bradley Foundation in 1985 when it began with $280 million from the sale of Milwaukee electronics giant Allen-Bradley to Rockwell. Despite giving away almost $300 million in grants, Mr. Joyce is turning over the keys to a foundation that now lists assets of $700 million. It's the 68th largest foundation in America, and Mr. Joyce oversaw $44 million in grants last year.

''I had no immediate offers or opportunities'' upon retirement, he said, but ''I did place my trust in providence.'' Just then along came Paul Fleming, the Phoenix magnate of P.F. Chang's Chinese Bistro, a 25-state restaurant chain. ''From his many years seeing faith heal in the center city of Phoenix, he was enriched in his own faith by what can be done.'' Together, they decided to form a tax-deductible group to educate corporations on faith-based charities. ''I talked him out of putting it in Washington,'' Mr. Joyce said. ''I visit Washington often, but when I leave, I always say, 'I'm going back to America.' I told him, be proud of your city.''

Mr. Joyce continues to apply his vision of keeping the country from becoming a ''prisoner to a hopeless progressivism'' with his new enterprise. ''At the end of the 19th century, liberals considered themselves the new Founding Fathers,'' he said. ''They had their 100 years, and they made a mess of things. At the start of a new millennium, they are out gas.''

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of attending a funeral.

Mrs. CUBIN (at the request of Mr. ARMEY) for today on account of illness.

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. PALLONE, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

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

Mr. ENGLISH, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. MCHUGH, for 5 minutes, on June 28.

Mr. THUNE, for 5 minutes, today.

Mr. GRUCCI, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, on June 25.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. REHBERG, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Monday, June 25, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

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

2617. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–P–7602] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2618. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7763] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2619. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2620. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Tobacco Control Activities in the United States, 1994–1999: Report to Congress,'' in accordance with Section 3(c) of the Comprehensive Smoking Education Act of 1984, Public Law 98–474; to the Committee on Energy and Commerce.

2621. A letter from the Deputy Director, Department of Defense, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for United Arab Emirates (Transmittal No. 01–0B), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2622. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–76, ''DNA Sample Collection Act of 2001'' received June 21, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2623. 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.

2624. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2625. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–

230–FOR] received June 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2626. A letter from the 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 Construction and Operation Of Offshore Oil and Gas Facilities in the Beaufort Sea [Docket No. 990901241–0116–02; I.D. 123198B] (RIN: 0648–AM09) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2627. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS); NOAA Information Collection Requirements; Regulatory Adjustments [Docket No. 010530142–1142–01; I.D. 040601J] (RIN: 0648–AP23) received June 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2628. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Regulatory Adjustments [Docket No. 010523137–1137–01; I.D. 051501C] (RIN: 0648–AP29) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2629. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Groundfish Fisheries off Alaska [Docket No. 010112013–1139–04; I.D. 011101B] (RIN: 0648–AO82) received June 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2630. 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; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 2 Period [Docket No. 001121328–1041–02; I.D. 060501A] received June 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2631. A letter from the Acting, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 010112013–1013–01; I.D. 060801A] received June 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN:

H.R. 2263. A bill to require that ten percent of the motor vehicles purchased by Executive agencies be hybrid electric vehicles or high-efficiency vehicles; to the Committee on Government Reform.

By Mr. WELLER (for himself, Mr. COYNE, and Mrs. JOHNSON of Connecticut):

H.R. 2264. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. DEFAZIO, Mr. HOSTETTLER, and Mr. STUMP):

H.R. 2265. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow consumers greater access to information regarding the health benefits of foods and dietary supplements; to the Committee on Energy and Commerce.

By Mr. ALLEN (for himself and Mr. BALDACCI):

H.R. 2266. A bill to reduce the risk of the accidental release of mercury into the environment by providing for the temporary storage of private sector supplies of mercury at facilities of the Department of Defense currently used for mercury storage, to require the Administrator of the Environmental Protection Agency to appoint a task force to develop a plan for the safe disposal of mercury, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARGENT:

H.R. 2267. A bill to amend the Internal Revenue Code of 1986 to encourage energy production; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2268. A bill to enforce the guarantees of the first, fourteenth, and fifteenth amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections; to the Committee on House Administration.

By Mr. BOEHNER (for himself, Mr. ARMEY, Mr. SAM JOHNSON of Texas, Mr. TANCREDO, Mr. BAIRD, Mr. LUCAS of Kentucky, Mr. MCINNIS, Mr. FOLEY, Mr. SMITH of Washington, Mr. OXLEY, Mr. DICKS, Mrs. ROUKEMA, Mr. BAKER, Mr. CAMP, Mr. ENGLISH, Mr. GUTKNECHT, Mr. KIRK, Mrs. TAUSCHER, and Mr. HOLT):

H.R. 2269. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Ms. ESHOO, Mr. CONDIT, Mr. COX, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. BONO, Mr. CALVERT, Mrs. CAPPS, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DREIER, Mr. FARR of California, Mr. FILNER, Mr. GALLEGLY, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HORN, Mr. HUNTER, Mr. LANTOS, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. MCKEON, Mr. MATSUI, Ms. MILLENDER-MCDONALD, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. OSE, Ms. PELOSI, Mr. POMBO, Mr. RADANOVICH, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. SANCHEZ, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMAS, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 2270. A bill to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gas in certain areas within the State; to the Committee on Energy and Commerce.

By Mr. COLLINS:

H.R. 2271. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation of natural gas pipelines, equipment, and infrastructure assets to be 10-year property; to the Committee on Ways and Means.

By Mr. KIRK (for himself, Mrs. JOHNSON of Connecticut, Mr. CASTLE, Mr. BOEHLERT, Mr. HOBSON, Mrs. KELLY, Mr. MALONEY of Connecticut, Mr. GILMAN, Mr. SMITH of New Jersey, Mr. BOUCHER, Mr. PORTMAN, Mr. FALEOMAVAEGA, Mr. HASTINGS of Florida, and Mr. GREENWOOD):

H.R. 2272. A bill to amend the Foreign Assistance Act of 1961 to provide for debt relief to developing countries who take action to protect critical coral reef habitats; to the Committee on International Relations.

By Mr. CONYERS:

H.R. 2273. A bill to amend banking laws with respect to offshore activities, investments, and affiliations of national banks, and for other purposes; to the Committee on Financial Services.

By Ms. ESHOO (for herself, Ms. PELOSI, Mrs. CAPPS, Mr. BECERRA, Mr. LANTOS, Mr. STARK, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Mr. HONDA, Mrs. NAPOLITANO, Ms. LEE, Ms. HARMAN, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, Mr. LARSEN of Washington, Mr. THOMPSON of California, Ms. LOFGREN, Mr. BERMAN, Ms. SOLIS, Mrs. DAVIS of California, Mr. FILNER, Mr. BAIRD, Mr. ISSA, Mr. BACA, Mr. MATSUI, Mr. FARR of California, Mr. CONDIT, Ms. MILLENDER-MCDONALD, Mr. SCHIFF, Ms. SANCHEZ, Mr. GEPHARDT, Mr. HUNTER, Mr. WAXMAN, Ms. WATSON, Mr. SHERMAN, and Ms. WATERS):

H.R. 2274. A bill to require the refund of unjust or unreasonable rates and charges for certain sales of electric energy after June 1, 2000, in the Western United States; to the Committee on Energy and Commerce.

By Mr. EHLERS (for himself and Mr. BARCIA):

H.R. 2275. A bill to amend the National Institute of Standards and Technology Act to ensure the usability, accuracy, integrity, and security of United States voting products and systems through the development of voluntary consensus standards, the provision of technical assistance, and laboratory accreditation, and for other purposes; to the Committee on Science.

By Mr. GEKAS:

H.R. 2276. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 2277. A bill to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors; to the Committee on the Judiciary.

By Mr. GEKAS (for himself, Ms. LOFGREN, Mr. SMITH of Texas, Ms. JACKSON-LEE of Texas, Mr. CANNON,

Mr. DOOLEY of California, Ms. DUNN, and Mr. DREIER):

H.R. 2278. A bill to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 2279. A bill to amend the Internal Revenue Code of 1986 to provide special rules for the charitable deduction for conservation contributions of land by eligible farmers and ranchers, and for other purposes; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. ENGLISH, Mr. HAYWORTH, Mr. RAMSTAD, Mrs. THURMAN, Mr. POMEROY, and Mr. STARK):

H.R. 2280. A bill to amend the Internal Revenue Code of 1986 to permit cooperatives to pay dividends on preferred stock without reducing patronage dividends; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself, Mr. ENGLISH, Mr. CUMMINGS, Mrs. JONES of Ohio, Mr. ISRAEL, Mr. FATTAH, Mr. UPTON, Mr. BERMAN, Mr. MOORE, Mrs. CLAYTON, Ms. CARSON of Indiana, Mr. RODRIGUEZ, Ms. SLAUGHTER, Mr. KUCINICH, Mr. WEXLER, Mr. MCGOVERN, Ms. MCKINNEY, Mr. FROST, Mrs. CHRISTENSEN, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. OWENS, Ms. LEE, and Mr. CLEMENT):

H.R. 2281. A bill to amend the Internal Revenue Code of 1986 to extend and expand the enhanced deduction for charitable contributions of computers to provide greater public access to computers, including access by the poor; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. FRANK, Mr. CONYERS, Mr. NADLER, Ms. WATERS, Ms. LEE, Ms. MCKINNEY, Mr. OWENS, Mr. SANDERS, Mr. DEFAZIO, Mr. GEORGE MILLER of California, Mr. DAVIS of Illinois, Ms. SOLIS, Ms. CARSON of Indiana, Mr. OLVER, Mr. STARK, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. WAXMAN, Ms. NORTON, Mr. ABERCROMBIE, Mr. HILLIARD, Mr. CLAY, Mr. FILNER, Mr. MCGOVERN, Mr. HINCHEY, Ms. KAPTUR, Mr. BROWN of Ohio, Ms. PELOSI, Mr. EVANS, Ms. VELÁZQUEZ, Ms. BROWN of Florida, Mr. ANDREWS, Mr. MARKEY, and Ms. ROYBAL-ALLARD):

H.R. 2282. A bill to amend title 9 of the United States Code to exclude all employment contracts from the arbitration provisions of chapter 1 of such title, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. BALDACCI, Ms. BERKLEY, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BONIOR, Ms. BROWN of Florida, Mr. BROWN of Ohio, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CONYERS, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DELAURO, Mr. EVANS, Mr. FATTAH, Mr. FILNER, Mr. FRANK, Mr. FROST, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINCHEY, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, Mr. LANTOS, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MORELLA, Mr. NADLER, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, and Mr. WEXLER):

H.R. 2283. A bill to amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia:

H.R. 2284. A bill to amend title XVIII of the Social Security Act to provide for payment of certain chiropractic examination procedures, 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. LOBIONDO (for himself, Mr. SAXTON, Mrs. ROUKEMA, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, and Mr. FERGUSON):

H.R. 2285. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on portions of the Outer Continental Shelf located off the coast of New Jersey; to the Committee on Resources.

By Mrs. LOWEY (for herself and Mr. HINCHEY):

H.R. 2286. A bill to provide grants to eligible consortia to provide professional development to superintendents, principals, and prospective superintendents and principals; to the Committee on Education and the Workforce.

By Mrs. MALONEY of New York:

H.R. 2287. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, or grandparent if the domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, 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 Ms. MILLENDER-MCDONALD (for herself and Mr. STEARNS):

H.R. 2288. A bill to authorize the Secretary of Health and Human Services to carry out programs regarding the prevention and management of asthma, allergies, and related respiratory problems, to establish a tax credit regarding pest control and indoor air quality and climate control services for multifamily residential housing in low-income communities, 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. PAUL:

H.R. 2289. A bill to exclude certain properties from the John H. Chafee Coastal Barrier Resources System; to the Committee on Resources.

By Mr. PORTMAN (for himself, Mr. MATSUI, Mr. BACHUS, Mr. TANNER, Mr. BASS, Mr. UDALL of Colorado, Mr. MCHUGH, and Mr. SUNUNU):

H.R. 2290. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. LEVIN, Mr. CUMMINGS, Mr. OXLEY, Mr. RANGEL, Mr. HERGER, Mr. WYNN, Mr. LATOURETTE, Mr. STUPAK, Mr. LEWIS of Kentucky, Ms. CARSON of Indiana, Mr. ISAKSON, Mr. KILDEE, Mr. CUNNINGHAM, Mr. REYES, Mr. WATKINS, Mr. MCNULTY, Mr. SESSIONS, Mr. ABERCROMBIE, and Mr. BARRETT):

H.R. 2291. A bill to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN (for himself and Mr. MENENDEZ):

H.R. 2292. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to require that, in order to determine that a democratically elected government in Cuba exists, the government extradite to the United States convicted felon Joanne Chesimard and all other individuals who are living in Cuba in order to escape prosecution or confinement for criminal offenses committed in the United States; to the Committee on International Relations.

By Mr. RYAN of Wisconsin:

H.R. 2293. A bill to amend the Internal Revenue Code of 1986 to provide a temporary reduction in the maximum capital gains rate from 20 percent to 15 percent; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. LEACH, Ms. LEE, and Mr. TOWNS):

H.R. 2294. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the Medicare skilled nursing facility prospective payment system; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SUNUNU:

H.R. 2295. A bill to amend title 23, United States Code, to authorize the Secretary of Transportation to make grants to States to carry out innovative projects to promote increased seat belt use rates; to the Committee on Transportation and Infrastructure.

By Mr. WU:

H.R. 2296. A bill to terminate the price support and marketing quota programs for peanuts; to the Committee on Agriculture.

By Mr. WU:

H.R. 2297. A bill to require that the level of long-range nuclear forces of the Department of Defense be reduced to 3,500 warheads consistent with the provisions of the START II treaty; to the Committee on Armed Services.

By Mr. WU:

H.R. 2298. A bill to eliminate the use of the Savannah River nuclear waste separation facilities in South Carolina; to the Committee

on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. RAHALL, Mr. HALL of Texas, Mr. ENGLISH, Mr. TANCREDO, Mr. HILLEARY, Mr. BARR of Georgia, Mr. SOUDER, Mr. SMITH of New Jersey, and Mr. BUYER):

H.J. Res. 54. A joint resolution recognizing the authority of public schools to allow students to exercise their constitutional rights by establishing a period of time for silent prayer or meditation or reflection, encouraging the recitation of the Pledge of Allegiance, and refusing to discriminate against individuals or groups on account of their religious character or speech; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself, Mr. HUNTER, and Ms. SANCHEZ):

H.J. Res. 55. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Ways and Means.

By Mr. ARMEY:

H. Res. 176. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. EVANS (for himself, Mr. CLEMENT, Mr. PHELPS, Ms. SCHAKOWSKY, Mr. FILNER, Ms. KILPATRICK, Mr. FROST, Mr. RUSH, Mr. JACKSON of Illinois, Mr. DEFAZIO, Mr. BLAGOJEVICH, and Mr. LIPINSKI):

H. Res. 177. A resolution supporting the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. KINGSTON.
H.R. 52: Mr. CALVERT.
H.R. 85: Mr. SKELTON and Mrs. JONES of Ohio.
H.R. 91: Mr. WELDON of Pennsylvania.
H.R. 97: Mr. PHELPS, Mr. SMITH of New Jersey, Mr. VITTER, Mr. BACA, and Mr. PLATTS.
H.R. 123: Mr. TAYLOR of North Carolina, Mr. SCHROCK, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, and Mr. PLATTS.
H.R. 134: Ms. HOOLEY of Oregon.
H.R. 147: Ms. SANCHEZ and Ms. LOFGREN.
H.R. 162: Ms. DEGETTE and Ms. ROYBAL-ALLARD.
H.R. 168: Ms. LOFGREN.
H.R. 189: Mr. PITTS.
H.R. 218: Mr. LANGEVIN, Mr. SCHROCK, Mr. TIAHRT, Mr. GRUCCI, and Mr. PASCRELL.
H.R. 239: Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. TIERNEY, Ms. KAPTUR, Ms. SCHAKOWSKY, and Ms. WOOLSEY.
H.R. 267: Mr. SESSIONS.
H.R. 287: Mr. MCDERMOTT and Mr. BOSWELL.
H.R. 303: Mr. UPTON.
H.R. 321: Mr. NADLER, Mr. HALL of Ohio, Mr. OBERSTAR, and Mr. FARR of California.
H.R. 326: Mr. KENNEDY of Rhode Island.
H.R. 389: Mr. HINCHEY.
H.R. 415: Ms. ROYBAL-ALLARD.
H.R. 507: Mr. GOODLATTE.
H.R. 534: Mr. HALL of Texas and Mr. KERNS.
H.R. 570: Mr. LEWIS of Kentucky and Mr. TERRY.
H.R. 572: Mr. RAHALL.
H.R. 583: Mr. ADERHOLT and Mr. RYAN of Wisconsin.
H.R. 638: Mr. ROTHMAN.
H.R. 639: Mr. BRADY of Pennsylvania, Mr. MASCARA, Mr. ANDREWS, Mr. RAHALL, and Mr. PETERSON of Pennsylvania.
H.R. 662: Mr. THOMPSON of California and Mr. OTTER.
H.R. 668: Mr. PRICE of North Carolina, Mr. WU, and Mr. KIRK.
H.R. 671: Mr. LANGEVIN.
H.R. 690: Ms. SOLIS.
H.R. 709: Mr. HOYER, Mrs. THURMAN, Mr. DOOLEY of California, Mr. FILNER, and Mr. BAIRD.
H.R. 778: Mr. YOUNG of Alaska, and Mr. LARSEN of Washington.
H.R. 785: Mrs. CHRISTENSEN.
H.R. 822: Mr. SHAW.
H.R. 826: Mr. SHADEGG.
H.R. 828: Mr. SIMMONS, Mr. ISRAEL, and Mr. ROGERS of Michigan.
H.R. 868: Mr. ROGERS of Kentucky, Mr. BISHOP, Mr. SUNUNU, Ms. CARSON of Indiana, Mr. ISRAEL, Mr. HOBSON, Mr. HOLT, Mr. DOYLE, Mr. HOUGHTON, Mr. MCNULTY, Mr. CUMMINGS, Mr. RAHALL, Mrs. JONES of Ohio, and Mr. FATTAH.
H.R. 869: Mr. LANGEVIN, Mr. HORN, Mr. HINCHEY, Mr. FRANK, Mrs. ROUKEMA, and Mr. ENGLISH.
H.R. 875: Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. SERRANO, Mr. FROST, Mr. STARK, and Mr. MCDERMOTT.
H.R. 876: Ms. MCCOLLUM, Mr. HOEFFEL, Mr. WEINER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KIRK, Mr. OSBORNE, and Mr. MORAN of Kansas.
H.R. 877: Mr. ANDREWS and Mr. RILEY.
H.R. 912: Mr. GILMAN.
H.R. 917: Mrs. MALONEY of New York.
H.R. 936: Mr. MATHESON.
H.R. 943: Mr. WAXMAN and Mr. BROWN of Ohio.
H.R. 950: Mr. PETERSON of Pennsylvania and Mr. PENCE.
H.R. 951: Ms. SCHAKOWSKY, Mr. ROEMER, Mr. HAYES, Mr. BACHUS, Mrs. NORTHUP, Mr. HILLIARD, Mr. PASCRELL, Mr. MCINTYRE, Mr. THUNE, Mr. ANDREWS, Mr. MARKEY, Mr. STUPAK, Mr. CASTLE, Mr. MASCARA, Mr. ROSS, and Mr. BURR of . North Carolina.
H.R. 1007: Mr. TAYLOR of Mississippi.
H.R. 1008: Mrs. EMERSON and Mr. MANZULLO.
H.R. 1021: Mr. MANZULLO.
H.R. 1024: Ms. HART and Mr. HOUGHTON.
H.R. 1030: Ms. HART, Mr. DIAZ-BALART, Mr. HONDA, Mr. BEREUTER, Mr. LANTOS, Mr. SHADEGG, Mr. BARR of Georgia, Mr. MCKEON, Mr. PORTMAN, Mrs. BIGGERT, and Mr. CLYBURN.
H.R. 1036: Mr. ACKERMAN, Mr. FILNER, Mr. DEUTSCH, Mr. DOGGETT, Mr. SHOWS, Mr. GUTIERREZ, Mr. MARKEY, Mr. HALL of Texas, Mr. JEFFERSON, Mr. STRICKLAND, Mr. HONDA, Mr. BAIRD, and Mrs. THURMAN.
H.R. 1038: Mr. OBERSTAR, Mr. BARRETT, Mr. NADLER, and Mr. HALL of Ohio.
H.R. 1076: Mr. FORD, Ms. HARMAN, Mr. FALEOMAVAEGA, Ms. KILPATRICK, Mrs. CHRISTENSEN, and Mr. HILLIARD.
H.R. 1136: Mr. WHITFIELD, Mr. MEEKS of New York, and Mr. KIRK.
H.R. 1145: Mr. NEY.
H.R. 1149: Mr. FROST, Mr. WU, Ms. HARMAN, and Mr. BOUCHER.
H.R. 1165: Mr. HALL of Texas and Mr. EHLERS.
H.R. 1170: Mr. DICKS and Ms. WATSON.
H.R. 1172: Mr. HULSHOF, Mr. SWEENEY, Ms. ROS-LEHTINEN, Mr. PORTMAN, and Mr. HALL of Texas.
H.R. 1187: Mr. COYNE and Mr. CLYBURN.
H.R. 1192: Mr. MURTHA.
H.R. 1198: Mr. DEFAZIO, Mr. MCGOVERN, Mr. FRANK, Mr. BROWN of South Carolina, Mr. GALLEGLY, Mr. HUNTER, Mr. BROWN of Ohio, Mr. FALEOMAVAEGA, Mr. THOMPSON of Mississippi, Mr. GONZALEZ, Ms. LOFGREN, Ms. BROWN of Florida, Mr. SANDERS, Mrs. THURMAN, Mrs. CLAYTON, Mr. SCHIFF, Mrs. MALONEY of New York, Ms. HART, Mr. SMITH of New Jersey, Mrs. JOE ANN DAVIS of Virginia, Mr. DUNCAN, and Mr. BURTON of Indiana.
H.R. 1201: Ms. HARMAN.
H.R. 1230: Mr. EVANS and Mr. KIND.
H.R. 1238: Mr. TAYLOR of Mississippi and Mr. JACKSON of Illinois.
H.R. 1255: Ms. LEE and Mr. BALDACCI.,
H.R. 1269: Mr. PRICE of North Carolina, Mr. MORAN of Virginia, Ms. NORTON, Mr. BERMAN, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. MCCARTHY of Missouri, Mr. TIERNEY, Mr. CAPUANO, and Ms. LOFGREN.,
H.R. 1296: Ms. HOOLEY of Oregon, Mr. WU, Mr. LAMPSON, and Mr. PAYNE.
H.R. 1304: Mr. DOOLEY of California.
H.R. 1305: Mr. GIBBONS and Mrs. TAUSCHER.
H.R. 1310: Mr. SANDERS.
H.R. 1316: Mr. PHELPS and Mr. WAMP.
H.R. 1329: Mr. HORN and Mrs. NORTHUP.
H.R. 1340: Mr. KIRK.
H.R. 1401: Ms. SLAUGHTER.
H.R. 1410: Mr. HILLEARY.
H.R. 1421: Mr. LANGEVIN, Mr. OWENS, Mr. GUTIERREZ, Mr. BECERRA, and Mr. Simmons.
H.R. 1433: Mr. STUPAK.
H.R. 1462: Mr. MCINNIS.
H.R. 1477: Mr. HINOJOSA.
H.R. 1487: Mrs. THURMAN.
H.R. 1488: Mr. GEORGE MILLER of California and Mr. BLUMENSUER.
H.R. 1508: Mr. PLATTS.
H.R. 1522: Mr. HINCHEY and Mr. ANDREWS.
H.R. 1541: Mr. HINCHEY.
H.R. 1556: Mrs. EMERSON, Mr. KENNEDY of Rhode Island, and Mr. SMITH of New Jersey.
H.R. 1596: Ms. MCKINNEY, Mr. BARTLETT of Maryland, Mr. SAXTON, Mr. FROST, Mr. WOLF, and Mr. KING.
H.R. 1598: Mr. SIMMONS.
H.R. 1600: Ms. ESHOO and Mr. CALVERT.
H.R. 1605: Mr. ROSS.
H.R. 1609: Mr. CLEMENT and Mrs. CHRISTENSEN.
H.R. 1636: Mr. BEREUTER and Mr. LEWIS of Kentucky.
H.R. 1644: Mr. FOSSELLA, Mr. PETERSON of Pennsylvania, Mr. COLLINS, and Mr. SCHROCK.
H.R. 1657: Mr. GUTKNECHT.
H.R. 1668: Mr. HOLT, Mr. TIBERI, Mr. SHAW, and Mr. HORN.
H.R. 1682: Mr. GREEN of Texas, Mr. MCGOVERN, Mr. GONZALEZ, Mr. HILLIARD, and Mr. REYES.
H.R. 1723: Ms. LOFGREN and Mr. DINGELL.
H.R. 1733: Ms. MCKINNEY and Mr. ALLEN.
H.R. 1754: Mr. SIMPSON and Mr. HINCHEY.
H.R. 1773: Mr. CANTOR, Mr. BACA, Ms. HART, and Mr. FILNER.
H.R. 1786: Mr. DEAL of Georgia and Mr. PETERSON of Pennsylvania.
H.R. 1805: Mr. PENCE.
H.R. 1808: Mr. GILLMOR, Mr. PASCRELL, and Mrs. MCCARTHY of New York.

H.R. 1827: Mr. FILNER.
H.R. 1839: Mr. GONZALEZ.
H.R. 1841: Mr. HILL and Mr. HOSTETTLER.
H.R. 1859: Mrs. JONES of Ohio.
H.R. 1873: Mr. HILLIARD and Mr. HONDA.
H.R. 1881: Mr. PENCE.
H.R. 1919: Mr. BUYER, Ms. HART, Mr. GEKAS, Mr. HULSHOF, Mr. GILLMOR, Mrs. NORTHUP, Mr. BACHUS, Mr. PASCRELL, Mr. WALSH, Mr. OSBORNE, Mr. HOLDEN, and Mr. NEY.
H.R. 1928: Mr. KENNEDY of Rhode Island.
H.R. 1935: Mr. MCNULTY, Mr. BARTLETT of Maryland, Mr. THORNBERRY, Mr. MCGOVERN, Ms. MCCARTHY of Missouri, Mr. SAXTON, Ms. BALDWIN, Mr. FOLEY, and Mr. KUCINICH.
H.R. 1945: Mr. HINCHEY.
H.R. 1949: Mr. FARR of California, Mr. MURTHA, Mr. BALDACCI, Mr. MCHUGH, Mrs. THURMAN, Mr. EVANS, Mr. ALLEN, Mr. BROWN of Ohio, and Mr. PASCRELL.
H.R. 1950: Mr. SHAW.
H.R. 1954: Mr. TIAHRT, Mr. UPTON, Mr. YOUNG of Florida, and Mr. SHAYS.
H.R. 1958: Mr. ANDREWS, Mr. RODRIGUEZ, and Mr. BRADY of Texas.
H.R. 1983: Mr. SHAYS, Mrs. MCCARTHY of New York, Mr. CANTOR, Mr. MCKEON, Mr. Saxton, Mr. MEEKS of New York, Mr. FOLEY, Mr. PETERSON of Minnesota, Mr. GOODE, and Mr. KING.
H.R. 1988: Mrs. JONES of Ohio, Mr. COYNE, and Mr. SHOWS.
H.R. 2001: Mr. GUTKNECHT.
H.R. 2012: Mr. SANDERS, Ms. KAPTUR, Mr. LAHOOD, Mr. ALLEN, Mr. STUPAK, Ms. MCCOLLUM, Mrs. MORELLA, Mr. HANSEN, and Mr. HOLDEN.
H.R. 2027: Mr. PETERSON of Pennsylvania.
H.R. 2038: Mr. PETERSON of Minnesota.
H.R. 2055: Mr. FLAKE, Mr. BONILLA, Mr. SHAW, and Mr. OTTER.
H.R. 2073: Mr. PASTOR, Mr. FROST, Mr. FALEOMAVAEGA, Mr. ISAKSON, Mr. BALDACCI, Mr. JONES of North Carolina, Ms. WOOLSEY, Mr. HINCHEY, and Mr. BOUCHER.
H.R. 2074: Mr. FORD.
H.R. 2076: Mr. TOM DAVIS of Virginia.
H.R. 2095: Ms. HART.
H.R. 2096: Mr. ARMEY.
H.R. 2097: Ms. CARSON of Indiana, Mr. FATTAH, Ms. NORTON, Ms. MCKINNEY, Mr. CLYBURN, Mrs. CLAYTON, Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Ms. WATERS, Mr. PAYNE, Mr. FORD, and Mr. CLAY.
H.R. 2101: Mr. OTTER and Mr. THORNBERRY.
H.R. 2102: Mrs. MEEK of Florida, Mr. HILLEARY, Mr. FALEOMAVAEGA, Mr. PRICE of North Carolina, Mr. BOUCHER, and Mr. STUPAK.
H.R. 2116: Mr. GRAHAM and Mr. BALLENGER.
H.R. 2123: Mr. BLUNT.
H.R. 2125: Mr. ALLEN, Mr. ISAKSON, Mrs. THURMAN, Mr. PALLONE, and Mr. BOUCHER.
H.R. 2131: Mr. MCGOVERN.
H.R. 2143: Mr. KIRK, Mrs. NORTHUP, Mr. OTTER, Mr. CANTOR, Mr. TIAHRT, and Mr. OXLEY.
H.R. 2149: Mrs. CUBIN, Mr. MCKEON, Mrs. BONO, and Mr. THORNBERRY.
H.R. 2154: Mr. LANTOS and Ms. VELÁZQUEZ.
H.R. 2157: Mr. ENGLISH, Mr. SESSIONS, and Mr. JOHNSON of Illinois.
H.R. 2158: Mr. CONYERS and Mr. FILNER.
H.R. 2161: Mr. DOOLITTLE.
H.R. 2164: Mrs. TAUSCHER.
H.R. 2172: Mr. DREIER.
H.R. 2175: Mr. GRAHAM, Mr. RAHALL, Mr. HEFLEY, Mr. HOEKSTRA, Mr. BARTON of Texas, and Mr. PETRI.
H.R. 2176: Mr. MCDERMOTT.
H.R. 2177: Mr. WATKINS and Mr. HINOJOSA.
H.R. 2178: Mr. NEAL of Massachusetts.
H.R. 2182: Mr. MEEHAN.
H.R. 2200: Mr. BAKER.
H.R. 2212: Mr. OXLEY, Mr. LARGENT, Mr. TANCREDO, Mr. ARMEY, Mr. WATTS of Oklahoma, Mr. CANTOR, Mr. SENSENBRENNER, Mr. SUNUNU, and Mr. BALLENGER.
H.R. 2219: Mr. NEAL of Massachusetts.
H.R. 2235: Mr. HOLT.
H.R. 2244: Mr. BACHUS and Mr. RYUN of Kansas.
H.R. 2252: Mrs. JO ANN DAVIS of Virginia.
H.R. 2258: Ms. LEE.
H.J. Res. 13: Mr. PASCRELL.
H.J. Res. 36: Mr. YOUNG of Florida, Mr. ANDREWS, Mr. WELDON of Pennsylvania, Mr. CANNON, and Mrs. NAPOLITANO.
H. Con. Res. 45: Mr. DIAZ-BALART and Mr. GREEN of Texas.
H. Con. Res. 161: Mr. NORWOOD, Mr. JOHNSON of Illinois, Mr. MILLER of Florida, Mr. OSE, Mr. CHAMBLISS, Mrs. TAUSCHER, Mr. BAKER, Ms. MCKINNEY, Mr. KING, Mr. JOHN, Mr. THUNE, Mr. DIAZ-BALART, Mr. ROHRABACHER, Mr. SHAW, Mr. MCNULTY, Mr. RAHALL, Mr. SUNUNU, Mr. PETRI, Mr. CALVERT, and Mr. DEAL of Georgia.
H. Con. Res. 164: Mr. ENGLISH.
H. Res. 49: Mr. RANGEL.
H. Res. 117: Mr. WEINER.
H. Res. 152: Mrs. TAUSCHER, Mr. CLAY, Mr. HINCHEY, and Mr. ALLEN.
H. Res. 172: Mrs. KELLY, Mr. RANGELL, Mr. NADLER, Mr. MCNULTY, Mr. ENGEL, Mr. BOEHLERT, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. CAPUANO, Mr. SERRANO, Mr. HOUGHTON, Mrs. LOWEY, Mr. TIERNEY, Mr. QUINN, Mr. LAFALCE, Mr. WEINER, Mr. OWENS, Mr. TOWNS, Mr. BLUMENAUER, Mr. HOYER, Mr. MCGOVERN, Mr. TERRY, and Ms. VELÁZQUEZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2172: Mr. GILLMOR.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. CARSON on House Resolution 146: Eddie Bernice Johnson and Alan B. Mollohan.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2217

OFFERED BY MR. INSLEE

AMENDMENT NO. 10: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds made available in this Act may be used to suspend or revise the final regulations published in the Federal Register on November 21, 2000, that amended part 3809 of title 43, Code of Federal Regulations.

H.R. 2217

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 11: At the end of the bill, add the following section:

SEC. 332. None of the funds appropriated or otherwise made available by this Act may be used to fund the National Endowment of the Arts.

EXTENSION OF REMARKS

IN HONOR OF DOCTOR LORRAINE MONROE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Doctor Lorraine Monroe for her dedication to her community through her love of education.

Doctor Monroe earned her Bachelor of Arts as well as her Master of Arts from Hunter College in English Literature. She continued with her education, obtaining a Master of Science in Administration and Supervision from Bank Street College of Education. Lorraine holds a Master in Education degree from Columbia University in addition to the Doctorate in Education that Doctor Monroe earned from Teachers College at Columbia University. In addition, she has also been the recipient of six Honorary Doctorates, including ones from Brown University and Hunter College.

Lorraine takes the education that she receives and uses her knowledge in her many various capacities as an educator which she has filled. Her professional experience includes serving as the Executive Director of the School Leadership Academy at the Center for Educational Innovation to teaching graduate courses in school administration at Bank Street College Principals' Institute to teaching English in the New York City public schools. Additionally, Doctor Monroe is the Co-Director of the Women's Group at the Bank Street College as well as the Chief Executive for Instruction at the New York City Board of Education.

Due to her vast experience as an administrator, Lorraine has served as a consultant on educational issues to over 44 states in the United States. Additionally, she consults in other countries, including, but not limited to Germany, Brazil, Canada, Japan, Singapore, and Sweden. She can often be found traveling to far and distant places as a keynote speaker. Lorraine also is a distinguished member of the Board of Trustees for Columbia University's Teachers College.

Mr. Speaker, Doctor Lorraine Monroe has devoted her life to serving her community as an educator. As such, she is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable woman.

HONORING JUNIOR ACHIEVEMENT HIGH SCHOOL VOLUNTEER JERRY RICE OF ROCKFORD, ILLINOIS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. MANZULLO. Mr. Speaker, I rise to speak today about a distinguished member of my district who is being honored by an organization, which has had an immeasurable impact on America. Jerry Rice, a retired engineer for Broaster Corporation, is Junior Achievement's National High School Volunteer of the Year. In his ten years as a volunteer for Junior Achievement, Mr. Rice has taught approximately 90 classes. Throughout those ten years, Mr. Rice has served as a classroom volunteer for several of Junior Achievement's programs. Mr. Rice's continually goes above and beyond the call of the average volunteer. He also serves as a confidant to many students and has helped them to increase their understanding of economics, which in turn increases their desire to learn. His dedication to the young people of his community stands as an inspiration to us all.

The history of Junior Achievement is a true testament to the indelible human spirit and American ingenuity. Junior Achievement was founded in 1919 by Horace Moses, Theodore Vail, and Senator Murray Crane of Massachusetts, as a collection of small, after-school business clubs for students in Springfield, Massachusetts.

As the rural-to-city exodus of the populace accelerated in the early 1900s, so too did the demand for workforce preparation and entrepreneurship. Junior Achievement students were taught how to think and plan for a business, acquire supplies and talent, build their own products, advertise, and sell. With the financial support of companies and individuals, Junior Achievement recruited numerous sponsoring agencies such as the New England Rotarians, Boy Scouts, Girl Scouts, Boys & Girls Clubs, the YMCA, local churches, playground associations and schools to provide meeting places for its growing ranks of interested students.

In a few short years JA students were competing in regional expositions and trade fairs and rubbing elbows with top business leaders. In 1925, President Calvin Coolidge hosted a reception on the White House lawn to kick off a national fundraising drive for Junior Achievement's expansion. By the late 1920s, there were nearly 800 JA Clubs with some 9,000 Achievers in 13 cities in Massachusetts, New York, Rhode Island, and Connecticut.

During World War II, enterprising students in JA business clubs used their ingenuity to find new and different products for the war effort. In Chicago, JA students won a contract to manufacture 10,000 pants hangers for the U.S. Army. In Pittsburgh, JA students developed and made a specially lined box to carry off incendiary devices, which was approved by the Civil Defense and sold locally. Elsewhere, JA students made baby incubators and used acetylene torches in abandoned locomotive yards to obtain badly needed scrap iron.

In the 1940s, leading executives of the day such as S. Bayard Colgate, James Cash Penney, Joseph Sprang of Gillette and others helped the organization grow rapidly. Stories of Junior Achievement's accomplishments and of its students soon appeared in national magazines of the day such as TIME, Young America, Colliers, LIFE, the Ladies Home Journal and Liberty.

In the 1950s, Junior Achievement began working more closely with schools and saw its growth increase five-fold. In 1955, President Eisenhower declared the week of January 30 to February 5 as ''National Junior Achievement Week.'' At this point, Junior Achievement was operating in 139 cities and in most of the 50 states. During its first 45 years of existence, Junior Achievement enjoyed an average annual growth rate of 45 percent.

To further connect students to influential figures in business, economics, and history, Junior Achievement started the Junior Achievement National Business Hall of Fame in 1975 to recognize outstanding leaders. Each year, a number of business leaders are recognized for their contribution to the business industry and for their dedication to the Junior Achievement experience. Today, there are 200 laureates from a variety of businesses and industries that grace the Hall of Fame.

By 1982, Junior Achievement's formal curricula offering had expanded to Applied Economics (now called JA Economics), Project Business, and Business Basics. In 1988, more than one million students per year were estimated to take part in Junior Achievement programs. In the early 1990s, a sequential curriculum for grades K–6 was launched, catapulting the organization into the classrooms of another one million elementary school students.

Today, through the efforts of more than 100,000 volunteers in the classrooms of America, Junior Achievement reaches more than four million students in grades K–12 per year. JA International takes the free enterprise message of hope and opportunity even further . . . to more than 1.5 million students in 111 countries. Junior Achievement has been an influential part of many of today's successful entrepreneurs and business leaders. Junior Achievement's success is truly the story of America—the fact that one idea can influence and benefit many lives.

Mr. Speaker, I wish to extend my heartfelt congratulations to Jerry Rice of Rockford for his outstanding service to Junior Achievement and the students of Illinois. I am proud to have him as a member of my district and proud of his accomplishment.

IN HONOR OF THE RETIREMENT OF MS. EVELYN B. NEPTUNE

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mrs. CLAYTON. Mr. Speaker, I rise today to pay tribute to a very special person, my constituent, Mrs. Evelyn B. Neptune. I extend my sincere congratulations to Mrs. Neptune on her retirement after having served the Washington County Public Schools System, the Pettigrew Regional Library System and the Washington County Health Department for more than 32 years.

Mr. Speaker, a resounding expression of appreciation is indeed in order and is extended to Mrs. Neptune on behalf of the many citizens across Eastern, North Carolina whose lives have been touched by her dedication, compassion, and generosity. Mrs. Neptune has given so much of herself to make the burdens of life more manageable for so many.

Mr. Speaker, Mrs. Neptune is an exception to the idea that ''it takes a village to raise a child.'' In 1965 she moved to her hometown of Plymouth, North Carolina with her children ages 3, 4, 5, and 6 as a single parent. She began working as a teaching assistant in the local elementary school where she started reading to her students during recess and after school simply because the children needed the extra help. This activity led to a recommendation for Mrs. Neptune to take a job as a library assistant with the Pettigrew Regional Library. Once there, Mrs. Neptune began reading to visiting classes of pre-school and elementary school students as a means of occupying them and introducing them to new books. This activity led to more formal reading sessions that were eventually expanded to the famous ''Story Hour'' programs that Mrs. Neptune began hosting, not only in all four of the public libraries in the region, but also in local senior citizen homes. Mrs. Neptune's stories which included elaborate puppet shows that she made up, became legendary throughout the region. In 1994, Mrs. Neptune accepted a position in the Washington Country Health Department where she worked with the Maternity/Pre-Natal program and finally their Breast Cancer Screening program before retiring in 1997. In addition to this amazing career, Mrs. Neptune served on the Washington County School Board for eight years.

As a parent, Mr. Speaker, I am convinced that Mrs. Neptune's greatest accomplishment as a single parent is the fact that she sent all five of her children to college, and in some cases, beyond, including to Harvard Medical School, Harvard Business School, North Carolina Central University, University of South Carolina, Duke University and Princeton. Today, Mr. Speaker, Mrs. Neptune is the proud parent of a physician and researcher who practices at Johns Hopkins Hospital, and two Vice Presidents, one who is employed with Bank of America and the other with the Washington Post Newspaper. The remaining two have enjoyed successful careers as a design engineer and an insurance administrator.

Mrs. Neptune is a true treasure; a gift beyond words. Her most enduring personal quality is her boundless humility. Mr. Speaker, I ask my colleagues to rise and join me in paying tribute to one of the ''world's best kept secrets'', Mrs. Evelyn Neptune, with all of her noteworthy accomplishments. Thank you for this opportunity, Mr. Speaker.

INTERNATIONAL TERRORISM STILL A REAL THREAT FOR AMERICANS ABROAD

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. GILMAN. Mr. Speaker, I rise to bring my Colleagues' attention to several recent events that once again highlight the threat of international terrorism faced by Americans around the world. On May 27, radical Muslim separatists in the Philippines kidnaped a group of twenty persons from a luxury resort, including three Americans. Reports indicate that one of these Americans was selected for execution by beheading to emphasize the rebel group's displeasure with government negotiations for the hostage's release. Though this barbaric act has not been confirmed, evidence is growing that the rebels' claim may be accurate.

In Yemen, FBI and Naval Criminal Investigative Service agents investigating the earlier terrorist attack last year on the American warship U.S.S. *Cole* were withdrawn after receiving a ''specific and credible'' threat against them. At the same time, some non-essential personnel have been withdrawn from the American embassy, and the U.S. embassy in Yemen has been put on a limited operations status.

Though the motivations behind these acts are complex, one thread ties them together. Some of these targets have been selected because they are Americans. We must not stand by idly while this threat exists. We should continue to work cooperatively with other nations around the globe to contain it, and at the same time, non-cooperative nations must be pressed to respect international laws and not support or encourage terrorism.

For several months now, the government of the People's Republic of China has been holding hostage about half a dozen U.S. citizens and permanent residents. Let's be perfectly clear about this. Government sponsored kidnaping is terrorism. It is no less dramatic or evil than what is happening in the Philippines or anywhere else that Americans or our residents or anybody else is being held against their will for political purposes.

The People's Republic of China has previously engaged in similar action. One year it was activist Harry Wu. Another time it was Wei Jingsheng. For years the Chinese dictatorship have been holding and releasing, and then holding and releasing Catholic clergy loyal to Pope John Paul II. Some of these hostages are eventually released, some permanently, some temporarily after they are leveraged on MFN, WTO, Taiwan or some other significant issue.

Let us also be clear that our State Department is on notice that we want our people back immediately and unconditionally. It should be made perfectly clear that the President has put on hold any consideration about his meeting with Chinese leaders until this happens. The Chinese government must understand that our people are not pawns for trade. First return our people and then we will talk about other things, such as trade.

A TRIBUTE TO MONIQUE GREENWOOD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Monique Greenwood for her boundless spirit that has allowed her to become a successful businesswoman and give back to her community.

Monique, a native of Washington, D.C., is a magna cum laude graduate of Howard University. She is also an alumna of the Program for Developing Managers at Simmons Graduate School of Business.

Greenwood was recently appointed Editor-in-Chief of Essence Magazine, the country's leading magazine for African-American women. Since joining Essence in 1996, Monique has done stints as Executive Editor, Lifestyle Director, and Style Director. Prior to joining Essence, she held several senior positions with Fairchild Publications. Working for Fairchild, Monique started and headed Children's Business, the industry publication for children's fashion.

Monique has also been met with terrific success as a successful restaurateur. In 1995, she launched Akwaaba Mansion, an elegant bed-and-breakfast in the historic Bedford Stuyvesant Brooklyn community. Three years later, Monique and her husband, Glenn Pogue, opened Akwaaba Café, an elegant restaurant located just down the road from the inn. During the summer of 2000, Monique and Glenn unveiled their revitalization plan of a commercial block that they own in the Bedford Stuyvesant neighborhood. Among the many stores lining the street is the quaint coffee house, Mirrors, which the couple own and operate.

In addition to being the author of a book with another set to be published soon, Monique co-founded and serves as national president of Go On Girl! Book Club, a literary society for African-American women.

Monique devotes much of her spare time to serving her community. She serves on several boards including the New York Urban League and Community Planning Board #3. She is the recipient of numerous honors, including a Points of Light Award from President George Bush.

Being a wife and mother is what Greenwood considers her most important and most rewarding role. She and Glenn have a nine-year-old daughter.

Mr. Speaker, Monique Greenwood has devoted her life to serving her community through entrepreneurship. As such, she is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable woman.

BATAAN DEATH MARCH VETERANS SURVIVAL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. GALLEGLY. Mr. Speaker, I rise in strong support of our veterans, but in particular a group of them from World War II. These heroes survived the Bataan Death March only to be transported to Japan in the infamous Death Ships and were forced to work for private Japanese companies under the most horrendous conditions. Private employees of these companies repeatedly and systematically tortured and physically abused these American GI's. Not only did these corporations refuse to pay our former GI's their wages (as required by international law), they also withheld essential medical care and even the most minimal amounts of food. The brutality suffered by our POWs was truly staggering. During the Second World War, more than 11,000 died in the hands of their Japanese corporate employers, among the worst records of physical abuse of POWs in recorded history.

After the War, approximately 16,000 returned—all battered and nearly starved, many permanently disabled, all changed forever. To serve U.S. policy, the U.S. and Japanese governments joined together to keep their ordeal from public attention. Now, like many other victims of World War II-era atrocities, the remaining survivors and the estates of those who have since passed away are seeking justice and historical recognition of their ordeal. They do not seek any redress from the Japanese Government or by the Japanese people. Rather, they seek compensation from the multinationals that withheld food and medicine for more than three years so that they could increase their profits.

Representatives MIKE HONDA and DANA ROHRABACHER have introduced legislation, H.R. 1198, which will allow these veterans a day in court. I am a strong supporter and a cosponsor of the bill.

In addition, at the end of the month the new Japanese Prime Minister will visit the United States. I urge him and President Bush to directly address this issue. It is my hope that this opportunity will be used to reach a historic agreement that will address the concerns of our veterans who suffered inhumane treatment at the hands of Japanese companies during World War II.

HONORING DR. CHARLES SACHATELLO FOR HIS 50 YEARS OF DEDICATED SERVICE TO THE SCIENCE OF MEDICINE

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. FLETCHER. Mr. Speaker, I rise today to acknowledge and thank a community leader for his 50 years of dedicated service to medicine, many of those years spent serving and impacting lives in Central Kentucky.

Dr. Charles Sachatello has been a member of the Lexington Community since 1970 and has dutifully served as a surgeon, neighbor and friend. He has recently retired and it is my honor to tell you about his life and accomplishments.

Born in Connecticut, Dr. Sachatello received his undergraduate degree from Yale University and medical degree from Yale Medical School before attending Vanderbilt University to receive his surgical training. While at Vanderbilt, Dr. Sachatello published several papers regarding a new surgical treatment detailing techniques to remove blood clots.

After attending Vanderbilt University, Dr. Sachatello joined the staff of the Roswell Park Memorial Institute in Buffalo, NY. During his tenure, he recognized the Juvenile Polyposis of Infancy syndrome and established a working classification of intestinal polyps.

Dr. Sachatello became a Professor of Surgery at the University of Kentucky, Chandler Medical Center in 1970 and was actively involved in teaching, patient care and surgical research until his departure in 1985. During his tenure, he conducted detailed studies of patients with intra-abdominal injuries and helped popularize the technique of diagnostic peritoneal lavage. Additionally, Dr. Sachatello worked with Arrow International Inc. to develop a Diagnostic Peritoneal Lavage Kit, which has been used in tens of thousands of patients and is still widely used today.

In 1985, Dr. Sachatello left the University of Kentucky and entered into private practice. He established the Bluegrass Surgical Group and was instrumental to the group's merger with the United Surgical Associates in 1998, which is one of the largest surgical groups in the nation.

Over the years, Dr. Sachatello has authored over 80 papers and several chapters in surgery textbooks. He also established the Charles and Suzanne Sachatello Endowment Fund at the University of Kentucky to purchase books on trauma. He was also instrumental is establishing the Grove Memorial AOA lectureship endowment.

Today, I rise to salute Dr. Sachatello for his commitment to medicine, to the Lexington Community and to me personally. Throughout his lifetime, he has touched thousands of lives as a teacher, physician, friend and neighbor improving the lives of people throughout Kentucky.

INTRODUCTION OF OUTER CONTINENTAL SHELF OIL AND GAS LEASING LEGISLATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. LoBIONDO. Mr. Speaker, Today I am introducing legislation which would make permanent the long-standing moratorium on leasing for the exploration or extraction of oil or gas on the Outer Continental Shelf near the New Jersey coast. I understand the need to find new energy sources, but I fear that future price spikes may cause some officials to make rash decisions based on political expediency instead of sound policy. If a permanent moratorium is not enacted, the New Jersey coastline will forever be in danger of oil development. In fact, recent articles in the Newark Star-Ledger and the Atlantic City Press outline a proposed Interior Department plan to study the effects of resuming offshore drilling on the Atlantic coast from Canada to North Carolina. Obviously, such a study would be the first step to the resumption of oil and gas leasing.

The Exxon Valdez oil spill is still far too fresh in my mind, and in the minds of my constituents. We remember the television footage of oil-stained beaches and dying plants and animals. None of us ever wants to see this happen in New Jersey. A large oil spill on our coastline would have a devastating effect on the health and economy of my state. The tourism and fishing industries provide thousands of jobs in New Jersey, and they would all be thrown into jeopardy if an accident were to occur. I thank my colleagues, Representatives JIM SAXTON, MARGE ROUKEMA, RODNEY FRELINGHUYSEN, MIKE FERGUSON and CHRIS SMITH for agreeing to cosponsor this important bill, and I urge Congress to enact my legislation as quickly as possible.

IN HONOR OF THE HON. BETTY J. WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of the Honorable Betty J. Williams for her dedication to the study of law and her devotion to her community.

Betty Williams became a Civil Court Judge in Brooklyn, New York upon her election to the office in November of 2000. Prior to her election, she served as Director and Chief Hearing Officer at the Board of Education of the City of New York for the Special Education Suspension Hearing Office.

Judge Williams is a graduate of North Carolina Agricultural and Technical State University. She holds her law degree from New York Law School and also earned a Master of Science from Columbia University. Betty is a member of many law associations including the National Bar Association, New York State, the Southern and Eastern District's Friends. She is able to practice law in New York State, the Southern and Eastern District's Federal Courts, and before the United States Supreme Court. Judge Williams holds the distinction of having been the first African-American and first woman to be honored by receiving the New York State Bar Association Worker's Compensation Division Award.

Through her community service, Betty has demonstrated her devotion to both the law and public. Betty has served as an arbitrator at the Civil Court of New York. She is also a member of numerous organizations including the Children and the Law Committee, the New York City Bar Association, the Brooklyn Bar Association, and the Brooklyn Women's Political Caucus. In addition to her expertise in the field of law, Betty is a New York State Certified Social Worker and a member of the

Academy of Certified Social Workers. She is a founding member of the World Community of Social Workers.

Mr. Speaker, the Honorable Betty J. Williams has devoted her life to serving her community through her excellent knowledge of the law. As such, she is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable woman.

SPECIAL TRIBUTE IN RECOGNITION OF JOHN W. CLARK

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. UPTON. Mr. Speaker, I am pleased to recognize the outstanding career of John W. Clark, who, after 16 years of service to CMS Energy Corporation, will retire as Senior Vice President of Governmental and Public Affairs.

As a result of his hard work, expertise and character, Mr. Clark has earned the respect and admiration of his colleagues and of countless individuals who have benefited from his capabilities.

The success Mr. Clark has attained throughout the years will stand as a testimony to his integrity, dedication and loyalty.

Mr. Clark's efforts and achievements have established him as an invaluable asset to Consumers Energy and will reflect positively for many years to come—his talents will certainly be missed.

It is with great pride and respect that I join with John Clark's friends and colleagues in paying tribute to his many years of service to CMS Energy Corporation, and in wishing him the very best that retirement has to offer.

PAYING TRIBUTE TO MATTHEW McNENLY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Matthew McNenly of Lansing, Michigan on being awarded a Computational Science Graduate Fellowship from the U.S. Department of Energy.

The Computational Science Graduate fellowship is a rigorous, highly competitive program that provides numerous benefits to the fellows in return for a complete casework in a scientific or engineering discipline, computer science, and applied mathematics.

McNenly graduated from Howell High School in 1994 and is currently attending the University of Michigan pursuing his Ph.D. in Aerospace engineering.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Matthew McNenly for being awarded a Computational Science Graduate Fellowship from the U.S. Department of Energy.

HONORING THE YALE ALUMNI CHORUS FOR OUTSTANDING ACHIEVEMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Ms. DELAURO. Mr. Speaker, it is my great pleasure to rise today to extend my deep congratulations and best wishes to the members and friends of the Yale Alumni Chorus as they gather to begin their Tercentenary Tour celebrating the 300th Anniversary of the founding of Yale University and the 140th anniversary of the founding of the Yale Glee Club. Today marks the beginning of their journey to Russia, Wales, and England where they will continue in their mission as ''ambassadors of song,'' promoting international goodwill and choral singing at its finest.

The world-renowned Yale Glee Club was first established 140 years ago and has traveled extensively throughout the United States, Europe, Latin America and Asia. The Yale Alumni Chorus was established by the Yale Glee Club Associates, an alumni association founded by Prescott S. Bush, father of former President George Herbert W. Bush and grandfather to President George W. Bush. Created only four years ago, this group enables the loyal alumni of the Yale Glee Club to carry on its legacy of harmony, friendship, and goodwill. Their inaugural tour of China only three years ago included performances with the principal orchestras of Beijing, Xi'an, and Shanghai and earned them a first-prize award at the China International Chorus Festival.

This Tercentenary Tour will bring the over four hundred participants to Russia where they will perform at the White Nights Festival with the Mariinsky Orchestra and later with the Moscow Chamber Orchestra. The group will provide the opening concert for the International Eisteddfod Festival in Wales and will end their tour at St. Paul's Cathedral in London where they will sing with the Royal Philharmonic Orchestra at a gala celebrating Yale University's 300th birthday. Throughout their tour, the group will be preforming classic American folk music as well as several works composed by Yale University Alumni. Perhaps the most moving and meaningful however, will be the group's performance in Wrexham, Wales where they will participate in a memorial tribute to Elihu Yale, the university's namesake.

Comprised of three generations of Yale alumni representing sixty different graduating classes and hailing from thirty three states and six additional countries, they are a truly remarkable group. It is my honor and privilege to stand today and extend my best wishes to the Yale Alumni Chorus as they begin their Tercentenary Tour. With their passion for music and unquestionable dedication to their alma mater, I am confident that they will represent Yale University, the State of Connecticut, and the United States with dignity and integrity.

CALLING ATTENTION TO UPCOMING ALBANIAN ELECTIONS

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. WAMP. Mr. Speaker, I would like to call the Congress' attention to the electoral campaign currently underway in Albania. Albania overthrew its communist government in the early 1990's. Sadly, the current socialist government seems to be repeating the authoritarian actions of the communists.

Albanians will go to the polls on June 24th to cast their votes for parliament. Recently, the Washington-based National Democratic Institute for International Affairs sent an observer team to Albania. In their report, the delegation wrote that many citizens are not fully aware of the voter roll verification procedures and some voters may ultimately be unable to exercise their right to vote.

The democratic opposition coalition, the Union for Victory, has made numerous appeals to the election commission and the ruling party to correct the many flaws in the voter rolls. To this day, those appeals have gone unanswered. The election commission, comprised of socialist party appointees has turned a deaf ear to democracy. The Albanian people deserve better.

I hope my colleagues will join me in watching carefully the unfolding events in Albania.

IN HONOR OF THE REVEREND AL SHARPTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. TOWNS. Mr. Speaker, I rise to honor the Reverend Al Sharpton, one of America's foremost civil rights leader, in recognition of his contribution to the ongoing battle against economic injustice, political inequity, and for his continuous service to his church and his community.

Reverend Sharpton began his career in the ministry not long after his birth in 1954 in Brooklyn, New York. Beginning his ministry at the young age of four, he delivered his first sermon to hundreds of listeners in Brooklyn. Mentored by Bishop F.D. Washington, Reverend Sharpton was licensed and ordained by Bishop Washington at the age of 9 and appointed Junior Pastor of the 5,000 member Washington Temple congregation.

His career in politics started shortly after his interest in the ministry. In his 1996 autobiography, Go and Tell Pharoah, Reverend Sharpton retells how his interest in politics grew as Congressman Adam Clayton Powell, Jr. mesmerized him. In 1971, Al Sharpton entered the public arena with the founding of the National Youth Movement. Throughout his 17-year leadership of the National Youth Movement, Al Sharpton registered thousands of young voters and led the fight to put the first black on the New York State Metropolitan Transit Authority Board. He also spearheaded

a political campaign which resulted in the first minority School Chancellor of the New York City Board of Education. Reverend Sharpton also led the now famous marches against ''crack'' houses, exposing them to law enforcement agencies.

Reverend Sharpton, as founder and president of the National Action Network, fights for progressive, people-based policies. Al Sharpton has risen as a pivotal spokesman against police brutality in America. Together with Martin Luther King, II, Sharpton led the ''Redeem the Dream'' March to address the issues of racial profiling and police brutality. His most recent political actions include protesting the U.S. bombing on Vieques, Puerto Rico, an action for which he received a 90 day jail sentence.

Al Sharpton has been married to singer Kathy Jordan for almost twenty years. Together they have two daughters, Dominique and Ashley.

Mr. Speaker, Reverend Al Sharpton has devoted his life to serving his community, his church, and all people. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

INTERNATIONAL CHILDREN'S DAY

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. FERGUSON. Mr. Speaker, I rise to honor young people around the world today, as a supporter of the International Children's Day.

Our children are our greatest natural resource, and they embody the very spirit of our nation's future. Our children are wonderful symbols of the infinite promise of tomorrow. The incredible potential that these children hold in their minds and in their hearts knows no bounds. I feel it is essential that we recognize children so that we may instill in them a sense of self-worth and self-esteem. Through our efforts, we may guide them along a successful path in life.

Now, more than ever, our children need our support, as they are faced with many challenges that our generations could have never imagined. School violence has become a terrible epidemic, and we must exhaust all possible avenues as we try to reach a solution to this problem. Our children deserve our utmost attention as they grow and take on new responsibilities. Children deserve a day in which we honor them for the lives they touch and the joy they bring to the world.

While first celebration of Children's Day took place in San Francisco in 1925, the United States no longer acknowledges this holiday. Today, over twenty-five countries—including England, Scotland, Sweden, Poland, and Norway—all consider this day to be worthy of honor. We too, should recognize International Children's Day and bring back this day to the country in which it originated.

I would like to recognize Margareta Paslaru-Sencovici of Summit, New Jersey, who has worked tirelessly to establish June 1st of each year as International Children's Day. After emigrating from Russia, Margareta has spent 18 years living in Summit and received an honorary award and membership to UNICEF for her protection of children. Margareta continues to return to Bucharest where she visits orphanages to entertain the children with stories and song, as well as delivering toys and clothing, which she has collected through donations here in America.

I commend Margareta for bringing international recognition to a day we can all agree on regardless of political affiliation, religious preference, or race because, after all, there is no dispute that our children are our future.

DEMOCRACY IN ALBANIA

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. FLAKE. Mr. Speaker, I rise today to discuss the events currently underway in the country of Albania. You may recall that ten years ago this Eastern European nation cast off the heavy burden of communism. Since its first elections in 1991, Albanian elections have been marked with partisan manipulation, which has resulted in the disillusionment of the Albanian people.

The upcoming June 24th national elections are a significant opportunity for Albania to move towards establishing a transparent democratic government.

While there is reason the be hopeful that these elections will be better than previous Albanian elections, there also remains cause for continued concern that they will fall short of the free and fair standard that not only we but the Albanian people themselves would want to see. It is my hope the upcoming elections will mean another step forward and not a step backwards in Albania's quest to establish a strong democracy in this troubled region.

I call upon all my colleagues to join me in carefully watching the unfolding events in Albania.

INTRODUCTION OF THE CLINICAL SOCIAL WORK MEDICARE EQUITY ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. STARK. Mr. Speaker, today I join with Rep. LEACH and Sen. MILKULSKI to introduce the Clinical Social Work Medicare Equity Act of 2001. This bipartisan legislation would fix a technical error created by the Balanced Budget Act of 1997 (BBA'97) and help residents of skilled nursing facilities (SNFs) better access needed mental health care. It does this by allowing clinical social workers to bill Medicare directly when they provide mental health services to SNF residents.

Clinical social workers are highly trained mental health professionals who have participated in the Medicare program since 1987. They constitute the single largest group—roughly 60 percent—of mental health providers in the nation. In rural and other medically underserved areas, clinical social workers are often the only mental health providers.

Until BBA'97, clinical social workers were able to bill Medicare directly for providing mental health services to SNF residents, just like clinical psychologists and psychiatrists. But a drafting error in BBA'97 unintentionally stripped clinical social workers of this ability and created an inequity that ultimately harms beneficiaries who need mental health care.

In order to contain rising healthcare costs, Section 4432 of BBA'97 authorized a prospective payment system for Medicare SNFs. For each day a beneficiary spends in a SNF, the facility receives a fixed payment that essentially bundles together the range of services a typical resident requires. Yet Congress recognized that some ancillary services, including mental health services, are better provided on an individually arranged basis. Mental health providers, including clinical psychologists and psychiatrists, were therefore excluded from the SNF prospective payment system.

Unfortunately, clinical social workers were not placed on this exclusion list. This was an unintended oversight arising from a failure to recognize that all social workers are not alike.

Some social workers are specifically trained to provide medical-social services, such as discharge planning from inpatient or long-term care settings. Because SNF residents often require this type of medical-social service, it makes sense to bundle it into the SNF prospective payment system.

Clinical social workers, however, are specifically trained to provide mental health services. Clearly Congress never intended mental health services to be part of the SNF prospective payment system. Therefore, the failure to exclude clinical social workers, who are Medicare-authorized mental health providers, makes no sense.

If Congress does not fix this oversight in the law, many clinical social workers will be forced to stop serving Medicare beneficiaries in SNFs. The ultimate victims are vulnerable seniors who need mental health care.

We must not allow this to happen. According to the 2001 DHHS report, ''Older Americans and Mental Health: Issues and Opportunities,'' mental illness is highly prevalent in nursing homes. In fact, some studies have found that up to 88 percent of nursing home residents have mental health problems, ranging from major depression to Alzheimer's disease. The 1999 Surgeon General report on mental health further indicates that older people have the highest rate of suicide of any age group—accounting for 20 percent of all suicide deaths.

Mental health treatment works. Alzheimer's patients and their families can benefit enormously from psychoeducation and counseling around how to cope and manage behavior problems. Research trials have repeatedly demonstrated that psychotherapy can be as effective as anti-depressants in treating major depression. Clinical social workers provide these important services and do so at a fraction of the cost of clinical psychologists and psychiatrists.

This legislation is strongly endorsed by the National Association of Social Workers and

the Clinical Social Work Federation and is included in a larger omnibus Medicare mental health modernization bill (H.R. 1522) endorsed by over 30 mental health and senior citizen organizations.

Again, our legislation would exclude clinical social workers from the prospective payment system. This small fix corrects what we believe to be a serious error created by BBA'97. It is time to act quickly and decisively to preserve access to needed mental health services for residents in thousands of our nation's skilled nursing facilities.

INTRODUCTION OF FOODS ARE NOT DRUGS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. PAUL. Mr. Speaker, I rise to introduce the Foods are not Drugs Act, a constitutional and common sense piece of legislation. This bill stops the Food and Drug Administration (FDA) from interfering with consumers' access to truthful information about foods and dietary supplements in order to make informed choices about their health.

The Foods are not Drugs Act accomplishes its goal by simply adding the six words ''other than foods, including dietary supplements'' to the statutory definition of ''drug.'' This allows food and dietary supplement producers to provide consumers with more information regarding the health benefits of their products, without having to go through the time-consuming and costly process of getting FDA approval. This bill does not affect the FDA's jurisdiction over those who make false claims about their products.

Scientific research in nutrition over the past few years has demonstrated how various foods and other dietary supplements are safe and effective in preventing or mitigating many diseases. Currently, however, disclosure of these well-documented statements triggers more extensive drug-like FDA regulation. The result is consumers cannot learn about simple and inexpensive ways to improve their health. For example, in 1998, the FDA dragged manufacturers of Cholestin, a dietary supplement containing lovastatin, which is helpful in lowering cholesterol, into court. The FDA did not dispute the benefits of Cholestin, rather the FDA attempted to deny consumers access to this helpul product simply because the manufacturers did not submit Cholestin to the FDA's drug approval process!

The FDA's treatment of the manufacturers of Cholestin is not an isolated example of how current FDA policy harms consumers. Even though coronary heart disease is the nation's number-one killer, the FDA waited nine years until it allowed consumers to learn about how consumption of foods and dietary supplements containing soluble fiber from the husk of psyllium seeds can reduce the risk of coronary heart disease! The Foods are not Drugs Act ends this breakfast table censorship.

The FDA is so fanatical about censoring truthful information regarding dietary supplements it even defies federal courts! For example, in the case of *Pearson* v. *Shalala,* 154 F.3d 650 (DC Cir. 1999), rehg denied en banc, 172 F.3d 72 (DC Cir. 1999), the United States Court of Appeals for the DC Circuit Court ruled that the FDA violated consumers' first amendment rights by denying certain health claims. However, the FDA has dragged its feet for over two years in complying with the *Pearson* decision while wasting taxpayer money on frivolous appeals. It is clear that even after Pearson the FDA will continue to deny legitimate health claims and force dietary supplement manufacturers to waste money on litigation unless Congress acts to rein in this rogue agency.

Allowing American consumers access to information about the benefits of foods and dietary supplements will help America's consumers improve their health. However, this bill is about more than physical health, it is about freedom. The first amendment forbids Congress from abridging freedom of all speech, including commercial speech.

In a free society, the federal government must not be allowed to prevent people from receiving information enabling them to make informed decisions about whether or not to use dietary supplements or eat certain foods. I, therefore, urge my colleagues to take a step toward restoring freedom by cosponsoring the Foods are not Drugs Act.

RECOGNIZING THE SPEAKER OF THE PUNJAB STATE ASSEMBLY HONORABLE SARDAR CHARANJIT SINGH ATWAL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Honorable Sardar Charanjit Singh Atwal, Speaker of the Punjab State Assembly. Mr. Atwal has been a respected member in the Parliament of India for over 20 years.

Mr. Atwal visited the California Central Valley last year to attend the Commonwealth Speakers Convention, which includes Speakers from all over the world. In the fall of last year, Mr. Atwal also visited the Central Valley to meet with the local Sikh community. Mr. Atwal has been in the field of politics since 1957 and was first elected to the Punjab State Assembly in 1977. Sardar Atwal is a Dalit (Mazhabi Sikh) and a refugee from Pakistan who has risen from the grassroot worker's level to the top hierarchy of the Shiromani Akali Dal (Badal).

Mr. Speaker, I rise to recognize the Honorable Sardar Charanjit Singh Atwal and his achievements for the Sikh community. I urge my colleagues to join me in praising Mr. Atwal's more than 40 years of service to the people of India.

DISTURBING TRENDS REGARDING RELIGIOUS FREEDOM IN KAZAKHSTAN

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. PITTS. Mr. Speaker, I am deeply concerned about the recent pattern of human rights violations in Kazakhstan. Since last autumn, but particularly since January 2001, the Kazakh government has shown a troubling trend in its treatment of American citizens living in Kazakhstan and Kazakh citizens who hold religious beliefs. I have received numerous reports in my office detailing the intense harassment of a number of different American families and their friends in Kazakhstan.

In one instance, officials called three families into the police station and told them they had to leave the country. The families made the arrangements to leave, then, after all of the adults, children and their luggage had been processed through the airport and the family was ready to board the airplane, security officials pulled everyone out of the airport and would not allow them to depart. In another situation, a member of the local secret police came to the family's home and threateningly said that he was staying in their apartment that night and escorting them to the airport to leave the next morning—basically putting the family, including a one-year-old little girl, under house arrest.

Security and court officials also harassed the families of those working at an education center, punished them because of their refusal to pay bribes to local officials, and forced them to pay a $240 per person fine for trumped-up charges—all apparently because of the peaceful practice of their religious beliefs.

Unfortunately, I have numerous other examples of the negative treatment of religious believing Americans by Kazakh officials. However, not all Americans are treated this way, only the ones who hold religious beliefs. The Americans who were harassed all attended church services, just as they would do anywhere they lived and worked, and made friends with people in that religious community. Sadly, government officials somehow saw something sinister in their peaceful religious practices. Even further, of great concern is the fact that each person or family with whom these Americans were friends has since been harassed by police and state security officials.

Disturbingly, these situations are not mere misunderstandings or random actions by local officials. The pattern of harassment is occurring throughout the country, not just in isolated incidents. Furthermore, Kazakh Evangelical Baptists have reported that security officials have interrupted church services, confiscated literature in the church, recorded all attendees at the service, even arresting participants, and severely beat the pastor in the head, neck and stomach. Then, at the police station, officials threatened the Christians saying things like, ''During the Soviet times, believers like you were shot. Now you are feeling at peace, but we will show you.''

Correcting the injustices against Americans and Kazakhs is an important step in reflecting

the Kazakh government's desire to establish rule of law in Kazakhstan.

Kazakhstan has been the nation that people point to in Central Asia where there has been freedom to peacefully practice one's religious beliefs and freely meet with one's faith community. The Constitution protects religious freedom and the government previously has upheld its commitments as a party to the Helsinki Accords and a member of the Organization for Security and Cooperation in Europe. The recent trend, however, seems to belie previous optimism about religious freedom. Further cause for concern lies with new legislation that restricts religious freedom. The concerns cited by the government regarding wanting to ensure that no criminal activity occurs among people who adhere to certain religious beliefs can be accommodated under criminal law. There is no need for a law to restrict freedom of conscience, freedom of association, and freedom of speech.

Kazakhstan can be a leader in Central Asia and can forge a new path for democracy in that region. There are many people in the United States who desire to increase our friendship with Kazakhstan. However, recent trends of increased human rights violations in Kazakhstan can slow that relationship people desire to build.

Mr. Speaker, I urge the government of Kazakhstan to correct the injustices perpetrated by security, police, and court officials, and forge a new path as a key leader in Central Asia and the international community.

RECOGNIZING HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

SPEECH OF

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. CANTOR. Madam Speaker, I rise to offer my support for H. Con. Res. 163, entitled "Recognizing the historical significance of Juneteenth Independence Day and expressing the sense of Congress that history be regarded as a means of understanding the past and solving the challenges of the future" introduced by Mr. WATTS of Oklahoma and Mr. DAVIS of Illinois.

For two and a half years, Texas slaves were held in bondage after the Emancipation Proclamation became official. Only after Major General Gordon Granger and his soldiers arrived in Galveston, Texas on June 19, 1865, were African-American slaves set free. Juneteenth celebrates this triumphant occasion, when Major General Granger read the Emancipation Proclamation and began to enforce President Abraham Lincoln's executive order.

We must never forget how precious our freedom is to all Americans; the thousands of men and women who died fighting for our freedom; or the struggles of past generations as they demanded a true equality, regardless of their race, sex, or religion.

I can think of no better way to move forward than to celebrate the defeat of slavery. Juneteenth Independence Day is a celebration where all Americans, of all races, can join together to celebrate our independence and our freedom.

Just this past weekend, Richmond, Virginia, celebrated "Juneteenth, an Emancipation Celebration." Festivities took place at the Manchester Dock, which served as a port of entry for Africans being brought into America to be sold as slaves. Later in the evening, individuals walked along the same trail marched by slaves from Manchester Dock. I would like to thank the City of Richmond Slave Trail Commission, Senator Henry Marsh's Unity Day Committee, and the Elegba Folklore Society for hosting "Juneteenth, an Emancipation Celebration."

Madam Speaker, I hope you join me in reflecting upon the struggles of our African-American brothers and sisters and celebrate with me and Americans all across the United States the Emancipation Proclamation. Madam Speaker, please support H. Con. Res. 163. Thank you.

STAND UP FOR OUR VETS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. DOOLITTLE. Mr. Speaker, later this month, the Prime Minister of Japan will meet President Bush. I urge the President to address the issue of compensation of American veterans who were sent to forced labor camps during the war.

Obtaining justice for Americans who suffered at the hands of Japanese companies is an issue that must be addressed during the upcoming summit.

It is unfortunate that the State Department has taken the mistaken and regrettable position that the Peace Treaty with Japan somehow bars private legal actions by our veterans against private Japanese corporations to whom they were forced to work with no pay and horrendous conditions.

The legal experts who have aligned themselves with these American heroes in their actions against immensely profitable private Japanese companies make a number of solid arguments to the effect that the waiver provisions of the 1951 Treaty do not cover these national-against-national claims. It is far from obvious that under our constitutional system, the federal government even has the authority to compromise or to waive claims of private citizens, which, after all, do not belong to the government. Nor is it obvious that the negotiators of the Treaty—including John Foster Dulles—contemplated, much less preemptively resolved, private claims of this kind.

Article 14 of the Treaty does not even purport to waive all claims howsoever arising, having to do with misconduct by Japanese companies during the War years. It is limited, even by its own terms, to claims based on "actions taken . . . in the course of the prosecution of the War." Acts that were illegal under international law as it existed in the 1940s are not, and should not be, protected under the waiver according to the principle of law, morality, and common sense that one should not be permitted to profit from his own wrong.

Using slave labor to assist in the War effort was illegal in the years 1939–45, as it is today. Thus mistreatment of prisoners of war cannot have been undertaken "in the course of the prosecution of the War," unless the companies that accepted the benefit of these captives' work are now to confess that they are guilty of war crimes: allegations they have vehemently resisted for nearly five decades.

These men do not seek, nor does the outcome they are attempting to achieve require, abrogation of the Treaty. They believe that as a matter both of law and of fairness, the Treaty and the peaceful Pacific that it heralds are consistent with a measure of compensation for their suffering. A legal victory for our vets would be another indication that the United States legal system is founded not on empty ideals but on the real rights of real people. That would be an outcome in which all Americans should rejoice.

But make no mistake about it, while I hope that the Bush Administration and the government of Japan will assist our veterans through diplomacy, failure to do so would not put an end to this issue. Rep. MICHAEL HONDA and DANA ROHRABACHER have introduced legislation to overcome the State Department's twisted interpretation. I support this bill and will push for its passage into law if the U.S./Japanese Summit does not produce justice for our veterans.

A TRIBUTE TO G. LOUIS FLETCHER, SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to the 35-year public service career of G. Louis Fletcher, the General Manager of the San Bernardino Valley Municipal Water District, located in my Congressional District in Southern California. From his start as an engineer, General Manager Fletcher has provided leadership at every level of the agency. He will retire at the end of this month.

Louis Fletcher is one of the unsung men of vision who have ensured that the booming communities of the San Bernardino and Yucaipa Valleys have never faced a water supply problem. Starting with the agency in 1966, Mr. Fletcher was responsible for the design and construction of a major aqueduct system that presently delivers imported water from the California State Water Project to the San Bernardino and Yucaipa Valleys.

Mr. Fletcher has championed the needs of constituents in the 40th Congressional District for decades, including leading the fight to convince the Army Corps of Engineers to agree to a flood-control dam that would be much more aesthetic—and more effective—than what was planned for the town of Mentone. The completed Seven Oaks Dam on the upper Santa Ana River provides flood control relief for millions and blends wonderfully with the surrounding hills.

The principal accomplishment of Mr. Fletcher's career has been the design and construction of a water supply system for hundreds of thousands of people. He is known throughout California for his innovative work in groundwater management, water quality and quantity computer models, mortar lining of steel water pipelines, and improved methods of wastewater management.

Mr. Speaker, I ask my colleagues to join with me in honoring G. Louis Fletcher for his lifelong work in providing clean and reliable water to so many people. It is fitting that all of us join with his family and friends in recognizing his service and dedication to the San Bernardino Valley Municipal Water District. We wish him well in his future endeavors.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Ms. ESHOO. Mr. Speaker, I was not able to vote during consideration of rollcall No. 169 and 170. I would have voted: ''nay'' on both these rollcall votes.

2001 SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. LOWEY. Mr. Chairman, I rise in support of the DeLauro Amendment, which would increase funding for the Low Income Home Energy Assistance Program (LIHEAP).

My colleagues, LIHEAP is the safety net that protects our most vulnerable from making a choice between food and heat or air conditioning. Many LIHEAP families receive a small amount of support, but it's a difference that helps them maintain their dignity.

Nearly 80 percent of LIHEAP participants receiving heating assistance earn less than the federal poverty level. Unfortunately, nearly half of the states have exhausted or nearly exhausted available funding.

In New York—where energy prices increased by more than 20 percent over the last year, and this summer they are expected to be higher than ever—our LIHEAP funding balance is only $23 million. Last year at this time the balance was $35 million.

Unless we provide added funds to the LIHEAP program, an increase in energy prices will force millions of families to chose between food and utilities. We cannot stand by and watch people have to make that choice.

Many have predicted that this summer will be one of the warmest in recent memory. And if this week is any indication, we're in for a long hot summer. I strongly believe that government should have a role in ensuring the safety and health of the elderly by keeping them cool.

Today, we have an opportunity to provide millions of dollars more for our neediest families. Let's pass this amendment—it deserves our support—to help our states be better prepared for extreme weather and have the resources available for those who need it most.

TRIBUTE TO THE LATE HONORABLE JOHN JOSEPH MOAKLEY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity today to enter into the CONGRESSIONAL RECORD the eloquent remarks delivered on June 1, 2001 in Boston by William M. Bulger, President of the University of Massachusetts, at the funeral of our colleague, the Honorable John Joseph Moakley.

These brief remarks speak volumes about the quality of the life of our friend Joe, and I submit them for the RECORD so that they may be forever be a part of our nation's history.

REMARKS DELIVERED AT THE FUNERAL OF U.S. REPRESENTATIVE JOHN JOSEPH MOAKLEY BY UNIVERSITY OF MASSACHUSETTS PRESIDENT WILLIAM M. BULGER

It is of surpassing significance, isn't it, that Joe was summoned to the joy of eternity on Memorial Day? A day set apart for reflection and tribute in grateful memory of all who have given their lives for the strength and durability of the country we love.

Joe's spirit enlivens Memorial Day for us: patriotism, gratitude, remembrance. Long years of unselfish devotion to bringing the ordinary blessings of compassion to those most needy among us stand as silent sentinels to his inherent goodness, to his desire to make a difference in the quality of life for less fortunate friends and neighbors.

His helping hand was always extended in genuine recognition of the responsibility he believed was his to make things better for those in need of encouragement and inspiration. To him the ideal of brotherhood was not simply something to be preached but, more importantly, he was challenged by his soul to exemplify this ideal in positive advancement of the common good.

Everyone knows the facts of Joseph Moakley's background and career. They are impressive and worth knowing, but they reveal little about the man himself, little of who he was, of what he was, and of why.

He lived his entire life on this peninsula, and it was here in this place that his character was shaped. It was, and it still is, a place where roots run deep, where traditions are cherished, a place of strong faith, of strong values, deeply held: commitment to the efficacy of work, to personal courage, to the importance of good reputation—and withal, to an almost fierce sense of loyalty.

No one spent much time talking of such things, but they were inculcated.

And no one absorbed those values more thoroughly than did Joseph Moakley. To understand them is to understand him.

In recent months Joe Moakley would reassure his friends in private conversation that he slept well, ate three meals easily, and was not afraid.

He had a little bit of the spirit of the Irish poet (Oliver St. John Gogarty), who said on the subject of death:

> Enough! Why should a man bemoan A fate that leads a natural way? Or think himself worthier than Those who braved it in their day?
>
> If only gladiators died or heroes Then death would be their pride; But have not little maidens gone And Lesbia's sparrow—all alone?

The virtue of courage was his in abundance. But Joe had, during his lifetime, become the personification of all that was best in his hometown.

And he was a man of memory; he recognized the danger of forgetting what it was to be hungry once we are fed . . . and he would, in a pensive moment, speak of that tendency to forget as a dangerous fault.

Joe exemplified the words of Seneca: You must live for your neighbor, if you would live for yourself.

And he abided by the words of Leviticus in the Old Testament and St. Matthew in the New Testament, ''Thou shalt love they neighbor as thyself.'' These are words that he would have absorbed at home, at St. Monica's, St. Augustine's and at St. Brigid's.

And Joe brought his competence, dedication, his lofty principle to the public purpose that he saw as most worthwhile. His steady determination in his various public offices, and as a member of Congress, earned him the respect of his colleagues and the confidence of his party's leadership. It also explains the overwhelming support he received from a truly grateful constituency as expressed in their many votes for him solidifying his position of public responsibility.

His devotion to justice and imbedded sense of humanity moved him to investigate the Jesuit murders and the ravishing of innocent women in El Salvador. He volunteered for a task most unusual for him. But he, guided by his aide, Jim McGovern, brought to bear his own deep commitment and those old solid working principles that had become a cornerstone in his lifetime quest for fairness and equity. The success of his effort is recognized by all, especially by an appreciative Jesuit community that had suffered from a sense of abandonment.

When I saw how he thought about that particular achievement in his life, it brought to mind the wonderful words of Pericles: ''It is by honor, and not by gold, that the helpless end of life is cheered.''

Joe, dear friend and neighbor through these many eventful years, we are stuck, as we think about it, by your startling contradiction: humility and pride. You were never pompous seeking the applause of the grandstand. You diligently shunned the glare of the spotlight. You did not expend your energy in search of preening acclaim. You were too self-effacing for that. Humble, indeed.

On the other hand you were a proud, proud person: proud of your religious faith, proud of your family, proud of your South Boston roots and neighborhood, proud to proclaim the ideals that animated your public service—ideals that have been expressed in the unsought torrent of tribute that has flooded the press and airwaves in recent sad days. Humility and pride, seemingly contradictory trait, coalesced in your admirable character, commanding abiding recognition, respect and, yes, affection.

Joe, the dramatic focus on you during the President's recent appearance before the

Congress highlighted your humility and pride. During the course of his address, our eminent President Bush paused for a moment to digress. He singled you out Joe, for special recognition. He described you as ''a good man.'' Whereupon, as you stood in your place, spontaneous bipartisan applause shook the Congress. This episode also reverberated in thrilling dimensions throughout your Congressional District. Thank you President Bush for this tribute to a good man and for other manifestations of your respect for our Joe and his services to his country.

Joe, you were good enough, as one neighbor to another, to ask me to participate in this liturgy of sacrifice, sorrow and remembrance. With many another heavy heart it is wrenching to say goodbye. God is with you, I'm sure Joe, as you now join your beloved Evelyn and your parents in the saintly joy of eternity. We pray He may look favorably on us who lament your loss and who are challenged to follow your example of integrity and justice and useful service.

Fair forward, good friend.

INTRODUCTION OF A BILL TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT TO INCREASE THE FEDERAL SHARE OF THE COST OF CONSTRUCTING TREATMENT WORKS IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Ms. NORTON. Mr. Speaker, today we introduce a bill to make permanent an 80–20 match for the District of Columbia Water and Sewer Authority (WASA), which serves jurisdictions in Virginia, Maryland, and the District of Columbia through its facility at Blue Plains. In fiscal years 1998 and 2000, the 80–20 match was included in appropriations bills. Because the Fiscal Year 2000 provision expires at the end of Fiscal Year 2001, this legislation to make the 80–20 match permanent is necessary.

The Blue Plains facility operated by WASA is the largest advanced waste water treatment plant in the world, serving two million users in the Maryland and Virginia suburbs was well as the District of Columbia. The financial and operational health of this facility is vital to the efforts to clean up the Chesapeake Bay as well as water that serve the City of Vienna, and the counties of Fairfax, Loudoun, Montgomery, and Prince George's. Blue Plains is responsible for the largest reductions of nitrogen into the Bay of any facility in the entire Bay Watershed.

WASA has only been able to undertake major facility improvements—including biosolids digestion and handling facilities, major renovations to preliminary treatment facilities, new chemical feed operations, and additional electrical system enhancements—because of the 80–20 formula.

We also seek this change as a matter of fairness. In enacting the National Capital Revitalization and Self-Government Improvement Act of 1997 (Act), Congress recognized that the District, a city without a state, shoulders an unfair financial obligation in programs in which municipalities normally have state financial assistance. The Act provided for federal support for the state share of several such programs. The region has been unable to take advantage of the usual combination of state and city matches only because this facility, which serves regional partners, happens to be located in the District of Columbia.

A permanent 80–20 federal-local match would place the District on a par with other municipalities and states in the United States. The 20 percent that the District would continue to assume is equivalent to the burden borne by many other cities in the country. Of course, local rate payers in the region would continue to bear their share.

We urge our colleagues to join us in supporting this important provision that would provide tangible benefits to regional residents and to the Potomac and Anacostia rivers, as well as the Chesapeake Bay, a national treasure.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT WORKS IN DISTRICT OF COLUMBIA.

Section 202(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1282(a)(1)) is amended by adding at the end the following: ''Notwithstanding the first sentence of this paragraph, in the case of a project for a publicly owned treatment works in the District of Columbia, such project shall be eligible for grants at 80 percent of the cost of construction thereof.''.

Original Cosponsors: TOM DAVIS; WAYNE T. GILCHREST; STENY H. HOYER; JAMES P. MORAN; CONSTANCE A. MORELLA; FRANK WOLF; and ALBERT RUSSELL WYNN.

CONFLICT DIAMONDS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. HALL of Ohio. Mr. Speaker, I rise today to advise our colleagues about progress made in recent days in building the consensus needed to end the trade in conflict diamonds. Today, Senators DICK DURBIN, MIKE DEWINE and RUSS FEINGOLD introduced a companion to H.R. 918, the Clean Diamonds Act, that incorporates a compromise among American jewelers and the legitimate global diamond industry on the one hand, and Senators, Members of Congress, and the 100-plus-member human-rights organization dedicated to eliminating the trade in conflict diamonds, on the other hand.

This compromise brings together elected representatives of the nation that is world's largest consumer of diamonds, the industry that markets those gems, and the respected human rights advocates who have brought the role that conflict diamonds play in the legitimate trade to American's attention.

These diverse groups united in supporting this bill in the hope that leaders of the global initiative, under way for the past year, will see in our unity a call to move beyond debating this problem, and actually devise a system capable of ending the trade in conflict diamonds—a system that many of us here today have been calling for since early 2000.

I think we all have great respect for the 30-plus countries working through the African-led ''Kimberley Process'' to end this blood trade; their task is a challenging one. The compromise legislation aims to spur to action those who want to continue exporting diamonds to our market, but the road they take must be one charted by the Kimberley Process. However, the time for more talk, more meetings of this august body, and more delay is past.

Seven months ago, the United Nations General Assembly voted unanimously to act to eradicate this scourge. Coming together was not easy for all of the world's nations. It has not been easy for those of us here today. And it won't be easy for participants at July's meetings. But a coordinated, global approach offers the only real hope of ending a trade that has fueled the wars devastating countries that are home to 70 million Africans—and that surely will spark more violence if this problem is left to fester. Today, some of the most significant stakeholders in the Kimberly Process' work banded together to call for swift follow-through on December's unanimous directive from the United Nations.

I hope history will judge this to be a turning point—the moment that Americans' representatives in the faith, humanitarian and human rights communities, as well as their elected officials, joined hands with the industry that brings us one of the many African resources that make our lives sweet; the point at which we began working together on an issue of life-or-death importance to African people and communities.

This work entails more than introduction or a passage of the legislation, and more than implementation of a global regulatory scheme. To achieve lasting success, this work requires us to find a way to not merely break the curse that diamonds too often have been—but to transform diamonds into a blessing for all of the communities that mine them.

Diamonds are the most concentrated form of wealth mankind has ever known—so it is an intolerable irony that they do precious little to enrich many of the communities where they are mined: places which are located atop diamond-rich soil but nevertheless rank among the poorest and most miserable in the world, places like Kenema in Sierra Leone, where nearly one child in three dies before his first birthday, even in years that see little fighting for control of its diamonds. As long as conditions like this persist, as long as there are few alternatives for Kenema's people to careers begun as child soldiers, as long as diamond mines are an easy target for criminal takeovers, it is doubtful that stricter customs laws alone will be capable of holding back the violence bred of this despair.

I am heartened that the Diamond Dealers Club of New York is continuing an initiative launched by my friend, Mayer Herz. It will directly link Sierra Leone miners with American retailers, and reinvest more of the dollars American spend on diamonds in the African communities that produce them. I would like to see more joint ventures like that, and I encourage other responsible members of the legitimate diamond industry to follow this example.

I want to express my appreciation for the work that today's compromise represents to the Senate leaders, who bring tremendous energy and capabilities to this work, to the diamond industry, and to the non-governmental organizations.

Matthew Runci, of Jewelers of America, and Eli Izhakoff, of the World Diamond Council have done superb work bringing together the very different members of the

As valuable as the industry's efforts have been, the Campaign to Eliminate Conflict Diamonds is the real father of this success. The human rights activists and members of the humanitarian and faith communities who launched that campaign, along with the organizations they represent, have done heroic work that has brought us to this point.

First, they have catapulted this issue into the consciousness of Americans who never give Africans a thought otherwise—and made many people think for the first time about what our sparkly tokens of love and commitment symbolize to many people at the other end of the supply chain.

Second, they have worked with the industry at every level to convince jewelers and industry leaders alike of the urgent need for an effective and immediate solution. That required standing up to a powerful industry while simultaneously remaining flexible enough to work with it when the situation warranted that.

Third, they have persuaded a quarter of our nation's elected representatives, one by one, to support this call for clean diamonds—a call that until today put Members of Congress on the side of faraway African victims and at odds with jewelers in every Congressional district.

And last, they have done all this without resorting to the easy answers and hype that could destroy consumer confidence in diamonds and devastate the economies of the countries they benefit.

It took too long to get to this day, but it would not have come without these organizations and individuals, particularly Holly Burkhalter, Adotei Akwei, Amanda Blair, Rory Anderson, Bernice Romero, Ann Wang and Danielle Hirsch. They are a dedicated and tireless group, and I commend their commitment to this compelling human rights cause.

It is with pleasure that I submit for inclusion in the Congressional Record the joint statement by the World Diamond Council and the steering committee of the Campaign to Eliminate Conflict Diamonds. It calls on Congress to pass the Clean Diamonds Act this year, and on President Bush to sign it into law, and I commend it to my colleagues' attention.

If we heed this call, we can make today the milestone it has the potential to be, the moment history marks as the beginning of diamonds' transformation, from a curse on too many Africans, to a blessing for all the people whose lives they touch. I urge my colleagues to give this call the serious consideration it deserves, and to seize this historic opportunity.

JOINT STATEMENT BY THE WORLD DIAMOND COUNCIL AND THE STEERING COMMITTEE OF THE CAMPAIGN TO ELIMINATE CONFLICT DIAMONDS

The World Diamond Council and the non-governmental community represented by Physicians for Human Rights, Amnesty International, OxfamAmerica, World Vision, World Relief and the Commission on Social Action of Reform Judaism support the Clean Diamonds Act being introduced today in the Senate. This legislation will create a system to prohibit the U.S. import of conflict diamonds and impose serious penalties on those who trade in them.

Our collaboration represents the shared commitment of the NGO community and the diamond industry to work together to secure passage of this legislation sponsored by Senators Dick Durbin, D-Ill., Russ Feingold, D-Wis., and Michael DeWine, R-Ohio. We thank the Senators for introducing this bill, which accommodates the concerns of both the diamond industry and the NGO community. We also wish to thank Reps. Tony Hall, D-Ohio, and Frank Wolf, R-Va., for their commitment to ending the conflict diamond trade.

We are determined to work together to secure rapid enactment of this legislation, which represents the best efforts of the NGO community and diamond industry to develop a workable system for keeping conflict stones out of the United States.

The conditions placed on the importation of diamonds and diamond jewelry in the legislation are designed to support and encourage the work of the 38 countries that are part of the Kimberley Process, which is developing an international system to stop trade in conflict diamonds. The standards being developed by participants in the Kimberley Process, which includes governments, NGOs and the diamond industry, are expected to be presented in final form to the United Nations General Assembly by the end of this year.

Passage of this legislation also will enhance the confidence of U.S. jewelers and consumers that American purchases of diamonds and diamond jewelry are not unwittingly benefiting abusive insurgencies in Africa.

We collectively call upon the U.S. Congress to pass the Clean Diamonds Act in this session of Congress and urge President Bush to sign it into law.

POEM BY ANASTASIA HAYES-STOKER

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. FROST. Mr. Speaker, I rise to submit a remarkable poem written by Anastasia Hayes-Stoker, a young student at Shakelford Junior High School in Arlington, Texas. Anastasia's poem was the overall winner of the "Do the Write Thing" Challenge. This contest, sponsored by the National Campaign to Stop Violence and partnered with the Arlington Jaycees, challenges middle school students to write an essay about the negative impact of violence in their lives and offer possible solutions to the problems they face today.

Anastasia's poem speaks to the truths of the challenges our youth face in coping with violence. In my role as Co-Chair of the Bipartisan Working Group on Youth Violence, I listened to teachers, law enforcement, counselors, parents, and students. Over and over again, I heard about the need to mentor our youth and provide a safe haven for them to go. However, it is often only when we hear our children's voice, that our attention is grabbed. Anastasia has managed to convey, in a beautiful way, how she, and others in her generation, feel about the violence in her school, her appreciation for community involvement, and a child's need for family and love.

Drug dealing, students stealing All around the campus
Tempers flaring, kids are swearing All around the campus
Fist to cuff, fights are a must All around the campus
Backed to the wall, who do you call? All around the campus
Punches thrown, lives are blown All around the campus
Guns and knives, someone dies All around the campus
Families shrinking, parents drinking Children are abandoned
Marriage ending, no time for spending Children are abandoned
Domestic violence, kept in silence Children are abandoned
Learned aggression, whose oppression? Children are abandoned
Repeat behavior, where's your savior? Children are abandoned
Fight or flight, who sleeps at night Children are abandoned
Crime prevention, good intention Community united
Neighborhoods watched, gang fights botched Community united
Security in the hall, protects us all Community united
Mentors handy, hope feels dandy Community united
Cops on the street, don't miss a beat Community united
My home, safety zone Strong parental influence
Curfews made, allowance paid Strong parental influence
Loving brother, like no other Strong parental influence
Self-respect, family honor to protect Strong parental influence
Lead by example, self worth is ample Strong parental influence
Loving silence, no need for violence Strong parental influence

RECOGNIZING AND SUPPORTING GOALS AND IDEAS OF AMERICAN YOUTH DAY

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mrs. MORELLA. Mr. Speaker, I rise in support of H.R. 124 to celebrate our youth as the future of the United States and to support the goals and ideas of America's Youth Day.

It is our ultimate priority and our duty to fulfill the five promises established by the Alliance for Youth organizations. The first promise holds adults accountable for reaching out to the young people in our community. By mentoring, participating in a big brother/big sister program, through peer counseling and even through daily contact with our youth, we can communicate that we care. The majority of schools and communities across the country are safe places for children to thrive. By

recognizing the people and organizations in our communities, we show our appreciation for living up to the "promise" of being caring adults and treating our youth with respect.

No matter what the subject, education is the best hope for any child's success. Education comes from all aspects of a child's life—at home, at school, in the playground and from every person they know. All communities can participate in building a circle of love and responsibility around every child.

Young people are faced with issues today that were unheard of a generation ago. In the past, 21 school-related, violent deaths occurred in the United States. No child is untouched by challenges and hardships that we may not even understand and all children need, more than ever, to have caring adults who will listen and support them.

Children are our future teachers, doctors, farmers, industry workers, and political candidates. Celebrating American Youth Day, encourages our young people to stand at the helm of their own destiny. As leaders, teachers, parents and as friends we can guide children to practice safe and respectful behavior, allowing young people to create their own identity and character.

As a former educator, I believe the cooperative effort of parents, students, teachers and the community are all necessary to combat the current violence is our schools. It is a fact that students with attentive and involved parents are less likely to be more successful in school while avoiding drugs and violence.

I support the passage of H. Res. 124, to recognize the importance of children and to recognize America's Youth Day and I thank Secretary of State Colin Powell for his leadership in creating "America's Promise to Youth." Fulfilling the Promises celebrates our youth and the strength of all of our communities to provide for a strong future.

FEDERAL EFFICIENT MOTOR-VEHICLE FLEET ACT, H.R. 2263

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. GILMAN. Mr. Speaker, our Nation is plagued by an energy crisis that is only becoming worse. The Bush Administration has taken a pro-active stance on energy through the release of its National Energy Policy in May, 2001. For the past eight years, our Nation was subjected to the last Administration's 'wait and see' energy policy that was reactive rather than pro-active.

Mr. Speaker, there is a saying in the military that "the best leaders, lead by example." That trait must be adopted by the Federal Government, it must lead by example. That is why I am sponsoring the Federal Motor-Vehicle Fleet Lead By Example Act of 2001. The Act mandates that ten-percent of the vehicle fleet purchased by the Federal Government must be comprised of hybrid-Electric vehicles (HEV) and other high-efficiency vehicles, which are vehicles that are powered by alternative sources of energy (sources other than gasoline and diesel). Hybrid-Electric Vehicles are motor-vehicles with fuel-efficient gasoline engines assisted by an electric motor.

These Hybrid-Electric Vehicles' motors and their engines work more efficiently than the standard internal combustion engine. The upside of these engines is that they do not have the driving limitations that all-electric cars have. While the technology seems new to us, the global automobile manufacturers have been experimenting with fuel-efficient technology since the 1970's.

These vehicles boast increased gas mileage that in some cases is exceeding conventional vehicle gas mileage by as much as 25%. Toyota's Prius, a four-seater, averages 52 miles per gallon in stop and go city traffic and 45 miles per gallon on the highway. The braking system recharges its batteries and that is why city driving gets better mpg. In 2002 and 2003 Ford and DaimlerChrysler will release, respectively, a hybrid version of its popular Escape and the Durango. These manufacturers are expecting the hybrid SUV's (sport utility vehicles) to deliver twenty-percent better gas mileage than comparable nonhybrid models.

The Federal Fleet Report (FFR) for FY 1999, reports that the Federal fleet has increased 1.32% with an operating cost of 2.10 billion dollars. Mr. Speaker, by mandating that 10% of the Federal fleet be comprised of hybrid-electric or high-efficiency vehicles powered by alternative sources of energy (sources other than gasoline and diesel), will, not only lower our overall consumption of gasoline, but will save the tax-payers of our great Nation millions of dollars in the cost of gasoline. Additionally, these hybrid and high-efficiency vehicles are reported to be more environmentally friendly than our conventional vehicles.

Our colleagues, on both sides of the aisle, are promoting the use of alternative sources of energy to power our vehicles, heat our homes, and to run our lights. Now we have the opportunity to lead by example starting with the Federal vehicle fleet. The Federal Government must seize this opportunity to conserve our resources and to promote environmentally friendly vehicles, and we should do it today.

H.R. 2263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENT REGARDING PURCHASE OF MOTOR VEHICLES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—At least ten percent of the motor vehicles purchased by an Executive agency in any fiscal year shall be comprised of high-efficiency vehicles or hybrid electric vehicles.

(b) DEFINITIONS.—In this Act:

(1) The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code, but also includes Amtrak, the Smithsonian Institution, and the United States Postal Service.

(2) The term "high-efficiency vehicle" means a motor vehicle that uses a fuel other than gasoline or diesel fuel.

(3) The term "hybrid electric vehicle" means a motor vehicle with a fuel-efficient gasoline engine assisted by an electric motor.

(4) The term "motor vehicle" has the meaning given that term in section 3(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(1)).

(c) PRO-RATED APPLICABILITY IN YEAR OF ENACTMENT.—In the fiscal year in which this Act is enacted, the requirement in subsection (a) shall only apply with respect to motor vehicles purchased after the date of the enactment of this Act in such fiscal year.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. MANZULLO. Mr. Speaker, last night I should have voted "yes" as opposed to "no" on final passage of the supplemental appropriations bill.

FINANCIAL STATEMENT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 2001, a matter of public record. I have filed similar statements for each of the twenty-two preceding years I have served in the Congress.

Assets

Real property	Dollars
Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at $689,400). Ratio of assessed to market value: 100% (Encumbered)	$689,400.00
Condominium at N76 W14726 North Point Drive, Village of Memomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	107,600.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $746,400	424,090.90
Total Real Property	1,221,090.90

2001 DISCLOSURE

Common & Preferred Stock	No. of shares	Dollars per share	Value
Abbott Laboratories, Inc	12200	$47.19	$575,718.00
Allstate Corporation	370	41.94	15,517.80
American Telephone & Telegraph	1286.276	21.30	27,397.68
Avaya, Inc	58	13.00	754.00
Bank One Corp	3439	36.18	124,423.02
Bell South Corp	1256.6319	25.95	32,609.60
Benton County Mining Company	333	0.00	0.00
BP Amoco	3604	49.62	178,830.48
Chenequa Country Club Realty Co	1	0.00	0.00
Cognizant Corp	2500	30.06	75,150.00
Convanta Energy (Ogden)	910	16.80	15,288.00
Darden Restaurants, Inc	1440	23.75	34,200.00
Delphi Automotive	212	14.17	3,004.04
Dunn & Bradstreet, Inc	2500	23.56	58,900.00
E.I. DuPont de Nemours Corp	1200	40.70	48,840.00
Eastman Chemical Co	270	49.22	13,289.40
Eastman Kodak	1080	39.89	43,081.20
El Paso Energy	150	65.30	9,795.00
Exxon Mobile Corp	4864	81.00	393,984.00
Gartner Group	651	6.74	4,387.74
General Electric Co	15600	41.88	653,328.00
General Mills, Inc	2280	43.01	98,062.80
General Motors Corp	304	51.85	15,762.40
Halliburton Company	2000	36.75	73,500.00
Highlands Insurance Group, Inc	100	3.30	330.00
Imation Corp	99	22.43	2,220.57
IMS Health	5000	24.90	124,500.00
Kellogg Corp	3200	27.03	86,496.00
Kimberly-Clark Corp	27478	67.83	1,863,832.74
Lucent Technologies	696	9.97	6,939.12
Merck & Co., Inc	34078	75.90	2,586,520.20
Minnesota Mining & Manufacturing	1000	103.90	103,900.00
Monsanto Corporation	8360	35.46	296,445.60
Moody's	2500	27.56	68,900.00
Morgan Stanley/Dean Whitter	312	53.50	16,692.00
NCR Corp	34	39.03	1,327.02

2001 DISCLOSURE—Continued

Common & Preferred Stock	No. of shares	Dollars per share	Value
Newell Rubbermaid	1676	26.50	44,414.00
Newport News Shipbuilding	165.72	48.90	8,103.71
Pactive Corp	200	12.11	2,422.00
PG&E Corp	175	12.45	2,178.75
Pfizer (Warner Lambert)	18711	40.95	766,215.45
Qwest (U.S. West)	571	35.05	20,013.55
Raytheon Co	19	29.20	554.80
Reliant Energy	300	45.25	13,575.00
RR Donnelly Corp	500	29.00	14,500.00
Sandusky Voting Trust	26	85.00	2,210.00
SBC Communications	2191.755	44.63	97,818.03
Sears Roebuck & Co	200	35.27	7,054.00
Solutia	1672	12.20	20,398.40
Synavant	250	4.50	1,125.00
Tenneco Automotive	182	2.80	509.60
Unisys, Inc	167	14.00	2,338.00
US Bank Corp. (Firstar)	3081	23.20	71,479.20
Verizon (Bell Atlantic)	1072.9608	49.30	52,896.97
Vodaphone Airtouch	370	27.15	10,045.50
Wisconsin Energy Corp	1022	21.58	22,054.76
Total Common & Preferred Stocks and Bonds			8,238,115.12

2001 DISCLOSURE

Life insurance policies	Face dollar	Surrender dollar
Northwestern Mutual #4378000	$12,000.00	$47,846.21
Northwestern Mutual #4574061	30,000.00	114,752.49
Massachusetts Mutual #4116575	10,000.00	8,375.20
Massachusetts Mutual #4228344	100,000.00	193,970.90
Old Line Life Ins. #5–1607059L	175,000.00	34,737.00
Total Life Insurance Policies		399,681.80

2001 DISCLOSURE

Bank & savings & loan accounts	Balance
Bank One, Milwaukee, N.A., checking account	$6,203.80
Bank One, Milwaukee, N.A., preferred savings	28,213.01
M&I Lake Country Bank, Hartland, WI, checking account	5,099.97
M&I Lake Country Bank, Hartland, WI, savings	354.68
Burke & Herbert Bank, Alexandria, VA, checking account	3,334.31
Firstar, FSB, Butler, WI, IRA accounts	79,188.29
Total Bank & Savings & Loan Accounts	122,394.06

2001 DISCLOSURE

Miscellaneous	Value
1994 Cadillac Deville	$11,800.00
1991 Buick Century automobile—blue book retail value	3,625.00
1996 Buick Regal—blue book retail value	9,175.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	160,000.00
Stamp collection (estimated)	60,800.00
Interest in Wisconsin retirement fund	256,719.35
Deposits in Congressional Retirement Fund	131,583.53
Deposits in Federal Thrift Savings Plan	137,030.71
Traveller's checks	7,418.96
20 ft. Manitou pontoon boat & 40 hp Yamaha outboard motor (estimated)	4,250.00
17 ft. Boston Whaler boat & 75 hp Mercury outboard motor (estimated)	8,000.00
Total Miscellaneous	791,402.55
Total Assets	10,772,684.43

2000 DISCLOSURE

Liabilities	Dollars
Bank of America Mortgage Company, Louisville, KY, on Alexandria, VA residence—Loan #39758–77	$46,581.25
Miscellaneous charge accounts (estimated)	0.00
Total Liabilities	46,581.25
Net worth	10,726,103.18

2001 DISCLOSURE

Statement of 2000 taxes paid	Dollars
Federal income tax	$141,493.00
Wisconsin income tax	28,157.00
Menomonee Falls, WI property tax	2,120.00
Chenequa, WI property tax	16,657.00
Alexandria, VA property tax	7,489.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trust, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son under the Uniform Gift to Minors Act. Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

IN HONOR OF PAUL LEVENTHAL AND THE 20TH ANNIVERSARY OF THE NUCLEAR CONTROL INSTITUTE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. MARKEY. Mr. Speaker, I rise today in order to honor Paul Leventhal and the Nuclear Control Institute (NCI) which he founded 20 years ago. On June 21, 1981, a full-page ad in The New York Times entitled "Will Tomorrow's Terrorist Have an Atom Bomb?" announced the launching of NCI (then known as "The Nuclear Club Inc."). Over the past two decades, Paul and NCI have been working to safeguard us from the dangers of irresponsible and malicious use of nuclear materials. And for years prior to forming NCI, Paul played an absolutely crucial role as a Senate staff member, helping to abolish the Atomic Energy Commission and split its roles between the Nuclear Regulatory Commission and the Department of Energy, produce the Nuclear Nonproliferation Act, and direct the investigations of the Three Mile Island accident.

On April 9, 2001, Paul and NCI, in close collaboration with Marvin Miller of MIT, hosted an excellent 20th Anniversary Conference, "Nuclear Power and the Spread of Nuclear Weapons: Can we have one without the other?" That is, does the proliferation of nuclear power encourage the proliferation of nuclear weapons? Did it make sense to supply the Indian government with nuclear fuel for their power plant at Tarapur? Does supplying the North Korean government with 2,000 megawatts of power from light water reactors encourage or discourage their acquisition of nuclear weapons?

But the issue of nuclear power is not only on the international scale. To solve our current "energy crisis", we find that the Bush administration has called for an increased reliance on nuclear power in our country. While NCI is not a priori averse to nuclear power, they are concerned that it be used properly. And the United States has an obligation to set a good example. If we want to discourage other nations from using plutonium, then the United States should not regard MOX fuel as a viable source of power.

At the conference on April 9, a number of experts spoke to the gathering about nuclear power and nuclear weapons. The website www.nci.org/conference.htm contains the text of the addresses as well as brief interviews with a number of the speakers. I will highlight here only a couple of the notable participants in that forum.

Amory Lovins of the Rocky Mountain Institute presented energy conservation and efficiency measures that could save the United States three-quarters of its electric use—equivalent to four times current nuclear output and cheaper to install that current nuclear operating costs. These retrofits of the best existing technologies, he said, would offset any need for continuation or expansion of nuclear power.

Robert Williams of Princeton University, an expert on renewable and other non-carbon, alternative energy systems, underscored the fact that two-thirds of carbon-dioxide emissions, a major contributor to global warming, come from non-electric sources, mainly transport. He pointed out that the replacement of all coal-fired electricity with nuclear capacity over the next century would only make a dent in global warming by reducing carbon emissions by just 20 per cent. Such an expansion of nuclear power, however, would generate plutonium flows of millions of kilograms a year for breeder reactors, which could prove an unmanageable proliferation danger.

The conference was an excellent opportunity to review the connections between nuclear power and weapons and to question the necessity for turning to nuclear power when the risks might outweigh the benefits. The conference was a testament to NCI's persistent dedication to the cause of keeping us safe from the potential dangers of nuclear materials.

Finally, Mr. Speaker, I would like to submit for the record a summary of the history and accomplishments of NCI over the last 20 years.

NUCLEAR CONTROL INSTITUTE

1981–2001; HISTORY AND ACCOMPLISHMENTS

Nuclear Control Institute was established in 1981 by its president, Paul Leventhal, as an independent oversight organization. It continues work he began on U.S. Senate staff to draw attention to the spread of nuclear weapons and to strengthen controls over U.S. nuclear exports and U.S.-origin fissile materials. His work contributed to the demise of the Joint Committee on Atomic Energy and to enactment of the Nuclear Non-Proliferation Act of 1978.

NCI was the first non-profit organized to work exclusively on the problem of nuclear proliferation. NCI's focus was then and remains today prevention, not simply management, of the spread of nuclear weapons. NCI works to eliminate civilian uses of atom-bomb materials, plutonium and highly enriched uranium (HEU), by calling attention to the dangers these fuels pose in advanced industrial countries as well as in the developing world. NCI seeks to break the linkages between civilian and military nuclear applications and to build linkages between nuclear disarmament and nuclear non-proliferation.

In a policy environment that often puts diplomatic and trade interests ahead of long-term security concerns, NCI works to promote bilateral and multi-lateral initiatives to make the world safe from plutonium. NCI, although small in size, has effectively pursued initiatives against plutonium and HEU commerce in a number of countries, including Japan, Germany, Great Britain, Argentina, Brazil, and in en-route states like Panama.

In 1982, NCI proposed and won enactment of a ban on the use of U.S. civilian spent fuel from civilian nuclear power plants as a source of plutonium for weapons (the Hart-Simpson-Mitchell Amendment).

In 1983, NCI commissioned a study, ''World Inventories of Civilian Plutonium and the Spread of Nuclear Weapons'' by David Albright, the first definitive analysis of the amounts of civilian plutonium accumulating in the world.

In 1985, NCI convened an international conference on the threat of nuclear terrorism, and then established the International Task Force on Prevention of Nuclear Terrorism. The Task Force's findings in 1986 contributed to enactment of a law to combat nuclear terrorism (the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986). Two books that emerged from that project remain the definitive, non-classified work on the subject.

In 1987, NCI helped win enactment of the Murkowski Amendment, which blocked air shipments of plutonium from Europe to Japan after NCI disclosed the secret failure of a test to prove a crash-worthy plutonium shipping cask.

In 1988, NCI assembled a group of world-class scientists to promote the ''Tritium Factor'' approach to nuclear disarmament, using tritium's relatively fast decay to pace U.S.-Soviet arms reductions and thereby facilitate the shutdown of all military production reactors—the situation that effectively prevails in the United States today.

In 1989, NCI convened a Montevideo conference of Argentine, Brazilian and U.S. nuclear officials and experts that developed proposals which were incorporated into the treaty signed the following year to end the Argentine-Brazilian nuclear arms race.

In 1990, NCI commissioned a study by a former U.S. nuclear-weapons designer (the late Carson Mark) that resulted in the first formal acknowledgement by the head of the International Atomic Energy Agency that nuclear weapons could be made from civilian ''rector-grade'' plutonium.

In 1991, NCI correctly predicted that Iraq would violate IAEA safeguards and divert civilian nuclear research reactor fuel for the purpose of making nuclear weapons.

In 1992, NCI helped win enactment of export controls (the Schumer Amendment) barring U.S. transfers of highly enriched, bomb-grade uranium (HEU) to research reactors that could make use of newly developed, low-enriched uranium (LEU) fuel unsuitable for weapons. As a result, U.S. exports of HEU have been nearly eliminated, and most of the hold-out reactors in Europe have agreed to convert to LEU fuel.

In 1993, NCI, in collaboration with the California-based Committee to Bridge the Gap, succeeded in a 10-year effort to persuade the Nuclear Regulatory Commission to promulgate a rule to protect nuclear power plants against truck bombs. The truck-bomb rule took effect the following year, and NCI has since been petitioning NRC to upgrade this rule as well as upgrade protection against other forms of terrorist attack and sabotage.

In 1994, NCI forced a $100 million cleanout and audit of a plutonium fuel fabrication plant in Japan after disclosing a 70-kilogram discrepancy, equivalent to a dozen nuclear weapons. NCI also prepared a detailed economic analysis showing that Japan could guarantee its energy security by establishing a strategic reserve of non-weapons-usable uranium at a fraction of the cost of their plutonium fuel and breeder program.

In 1996, NCI was invited to make exert technical and legal presentations before the International Maritime Organization in London on safety and security shortcomings in the sea transport of radioactive materials. Since then, NCI has worked closely with coastal states in opposition to plutonium and radioactive waste shipments from Europe to Japan.

Also in 1996, NCI uncovered a secret dispute within the U.S. Executive Branch over the Department of Energy's plan to turn most surplus military plutonium into mixed-oxide (MOX) fuel for nuclear power plants and drew nationwide attention to this dangerous program.

Today, NCI continues to advocate disposal of military plutonium directly as waste and to oppose its use as civilian reactor fuel. NCI also pursues stronger security over transport, storage and use of civilian plutonium and bomb-grade uranium, while pressing for elimination of these dangerous civilian nuclear fuels.

TRIBUTE TO BETTY HEADTKE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today in recognition of an amazing woman, my friends and neighbor Betty Headtke, who has recently been named St. Richard's Council of Catholic Women "Women Of the Year" for 2001.

Throughout her life, Betty has been very involved in the community in which she lives. She has been married to her husband Ray for the past 47 years, and they have raised five wonderful children. Betty has worked for Holy Cross Hospital in the accounting office, and then as a secretary for Neo Product; the latter company for whom she worked 25 years before retiring just a few short years ago. During this time, she found the time and energy to act as a lunch monitor and a school chaperone for seventh and eighth grade dances.

Over the past several years, Betty's community involvement has increased. Following her retirement, she has been the Vice President of the Council of Catholic Women, and the Membership Chairperson of the same organization. While she is no longer the vice president, she retains her post of the latter, as well as expanding her duties to include the Treasurer of the Golden Agers and an auxiliary minister for her church.

Her role is not merely limited to being a member of the Council of Catholic Women. She also volunteers as a carnival worker and supports many other functions that St. Richard's provides. Further, Betty plays the role of caregiver towards her immediate family, and baby-sits any number of her 11 grandchildren whenever she has the time to do so.

While a banquet is being held on her behalf, I feel a great need to honor this pillar of my community among my fellow representatives. Betty is an incredible, warm-hearted person who deserves our gratitude for the lives that she has touched over the past half-century. I whole-heartedly congratulate Betty and wish her all the best in the future.

MARLETTE COMMUNITY HOSPITAL: HOMETOWN CARING AT ITS BEST

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor Marlette Community Hospital upon celebration of the 50th anniversary of the opening of its doors in Marlette, Michigan. The hospital's founders, its excellent staff and leaders such as Administrator David McEwen and Board President Gordon Miller deserve high praise for the initiation and sustaining of first-rate health care to generations of friends and neighbors in the Thumb region of Michigan.

Located in a rural community with about 2,000 residents, the 91-bed facility was founded in 1951 to provide quality medical care close to home after community leaders decided it was time to build a hospital in their town. As the story goes, the need was identified after a young man with a broken leg had to climb several stairs to a doctor's office to receive treatment. An initial downpayment of $10,000 by the Fred Willis family served as seed money to begin construction of the new hospital, but planners ran into a snag in securing federal grant money because Marlette was considered too small to warrant such expenditures. During a trip to Washington, DC, community leaders persuaded lawmakers to adopt the so-called Marlette Amendment, which allowed the grants to go to smaller communities.

Since its inception, the hospital has consistently provided superior elective and emergency care to patients and offered a wide variety of services to residents in the three-county area. Today, the thousands of residents who live in Marlette and surrounding communities depend upon the top-noted physicians, nurses and other professionals who attend to their health needs.

In addition, a $162,000 donation by Guerdon T. Wolfe allowed the hospital to build a 24-bed retirement complex in 1969 to serve the residential needs of seniors. In recent years, the hospital also has reached out by offering many important new services, including establishing a network of primary care offices for the convenience of residents who don't live nearby. Also a partnership with Saint Mary's Medical Center in Saginaw has allowed the hospital to build a new facility that will provide chemotherapy and radiation therapy services for cancer patients in the Thumb area.

Finally, Mr. Speaker, I ask my colleagues to join me in wishing the wonderful staff of Marlette Community Hospital the very best wishes on their 50th Anniversary and hopes for many more years of serving the health care needs of the Thumb.

H.R. 2275, VOTING TECHNOLOGY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. EHLERS. Mr. Speaker, today I'm introducing H.R. 2275, along with my colleague

and neighbor from Michigan, Congressman BARCIA. This bill deals with a very important problem: ensuring that voting technologies are accurate, secure, reliable and easy to use.

Last November, as the world placed Florida under a microscope to scrutinize its election, we saw just how vulnerable our nation's voting systems are to error. And in the months since, we've discovered that the problems that plagued Florida are rampant among many other states, but went unnoticed because the elections in those states were not nearly as close as in Florida.

In the months since last November, we've also had the chance to explore solutions to the problem. We've discovered that we need to develop updated standards for voting systems to make sure that they perform reliably on election day. Updated standards can ensure that voting machines are accurate in tallying the ballots voter cast. And they can help reduce voter error by improving the usability of new voting technologies.

And more importantly, as our voting systems begin to rely increasingly on computers to record, count and archive ballots and to transmit elections results over computer networks, we need standards to ensure that these systems meet the highest standards for computer security, so we can prevent hidden voter fraud by clever computer hackers.

The Ehlers-Barcia bill addresses each of these concerns. It directs the National Institute of Standards and Technology (NIST), the nation's foremost experts on technology, computer security, and technical standards, to help develop updated standards to ensure the usability, accuracy, integrity, and security of our country's voting systems.

NIST is the federal agency with the technical expertise needed to help create the technical standards necessary to improve our nation's voting systems. NIST is a tremendous technical resource that we must enlist to help solve this problem. It has a strong record of working cooperatively with diverse groups to develop standards by consensus. These groups would certainly include state and local elections officials, among others.

Mr. Speaker, this is a complex problem, with complex solutions. I am proud to introduce this bipartisan bill today with my colleagues from Michigan because I believe it is an important part of the solution. I urge my colleagues to support the Ehlers-Barcia bill and work together with us to pass this important legislation.

TRIBUTE TO JOSEPH AND VICTORIA COTCHETT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Ms. ESHOO. Mr. Speaker, I rise to pay tribute today to two distinguished Californians, Victoria and Joseph Cotchett, who are being honored as Volunteers of the Year by the Volunteer Center of San Mateo County, California.

Victoria and Joe Cotchett have provided years of extraordinary public service to our community and our country. The Cotchetts give so generously of their time, their talents and their resources and are widely known and deeply respected within our community for their extraordinary contributions to many worthy organizations and causes. They are driven by their passion for the arts, for the average person, and for justice.

Long an advocate of women and children, Victoria Cotchett is an avid supporter of the arts and a community leader in animal care issues. She has distinguished herself as a writer and has served on the boards of many organizations, including Poplar Recare and the Kennedy Center for the Performing Arts.

Joe Cotchett is a noted trial attorney with a distinguished record of campaigning for equal justice as well as his many years of professional and civic involvement. For the past ten years, Joe has been named one of the 100 most influential lawyers in the country, earning the highest esteem of colleagues and clients alike. Joe has been described by the National Law Journal as ''one of the best trial lawyers; a clear champion of underdogs.''

Victoria and Joe Cotchett are the proud parents of two beautiful daughters. The Cotchetts have opened their hearts to another family, a group of refugees fleeing political oppression in Eastern Europe. Joe and Victoria did everything within their power to facilitate this family's transition to the United States, providing them with shelter, assistance, and above all, the warmth and kindness of a loving family.

Mr. Speaker, I ask my colleagues to join me in paying tribute to two extraordinary people who I'm exceedingly proud to call my friends. We are a better community, a better country and a better people because of Victoria and Joe Cotchett.

A BILL TO PERMIT COOPERATIVES TO PAY DIVIDENDS ON PREFERRED STOCK WITHOUT REDUCING PATRONAGE DIVIDENDS

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. HERGER. Mr. Speaker, today I rise to introduce the Cooperative Dividend Equity Act. This legislation will help to end an unfair tax on cooperatives and their members.

As those of us from agricultural and rural areas can attest, cooperatives play a vital role in many Americans' lives. Whether it be farmers pooling their resources in order to survive in the global marketplace, consumers maximizing their buying power through volume purchasing, or healthcare facilities providing community-based services—cooperatives facilitate people working together for a common good.

One of the greatest challenges facing cooperatives today is access to capital. In order to raise much needed capital and avoid further debt, many cooperatives are considering issuing preferred stock. However, under the current tax laws, stock dividends paid to stockholders are taxed three times: (1) when they are earned by the cooperative; (2) when received by the stockholder; and (3) at the corporate level when earnings are distributed. Three levels of tax on the earnings of a cooperative! Here is how it works.

Members of cooperatives are taxed on income generated by the cooperative. The cooperative itself, however, is not taxed so long as any ''patronage income'' is distributed to its members. Cooperatives frequently earn at least some non-member, or ''nonpatronage,'' income. Much like a corporation, a cooperative must pay taxes on such non-patronage income, just as the stockholder (whether a member or non-member) must also pay tax on that income when it is distributed as a dividend. Unlike a corporation, however, cooperatives must then pay what amounts to a third tax due to the operation of an obscure IRS rule.

The ''dividend allocation rule'' imposes a third level of taxation on the cooperative by reducing the amount of patronage dividends paid to cooperative members. Cooperatives, such as a typical farming cooperative, may deduct dividends paid to patrons from taxable income. IRS regulations, however, provide that net earnings eligible for the patronage dividend deduction are reduced by dividends paid on capital stock. This requirement has been interpreted to mean that even dividends paid out of nonpatronage earnings will be ''allocated'' to a cooperative's patronage and nonpatronage earnings in proportion to the relative amount of patronage/nonpatronage business done by the cooperative. This ''allocation'' significantly reduces the amount of net earnings from the patronage operation that may be claimed as a deduction, thus increasing the cooperative's level of taxation.

Put more simply, the ''dividend allocation rule'' allocates income already taxed against what would have otherwise been a deduction. As a result, cooperatives pay more taxes on income used to pay a dividend on stock than would a non-cooperative corporation.

It is time to end the triple taxation on cooperative income and give farmers, consumers, hospitals, and other coop members the flexibility they deserve in structuring their affairs. It is time to eliminate the dividend allocation rule and pass the Cooperative Dividend Equity Act of 2001.

HONORING THE MEMORY OF MAJOR GENERAL DANIEL F. CALLAHAN

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. HILLEARY. Mr. Speaker, I rise today to honor the memory of Major General Daniel F. Callahan for his honorable and faithful service to our country.

General Callahan, who passed away June 10, 2001, was born in Zenda, Kansas, on June 8, 1910. Following his graduation from the U.S. Military Academy in 1931, he served the next thirty-two years in the U.S. Air Force. His military career was devoted to flying and working in maintenance, engineering and supply. During World War II, he was assigned to the China-Burma-India theatre, where he saw action flying the ''Hump''. Following the war,

he attended the Air War College, served in NATO as head of the US Defense Production Staff in London, and was Chief, Military Assistance Advisory Group, United Kingdom.

In June 1957, he was assigned as Commander, Mobile Air Material Area and followed this assignment with a two-year tour at the Pentagon where he was Director of Logistics for the Joint Chiefs of Staff. The Cuban Missile Crisis highlighted this tour, where General Callahan oversaw the massive movement and positioning of personnel and equipment to deal with this crisis.

Following his retirement in 1963, General Callahan spent five years with Chrysler Corporation in their Defense-Space Group, and in 1968, he joined NASA at the Kennedy Space Center as the Director of Administration. He was there for five years, which included the Lunar landing program and man's first steps on the moon.

After retiring from NASA, Gen. Callahan devoted most of his time to the Air Force Association, serving as Chapter President in both Florida and Tennessee and state President in Florida. He was a permanent Member of the National Board of Directors and in 1979, he was elected as National Chairman of the Board. Gen. Callahan was chosen as the Air Force Association's Man of the Year in 1981.

General Callahan received a master's in Engineering from the University of Michigan and an Honorary Doctorate in Law from the University of Alabama. A Command Pilot with 10,200 hours flying time, General Callahan was awarded many military and civilian awards, including the Distinguished Service Medal and legion of merit with two Bronze Oak Leak Clusters.

Mr. Speaker, General Callahan was a great success in each duty he held, and his country is the better for it. You know, there's a song that virtually every graduate of General Callahan's alma mater, West Point, knows the worlds to and tries to live up to. Its last verse includes the solemn words,

''And when our work is done, Our course on earth is run, May it be said 'Well Done,' Be thou at peace.''

Mr. Speaker, General Callahan certainly lived up to those words. I think I speak for all of General Callahan's countrymen when I say, ''Well done, sir. Be thou at peace.''

CORAL REEF AND COASTAL MARINE CONSERVATION ACT OF 2001

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. KIRK. Mr. Speaker, today I introduced bipartisan legislation, H.R. 2272 the ''Coral Reef and Coastal Marine Conservation Act of 2001,'' to help developing countries reduce foreign debt and provide for the creation of comprehensive environmental preservation programs to protect endangered marine habitats around the world. I have been joined by thirteen of my colleagues who are committed to creatively addressing two problematic issues of foreign policy.

The burden of foreign debt falls especially hard on the smallest of nations, such as island nations in the Carribean and Pacific. With few natural resources, these nations often resort to harvesting or otherwise exploiting coral reefs and other marine habitats to earn hard currency to service foreign debt.

The Coral Reef and Coastal Marine Conservation Act of 2001 will essentially credit qualified developing nations for each dollar spent on a comprehensive reef preservation or management program designed to protect these unique ecosystems from degradation.

This legislation will make available resources for environmental stewardship that would otherwise be of the lowest priority in a developing country. It will reduce debt by investing locally in programs that will strengthen indigenous economies by creating long-term management policies that will preserve the natural resources upon which local commerce is based.

This concept has been successfully used by the United States to encourage environmental stewardship that would otherwise prove cost-prohibitive to developing countries. Resources are reinvested in local economic growth and our planet as a whole reaps the benefit.

I urge my colleagues to join myself and my cosponsors in support of this legislation.

TRIBUTE TO ANN DAWSON TORREY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to a distinguished American, and long-time constituent of California's 14th Congressional District—Ann Dawson Torrey, who passed away on May 25, 2001.

A lifelong Democrat and a staunch defender of women's rights, Ann Torrey was born in Hollywood, California on December 1, 1911. As a child she learned an early and important lesson—the power of civic activism. While still an infant, Ann's mother pushed her in a baby carriage during the historic marches for women's suffrage.

Ann Torrey also understood the power of an education—she devoted much of her adult life to teaching young women and men to succeed in their societies. Between 1937 and 1949, Ann Torrey taught students in Monterey, California, Shanghai, China and Menlo Park, California. From 1949 to 1976 she distinguished herself as an elementary school teacher in the Redwood City School District. Ann Torrey was proud to be a teacher and believed firmly in the value of an education for all.

A graduate of the University of California at Berkeley, Ann Torrey received her teaching credential from San Jose State University. In 1966, she went back to school to earn her Master's in Education at Stanford University. A long-time resident of Redwood City, California, Ann Torrey moved to State College, Pennsylvania in 1998 in order to be closer to her grandchildren.

Mr. Speaker, our nation's children lost an important role model and a selfless teacher with the passing of Ann Torrey. I ask my colleagues to join me in paying tribute to a great and good woman, and offer the condolences of the entire House of Representatives to her family.

A SALUTE TO BERKELEY CITY COUNCILMEMBER AND VICE MAYOR MAUDELLE SHIREK IN HONOR OF HER 90TH BIRTHDAY CELEBRATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Ms. LEE. Mr. Speaker, I rise in honor today to salute and celebrate the 90th birthday of a Berkeley legend, City Councilmember and Vice Mayor Maudelle Shirek.

Maudelle was born the grandchild of slaves in Jefferson, Arkansas. Having been raised to be socially conscious and responsible, upon her arrival in the San Francisco Bay Area more than 50 years ago, she immediately plunged into the civil rights struggles of the day.

One of the main issues of the post-WWII era was fair housing. Landlords often refused to rent to African Americans and new housing was built with discriminatory covenants not allowing Blacks to buy houses in certain areas. Maudelle was a key leader in the struggle for fair housing that culminated in California Assemblyman Rumford's Fair Housing Act.

Maudelle also helped shape the political future of this country by persuading a young University of California graduate student named Ron Dellums to run for Congress. I worked with and was mentored and trained by Congressman Dellums. Without Maudelle's influence on Ron, I may not be in Congress today.

Wherever she has worked, Maudelle has been an organizer. Serving as Director of the West Berkeley Senior Center, she simultaneously was on the State Executive Board of Service Employees International Union, Local 535. When Berkeley bureaucrats claimed she was too old to run the senior center, she ran for City Council and won. She is now serving her seventh term on the Council and has been re-elected by larger margins with each progressive election.

Maudelle was the first Berkeley City Councilmember, and one of the first elected officials in the state, to take action against the AIDS pandemic by sponsoring educational materials, needle-exchange programs and housing for AIDS patients. When the county hospital tried to close its facilities serving AIDS patients, she chained herself to the doors to call attention to the plight of AIDS victims. As a result of her efforts, that facility remains open today.

Maudelle has been an incredible influence in my life. Maudelle taught me that I was not only a citizen of the United States but a citizen of the world. While a student at Mills College, Maudelle helped me organize the Black Student Union's study mission trip to Ghana, Africa where she spent one month with the students. Her insight and counsel greatly enriched their experience.

As a leader of the peace movement, Maudelle introduced me to the movement and shared with me her valuable and critical insight into United States foreign policy and international affairs. I have travelled with Maudelle to many countries and witnessed first hand her interaction with world leaders. They are inspired by her brilliance and her clarity of the issues affecting the global community.

Maudelle continues to be persistent in the fight to reorder our national priorities. Reducing the military budget in order to improve the quality of life for people has been the cornerstone of her work for social, political and economic justice.

Maudelle is a role model and a tireless worker for civil and human rights, peace and justice. I proudly join her many friends and colleagues in honoring Maudelle for 90 years of service and commitment to bettering the lives of her fellow citizens, community members and constituents.

Congratulations Maudelle and thank you for your wonderful example and inspiration.